

Commercial Cannabis Signage Ordinance

Questions & Answers | November 14, 2017



Summary

The Commercial Cannabis Signage Ordinance is a proposed Los Angeles Municipal Code (LAMC) amendment that would establish restrictions on advertising of cannabis and cannabis products on signs in the City.

The purpose of the ordinance is to limit children's exposure to advertising of cannabis and cannabis products, to reduce the illegal purchase and consumption of cannabis by children, and to reduce the likelihood of children suffering potential negative impacts as a result of consuming cannabis at an early age.

Background

On March 7, 2017, Los Angeles voters passed Proposition M, which requires the City Council to repeal existing Proposition D restrictions on medical cannabis dispensaries and create a comprehensive regulatory framework for all commercial cannabis activity. Proposition M was passed in response to recent State legislation removing prohibitions on adult use of cannabis and regulating commercial cannabis activity.

In response to Proposition M, the City Council has already created the Department of Cannabis Regulation and the Cannabis Commission. The City Council is currently considering the enactment of proposed regulations for commercial cannabis activity, including location restrictions, operating standards, and a process for applying for licenses. The draft Commercial Cannabis Signage Ordinance is intended to work in conjunction with these proposed regulations to address the specific issue of reducing children's exposure to cannabis advertising.

Questions & Answers

Why is the Commercial Cannabis Signage Ordinance needed?

The draft ordinance seeks to limit children's exposure to advertising of cannabis and cannabis products, to reduce the illegal purchase and consumption of cannabis by children, and to reduce the likelihood of children suffering potential negative impacts as a result of consuming cannabis. According to academic research, heavy or regular cannabis use, especially before age 18, is often associated with negative consequences including reduced working memory, reduced higher order executive functions, and impacts on emotion. The draft ordinance seeks to prevent these harms by restricting cannabis advertising and reducing the chances that children will begin using cannabis.

What does the Commercial Cannabis Signage Ordinance do?

- Prohibits cannabis advertising on off-site signs (also known as billboards) that are located within 800 feet of sensitive locations, including alcoholism or drug abuse recovery or treatment facilities, public libraries, public parks, schools, and residentially zoned property. The prohibition would not apply to signs inside of buildings, signs on commercial vehicles used for transporting cannabis, and public service messages opposing the use of cannabis.
- Limits a cannabis business to one on-site sign that has a maximum size of 75 square feet. The sign may only display the name of the business, the logogram of business, and the business' address, hours of operation and contact information.
- Prohibits portable signs or sandwich signs located in the public right-of-way in front of a cannabis business, as well as digital and spinner signs.
- Allows a cannabis business to display signs required by a government agency and signs for security agencies whose aggregate size is limited to 30 square inches.

What is commercial cannabis activity, and how is it different from personal cannabis use?

Commercial cannabis activity includes the cultivation, processing, manufacturing, distribution, testing, transportation, dispensing, or sale of any part of the cannabis plant or of cannabis-derived products, whether for medical or nonmedical (“recreational”) use.

Individuals may, however, purchase, possess, and use small amounts of cannabis for personal use; and cultivate up to six living cannabis plants at a personal residence for personal use. These activities are considered personal use of cannabis and would not be affected by the City’s regulations on commercial cannabis activity.

What are the next steps?

The City Planning Commission is scheduled to consider the proposed amendment at its regular meeting on December 14, 2017. The meeting is open to the public and all interested persons are welcome to attend and offer testimony on the draft ordinance. The recommendation of the Commission will be transmitted to the City Council and the Mayor.

How can I get more information or share my input?

The full text of the ordinance may be found at <http://planning.lacity.org> under “Ordinances” and “Proposed Ordinances.”

Interested persons wishing to comment on the draft ordinance may do so at the City Planning Commission meeting on December 14, 2017. Written comments on the draft ordinance should be addressed directly to the City Planning Commission at CPC@lacity.org and copied to niall.huffman@lacity.org.

For questions, or to join our interested parties list for future updates on the proposed ordinance, please contact Niall Huffman, niall.huffman@lacity.org, (213) 978-3405.

ORDINANCE NO. _____

An ordinance enacting restrictions on commercial advertising of Cannabis and Cannabis Products on signs.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Article 6 is hereby added to Chapter X of the Los Angeles Municipal Code to read:

ARTICLE 6

ADVERTISING OF CANNABIS AND CANNABIS PRODUCTS

SEC. 106.00. PURPOSE.

Regulating commercial advertising of Cannabis and Cannabis Products via signs is a reasonable and necessary means to protect and promote the general welfare of the children and minors of the City of Los Angeles exposed to various media advertising Cannabis or Cannabis Products.

Judicial precedent has repeatedly recognized that children and minors deserve special solicitude because they lack the ability to assess and fully analyze the information presented through commercial advertising.

Signs which can be seen from the outdoors are a unique and distinguishable medium of advertising which subject the general public to involuntary and unavoidable forms of solicitation.

These regulations promote the general welfare and temperance of children and minors and are intended to help reduce the illegal consumption and purchase of Cannabis and Cannabis Products by children and minors by limiting their exposure to the advertising of Cannabis and Cannabis Products on certain on-site and off-site signs.

SEC. 106.01. RELATIONSHIP TO OTHER SIGN REGULATIONS.

The provisions in this Article 6 shall supersede any conflicting provisions of this Code, including but not limited to the Citywide sign regulations set forth in Article 4.4 of Chapter I (Zoning Code). All other regulations in this Code not in conflict with this Article 6 shall continue to apply to signs subject to this Article 6. The provisions in this Article 6 are not intended to conflict with, supersede, or limit state law.

SEC. 106.02. SUBSTITUTION CLAUSE.

Any ideological, political or other noncommercial message may be placed on any sign permitted by this Article 6.

SEC. 106.03. DEFINITIONS.

The following words and phrases, whenever used in this article, shall be construed as defined in this section. Words and phrases not defined herein shall be construed as defined in Sections 11.01, 12.03 and 14.4 of this Code.

A. "Alcoholism or Drug Abuse Recovery or Treatment Facility" shall be construed as defined in Section 11834.02 of the California Health and Safety Code.

B. "Cannabis" means Cannabis as defined in Section 26001 of the California Business and Professions Code, included in the Medicinal and Adult Use Cannabis Regulation and Safety Act.

C. "Cannabis Products" means Cannabis Products as defined in Section 26001 of the California Business and Professions Code, included in the Medicinal and Adult Use Cannabis Regulation and Safety Act, and includes without limitation any substance or device containing Cannabis, including but not limited to cigarettes, pipes, edible products; or any other instrument or paraphernalia that is designed for the smoking or ingestion of Cannabis.

D. "Commercial Cannabis Activity" means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of Cannabis and Cannabis Products as provided for in Division 10 of the California Business and Professions Code.

E. "Public Library" means a place in which literary, musical, artistic, or reference materials, such as books, manuscripts, newspapers, recordings, or films, are kept for use but not for sale, which is under the control, operation or management of the City Board of Library Commissioners.

F. "Public Park" means an open space, park, playground, swimming pool, beach, pier, reservoir, golf course, or similar athletic field within the City of Los Angeles, which is under the control, operation or management of the City Board of Recreation and Park Commissioners, the Santa Monica Mountains Conservancy, the Mountains Recreation and Conservation Authority, the County of Los Angeles Department of Beaches and Harbors, or the California Department of Parks and Recreation.

G. "Publicly Visible Location" means any outdoor location visible to the general public. The term "publicly visible location" shall not include any location that is visible only by those inside the building wherein the sign is attached.

H. "Residentially Zoned Property" means any lot located in the RA, RE, RS, R1, RU, RW1, R2, RD, RMP, RW2, R3, R4, R5, RZ, RAS3 and RAS4 zones defined in Section 12.04 of this Code.

I. "School" means an institution of learning for minors, whether public or private, which offers instruction in grades K through 12 in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes kindergarten, elementary, junior high, senior high or any special institution of learning under the jurisdiction of the State Department of Education, but it does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college or university.

SEC. 106.04. PROHIBITION OF COMMERCIAL CANNABIS ADVERTISING ON OFF-SITE SIGNS.

A. No person shall place, permit, or maintain on any off-site sign, a poster, placard, device, graphic display, or any other form of commercial advertising for Cannabis, Cannabis Products, Commercial Cannabis Activity, or business engaged in any Commercial Cannabis Activity, in any Publicly Visible Location within 800 feet of any Alcoholism or Drug Abuse Recovery or Treatment Facility, Public Library, Public Park, School, or Residentially Zoned Property, except as permitted under Section 106.05.

B. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of an Alcoholism or Drug Abuse Recovery or Treatment Facility, Public Library, or Residentially Zoned Property to the closest visible edge of the advertising sign face of the off-site sign without regard to intervening structures.

SEC. 106.05. EXCEPTIONS TO PROHIBITION OF COMMERCIAL CANNABIS ADVERTISING ON OFF-SITE SIGNS.

The prohibitions set forth in Section 106.04, above, shall not apply to the following signs advertising Cannabis or Cannabis Products. This Section 106.05 shall not be construed to permit any sign that is otherwise restricted or prohibited by law.

A. Any sign advertising Cannabis or Cannabis Products placed:

(1) Inside the premises of a building where the occupying business is licensed by the City and the State to sell Cannabis or Cannabis Products, unless such sign is a window sign in compliance with Section 14.4.14 of Article 4.4 of Chapter 1 of this Code; or

(2) On commercial vehicles used exclusively for transporting Cannabis or Cannabis Products.

B. The display of public service messages or similar announcements opposing the use of Cannabis or Cannabis Products or that are designed to encourage minors to refrain from using or purchasing Cannabis or Cannabis Products. However, this subsection shall not be construed to permit an advertisement which purports to oppose the use of Cannabis or Cannabis Products when that message is conveyed in conjunction with the display of a logo, trademark or name used by any person or entity engaged in any Commercial Cannabis Activity for marketing or promotion of Cannabis or Cannabis Products.

SEC. 106.06. RESTRICTIONS ON ON-SITE SIGNS ADVERTISING CANNABIS AND CANNABIS PRODUCTS.

A. The following regulations shall apply to on-site signs for a business engaged in Commercial Cannabis Activity:

(1) Only one on-site sign per street frontage is allowed. The allowable total sign area of this sign shall not exceed a maximum size of 75 square feet. Any such sign shall be included in the maximum sign area allowed for the property.

(2) Any sign required by law, or required or recommended by a government agency or utility company, is allowed.

(3) Any sign or signs identifying that the premises are protected by a security company is allowed, and the aggregate area of such signs is limited to 30 square inches.

(4) Other than signs described in divisions (2) and (3), above, any sign is limited to displaying the following information: name of business; logogram of business; and business' address, hours of operation and contact information. Other than the foregoing information, no advertising for Cannabis or Cannabis Products shall be displayed on any sign in a Publicly Visible Location.

(5) Portable signs or sandwich signs located in the public right-of-way are prohibited.

(6) Digital signs are prohibited.

(7) Spinner signs are prohibited.

Sec. 2. SEVERABILITY.

If any section, subsection, subdivision, clause, sentence, phrase or portion of this Article is held unconstitutional or invalid or unenforceable by any court or tribunal of competent jurisdiction, the remaining section, subsection, subdivision, clause, sentence, phrase or portion of this Article shall remain in full force and effect, and to this end, the provisions of this Article are severable.

Sec. 3. The City Clerk shall certify, etc.

DRAFT