

Legalized Marijuana Frequently Asked Questions

Can my neighbor grow cannabis under Proposition 64?

Proposition 64 allows for adult or recreational use of marijuana. It authorizes the production, use and sale of marijuana by and for adults. It also allows adults 21 years or older to cultivate up to six (6) plants within a private, locked home in an area that is not visible from a public place. The City of Cotati currently has an ordinance in place which prohibits the outdoor cultivation of cannabis. Following the passage of Prop 64, growing up to six plants indoors is legal in all Cotati neighborhoods. The land use regulations which will go before Planning Commission and City Council in the fall and winter of 2017 will determine whether additional allowances for personal cultivation in neighborhoods should be allowed outdoors or whether increased size of cultivation for medicinal marijuana caregivers is warranted.

Does Prop 64 allow the smoking of cannabis in public?

No. Prop 64 is clear that it is illegal to smoke or ingest marijuana or marijuana products in any public place, except that a local jurisdiction can allow for the smoking, vaporizing or ingesting of marijuana and marijuana products on the site of a licensed retailer or microbusiness and access is limited to adults 21 years or older, consumption is not visible from any public place and where the sale or consumption of alcohol or tobacco is prohibited. The City of Cotati's smoking regulations define marijuana as a "tobacco product" and subject to the City's secondhand smoke regulations. Those regulations prohibit smoking in most public areas. Please see Chapter 9.31 of the City's Municipal Code for full details. The Municipal Code can be accessed at <http://www.codepublishing.com/CA/Cotati/>.

What public safety issues does the Cotati Chief of Police think the regulations should address?

Over the years, the Police Department has received complaints from citizens regarding outdoor medical cannabis grows in neighborhoods. Outdoor grows are vulnerable to thefts and can be associated with violent crimes. The Department also receives complaints about the pungent smell of cannabis from these grows. The Police Chief believes that the best way to enhance public safety and continue to assure a high quality of life for all residents is to ban outdoor cultivation in residential zones. In addition, if the decision is made to allow commercial cultivation, the Police Chief recommends those be only allowed inside secured buildings and limited to industrially zoned properties.

What are considered "commercial" marijuana activities?

As stated above, Proposition 64 allows adult individuals to cultivate six or fewer plants at their residence. It also allows adult individuals to gift other adults, with no compensation, cannabis or cannabis products not exceeding 28.5 grams (1 ounce) in weight or concentrated cannabis not exceeding 8 grams (0.28 ounces). Commercial activities include cultivation beyond that allowed for individuals, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery or sale of marijuana and/or marijuana products.

What are next steps?

City staff is currently developing draft land use regulations which allow for commercial cannabis activities in certain areas of the City and stipulate how and where personal cannabis cultivation can occur in neighborhoods. The draft regulations were reviewed by the Planning Commission on October 2, 2017 and by the City Council on 10/24/17. City staff will take the Commission and Council recommendations and refine the regulations. Citizens can track the progress and results of these public discussions by signing up to receive meeting notifications at the City's meeting portal found at:

<http://cotaticityca.iqm2.com/citizens/default.aspx>. In addition to land use regulations, voters will be asked to decide on a cannabis business tax. This item has been placed on the ballot for November 7, 2017. If approved by the voters, the measure would tax commercial cannabis operations in accordance with the maximum rates set forth in the ordinance. Information specific to the tax can be found at other links on this page.