

Galt Cannabis Regulations

Chapter 18.58 MARIJUANA CULTIVATION

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18.58.010 Purpose.

The purpose of this chapter is to regulate personal, medical, and commercial cannabis uses. Nothing in this chapter shall preempt or make inapplicable any provision of state or federal law.

(Ord. 2017-05, Repealed and Replaced, 06/06/2017)

18.58.020 Definitions.

For purposes of this chapter, the following definitions shall apply:

- A. "Commercial cannabis activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, or sale of cannabis and cannabis products pursuant to state law.
- B. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- C. "Cultivation area" includes the area where cannabis plants are cultivated, cultivation-related materials and supplies are stored, and any cannabis processed from the cultivation in excess of twenty-eight and one-half (28.5) grams.
- D. "Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under California law, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of cannabis or cannabis products.
- E. "Distribution" means the procurement, sale, and transport of cannabis and cannabis products between entities for commercial use purposes.
- F. "Licensee" means the holder of any state issued license related to cannabis activities, including but not limited to licenses issued pursuant to the Medical Cannabis Regulation and Safety Act, Business and

Professions Code Section [19300](#) et seq., and/or the Control, Regulate and Tax Adult Use of Marijuana Act, located at Division 10 of the Business and Professions Code, as those laws may be amended.

G. "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

H. "Cannabis" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. For purposes of this chapter, "cannabis" shall mean and include both cannabis for medical purposes and cannabis for non-medical, recreational purposes, unless otherwise specified. "Cannabis" shall also mean "marijuana" as used and defined in state law. It does not include:

1. Industrial hemp, as defined in Section [11018.5](#) of the California Health and Safety Code; or
2. The weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

I. "Cannabis accessories" means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body.

J. "Cannabis products" means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

K. "Private residence" means a house, an apartment unit, a mobilehome, or other similar dwelling.

L. "Sale" includes any transaction whereby, for any consideration, title to cannabis is transferred from one (1) person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom such cannabis or cannabis product was purchased.

M. Any term defined in this section also means the very term as defined in the California Business and Professions Code or the California Health and Safety Code, unless otherwise specified.

(Ord. 2017-05, Repealed and Replaced, 06/06/2017)

18.58.030 Personal use.

A. For purposes of this section, personal use, possession, purchase, transport, or dissemination of cannabis shall be considered unlawful in all areas of the City to the extent it is unlawful under California law.

B. Outdoor Cultivation Prohibited. No person may plant, cultivate, harvest, dry, or process cannabis plants outdoors on any parcel or premises within any zoning district in the City of Galt.

C. Indoor Cultivation. A person may plant, cultivate, harvest, dry, or process up to six (6) cannabis plants inside a private residence, or inside an enclosed accessory structure to a private residence located upon the grounds of a private residence. Cultivation shall be conducted in accordance with the cultivation requirements laid out in Section [18.58.060](#).

D. The cumulative total of cannabis plants on a property shall not exceed six (6) cannabis plants, regardless of number of persons residing on the property.

(Ord. 2017-05, Repealed and Replaced, 06/06/2017)

18.58.040 Medical use.

A. Cultivation of medical cannabis by qualified patients or primary caregivers acting in accordance with state law and pursuant to Section [11362.77](#) of the California Health and Safety Code, as may be amended, is subject to the cultivation requirements laid out in Sections [18.58.030](#) and [18.58.060](#).

B. The establishment or operation of any medical cannabis collective, cooperative, dispensary, operator, establishment, or provider shall be considered a prohibited use in all zoning districts of the City. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment of any collective, cooperative, dispensary, operator, establishment, or provider in any zoning district, and no person shall otherwise establish such businesses or operations in any zoning district.

(Ord. 2017-05, Repealed and Replaced, 06/06/2017)

18.58.050 Commercial use.

A. The establishment or operation of any business or entity engaged in commercial cannabis activity is prohibited in all zoning districts in the City. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment or operation of any such business or operation. Such prohibited businesses or operations may include, but are not limited to:

1. The transportation, storage, distribution, or sale of cannabis, cannabis products, or cannabis accessories;
2. The cultivation of cannabis;
3. The manufacturing or testing of cannabis, cannabis products, or cannabis accessories; or
4. Any other business licensed by the state or other government entity pursuant to the Medical Cannabis Regulation and Safety Act, Business and Professions Code Section [19300](#) et seq., and/or the Control, Regulate and Tax Adult Use of Marijuana Act, located at Division 10 of the California Business and Professions Code, as they may be amended from time to time.

(Ord. 2017-05, Repealed and Replaced, 06/06/2017)

18.58.060 Cultivation.

A. To the extent cultivation is permitted under this chapter, such cultivation must comply with the following requirements:

1. The following chemicals may not be used or stored in the cultivation area, and if stored elsewhere in the home must be stored in leak and fireproof containers sufficient to provide storage up to required safety standards:
 - a. Explosive gases, including, but not limited to: butane, propane, xylene, styrene, gasoline, kerosene, oxygen (O₂), carbon dioxide (CO₂) or hydrogen (H₂).
 - b. Dangerous poisons, toxins, or carcinogens, including, but not limited to: methanol, isopropyl alcohol, methylene chloride, acetone, benzene, toluene, or trichloroethylene.

2. Cultivation is prohibited on properties used for any of the following activities:
 - a. Day care;
 - b. Youth center;
 - c. Group homes.
3. Renters must obtain the written consent of their landlord or the property owner for indoor cultivation permitted under this chapter.
4. Structures shall comply with all laws concerning building and construction of structures, including, without limitation, and as applicable, the Zoning Code, the California Building Code, Electrical Code, and Fire Code, as adopted by the City of Galt.
5. Cannabis cultivation lighting shall not exceed a total of one thousand two hundred (1,200) watts for the cultivation area within the private residence.
6. The indoor use of generators and/or the indoor use of gas products, including, without limitation, CO₂, butane, propane, and natural gas, shall be prohibited for the cultivation of cannabis.
7. The private residence shall maintain fully functional kitchen, bathroom, and bedroom facilities for use by the residents and guests, and the private residence shall not be used primarily for cannabis cultivation.
8. Cannabis cultivation areas shall not be readily accessible to persons under twenty-one (21) years of age.
9. Any private residence or accessory structure used for cannabis cultivation shall contain a lock on the entry door, which shall remain locked at all times, except when the accessory structure is in use or occupied by a person over twenty-one (21) years of age authorized to cultivate cannabis pursuant to this chapter.
10. Cannabis cultivation activities, including cannabis plants and equipment, shall not be visible from a public right-of-way.

(Ord. 2017-05, Repealed and Replaced, 06/06/2017)

18.58.070 Enforcement.

- A. No person, whether as principal, agent, employee or otherwise, shall violate, cause the violation of, or otherwise fail to comply with any of the requirements of this chapter. Every act prohibited or declared unlawful, and every failure to perform an act made mandatory by this chapter, shall be a misdemeanor or an infraction, at the discretion of the City Attorney or the District Attorney.
- B. In addition to any other remedy allowed by law, the City may enforce the provisions of this chapter through the provisions of Title [21](#), including civil, criminal, and administrative abatement proceedings, administrative citations, and penalties. Any violation of this chapter is deemed a public nuisance and shall constitute grounds for abatement.
- C. All remedies prescribed under this chapter shall be cumulative and the election of one (1) or more remedies shall not bar the City from the pursuit of any other remedy for the purpose of enforcing the provisions hereof.

(Ord. 2017-05, Repealed and Replaced, 06/06/2017)

The Galt Municipal Code is current through Ordinance 2017-07, passed December 5, 2017.

Disclaimer: The City Clerk's Office has the official version of the Galt Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.galt.ca.us/>

City Telephone: (209) 366-7130

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