

ORDINANCE NO. _____

An ordinance restricting commercial advertising of cannabis, cannabis products, and cannabis activity 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 as follows:

ARTICLE 6

**ADVERTISING OF CANNABIS, CANNABIS PRODUCTS,
AND CANNABIS ACTIVITY**

SEC. 106.00. PURPOSE.

Regulating commercial advertising of Cannabis, Cannabis Products, and Cannabis Activity 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, Cannabis Products, and Cannabis Activity.

Judicial precedent has repeatedly recognized that children and minors deserve special concern because they lack the ability to assess and fully analyze the information presented through 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:

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

"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.

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

"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 transportation 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.

"Day Care Center" means any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers included in Section 1596.76 of the Health and Safety Code, which are licensed by the State of California.

"Permanent Supportive Housing" means Supportive Housing as defined in Section 12.03 of the Los Angeles Municipal Code, to include housing with no limit on length of stay that is occupied by persons with low incomes who have one or more disabilities that include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals existing from institutional settings, veterans, and homeless people, but only to the extent such Permanent Supportive Housing provides on-site Supportive Services. As may hereafter be adopted or amended, Supportive Services means services that are provided on a voluntary basis to residents of Supportive Housing, including, but not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment

services, benefits advocacy, and other services or service referrals necessary to obtain and maintain housing.

“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.

“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, and shall further include any property in the City of Los Angeles zoned Open Space (“OS”) as defined under Section 12.04.05 of the Los Angeles Municipal Code.

“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.

“School” means an institution of learning for minors, whether public or private, which offers instruction in any 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, including, but not limited to, temporary signs on temporary construction walls, a poster, placard, device, graphic display, or any other form of commercial advertising for Cannabis, Cannabis Products, or Cannabis Activity in any Publicly Visible Location within 700 feet of any School, Public Park, Public Library, Alcoholism or Drug Abuse Recovery or Treatment Facility, Day Care Center, and Permanent Supportive Housing, 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 a School, Public Park, Public Library, Alcoholism or Drug Abuse Recovery or Treatment Facility, Day Care Center, and Permanent Supportive Housing 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 CANNABIS ADVERTISING ON OFF-SITE SIGNS.

The prohibitions set forth in Section 106.04, above, shall not apply to the following signs advertising Cannabis, Cannabis Products, or Cannabis Activity. 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 or delivering Cannabis or Cannabis Products and which are operated by persons licensed by the City and State to transport or deliver Cannabis or Cannabis Products.

(b) The display of public service messages or similar announcements cautioning against 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 that purports to caution against 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 Cannabis Activity for marketing or promotion of Cannabis or Cannabis Products.

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

(a) The following regulations shall apply to on-site signs for a business engaged in Cannabis Activity:

(1) Only one on-site sign per street frontage is allowed. 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 in addition to signs authorized by Subdivision (1) of this Subsection (a).

(3) Any sign or signs identifying that the premises are protected by a security company is allowed in addition to signs authorized by Subdivision (1) of this Subsection (a), and the aggregate area of such signs is limited to 30 square inches.

(4) Other than signs described in Subdivisions (2) and (3) above, any sign authorized by Subdivision (1) of this Subsection (a) 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.

(8) Monument signs are prohibited.

(9) Illuminated architectural canopy signs are prohibited.

(10) Pole signs are prohibited.

(11) Marquee signs are prohibited.

(12) Roof signs are prohibited.

(13) Temporary signs are prohibited.

(14) Moving signs and signs with moving parts are prohibited.

(15) Supergraphic signs are prohibited.

Sec. 2. SEVERABILITY. If any section, subsection, subdivision, clause, sentence, phrase or portion of this ordinance 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 ordinance shall remain in full force and effect, and to this end, the provisions of this ordinance are severable.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
KENNETH T. FONG
Deputy City Attorney

Date May 18, 2018

File No. 16-0888

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____