

**Chapter 19.342****MARIJUANA CULTIVATION**

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**19.342.010 Purpose**

- A. The purpose of this Chapter is to prevent community-wide adverse impacts including, but not limited to, increased criminal activity, fire and chemical hazards, objectionable odors, late night traffic, and the general deterioration of neighborhoods associated with marijuana cultivation as defined in Article X (Definitions).
- B. Marijuana cultivation in the City of Riverside ("City") can adversely affect the health, safety, and well-being of City residents. Therefore a Citywide prohibition of marijuana cultivation is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated marijuana cultivation. This is especially significant if the amount of marijuana cultivated is not regulated, and substantial amounts of marijuana were to be concentrated in one place.
- C. There shall be a limited exemption for the non-commercial cultivation of small amounts of marijuana by primary caregivers and qualified patients cultivation for their own medical use when all of the conditions and standards in this Chapter are met. (Ord. 7331 §47, 2016; Ord. 7316 §2, 2016)

**19.342.020 Applicability and License Requirements.**

- A. Marijuana Cultivation as defined in Article X (Definitions), shall only be permitted as set forth in Article V, Base Zones and Related Use and Development Provisions and subject to the requirements contained in this Chapter.
- B. Marijuana Cultivation for Qualified Patients or their Primary Caregivers must comply with the standards below, and obtain an annual license from the City of Riverside. (Ord. 7331 §47, 2016; Ord. 7316 §2, 2016)

**19.342.030 Site Location, Operation and Development Standards.**

- A. Site Location Requirements

1. Marijuana Cultivation shall only occur on a single-family residential zoned parcel, and only when that parcel contains, wholly within its property boundaries, a legally permitted single-family residential dwelling.
2. Notwithstanding the above, marijuana cultivation is specifically prohibited in the Residential Conservation (RC) and Residential Agricultural (RA-5) Zones.

B. Operation and Development Standards

1. Cultivation shall not exceed eight (8) marijuana plants of any size per parcel containing a legally permitted residential dwelling. The maximum number of plants shall be limited regardless of the number of qualified patients or qualified caregivers residing on the property.
2. At least one (1) Qualified Patient or one (1) Primary Caregiver, as defined in Article X (Definitions), R.M.C. Section 19.910.140, must live in the dwelling.
3. All marijuana cultivation outside of any building must be fully enclosed by an opaque fence at least six (6) feet in height. The fence must be adequately secure to prevent unauthorized entry. Bushes, hedgerows, plastic sheeting, tarps, or cloth material shall not constitute an adequate fence under this subsection.
4. Cultivation shall not exceed one hundred (100) square feet in cumulative area, and shall not displace any space required for on-site parking.
5. Each building or outdoor area in which the marijuana plants are cultivated shall be set back at least ten (10) feet from all boundaries of the premises. Such setback distance shall be measured in a straight line from the building in which the marijuana plants are cultivated, or, if the marijuana plants are cultivated in an outdoor area, from the fence required by subsection 3 above to the boundary line of the premises. Cultivation shall not be located in the front yard.
6. There shall be no external audible or noxious olfactory evidence of the Marijuana Cultivation from any street, sidewalk, public right-of-way, or adjacent property, nor any visual evidence when viewed at ground level from any street, sidewalk, public right-of-way, or adjacent property.
7. The use of generators shall not be permitted within any structure used for the cultivation of marijuana.
8. Lights, heaters, fans, generators, or other mechanical equipment that may cause a nuisance to neighbors shall be prohibited outdoors.

9. All marijuana plants shall be reasonably secured to prevent access by minors or theft, to a standard satisfactory to an officer of law enforcement, or responsible health and welfare agency.
10. Parolees or probationers shall not live in the dwelling unless the parolees or probationers have received confirmation from the court that he is allowed to use medical marijuana while on parole or probation, pursuant to California Health & Safety Code section 11362.795, which shall be subject to verification.
11. Qualified patients for whom the marijuana plants are being cultivated shall have valid Medical Marijuana Identification Cards issued by an authorized California county agency. Any primary caregiver cultivating marijuana plants for a qualified patient shall have a copy of the qualified patient's valid Medical Marijuana Identification Card issued by an authorized California county agency, and said card shall be kept on the premises where the marijuana is cultivated.
12. The address for the dwelling must be posted and plainly visible from the public right-of-way.
13. There shall be no outdoor marijuana cultivation upon any premises located within one thousand (1,000) feet of any school, community center, or park.
14. The marijuana cultivation shall not be upon any property or parcel containing a child care center, school or church.
15. The marijuana cultivation shall be for non-commercial purposes only. No sale, trade, or other commercial exchange of marijuana or marijuana products shall occur. Authorized caregivers shall receive no remuneration for the cultivation of marijuana on behalf of a qualified patient.
16. Marijuana Delivery as defined in Article X (Definitions) shall be strictly limited to the transport of marijuana products between a Primary Caregiver and the Qualified Patient. (Ord. 7331 §47, 2016; Ord. 7316 §2, 2016)

**19.342.040 Other Applicable Regulations.**

- A. Any person(s) cultivating medical marijuana with the use of grow lights, fans, ventilation devices or any other electrical, irrigation, or mechanical equipment shall comply with all applicable building, housing and fire code requirements adopted by the City of Riverside, and shall obtain all permits required for such installation.
- B. If applicable, a State issued permit or license for marijuana cultivation shall also be obtained prior to any cultivation occurring.

- C. Nothing in this chapter is intended to authorize the cultivation, possession, or use of marijuana for nonmedical purposes in violation of state or federal law.
- D. There shall be no Variances or deviations permitted to any standards or requirements within this Chapter. (Ord. 7331 §47, 2016; Ord. 7316 §2, 2016)

**19.342.050 Revocation of Marijuana Cultivation License.**

- A. Any Marijuana Cultivation Licenses granted by the City of Riverside shall become null and void if the City receives and substantiates two (2) complaints of noxious odors resulting from indoor or outdoor marijuana cultivation, within a twelve (12) month period.
  - 1. The complaints must originate from at least two (2) separate individuals.
  - 2. The complaints must originate from at least two (2) separate properties adjoining or affected properties within proximity to the property engaging in marijuana cultivation.
- B. Upon revocation of a Marijuana Cultivation license, the property owner, tenant, or licensee shall remove all marijuana plants from the premises within thirty (30) days of official notice from the Code Enforcement Division, Community and Economic Development Department.
- C. There shall be no new marijuana cultivation licenses granted to an individual for use on the property in perpetuity, until which time the property changes ownership.
- D. The licensee has the right to appeal the revocation of the Marijuana Cultivation License pursuant to Chapter 1.17.100 (Administrative Enforcement and Appeal Hearings) of the Riverside Municipal Code. (Ord. 7316 §2, 2016)