

Rancho Cordova Cannabis Regulations

Chapter 6.90 CANNABIS CULTIVATION

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6.90.010 Purpose.

The purpose and intent of this chapter is to require that cannabis only be cultivated in appropriately secured, enclosed, and ventilated structures, so as not to be visible to the general public, to provide for the health, safety and welfare of the public, to prevent negative impacts to property values, to prevent odor created by cannabis plants from impacting adjacent properties, to prevent crime associated with cannabis cultivation, and to ensure that cannabis cultivation remains secure and does not find its way to minors or illicit markets. Nothing in this chapter is intended to authorize the cultivation for personal use that is in violation of state law. It is not the intent of this chapter to create conflict or inconsistency between this chapter and the Constitutions of the United States or the state of California; or California law. [Ord. 10-2017 § 2].

6.90.020 Definitions.

For purposes of this chapter, the following definitions shall apply, unless the context clearly indicates otherwise:

“Abatement” means the removal of cannabis plants and improvements that support cannabis cultivation which are in excess of the number of plants allowed to be cultivated under this chapter.

“Bedroom” means a room inside a residential building being utilized by any person primarily for sleeping purposes.

“Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not, or any other strain or varietal of the genus *Cannabis* that may exist or be discovered, or developed, that has psychoactive or medical properties, whether growing or not, including but not limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” also means cannabis as defined by Section 11018 of the California Health and Safety Code and Section 26001(f) of the Business and Professions Code, as both may be amended from time to time. Any reference to cannabis or cannabis products shall include medical and nonmedical cannabis and medical and nonmedical cannabis products, unless otherwise specified. “Cannabis” or “cannabis product” does not mean industrial hemp as defined by Section 11018.5 of the Health and Safety Code. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

“Cannabis cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

“Child care center” means any licensed child care center, daycare center, or child care home, or any preschool.

“Cultivation site” means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

“Fully enclosed and secure structure” means a space within a building, greenhouse or other legal structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and inaccessible to minors.

“Indoors” means within a fully enclosed and secure structure.

“Marijuana” shall have the same meaning as cannabis, as defined in this chapter.

“Outdoors” means any location within the city of Rancho Cordova that is not within a fully enclosed and secure structure.

“Parcel” means property assigned a separate parcel number by the Sacramento County assessor.

“Premises” means a single, legal parcel of property. Where contiguous legal parcels are under common ownership or control, such contiguous legal parcels shall constitute a single “premises” for purposes of this chapter.

“Primary caregiver” means a “primary caregiver” as defined in Section 11362.7(d) of the Health and Safety Code, as may be amended from time to time.

“Private residence” means any house, apartment unit, mobile home, or other similar dwelling.

“Qualified patient” means a “qualified patient” as defined in Section 11362.7(f) of the Health and Safety Code, as may be amended from time to time.

“Rear yard” means the rear open space portion of any premises, whether fenced or unfenced.

"Residential structure" means any building or portion thereof legally existing which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, on a premises or legal parcel located within a zoning district that allows residential uses.

"Sale" or "sell" means any transaction whereby, for any consideration including trades, barter, or exchanges, title to cannabis or cannabis products is transferred from one person to another.

"School" means an institution of learning for persons under 21 years of age, whether public or private, offering regular course of instruction including, without limitation, a kindergarten, elementary school, middle or junior high school, or senior high school.

"Solid fence" means a fence constructed of substantial material (such as wood or vinyl) that prevents viewing the contents from one side to the other. [Ord. 10-2017 § 2].

6.90.030 Outdoor cultivation of cannabis.

All outdoor cultivation of cannabis within the city is prohibited. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within any zoning district in the city of Rancho Cordova to cause or allow such parcel to be used for the outdoor cultivation of cannabis, regardless of whether such cultivation is for medical, recreational, personal, or commercial uses. [Ord. 10-2017 § 2].

6.90.040 Indoor cultivation of cannabis.

A. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel in the city of Rancho Cordova to cause or allow such parcel to be used for the cultivation of cannabis plants within a fully enclosed and secure structure on the parcel, except as provided in subsections (B) and (C) of this section.

B. Who Is Permitted to Cultivate Cannabis Indoors.

1. Only a person who is at least 18 years of age and either a qualified patient or a primary caregiver, or an adult who is at least 21 years of age, may engage in indoor cultivation of cannabis.
2. Residency Requirement. The person cultivating the cannabis shall reside full-time on the premises where the indoor cultivation of cannabis occurs.
3. Permission of Owner. Tenants or anyone cultivating shall obtain the written permission and signature of the property owner(s) prior to cultivating cannabis. A notarized signature from the owner of the property consenting to the cultivation of cannabis at the premises on a form acceptable to the city shall be made available to the city upon request by any city official.

C. Indoor Cultivation Standards. Cannabis cultivated indoors, within the city of Rancho Cordova, shall be in conformance with the following standards:

1. Indoor cultivation of cannabis is permitted only within a private residence or within a legal accessory structure to a private residence that meets the requirements of this chapter;
2. Cannabis cultivation is permitted only within fully enclosed and secure structures and the cultivation area must be inaccessible to minors. A fully enclosed and secure structure used for the cultivation of cannabis that is separate from the main residential structure on a premises must maintain a minimum 10-foot setback from any property line. Any parcel where cannabis is cultivated must be enclosed by a solid fence at least six feet in height;
3. Cannabis cultivation may not occur in both a detached structure and inside a residence on the same parcel. Only one indoor cultivation area is allowed per parcel;
4. Cannabis cultivation areas shall not be accessible to persons under 18 years of age. Cultivation areas shall be secured by lock and key or other security device which prevents unauthorized entry;
5. Indoor cultivation of cannabis shall not exceed six cannabis plants per private residence, regardless of how many qualified adults, qualified patients, or primary caregivers are residing at the private residence;
6. Cannabis cultivation shall not occur on any carpeted area;
7. Cannabis cultivation lighting shall not exceed 1,200 watts and shall comply with the California Building, Electrical and Fire Codes as adopted by the city;
8. The use of gas products (CO₂, butane, etc.) or generators for cannabis cultivation or processing is prohibited;
9. Cannabis cultivation for sale is prohibited;
10. From a public right-of-way, there shall be no exterior evidence of cannabis cultivation;
11. The residence shall be occupied and is required to maintain a functioning kitchen and bathroom(s), and the use of the primary bedrooms is for their intended purpose;
12. Any cannabis cultivation area located within a residence shall not create a humidity or mold problem in violation of Rancho Cordova Building and State Health and Safety Codes;
13. Any structure used for the cultivation of cannabis must have proper ventilation to prevent mold damage and to prevent cannabis plant odors or particles from becoming a public nuisance to surrounding properties or the public. A public nuisance may be deemed to exist if the cultivation produces odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public;
14. The cannabis cultivation area shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products or wastes;

15. Any modification to existing structures or plumbing, electrical or mechanical systems shall require a permit from the building official, or his or her designee. [Ord. 10-2017 § 2].

6.90.050 Public nuisance.

It is hereby declared to be unlawful for any person owning, leasing, occupying, or having charge or possession of any parcel within the city of Rancho Cordova to create a public nuisance in the course of cultivating cannabis. A public nuisance may be deemed to exist if such activity produces:

- A. Odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property and/or areas open to the public;
- B. Repeated responses (more than three times in a one-year time period) to the parcel from law enforcement or code enforcement officers;
- C. Repeated disruption (more than three times in a one-year time period) to the free passage of persons or vehicles in the neighborhood;
- D. Excessive noise in violation of applicable city noise standards in the general plan or municipal code;
- E. Any other impacts on the neighborhood which are disruptive of normal activity in the area. [Ord. 10-2017 § 2].

6.90.060 Sale of cannabis prohibited.

It shall be unlawful for any person cultivating cannabis pursuant to this chapter to sell or offer for sale the cannabis permitted to be grown under this chapter. [Ord. 10-2017 § 2].

6.90.070 Enforcement.

A. The violation of this chapter is hereby declared to be a public nuisance. The city may pursue any and all legal and equitable remedies related to the enforcement of the provisions of this code, including criminal, civil, and administrative remedies and penalties and any related cost recovery authorized pursuant to this code and state law in accordance with RCMC [1.01.190](#).

B. Criminal. Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed the amount provided in Section [19](#) of the Penal Code, as may be amended from time to time, by imprisonment in the county jail not to exceed six months, or by both a fine and imprisonment.

C. Civil. A violation of this chapter may be abated by the city attorney by the prosecution of a civil action for injunctive relief and by the abatement procedure set forth in Chapter [16.18](#) RCMC.

D. Administrative. Whenever an enforcement officer determines that a violation of any of the provisions of any of the ordinances of the city has occurred, the enforcement officer has the authority to issue an administrative citation to the person responsible for the violation. [Ord. 10-2017 § 2].

6.90.080 Appeal from administrative citation.

A. Hearing Request. A person who receives an administrative citation may contest the citation on the basis that there was no violation of the code or that he or she is not the responsible party. To contest the citation, the person shall submit a request for hearing form to the city within 30 days from the date of the administrative citation. Directions on how to obtain the request form will be provided on the administrative citation. The completed request must be submitted together with an advance deposit of the fine.

B. Notice of Hearing. The person requesting the hearing shall be notified of the time and place set for the hearing at least 10 days before the date of the hearing.

C. Additional Reports. If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report also shall be provided to the person requesting the hearing at least five days before the date of the hearing.

D. Setting the Hearing. A hearing before the hearing officer shall be set for a date that is not less than 15 days nor more than 60 days from the date that the request for hearing is filed. The person requesting the hearing shall be notified of the time and place set for the hearing as soon as it is set, and at least 10 days before the hearing. If the enforcement officer submits a written report concerning the citation to the hearing officer for consideration at the hearing, then a copy of the report shall be served on the person requesting the hearing at least five days before the hearing. No hearing shall be held unless the fine has been deposited in advance, under subsection (A) of this section.

E. Failure to Appear. The failure of the person requesting the hearing to appear at the hearing shall constitute a forfeiture of the fine and a failure to exhaust his or her administrative remedies.

F. At the Hearing. The administrative citation, and any additional report submitted by the enforcement officer, shall constitute prima facie evidence of the respective facts contained in those documents. At the hearing, the party contesting the citation shall be given the opportunity to testify and to present evidence concerning the citation.

G. Continuances. The hearing officer may continue the hearing and may request additional information from the enforcement officer or the person receiving the citation before issuing the decision.

H. Hearing Officer's Decision. After considering the testimony and evidence presented at the hearing, the hearing officer shall issue a written decision to uphold, dismiss, or modify the administrative citation. The hearing officer shall state the reasons for the decision and shall send a copy of the decision to the person that requested the hearing and to the enforcement officer. The decision of the hearing officer shall be final.

I. Status of Fine. If the citation is upheld, then the fine amount on deposit with the city shall be retained by the city. If the citation is dismissed, the city shall promptly refund the amount of any fine deposited, together with interest at the average rate earned on the city's portfolio for the period of time that the fine was held by the city.

J. Late Payment Charges. A person who fails to pay to the city the fine imposed under this section on or before the date that fine is due is also liable for the payment of the applicable late payment charges.

K. Recovery of Administrative Citation Fines and Costs. A person who fails to pay any fine or other charges owed to the city under this section is liable in any action brought by the city for all costs incurred in securing payment of the delinquent amount, including but not limited to administrative costs and attorneys' fees. Such collection costs are in addition to any fines, interest, and late charges.

L. Other Costs. In addition to the administrative citation fine, the city may collect its administrative costs, interest, late payment charges, costs of compliance re-inspections, and collection costs.

M. Collection. The city may collect any past due administrative citation fine and other costs and charges by any available legal means, including without limitation placing a lien on the property.

N. Right to Judicial Review. A person aggrieved by the hearing officer's decision on an administrative citation may obtain review of the decision by filing a lawsuit with the superior court in Sacramento County within 20 days after service of the final decision in accordance with the timelines and provisions set forth in Section [53069.4](#) of the California Government Code. [Ord. 10-2017 § 2].

6.90.090 Penalty for violation.

A. In addition to any other remedy allowed by law, any person who violates a provision of this chapter is subject to criminal sanctions, civil actions, and administrative penalties pursuant to RCMC [1.01.190](#). Each and every separate violation of this chapter may be punishable by a fine not to exceed \$1,000 per violation.

B. Notwithstanding the foregoing and the provisions of RCMC [1.01.190](#), the amount of administrative penalty to be imposed for a violation of RCMC [6.90.040](#)(C)(5) is an aggregate amount calculated at \$1,000 per plant in excess of six plants.

C. The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any others, including those in RCMC [1.01.190](#) and Chapter [16.18](#) RCMC, and none of these penalties and remedies prevent the city from using any other remedy at law or in equity which may be available to enforce this chapter or to abate a public nuisance. [Ord. 10-2017 § 2].

6.90.100 Abatement.

A. Any cannabis cultivation in violation of this chapter is a public nuisance and is subject to nuisance abatement pursuant to Chapter [16.18](#) RCMC including the summary abatement provisions of RCMC [16.18.901](#).

B. Any cannabis cultivation in violation of this chapter is also subject to the California Uniform Controlled Substances Act (Division 10 of the California Health and Safety Code), including the provisions of Chapter 8 (commencing with Section 11469) relating to seizure, forfeiture, and destruction of property. [Ord. 10-2017 § 2].

The Rancho Cordova Municipal Code is current through Ordinance 10-2017, passed October 2, 2017.

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

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