

INDOOR MARIJUANA CULTIVATION PERMIT APPLICATION

Check one: First-Time Permit
 Permit Renewal

Individuals authorized under State law may cultivate marijuana indoors for personal use under Chapter 17.114 of the Folsom Municipal Code. An Indoor Marijuana Cultivation Permit from the Community Development Department is required prior to cultivation. Indoor cultivation of marijuana is permitted in the City of Folsom only within residential zones within a fully-enclosed and secure residential structure. Pursuant to California State law and the Folsom Municipal Code, the Indoor Marijuana Cultivation Permit only authorizes approved individuals ("Authorized Growers") to cultivate up to a maximum of six (6) living marijuana plants in a private residence. The marijuana cultivation area shall comply with the Folsom Municipal Code, the current edition of the California Building Code and the Fire Code, as adopted by the City of Folsom, and a separate Building Permit may be required. Outdoor cultivation of marijuana and cultivation of marijuana for non-personal uses are strictly prohibited in all zones and districts of the City. Please see Pages 6-9 of this application for the applicable marijuana regulation.

Authorized Grower Information

Date Filed: _____

Property Address of Cultivation Site: _____

Grower's Name(s): _____

Date(s) of Birth: _____

Grower's Phone Number(s): _____

Grower's Email(s): _____

Property Owner Information *(If different from Indoor Marijuana Grower's Information.)*

Property Owner Name: _____

Phone Number: _____ Email: _____

Property Owner Acknowledgement and Indemnity/Hold Harmless Agreement

As the property owner, I hereby acknowledge and consent to the indoor cultivation of marijuana, for personal use only, within the primary residential structure located at the address listed above. I assume all liability and responsibility, and agree to indemnify, protect, defend and hold harmless the City of Folsom and its officers, agents and employees from any and all claims or causes of action for death or injury to persons, or damage to property resulting from intentional or negligent acts, errors, or omissions of any person performing activities under the Indoor Marijuana Cultivation Permit, or from any violation of any federal, state, or municipal law or ordinance, to the extent caused, in whole or in part, by the willful misconduct, negligent acts, or omissions of such person. It is understood that my duty to indemnify and hold harmless includes the duty to defend as set forth in Section 2778 of the California Civil Code. This indemnification and hold harmless clause shall survive the expiration or termination of the Indoor Marijuana Cultivation Permit issued under this Application. By signing below, I acknowledge and agree to the provisions of this Section and that it is a material element of consideration.

Property Owner Signature: _____

Date: _____

Authorized Grower/Property Owner Consent to Enter

By submitting the Indoor Marijuana Cultivation Permit Application, the Authorized Grower/property owner authorizes the City of Folsom and its staff members or representatives, including the police/fire/community development departments, to conduct inspections of the area of the residential structure used for the cultivation of marijuana upon twenty-four (24) hours' notice, for the purpose of ensuring compliance with the required minimum standards contained within Chapter 17.114 of the Folsom Municipal Code.

Grower/Property Owner Signature: _____

Date: _____

Application Requirements (Check the box if satisfied.)

- ☐ A completed Indoor Marijuana Cultivation Permit Application including the Authorized Grower and property owner(s) signature(s) and a detailed description of the area that will be used for cultivation including the location (i.e bedroom, storage area, etc.), size (cultivation area shall not exceed 50 square feet and shall not exceed ten feet in height), and proposed lighting (lighting shall not exceed 1,200 watts total)
- ☐ An 8 1/2" x 11" floor/site plan that clearly shows the cultivation area location, as well as associated electrical/lighting, ventilation, and plumbing
- ☐ Indoor Marijuana Cultivation Permit application fee of \$253.00
- ☐ A maximum of six (6) indoor marijuana plants, mature or immature, is permitted.
Number of indoor marijuana plants proposed for cultivation: _____

Indoor Marijuana Cultivation Compliance (Initials required.)

The property owner and Authorized Grower shall be required to initial the following compliance statements. By initialing, the property owner(s) and Authorized Grower(s) declare, under penalty of perjury, that each has read and understood the following statements and will completely abide by them.

1. Cultivation shall be limited to a maximum of six (6) living marijuana plants, mature or immature.
(____)(____)
Owner Initial Cultivator Initial
2. Cultivation shall only be conducted indoors within a residential structure. Cultivation in a greenhouse on the property of the residence but not physically part of the home is permitted, as long as it is fully enclosed, secure, not visible from a public right-of-way, and otherwise meets all of the requirements of Folsom Municipal Code Chapter 17.114. (____)(____)
Owner Initial Cultivator Initial
3. The marijuana cultivation area shall not exceed 50 square feet total, shall not exceed 10 feet in height, and shall not come within 12 inches of the ceiling or any cultivation lighting. (____)(____)
Owner Initial Cultivator Initial
4. Outdoor cultivation of marijuana is expressly prohibited in all zones and districts of the city of Folsom.
(____)(____)
Owner Initial Cultivator Initial
5. Building Code requirements relative to electrical, plumbing and ventilation must be met and any improvements may require a separate building permit. (____)(____)
Owner Initial Cultivator Initial
6. There shall be no exterior visibility or evidence of marijuana cultivation outside the private residence from the public right-of-way, including but not limited to any marijuana plants, equipment used in the growing and cultivation operation, and any light emanating from cultivation lighting. (____)(____)
Owner Initial Cultivator Initial
7. Marijuana cultivation lighting shall not exceed one thousand two hundred (1,200) watts in total for the total cultivation area within the residence. (____)(____)
Owner Initial Cultivator Initial
8. The marijuana cultivation area shall comply with the current adopted edition of the California Building Code Section 1203.5, Natural Ventilation, or Section 402.3, Mechanical Ventilation (or equivalent), as amended from time to time. (____)(____)
Owner Initial Cultivator Initial
9. The use of gas products such as but not limited to CO₂, butane, methane, or any other flammable or nonflammable gas for marijuana cultivation or processing is prohibited. (____)(____)
Owner Initial Cultivator Initial
10. The building official may require additional specific standards to meet the California Building Code and Fire Code, including but not limited to installation of fire suppression sprinklers.
(____)(____)
Owner Initial Cultivator Initial

11. A residential structure used for the cultivation of marijuana shall remain at all times a residence and shall include a fully functional and usable kitchen, bathroom and bedroom areas for their intended use by resident Authorized Grower, and the premises shall not be used primarily or exclusively for marijuana cultivation. (____)(____)

Owner
Initial

Cultivator
Initial
12. The marijuana cultivation area shall not result in a nuisance or adversely affect the health, welfare, or safety of the resident or nearby residents by creating dust, glare, heat, noise, noxious gases, odors, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes. (____)(____)

Owner
Initial

Cultivator
Initial
13. The Authorized Grower is required to reside full-time in the residence where the marijuana cultivation occurs. (____)(____)

Owner
Initial

Cultivator
Initial
14. The Authorized Grower shall not participate in marijuana cultivation in any other location within the City. Cultivated marijuana plants are only permitted for the Authorized Grower's exclusive personal use. (____)(____)

Owner
Initial

Cultivator
Initial
15. Marijuana in excess of twenty-eight and one-half grams produced by plants kept for indoor personal cultivation under this chapter must be kept in a locked space on the grounds of the private residence not visible from the public right-of-way. (____)(____)

Owner
Initial

Cultivator
Initial
16. The Authorized Grower and property owner(s) have read and acknowledged the statements and regulations provided on pages 6-9 of this application. (____)(____)

Owner
Initial

Cultivator
Initial
17. Noncompliance of any provision of the Folsom Municipal Code shall cause the immediate revocation of the Indoor Marijuana Cultivation Permit. (____)(____)

Owner
Initial

Cultivator
Initial
18. The Indoor Marijuana Cultivation Permit shall be valid for a period of one year from the date of issuance. New applications are required for subsequent renewals. (____)(____)

Owner
Initial

Cultivator
Initial

Property Owner Signature: _____ Date: _____

Authorized Grower Signature: _____ Date: _____

FOR OFFICE USE ONLY

Code Enforcement/Community Safety Inspection

Date: _____ Officer: _____

Comments: _____

Building and Safety/Community Development Inspection

Date: _____ Officer: _____

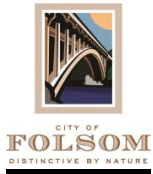
Comments: _____

Community Development Department Approval

Denied
Approved

Comments: _____

Approved by: _____ Date: _____



CITY OF FOLSOM INDOOR MARIJUANA CULTIVATION PERMIT APPLICATION

The Authorized Grower of marijuana shall comply with all indoor marijuana cultivation regulations, pursuant to City of Folsom's Municipal Code Chapter 17.114.

Section 17.114.010 – "Purpose and intent"

The City Council finds as follows:

A. Purpose. The purpose and intent of this chapter is to regulate the cultivation of marijuana in a manner that protects the health, safety and welfare of the community consistent with Proposition 64, also known as the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA"). This chapter is not intended to interfere with a patient's right to medical marijuana, as provided for in California Health and Safety Code Section 11362.5, nor does it criminalize medical marijuana possession or cultivation by specifically defined classifications of persons, pursuant to state law. This chapter is not intended to give any person unfettered legal authority to grow marijuana; it is intended simply to impose zoning restrictions on the personal indoor cultivation of marijuana permitted under AUMA when it is authorized by California state law for medical or other lawful purposes under the state law.

B. Applicability. As authorized by AB 243 (Section 11362.777 of the Health and Safety Code), marijuana cultivation as defined in Section 17.114.020, whether indoor or outdoor, remains prohibited in all zones and districts of the city of Folsom until and unless AUMA is passed at the November 8, 2016, statewide general election. Upon the passage of AUMA at said election, the cultivation of marijuana in the city shall be controlled and regulated by the provisions of this chapter.

C. Nonconflicting Enactment. No part of this chapter shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. Section 800 et seq., nor to otherwise permit any activity that is prohibited under that Act or any other local, state or federal law, statute, rule or regulation. (Ord. 1265 § 2 (part), 2016: Ord. 1251 § 3 (part), 2016)

Section 17.114.020 – "Definitions"

As used herein the following definitions shall apply:

A. "Authorized grower" means a person twenty-one years and older who is authorized by, and in compliance with, federal or state law to cultivate marijuana indoors for personal or medical use.

B. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, trimming, or otherwise processing of marijuana plants or any part thereof.

C. "Fully enclosed and secure structure" means a fully enclosed space within a building that complies with the California Building Code ("CBSC"), as adopted in the city of Folsom, or if exempt from the permit requirements of the CBSC, that has a complete roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, is accessible only through one or more lockable doors, and is not visible from a public right-of-way. Walls and roofs must be constructed of solid materials that cannot be easily broken through such as two inch by four inch nominal or thicker studs overlaid with three-eighths inch or

thicker plywood or the equivalent. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement. If indoor grow lights or air filtration systems are used, they must comply with the California building, electrical, and fire codes as adopted in the city of Folsom.

D. "Immature marijuana plant" means a marijuana plant, whether male or female, that has not yet flowered and which does not yet have buds that are readily observed by unaided visual examination.

E. "Indoors" means within a fully enclosed and secure structure as that structure is defined in subsection C of this section.

F. "Mature marijuana plant" means a marijuana plant, whether male or female, that has flowered and which has buds that are readily observed by unaided visual examination.

G. "Outdoor" means any location within the city of Folsom that is not within a fully enclosed and secure structure.

H. "Parcel" means property assigned a separate parcel number by the Sacramento County assessor.

I. "Private residence" means a house, apartment unit, mobile home, or other similar dwelling unit. (Ord. 1265 § 2 (part), 2016; Ord. 1251 § 3 (part), 2016)

Section 17.114.030 – "Outdoor Cultivation"

It is hereby declared to be unlawful, a public nuisance, and a violation of this chapter for any person owning, leasing, occupying, or having charge or possession of any parcel within any zoning district in the city to cause or allow such premises to be used for the outdoor cultivation of marijuana plants. (Ord. 1265 § 2 (part), 2016; Ord. 1251 § 3 (part), 2016)

Section 17.114.040 – "Cultivation of Marijuana for Personal Use –Regulations for Residential Zones"

A. When authorized by state law, an authorized grower shall be allowed to cultivate marijuana only in a private residence in a residential zone, only indoors, and only for personal use, subject to the following regulations:

1. The marijuana cultivation area shall be located indoors within a residential structure and shall not exceed fifty square feet and not exceed ten feet in height, nor shall it come within twelve inches of the ceiling or any cultivation lighting. Cultivation in a greenhouse on the property of the residence but not physically part of the home is permitted, as long as it is fully enclosed, secure, not visible from a public right-of-way and meeting all requirements in this chapter.
2. Marijuana cultivation lighting shall not exceed one thousand two hundred watts in total for the total cultivation area within the residence.
3. The use of gas products such as but not limited to CO₂, butane, methane, or any other flammable or nonflammable gas for marijuana cultivation or processing is prohibited.
4. There shall be no exterior visibility or evidence of marijuana cultivation outside the private residence from the public right-of-way, including but not limited to any marijuana plants, equipment used in the growing and cultivation operation, and any light emanating from cultivation lighting.

5. The authorized grower shall reside full-time in the residence where the marijuana cultivation occurs.
 6. The authorized grower shall not participate in marijuana cultivation in any other location within the city.
 7. The residence shall include fully functional and usable kitchen, bathroom, and bedroom areas for their intended use by the resident authorized grower, and the premises shall not be used primarily or exclusively for marijuana cultivation.
 8. The marijuana cultivation area shall be in compliance with the current adopted edition of the California Building Code Section 1203.5, Natural Ventilation, or Section 402.3, Mechanical Ventilation (or equivalent), as amended from time to time.
 9. The building official may require additional specific standards to meet the California Building Code and Fire Code, including but not limited to installation of fire suppression sprinklers.
 10. The marijuana cultivation area shall not result in a nuisance or adversely affect the health, welfare, or safety of the resident or nearby residents by creating dust, glare, heat, noise, noxious gases, odors, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.
 11. No more than six marijuana plants, mature or immature, are permitted for indoor personal cultivation under this chapter.
 12. Marijuana in excess of twenty-eight and one-half grams produced by plants kept for indoor personal cultivation under this chapter must be kept in a locked space on the grounds of the private residence not visible from the public right-of-way.
- B. Outdoor cultivation of marijuana and cultivation of marijuana for non-personal uses are expressly prohibited in all zones and districts of the city of Folsom. (Ord. 1265 § 2 (part), 2016)

Section 17.114.050 – "Indoor Cultivation of Marijuana Restricted to Authorized Growers"

- A. It is hereby declared to be unlawful, a public nuisance and a violation of this chapter for any person owning, leasing, occupying, or having charge or possession of any parcel within the city to cause or allow such parcel to be used for the cultivation of marijuana, unless the person is authorized by state law to grow marijuana for a specifically authorized purpose within a private residence in a residential zone, and such authorized grower is complying with all requirements of this chapter.
- B. No person shall grow marijuana upon any parcel until and unless they first secure a permit from the building department and pay such fee as may be required and set forth by resolution of the city council. (Ord. 1265 § 2 (part), 2016)

Section 17.114.060 – "Public Nuisance 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 the city to create a public nuisance in the course of cultivating marijuana plants or any part thereof in any location, indoor or outdoor. A public nuisance may be deemed to exist, if such activity produces:

- A. Odors which are disturbing to people of reasonable sensitivity residing or present on adjacent or nearby property or areas open to the public.

- B. Repeated responses to the parcel by law enforcement personnel.
- C. A repeated disruption to the free passage of persons or vehicles in the neighborhood, excessive noise which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public.
- D. Any other impacts on the neighborhood which are disruptive of normal activity in the area including, but not limited to, grow lighting visible outside the dwelling, excessive vehicular traffic or parking occurring at or near the dwelling, and excessive noise emanating from the dwelling.
- E. Outdoor growing and cultivation of marijuana. (Ord. 1265 § 2 (part), 2016)

Section 17.114.070 – "Penalties not Exclusive – Violation Constitutes a Crime"

The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any other criminal, civil, or administrative remedy or penalty authorized by, or set forth in, the Folsom Municipal Code. None of the penalties or remedies authorized by, or set forth in, the Folsom Municipal Code shall prevent the city from using any other penalty or remedy under state statute which may be available to enforce this section or to abate a public nuisance. Violation of this chapter shall constitute a crime punishable as a misdemeanor or infraction in the discretion of the city attorney. (Ord. 1265 § 2 (part), 2016)

Section 17.114.00 – "Sunset Clause"

- A. Sections 17.114.030, 17.114.040, 17.114.050, and 17.114.060 shall automatically sunset and have no force of effect in the event AUMA fails to pass at the November 8, 2016, statewide general election.
- B. In the event AUMA fails to pass at the November 8, 2016, statewide general election, marijuana cultivation as defined in Section 17.114.020, whether indoors or outdoors, shall be prohibited in all zones and districts of the city of Folsom, as authorized by AB 243 (Section 11362.777 of the Health and Safety Code). (Ord. 1265 § 2 (part), 2016)