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MUNICIPAL ORDINANCE - CALIFORNIA

Maral v. City of Live Oak

Court of Appeal, Third District, California - November 26, 2013 - Cal.Rptr.3d - 13 Cal. Daily Op. Serv. 12, 857

In December 2011, the City of Live Oak passed an ordinance prohibiting the cultivation of marijuana for any purpose within the City. Plaintiffs sued, contending the ordinance violated the Compassionate Use Act (CUA) (Health & Saf. Code, § 11362.5), the Medical Marijuana Program (MMP) (§ 11362.7 et seq.), equal protection, and due process.

The Court of Appeal held that Compassionate Use Act and Medical Marijuana Program Act do not preempt a city's police power to prohibit all marijuana cultivation.