

California Marijuana Laws

Since the passage of Prop 215 (The Compassion Use Act of 1996), in 1996, the effort to legalize medical and recreational marijuana continued forward. In 2003, Bill 420, created the voluntary ID card system to identify verified medical marijuana patients. In 2010, Gov. Arnold Schwarzenegger signed Senate Bill 1449, downgrading possession of up to an ounce of marijuana from a misdemeanor to the equivalent of a traffic violation. In September 2015, Gov. Jerry Brown signed into law three bills that further ushered in a new regulatory scheme known as the Medical Cannabis Regulation and Safety Act (MCRSA)—comprised of three bills, including [AB 266](#), [AB 243](#), and [AB 643](#).

The MCRSA creates a comprehensive state licensing system and framework for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis. A few key provisions in the Act that are relevant to business engaged in commercial cannabis- activity include the following:

- The new framework explicitly protects business owners, employees, landlords, and others from both criminal law and civil asset forfeiture, as long as they adhere to the requirements.
- The State will make available 17 different types of annual business licenses for both indoor and outdoor cultivation, based on size, and type of facility or activity to occur on-site. However, it will be within the discretion of the local jurisdiction which permits will be permitted and in which zoning districts.
- The new framework will allow for-profit investors and owners, with no state residence requirement.
- The new framework will allow vertical integration, namely permitting business to have licenses in more than one category.
- A city or county may ban deliveries within their territorial limits. However, cities cannot prevent the use of public roads for the delivery of marijuana. For example, if a licensed delivery company located in City A must travel on public roads through the unincorporated areas of County B to make an authorized delivery in City C, County B cannot prohibit the licensed delivery company from travelling on public roads in the unincorporated areas of County B to get to City C. (Bus. & Prof. Code [§ 19338](#), codifying SB 643.) In addition, cities and counties may not prevent the use of public roads within its jurisdiction to transport nonmedical marijuana. However, Section 19338 does not permit transport across state lines which is control by federal law.

In addition to the above new safeguards, protecting business owners, employees, landlords, and others from civil asset forfeiture laws, Gov. Jerry Brown signed [SB 443](#) into law on September 29, 2016, effective January 1, 2017. The new law now requires a conviction prior to forfeiture in any state case where the items seized are cash under \$40,000 or other property such as homes and vehicles regardless of value. The conviction threshold for cash was previously set at \$25,000. Moreover, for all future cases handled through federal courts, the new law prevents California law enforcement agencies from receiving a share of federally forfeited property unless there is a conviction in an underlying case involving seized property that is up to \$40,000 in cash or for

cars and homes. Previously there was no threshold for law enforcement accepting cash or proceeds from federal forfeitures, even when there was no conviction.”

As regards federal encroachment on States right, given U.S. Attorney General Jeff Session ominous threat to target citizens of states that have legalized marijuana, on February 17, 2017, Assembly Member Reggie Jones-Sawyer introduced [AB 1578](#). The Bill’s purpose is to prevent state and local agencies from assisting federal authorities seeking to shakedown cannabis businesses that are operating in compliance with state law without first obtaining a court order signed by a judge. If approved, [AB 1578](#) would make it more difficult for federal authorities to target marijuana-related businesses and consumers by prohibiting a state or local agency from taking certain actions, “including using agency money, facilities, property, equipment, or personnel to assist a federal agency to investigate, detain, detect, report, or arrest a person for commercial or noncommercial marijuana or medical cannabis activity that is authorized by law in the State of California and transferring an individual to federal law enforcement authorities for purposes of marijuana enforcement.” While the bill does not prevent the Department of Justice from prosecuting a California business or citizen for violation of federal law, the threshold requirement may act as a deterrent providing a buffer from attack.

With the passage of Proposition 64, the [Adult Use of Marijuana Act \(AUMA\)](#), in November 2016, an additional regulatory framework will be required to be implemented for adult use. Under the AUMA, adults 21 and over may purchase, possess, and consume up to one ounce of marijuana in their private residence or in an establishment licensed for marijuana consumption. Additionally, adults will be permitted to plant, cultivate, harvest, dry, and/or process up to six marijuana plants at one time in a single private residence, or upon the grounds of that private residence. (Health & Safety § 11362.2(b)(3).) The legislation further bars a marijuana business from being located within 600 feet of schools or other areas where children congregate.

As the MCRSA and the AUMA are dual-licensing systems, meaning that a local permit is ordinarily needed in addition to a state license, local jurisdictions will have significant input regarding the application of these systems over commercial cannabis activity. While the local jurisdiction may not criminalize activity that is legal in the state, they may restrict activity that is not expressly permitted. For example, the local jurisdiction may not criminalize an adult from cultivating 6 nonmedical marijuana plants in a private residence. However, the city or county make place additional restrictions, such as requiring an air filtration systems to prevent odors, include stricter location restrictions, or prohibit outdoor cultivation. The local jurisdiction may also institute additional requirements, such as a residency requirement, size restriction of the area, or written notarized consent by all legal owners of the parcel where the individual engaged in cannabis activity is a tenant.

While both MCRSA and AUMA are already in effect, the State is expected to begin issuing licenses for MCRSA and AUMA by January 1, 2018. During this gap period, local county and municipal jurisdictions are scrambling to adopt interim ordinances to assert over control cannabis-related activities in their jurisdictions, until a permanent ordinance that is in compliance with MCRSA and AUMA can be drafted.

Regulations by County

Alameda County

The summary below highlights regulations set forth in Chapters [6.106](#), [6.108](#) and [6.112](#) of Title 6 of the Alameda County Code of Ordinances that regulates medical and commercial marijuana activity in the unincorporated areas of Alameda County.

- Cultivation

Cultivation Restrictions (Sec. [6.106.040](#)):

The cultivation and delivery of medical marijuana are prohibited in all the unincorporated areas of Alameda County. This prohibition includes, but is not limited to:

- Cultivation of marijuana, either indoors or outdoors.
 - o Operation of a marijuana nursery, which “means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical cannabis” (as defined in Cal. Bus. & Prof. Code Section [19300.5](#) (ag)).
 - o Medical marijuana manufacturing sites, which “means the premises that produces, prepares, propagates, or compounds manufactured medical cannabis or medical cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a licensee for these activities” (as defined in Cal. Bus. & Prof. Code [19300.5](#) (ae)).

Please note references to Cal. Bus. & Prof. Code Section 19300.5 reflect the amended statute, 2016, Ch. 32, Sec. 6, Effective June 27, 2016 and may differ from the older code section referenced in Section 6.106.040.

- Nothing in [6.106](#) prohibits:
 1. The carriage of medical cannabis or medical cannabis products on public roads by licensees acting in compliance with Cal. Bus. & Prof. Code Section 19340 and any adopted state and local regulations.
 2. Licensed transporters operating in compliance with California Business and Professions Code Sections 19337 and 19338 and any adopted state and local regulations.

(Ord. No. 2016-6 § 1, 1-26-16)

Administrative Penalties (Sec. [6.106.050](#)):

- A violation will be subject to a fine of not less than \$250 and not more than \$1,000 per violation.
- A violation will be deemed a misdemeanor; however, at the discretion of the district attorney it may be prosecuted as an infraction or misdemeanor.

- Each day, or portion thereof, that a person is in violation of this Chapter, is deemed a separate violation or offense.
- Any violation may be subject to additional remedies, such as an administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and actions for injunctive relief.

([Ord. No. 2016-6](#), § 1, 1/26/2016)

Proposed Draft Ordinance

A proposed ordinance is expected to be reviewed by the Board of Supervisors in March 2017. If approved, the proposed ordinance on medical marijuana will launch a two-phase pilot programs. During the first phase two existing dispensary operators in good standing will be permitted apply to add cultivation to their current business. The cultivation would be limited to agricultural zoned land.

During the second phase of the pilot program, Alameda County will allow two additional marijuana farms sites that are no associated with the existing dispensaries. Per the draft ordinance, Alameda County will allow six dispensaries (with a maximum of four in West County and two in East County).

- **Manufacture**

Alameda County Code Ordinances, Section [6.112.030](#), prohibits the making or manufacturing of marijuana-flavored candy in Alameda County. (Sec. [6.112.030](#).)

(Ord. 2006-20 § 2 (part).)

Civil and Criminal Penalties (Sec. [6.112.050](#)):

Violation of Section [6.112.030](#) is a misdemeanor violation and each day a person remains in violation will be deemed a separate offense. In addition to other available penalties, the county, at its discretion, may deem the violation a public nuisance and bring an action for injunctive relief.

(Ord. 2006-20 § 2 (part).)

- **Distribution and Sale**

Dispensaries are approved in Alameda County, subject to the following restrictions and requirements

The sale of “marijuana-flavored candy,” including the barter or exchange or other furnishing of any marijuana-flavored candy is prohibited in Alameda County. (Sec. [6.112.030](#).)

(Ord. 2006-20 § 2 (part).)

Location Restrictions (Sec. [6.108.030](#)):

- All dispensaries must be at least 1,000 feet away from any other dispensary.
- All dispensaries must be at least 1,000 feet away from any school, public park or playground, drug recovery facility or recreation center.
- Each dispensary must be located in a commercial or industrial zone or the equivalent. Alameda County has the right to reduce the location requirement as it applies to schools by fifteen (15) percent upon a finding that the dispensary would not endanger the health and safety of students.

(Ord. 2005-52 § 2 (part); Ord. 2005-25 § 2 (part))

Licensing Requirements (Secs. [6.108.030](#), [6.108.040](#), [6.108.170](#)):

- A permit must be obtained from the county for the operation of a medical marijuana dispensary in the unincorporated areas of Alameda County.:
- Only persons with a valid permit issued under [Chapter 6.108](#) will be permitted to operate a medical marijuana dispensary in the unincorporated portion of Alameda County. Permits issued under this chapter do not provide any protection or immunity from state or federal laws, or from prosecution under any applicable state or federal laws.
- The designated person (i.e. owner, managing partner or officer of a corporation) that will be primarily responsible for the operations of the proposed medical marijuana dispensary must apply for the permit and ensure compliance with the requirements of [Chapter 6.108](#).
- At no time will the county have more than three permits in effect, limited to one permit in each of the three designated areas in the unincorporated sections of Alameda County, as illustrated in [Exhibit A](#) to [Chapter 6.108](#). No permit will be issued in any portion of the unincorporated area that is not within one of these defined areas.
- Permits are valid for 2 years from the date of issuance. Any permit may be renewed by the sheriff for successive two-year periods upon the submission of an application by the permittee.
- Applications for renewal must be filed at least 45 days before expiration of the permit.
- Any application for renewal will be rejected if:
 - o The application is filed less than 45 days before its expiration;
 - o The permit is suspended or revoked at the time of the application; provided, however, that an application for renewal may be filed within 10 days after the granting of a permittee's appeal of the suspension or revocation of a permit;
 - o The dispensary authorized by the permit has not been in regular operation in the 4 months preceding the renewal application; or
 - o The dispensary fails to conform to the criteria set forth in Section [6.108.100](#).
- A transfer of the permit is allowed under Section [6.108.170](#) as follows:
 - o To apply for a transfer the permittee must submit an application that complies with Section [6.108.060](#). The sheriff will verify the information and approve the transfer unless the application fails to comply with the criteria set forth in [Section 6.108.100](#).

- Before a transfer of a permit may become effective, the transferee must certify acceptance of the operating conditions and the standard conditions of the permit.

(Ord. 2005-25 § 2 (part))

- **City Ordinances**

- Berkeley (Measure JJ, amending Berkeley Municipal Code, Chapter 12.26)
- Oakland (Ordinance 12585)

Banned: Alameda, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Pleasanton, Union City

Alpine County

The summary below highlights regulations set forth in [Chapter 7.04](#) of the Alpine County Code of Ordinances that regulates medical and commercial marijuana activity in the unincorporated areas of Alpine County.

- Cultivation

Cultivation Restriction

Section 7.04.030 prohibits commercial marijuana cultivation in the county, except where federal or state law preempts the county ordinance and prohibits such restriction. No use permit, variance, building permit, or any other entitlement, license, or permit, whether administrative or discretionary, will be approved or issued for the activity of marijuana cultivation in the county, and no person will otherwise establish or conduct said activity in the county, except where federal or state law preempts the county from enacting a prohibition on any such activity for which the use permit, variance, building permit, or any other entitlement, license, or permit is sought. Such activity constitutes a public nuisance under Section 7.04.040.

(Ord. 716 § 2 (part), 2016)

- Manufacture

Alpine County Ordinance Section 7.04.030 prohibits commercial marijuana processing in the county, except where federal or state law preempts the county ordinance and prohibits such restriction. No use permit, variance, building permit, or any other entitlement, license, or permit, whether administrative or discretionary, will be approved or issued for the activity of marijuana processing in the county, and no person will otherwise establish or conduct said activity in the county, except where federal or state law preempts the county from enacting a prohibition on any such activity for which the use permit, variance, building permit, or any other entitlement, license, or permit is sought.

(Ord. 716 § 2 (part), 2016)

- Distribution and Sale

Alpine County Ordinance Section 7.04.030 prohibits commercial marijuana dispensaries in the county, except where federal or state law preempts the county ordinance and prohibits such restriction. No use permit, variance, building permit, or any other entitlement, license, or permit, whether administrative or discretionary, will be approved or issued for the activity of marijuana delivery or the establishment or operation of a marijuana dispensary in the county, and no person will otherwise establish or conduct said activity in the county, except where federal or state law preempts the county from enacting a prohibition on any such activity for which the use permit, variance, building permit, or any other entitlement, license, or permit is sought.

(Ord. 716 § 2 (part), 2016)

Amador County

The summary below highlights regulations set forth in Chapter 19.86 of the Amador County Code of Ordinances that regulates medical and commercial marijuana activity in the unincorporated areas of Amador County.

- Cultivation

Cultivation Restrictions:

Amador County prohibits marijuana cultivation in all unincorporated areas of the county, including, but not limited to, indoor and outdoor cultivation and marijuana nurseries. Nursery “means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical cannabis” (as defined in Cal. Bus. & Prof. Code Section 19300.5(ag). (Sec. [19.86.50\(A\)](#).)

Please note references to Cal. Bus. & Prof. Code Section 19300.5 reflect the amended statute, 2016, Ch. 32, Sec. 6, Effective June 27, 2016 and may differ from the older code section referenced in Section 19.86.50(A)(4).

Section [19.86.50\(B\)](#) excludes cultivation of medical marijuana by a qualified patient for personal medical use that does not sell, distribute, donate or provide marijuana to any other person or entity, or the primary caregiver for the personal medical use of a specified qualified patient for whom he or she is a primary caregiver within the meaning of Health and Safety Code Section [11362.7](#).

Cultivation Requirements:

- The cultivation area on a parcel is limited to 100 square feet, with a total number of 12 plants, regardless of whether mature or immature plants, and regardless of the number of qualified patients or caregivers. The cultivation area will be measured

- from the outer edge of the marijuana plant canopy and includes the aggregate area, including the space between plants, whether indoor or outdoor.
- Cultivation must not be visible from a public right of way or publicly traveled roads. Any individual cultivating medical marijuana that is not the landowner must obtain written permission from the landowner prior to planting and such written permission will be provided to the county upon request of any enforcing officer.
 - All lights used for cultivation will be shielded or downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel upon which they are placed.
 - Cultivation will not subject residents of neighboring parcels who are of normal sensitivity to objectionable odors.
 - Cultivation may occur only on a parcel with a permitted dwelling unit that is permanently occupied by the qualified patient or the primary caregiver.
 - All persons engaging in cultivation will have a legal water source on the parcel; not engage in unlawful or unpermitted surface drawing of water for cultivation; and not allow illicit discharges of water or chemicals from the property.

(Ord. No. 1755 (1/26/16) §2 (part), 2016).

Location Restriction:

- Cultivation must be at least 600 feet away from any youth oriented facility, school, park, or any church or residential treatment facility as defined in Section [19.86.50](#).
- Cultivation must be at least 100 feet from any occupied legal residential structure located on a separate parcel and at least 50 feet from a parcel under separate ownership. If either distance requirements cannot be met, the area under cultivation must be screened to the extent feasible to ensure the plants are not readily visible to parcels under separate ownership.

(Ord. No. 1755 (1/26/16) §2 (part), 2016)

- Manufacture

Section [19.86.50](#)(A) prohibits the manufacturing of marijuana in all unincorporated areas of the county.

A “manufacturing site” (as defined in Bus. & Prof. Code Section 19300.5(ae)) “means the premises that produces, prepares, propagates, or compounds manufactured medical cannabis or medical cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a licensee for these activities.” This section further prohibits marijuana testing laboratories which “means the premises where tests are performed on medical cannabis or medical cannabis products and that holds a valid certificate of accreditation” (as defined in Bus. & Prof. Code Section 19300.5(ak)).

Please note references to Cal. Bus. & Prof. Code Section 19300.5 reflect the amended statute, 2016, Ch. 32, Sec. 6, Effective June 27, 2016 and may differ from the older code section referenced in Section 19.86.50(A)(3) and (5).

- Distribution and Sale

Section [19.86.50\(A\)](#) prohibits the distribution of marijuana in all unincorporated areas of the county which “means the procurement, sale, and transport of medical cannabis and medical cannabis products between entities licensed pursuant to this chapter” (as defined in Bus. & Prof. Code Section 19300.5(p)).

- City Ordinances

- Jackson (Ordinance 640)
- Plymouth (Ordinance 2004-02)

Banned: Sutter Creek

Butte County

The summary below highlights regulations set forth in Chapter [34A](#) and Article IV of Chapter 24 of the Butte County Code of Ordinances that regulates medical and commercial marijuana activity in the unincorporated areas of Butte County.

- Cultivation

- The cultivation of marijuana on any parcel that does not satisfy the definition of a premises contained in Chapter [34A](#), or the cultivation of marijuana plants that exceed the square footage provided below constitutes a public nuisance that may be abated.

(Ord. No. 4051, § 1, 2/26/2013; Ord. No. 4075, § 2, 2/11/2014; [Ord. No. 4107](#), 1/26/2016)

Cultivation Restrictions (Sec. [34A-4](#)):

- Cultivation of marijuana plants must adhere to the following size restrictions.
 - If the premises is 0.5 acre in size or less, plants may be cultivated in a single cultivation area no larger than 50 square feet. The cultivation area will be measured from the outer edge of the marijuana plant canopy and not the stalk. The cultivation area shall have 1 or more recommendations associated with the plants. The cultivation area must be located inside a detached structure that is no larger than one 120 square feet in size.
 - If the premises is greater than 0.5 of an acre in size but less than 5 acres in size, a single cultivation area no larger than 50 square feet may be devoted to the cultivation of marijuana on the premises. The measurement and recommendation requirements above also apply. The cultivation area may be either indoors or outdoors.

- If the premises is equal to or greater than 5 acres in size but less than 10 acres in size, a single cultivation area no larger than 100 square feet may be devoted to the cultivation of marijuana on the premises. The cultivation area shall be measured from the outer edge of the marijuana plant canopy and not the stalk. The cultivation area shall have at least 1 recommendation for every 50 square feet of plants. The cultivation area may be either indoors or outdoors.
- If the premises is equal to or greater than 10 acres in size, a single cultivation area no larger than 150 square feet may be devoted to the cultivation of marijuana on the premises. The cultivation area shall be measured from the outer edge of the marijuana plant canopy and not the stalk. The cultivation area shall have at least one (1) recommendation for every fifty (50) square feet of plants. The cultivation area may be either indoors or outdoors.
- The limitations of Section [34A-4\(b\)](#) will be imposed regardless of the number of qualified patients or primary caregivers residing at the premises or participating directly or indirectly in the cultivation. The same limitations apply regardless of whether the cultivation of marijuana is collectively or cooperatively cultivated.
- The single cultivation area must consist of 1 contiguous space. The length and width of the single cultivation area must not exceed a ratio of 2 to 1.

(Ord. No. 4051, § 1, 2/26/2013; Ord. No. 4075, § 2, 2/11/2014; [Ord. No. 4107](#), 1/26/2016)

Cultivation Requirements:

- Residency Requirement (Sec. [34A-6](#)):
 - All persons(s) participating in the cultivation on the premises, whether directly or indirectly, must be Butte County residents and:
 - Resided in Butte County for at least 1 year prior to cultivating medical marijuana in the County; and
 - Either own the premise or have a written lease with the owner of the premises.
 - Members of a medical marijuana collective must be:
 - A Butte County resident; or
 - An immediate family member or primary caregiver of a Butte County resident.
- Environmental Requirements (Sec. [34A-7](#)):
 - All persons engaging in the cultivation of medical marijuana must: 1) have a permanent permitted permanent water well or connection to a municipal water source on the premises; 2) not engage in unpermitted surface drawing of water for cultivation; and not permit illegal discharges of water from the premises.
 - The premises must either be hooked up to the municipalities' sewer system or have a permitted sewage disposal system.
 - All use, disposal and storage of chemicals used in cultivation and/or harvest will be maintained in accordance with applicable laws.

- Setbacks and Other Restrictions (Sec. [34A-8](#)):
 - o Each detached structure or outdoor area constituting the single cultivation area will be subject to the following setbacks:
 - If the premises is 0.05 acre or less in size, the setback is at least 15 feet from all boundaries of the premises.
 - If the premises is greater than 0.05 of an acre in size but less than 5 acres in size, the setback is 50 feet from all boundaries of the premises. The cultivation area will be measured from the outer edge of the marijuana plant canopy and not the stalk. Owners of parcels adjacent to such premises must be notified in writing of any exercise of such discretion under this section.
 - If the premises is equal to or greater than 5 acres in size but less than 10 acres in size, the setback must be at least 75 feet from all boundaries of the premises. Owners of parcels adjacent to such premises must be notified in writing of any exercise of such discretion under this section.
 - If the premises is equal to or greater than 10 acres in size, the setback must be at least 150 feet from all boundaries of the premises. Owners of parcels adjacent to such premises must be notified in writing of any exercise of such discretion under this section.
 - A waiver due to unusual hardship associated with the parcel may be requested for the above setbacks. If granted, owners of parcels adjacent to such premises must be notified in writing of any exercise of such discretion.
 - If the parcel is more than a 0.05 acre in size, the setback distance will be measured in a straight line from the building in which the marijuana is cultivated or if the marijuana is cultivated in an outdoor area, from the fence required by Section [34A-10](#) to the boundary line of the premises.
 - o Marijuana plants must not be located anywhere on the parcel where they are visible from the public right of way or publicly traveled privately maintained roads.
- All processing of marijuana must occur Indoors; may only be marijuana personally cultivated pursuant to Chapter [34A](#), and the setback requirements for cultivation apply.
- Unless the person(s) cultivating and/or harvesting marijuana on the parcel is/are the legal owner(s) of the parcel, such person(s) must obtain the written permission (including notarized signatures) of the legal owner(s) consenting to the cultivation and/or harvesting of marijuana on the parcel. (Sec. [34A-9](#))
- All outdoor cultivation must be fully enclosed by a solid, opaque fence that is at least 6 feet high or a height sufficient to conceal the marijuana from view, whichever is higher. No fence will be required for marijuana grown on a premises of 5 acres or larger when such marijuana is grown out of sight from public view. Plants must be cut so as to not extend higher than the fence. The fence must be adequately secured to prevent unauthorized entry. Bushes or hedgerows may constitute an adequate fence on parcels 5 acres and larger in size. (Sec. [34A-10](#))

(Ord. No. 4051, § 1, 2/26/2013; Ord. No. 4073, § 3, 12/10/2013; Ord. No. 4075, § 4, 2/11/2014)

Location Restrictions (Sec. [34A-8](#)):

Cultivation, whether grown collectively or individually, in any amount or quantity, must adhere to the following location restrictions:

- No cultivation within 1,000 feet of a youth-oriented facility, a school, a park, or any church or residential treatment facility.
- No cultivation within 600 feet from a school bus stop.
- No outdoor cultivation within 100 feet of any occupied residential structure located on a separate legal parcel, provided, however, that any person cultivating pursuant to subsection (a)(2) shall not grow outdoors within fifty (50) feet of any occupied residential structure located on a separate legal parcel.
- No cultivation in any of the following zones: Commercial Zones (GC (General Commercial), NC (Neighborhood Commercial), CC (Community Commercial), REC (Recreation Commercial), SE (Sports and Entertainment), MU (Mixed Use)); Industrial Zones (LI (Limited Industrial), GI (General Industrial), HI (Heavy Industrial)); and Special Purpose Zones PB (Public), AIR (Airport), RBP (Research/Business Park), PD (Planned Development)).

(Ord. No. 4051, § 1, 2/26/2013; Ord. No. 4075, § 4, 2/11/2014)

• Administrative Penalties (Sec. [34A-126](#)):

In addition to any other remedies provided by County Code or State Law, the following civil penalty applies for a violation of Chapter [34A](#):

- \$500 per day from the day the seventy-two (72) hour Notice is posted on the property, and continuing for each day that the violation continues to exist; however, if a Notice of Nuisance Abatement Hearing is issued, the penalty will increase to \$1,000 per day from the date the Notice of Nuisance Abatement Hearing is posted on the property, and shall continue to accrue at that rate for each day that the violation continues to exist, until the violation is abated by whatever means.
- Administrative Penalties will not be awarded if the property owner establishes all of the following:
 - o That, at the time he or she acquired the property, a violation of this code already existed on the property;
 - o The property owner did not have actual or constructive notice of the existence of that violation; and
 - o Within 30 days after the mailing of notice of the existence of that violation, the property owner initiates and pursues, with due diligence, good faith efforts, to meet the requirements of this Code.
- In the event a tenant or property owner contacts a Code Enforcement Officer and demonstrates that all violations have been corrected in a timely manner prior to a hearing being conducted pursuant to this chapter, the Director of Development Services has the authority to waive or reduce the amount of penalties owed, and

cancel the scheduled hearing, if in his or her opinion such a reduction and hearing cancellation is warranted.

(Ord. No. 4051, § 1, 2/26/2013; Ord. No. 4073, § 4, 12/10/2013; [Ord. No. 4107](#), 1/26/2016)

- **Distribution and Sale**

Marijuana dispensaries shall be a prohibited use within Butte County. (Sec. [24-166](#).)

(Ord. No. 4062, § 1, 9/10/2013)

- **City Ordinances**

Banned: Chico, Paradise

Calaveras County

The summary below highlights regulations set forth in Chapters [17.95](#) and [17.91](#) of Title 17 of the Calaveras County Code of Ordinances that regulates medical and commercial marijuana activity in the unincorporated areas of Calaveras County.

- **Cultivation**

Cultivation Restrictions (Sec. [17.95.060](#)):

- Other than medical cannabis cultivation on a registered medical cannabis cultivation site in accordance with [Chapter 17.95](#), all cultivation of medical cannabis, in any amount or quantity, and including any medical cannabis nursery, is unlawful in all zones and constitutes a public nuisance that may be abated. This provision does not apply to medical cannabis cultivation by a lawful, permitted medical cannabis dispensary in accordance with Chapter [17.91](#) of this code.
- Other than medical cannabis cultivation in accordance with [Chapter 17.95](#), all commercial cannabis uses to be licensed and regulated under MMRSA, including but not limited to medical cannabis manufacturing, testing, distributing, or transporting, is hereby declared to be unlawful in all zones and a public nuisance that may be abated.

([Ord. No. 3069](#), § 1, 05/10/2016)

Location Restrictions (Sec. [17.95.165](#)):

Cultivation Requirements:

For a complete list of cultivation and licensing requirements review Section [17.95.165](#). A highlight of some of the requirements include:

- Medical cannabis on a registered cultivation site must at all times be conducted in such a way as to ensure the health and safety of employees, independent contractors,

- visitors to the area, neighboring property owners, and end users of medical marijuana; to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the medical marijuana; and to safeguard against the diversion of medical marijuana for non-medical purposes.
- Registrants must comply with all federal, state, and local laws, statutes, and regulations laws, including, but not limited to, regulations related to the use, storage, and disposal of hazardous materials or waste and regulations relating to housing, sanitation, and health and safety of agricultural workers employed at the site
 - If the maximum amount of cannabis cultivated exceeds the maximum total canopy area permitted in the cultivation site's zone or the provisions of this chapter, the total canopy size shall be reduced to conform with the requirements of the zone and this chapter within twenty-four hours of receiving the registration or of notification by an enforcement official. All excess cannabis shall be immediately destroyed, with none retained for use of the registrant, landowner, or for transfer to any other person or entity.
 - There shall be no more than one medical cannabis cultivation registration per parcel, except that there may be two personal cultivation registrations on a parcel.
 - The maximum area of cultivation on the parcel for personal use or caregiver cultivation sites is:
 - o 100 square feet of the total canopy size for a personal cultivation registration;
 - o 100 square feet of total canopy size per patient for a maximum of 2 patients for a caregiver cultivation registration;
 - o under no circumstances will any non-commercial medical cannabis cultivation site contain more than 200 square feet of total canopy size.
 - Whether or not there is a dwelling on the parcel to be registered, there shall be no camping or sheltering by the registrant, landowner, or any other person in a vehicle or in a tent, yurt, teepee, or similar portable structure beyond the period of time specified in County Code [Section 17.04.180](#).
 - Cultivation must be set back at least 30 feet from the property line.
 - The minimum parcel size for an outdoor or mixed light commercial medical cannabis cultivation site must be 2 acres. The maximum area of cultivation must not exceed 15% of the parcel area.
 - As of May 10, 2016, all grading and earth movement in the portion of the parcel to be used for cultivation shall have been completed other than that grading necessary for a proportional adjustment to the cultivation area to comply with the setback requirements of this chapter. No additional grading or earth moving for the purpose of establishing or expanding any commercial cannabis cultivation site shall be permitted after May 10, 2016.
 - The setback for the cultivation area of an outdoor or mixed light commercial cannabis cultivation is at least 75 feet from any property line. The total canopy area must not exceed 22,000 square feet, and the parcel must be at least 1,000 feet from any parcel containing a "sensitive use" (as defined below), measured using the shortest distance between the property lines of the respective parcels. Access to the cultivation area must be controlled to reasonably prevent against access by trespassers.

- An indoor cultivation area must be in a lawful, permitted structure that is securely locked and enclosed by four walls and a roof, and which has window coverings or screens that reasonably prevent the marijuana plants from being viewed by members of the public present on public roads, public lands or public properties, and parcels containing a "sensitive use".
- An outdoor or mixed light cultivation area must be fully enclosed by a six-foot tall fence of a material and strength that reasonably prevents against access by trespassers and children. Access to the cultivation area shall be secured by a lock of reasonable strength to prevent against access by trespassers and children. The area should be reasonably screened from public view and from the view of parcels containing a "sensitive use".
- All outdoor lighting must be shielded to prevent light trespass into the night sky and glare onto adjoining properties, road rights-of-way, and easements.
- Any generator providing power to the cultivation area on a registered medical cannabis cultivation site must be: 1) housed in an insulated shed; set back a minimum of 75 feet from the property line; and in compliance with the county's noise ordinance.
- One recreational vehicle as defined in Section [17.06.1630](#) may be used as a temporary residence on the parcel to be registered as provided for in County Code Section [17.04.130](#) or Chapter 17.93. Registrants of parcels within one-quarter (1/4) mile of the perimeter of the Butte Fire Burn Area, as depicted on a map provided by the county may apply for a temporary use permit pursuant to county code Chapter [17.84](#) for use of a recreational vehicle as temporary housing for employees of a commercial cultivation site provided that the recreational vehicle is connected to all of the following: 1) an approved potable water source; 2) an approved septic system or public sewer connection; and 3) permitted power source.

([Ord. No. 3069](#), § 1, 05/10/2016)

Licensing Requirements:

For a complete list of licensing requirements review Section [17.95.165](#). A highlight of some of the licensing requirements include:

- All cultivation requires a permit and the application must have been registered by June 30, 2016, requiring specific information as set forth in Sec. 17.95.165(a)-(u).
- The permit is not transferrable and will not run with the land.
- Applicants seeking authorization to cultivate marijuana on parcels where active code enforcement violations of any provision of the Calaveras County Code exist must first correct code violations prior to receiving a county registration pursuant to [Chapter 17.95](#).
- The following additional requirements apply to the registration of sites for personal or caregiver cultivation of medical cannabis:
 - o All personal or caregiver medical cannabis cultivation sites shall submit a complete application for medical cannabis cultivation site registration pursuant to this chapter by June 30, 2016. Notwithstanding any other provision of this chapter, new personal use or caregiver cultivation sites may be established after this date; however, they must apply for registration with

the planning department within seventy-two (72) hours of commencing cultivation.

- The following additional requirements apply to the registration of sites of commercial cultivation of medical cannabis:
 - o All commercial medical cannabis cultivation site registrants must submit a complete application for medical cannabis cultivation site registration pursuant to [Chapter 17.95](#) by June 30, 2016. Commercial cannabis cultivators who fail to register prior to June 30, 2016 will be precluded from applying for a registration, permit, license or other form of approval authorizing commercial cultivation in Calaveras County prior to a period of one year from the effective date of a permanent ordinance regulating cannabis cultivation in the county or as may be otherwise provided in said permanent ordinance, whichever is longer.
 - o The registrant must provide a series of documents as set forth in Section [17.95.165\(N\)\(2\)\(a\)-\(k\)](#).
- All applicants for a commercial medical cannabis cultivation site must submit fingerprints and be subject to criminal background checks conducted by the Calaveras County Sheriff.
- All persons or entities who intend to cultivate medical marijuana but who did not register prior to June 30, 2016 must file with the planning department a notice of intent to cultivate medical cannabis. Such persons or entities shall be placed on a waiting list maintained by the planning department. No permit, license, or other authorization to cultivate medical cannabis shall be issued until completion of the period of time described in [17.95.165\(N\)\(1\)](#). The application must provide proof of required permits, certifications and coverage.
- The medical cannabis cultivation program fee is set as follows (Sec. [17.95.250](#)):
 - o \$100 for a personal cultivation site.
 - o \$200 for a primary caregiver cultivation site.
 - o \$500 for a commercial cannabis cultivation site.

([Ord. No. 3069](#), § 1, 05/10/2016)

- Administrative Penalties (Sec. [17.95.230](#).)
 - Any person who has been issued a notice of violation and fails to abate such violation within the timeframes specified in the notice, will be assessed an administrative fine of \$1,000 per day until abated.

([Ord. No. 3069](#), § 1, 05/10/2016)

- Distribution and Sale

Calaveras County allows Medical cannabis dispensary, subject to the following permit requirements.

Medical Cannabis Dispensary Licensing Requirements. (Secs. [17.91.040](#), [17.91.060](#).)

- An operator must obtain an administrative use permit must be obtained from Calaveras County planning department prior to initiating operations.
- The County may impose reasonable terms and conditions on the proposed operations, consistent with Health and Safety Code Section [11362.5](#) *et seq.* and with public health, safety, and welfare. Such terms and conditions may include, but not be limited to, requirements as to parking, adequate lighting, hours of operation, and adequate security.
- The administrative use permit will be valid for 1 year.
- An operator of a medical cannabis dispensary may re-apply for a permit for subsequent year(s).
- A background check will be required of the applicant.
- A medical cannabis dispensary is not and may not be approved as an accessory use to any other use permitted by this code.

(Ord. 2843 § 1, 2005; Ord. 2830 § 1(part), 2005)

Dispensary Location Restrictions (Sec. [17.91.060](#)):

- A medical marijuana dispensary must not be within 1,000 of feet of another medical cannabis dispensary;
- Not be within 1,000 of an elementary school, middle school, high school, public library, or public park; or
- Not within 1,000 feet of a youth-oriented establishment characterized by either or both of the following: (a) the establishment advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors; or (b) the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.
- The uses and zones set forth in this subsection shall be collectively known as "sensitive uses." The distance between a medical cannabis dispensary and a "sensitive use" will be measured in a straight line, without regard to the intervening structures or objects, from the closest property line of the parcel in which the medical cannabis dispensary is located to the boundary of the property on which the building or structure, or portion of the building or structure, in which the "sensitive use" occurs or is located.

(Ord. 2843 § 1, 2005; Ord. 2830 § 1(part), 2005).

Penalties (Sec. [17.91.080](#)):

Violations of the terms and conditions of the dispensary's permit, of this code, or of applicable local, state, and federal rules, regulations, and laws shall be unlawful, and shall also be grounds for revocation of the permit or for nonrenewal. The penalty for any violation of Chapter [17.91](#) will be a misdemeanor, punishable by a fine of \$500, 6 months imprisonment or both.

▪ **City Ordinances**

- Angels Camp (Ordinance 410)

Colusa County

- Cultivation

Cultivation Restrictions:

- All marijuana cultivation in Colusa County is prohibited and will be deemed a public nuisance. (Sections 11-5, 11-6.)

([Ord. No. 776](#), § 1 (Exh. A))

- Whenever the enforcing officer determines an unlawful cultivation of marijuana occurred, in violation of Chapter 11 a notice of abatement will issue to property owner and occupants of the premises where the violation is occurring. (Section 11-7.)
- In any action brought to enforce this Chapter 11, each person who violates this chapter will be liable to the county for all costs incurred by the county, including but not limited to administrative costs, enforcement costs, investigation costs, costs of abatement, costs to compel abatement, costs for appeal, and any collection costs. These costs will include reasonable attorneys' fees to the prevailing party in those actions or proceedings in which the county elects, at the initiation of the action or proceeding, to seek recovery of its attorneys' fees. (Section 11-11.)

([Ord. No. 776](#), § 1 (Exh. A))

- Distribution and Sales

Colusa County prohibits the operation of medical marijuana dispensaries in the County pursuant to Ordinance No. 731 and extended by Ordinance No. 732.

Contra Costa County

The Contra Costa County Board of Supervisors approved Urgency Interim Ordinance No. [2017-03](#), which extends Ordinance 2016-04 through January 30, 2018, as regards the prohibition of cultivation and distribution of marijuana in unincorporated areas of the county.

- Cultivation

Cultivation Restrictions:

- Cultivation of marijuana is prohibited in the unincorporated areas of Contra Costa County.
- Indoor personal cultivation for medical use permitted, subject to the requirements below
- All outdoor cultivation is prohibited as a nuisance.

([Ord. No. 2017-03](#), § IV(a), V(a); [Ord. No. 2016-04](#), § III(b))

Cultivation Requirements:

- Indoor cultivation permitted, subject to the following requirements:
 - o A maximum of 6 plant maximum may be cultivated indoors.
 - o The residence, and all lighting, plumbing, and electrical components used for cultivation, must comply with all applicable zoning, building, electrical, and plumbing codes and permitting requirements.
 - o All living marijuana plants, and all marijuana in excess of 28.5 grams produced by those plants, must be kept in a locked room and may not be visible from an adjacent property, right-of-way, street, sidewalk, or other place accessible to the public.
 - o The residence must be lawfully occupied by the person who cultivates the marijuana plants within the residence. If the residence is not owner-occupied, written permission from the owner of the residence must be obtained before marijuana plants may be cultivated.
- No outdoor cultivation is permitted.

([Ord. No. 2017-03](#), § V(a))

Licensing Requirements:

The County does not issue licenses for land-use entitlements or building permits for cultivation of marijuana, including personal, indoor grows.

- Manufacturing

The County prohibits the establishment of a business that manufactures or tests marijuana.

([Ord. No. 2017-03](#), § IV(c).)

- Distribution and Sales

Marijuana Dispensaries:

The County prohibits the delivery of marijuana and establishment of a business that sells, distributes, or dispenses marijuana. ([Ord. No. 2017-03](#), Sec. IV(b)-(c).) The County does not issue licenses for land-use entitlements or building permits for delivery of medical marijuana.

([Ord. No. 2016-04](#), § III(b))

"Medical marijuana dispensary" means any facility or location, stationary or mobile, where marijuana is made available, sold, transmitted, given, distributed to, or otherwise provided by or to a primary caregiver, qualified patient, or a person with an identification card, in accordance with Health and Safety Code Section [11362.5](#).

A medical marijuana dispensary excludes a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to [Chapter 8](#) of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 *et seq.*

(Ord. 2008-05 § 3).

▪ **City Ordinances**

- Martinez (Ordinance 1277)
- Richmond (Ordinance 31-10)

Banned: Antioch, Brentwood, Concord, Danville, El Cerrito, Hercules, Moraga, Orinda, Pinole, Pittsburg, Pleasant Hill, San Pablo, Walnut Creek

Del Norte County

Title 7, Chapter 60, [Section 130](#) of the Del North County Code allows personal medical use of marijuana, subject to the following requirements:

- A physician's recommendation will be valid for one year from the date of issuance and will not automatically renew.
- A primary caregiver must be a competent adult, over the age of 18, and designated in writing by a qualified or card-holding medical marijuana patient. The primary caregiver must also either meet the criteria set forth in Health and Safety Code Section [11362.7](#) (d) or register as a primary caregiver with the County Health Department.
- Valid identification cards issued by one of the other 57 counties in the State of California will be recognized provided that upon card holder becoming a resident of Del Norte County, the card will only be valid for 30 days thereafter.

(Ord. 2008-09 § 2008.) Ord. 2004-09 § 1 (part), 2004.)

The Del Norte Code remains silent regarding cultivation, manufacture and distribution and sale beyond the rights and restrictions provided under California laws and regulations.

El Dorado County

The summary below highlights regulations set forth in Article 9, of Title 130, Chapter 130 of the El Dorado County Code of Ordinances that regulates medical and commercial marijuana activity in the unincorporated areas of El Dorado County.

- Cultivation

- Outdoor cultivation of marijuana plants is prohibited as a public nuisance in all zone districts. (Sec. [130.14.260\(2\)C](#).)
- Outdoor cultivation of marijuana plants for medical purposes is permitted, subject to the restrictions and requirements provided below.

Cultivation Restrictions (Sec. [130.14.260\(2\)\(D-E\)](#)):

- The outdoor cultivation area is limited to 200 square feet of medical marijuana. The maximum area that may be used for outdoor cultivation of medical marijuana shall be as follows:
 - o Lots zoned R1, R20,000, R1A, R2A and R3A: 200 square feet;
 - o Lots zoned RE-5, RE-10, A and SA10: 400 square feet;
 - o Lots zoned RA-20, RA-40, RA-80, RA-160, PA, AP and AE: 600 square feet.

The cultivation of more than 200 square feet will only be allowed as collective cultivation as provided in Subsection 2.E of this section. The area of cultivation is measured from the outside edge of the stems of the plants on the perimeter of the cultivation area and shall include the space between the plants. The minimum width of the cultivation areas will be 5 feet.

- Cultivation activity must be screened from public view adjacent to the premises by fencing, structures or vegetation. The cultivation area must be secured by a 6-foot high solid wood or chain link fence with locked gates built in compliance with building and zoning codes.
- The cultivation area must be set back from all property lines no less than the following:
 - o Lots zoned R1, R20,000, R1A, R2A and R3A: 50 feet;
 - o Lots zoned RE-5, RE-10, A, SA10, RA-20, RA-40, RA-80, RA-160, PA, AP and AE: 100 feet.
- The primary residence of persons engaged in the outdoor cultivation of medical marijuana must be on the premises on which the medical marijuana is cultivated. For collective cultivation, the premises on which the medical marijuana is cultivated must be the principal primary residence of at least one of the persons for whom the medical marijuana is being cultivated.
- If the cultivator is not the legal owner of the property, the cultivator must obtain notarized, written permission from the owner consenting to the cultivation and/or harvesting of medical marijuana on the parcel.
- Persons engaging in cultivation must have a legal water source; take measure to prevent illicit discharges of irrigation or stormwater from the premises, off-site drift or discharge of chemicals, and the discharge of sediment from the site or the degradation of water quality of any water body; be connected to a public sewer system or have a County inspected and approved sewage disposal system; and must

- use, dispose and store chemicals used in such cultivation pursuant to applicable laws and labeling requirements.
- Collective cultivation is limited to 3 persons and must comply with the following additional requirements: 1) the cultivate area must not exceed 200 square feet per person and each person's plants or area of planting must be clearly marked to identify the individual who is responsible for those plants; 2) each person in the collective must be a resident of the County.
 - The provisions in Section [130.14.260](#) supersede the "right to farm" provision in Chapter 130.13 and other agricultural farming provisions of the code.

Location Restrictions:

- The location of any outdoor cultivation of medical marijuana must be at least 1,000 feet from any school, school bus stop, church, park, child care center, or youth-oriented facility.
 - o If the premises is in zones R1, R20,000, R1A, R2A, R3A, RE-5, RE-10, A or SA10 the distance will be measured in a straight line from the boundary of the premises on which the medical marijuana is cultivated to the boundary of the premises on which the school, school bus stop, church, park or youth oriented facility is located.
 - o If the premises is in zones RA-20, RA-40, RA-80, RA-160, PA, AP and AE, the distance will be measured in a straight line from the fence enclosing the cultivation area to the boundary of the premises on which the school, school bus stop, church, park or youth oriented facility is located.

(Ord. No. 5000, §§ 1, 2 (17.14.260), 9/24/2013)

- Distribution and Sale

Unless otherwise exempted, El Dorado County prohibits all medical marijuana distribution facilities at any location in any zone district in the unincorporated areas of the County and will not issue a business license for the establishment or operation of such facility. (Sec. [130.14.250](#)(2)(B, D))

The County, however, will not enforce the provisions of this section with respect to medical marijuana distribution facilities existing as of the effective date of the ordinance from which this section is derived and, within 60 days of the effective date of the ordinance from which this section is derived, submitting documentation to the County Planning Division demonstrating all of the following: 1) the facility is located within a commercial zone district; 2) continuous operation for a period of at least 6 months prior to October 30, 2011; and 3) Compliance with State law, including, but not limited to, the Medical Marijuana Program Act. (Sec. [130.14.250](#)(2)(B))

A "medical marijuana distribution facility" means any medical marijuana dispensary, collective, or cooperative, in any facility or location, whether fixed or mobile, and whether or not the facility is operated for profit, where medical marijuana, in any form, is made available, sold, transferred, given, or otherwise provided to three or more qualified patients, primary caregivers,

or patients with an identification card, as defined in California Health and Safety Code § [11362.5](#) *et seq.*

A medical marijuana distribution facility excludes a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to [Chapter 8](#) of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 *et seq.* (Sec. [130.14.250](#)(2)(C))

Criminal and Administrative Penalties (Sec. [130.14.250](#)(2)(F))

- Any violation of any provision of Section [130.14.250](#) will be deemed a misdemeanor or infraction at the discretion of the district attorney.
- If charged as a misdemeanor, the violation is punishable by a fine up to \$1,000, or by imprisonment in the County jail for a term up to 6 months, or by both.
- If charged as an infraction, the violation is subject to an administrative fine of up to \$100 for the first violation, up to \$200 for the second violation within one year, and \$500 for every additional violation within one year. The violator may be charged with a separate offense for each and every day, or portion of a day, that a violation exists.
- In addition to the above, enforcement of this section shall be subject to the provisions of Chapters [130.12](#) and [9.02](#).

(Ord. No. 4999, §§ 1, 2 ([17.14.250](#)), 9/24/2013)

Fresno County

The summary below highlights regulations set forth in Title 10, Chapters [10.60](#), [10.62](#) and [10.64](#) of the Fresno County Code of Ordinances that regulates medical and commercial marijuana activity in the unincorporated areas of Fresno County.

- Cultivation

Cultivation Restrictions

- Medical marijuana cultivation is prohibited in all zone districts in the County and will constitute a public nuisance. (Secs. [10.60.060](#), [10.60.70](#).)

(Ord. No. 15-003, § 2, 2/24/2015)

Administrative Penalties (Secs. [10.60.080](#), [10.64.040](#))

- Any person violating any of the provisions of Chapter [10.60](#) will be subject to the abatement provisions and penalties as set forth in chapter [10.62](#) as well as the administrative penalties as set forth in Chapter [10.64](#).

- Each day a violation continues and every violation will constitute a separate violation and will be subject to all remedies.
- The administrative penalty will be: (1) \$1,000 per plant; plus (2) \$100 per plant per day the plant remains unabated past the abatement deadline set forth in the notice of abatement order.

(Ord. No. 16-001, § 1, 4/5/2016; Ord. No. 15-003, §§ 2, 4, 2/24/2015)

- Distribution and Sales

Fresno County prohibits dispensaries in all zone districts in the county. (Sec. [10.60.050](#).)

(Ord. No. 15-003, § 2, 2/24/2015)

- **City Ordinances**

- Fresno (2012 Planning Commission Report)

Banned: Clovis, Coalinga, Fowler, Kerman, Kingsburg, Mendota, Reedley, Selma

Glenn County

The summary below highlights regulations set forth in Title 15, Chapter 15.797 and Title 10, Chapter 10.460 of the Glenn County Unified Development Code that regulates medical and commercial marijuana activity in the unincorporated areas of Glenn County.

- Cultivation

Cultivation Restrictions:

- Cultivation of marijuana only permitted for personal medical use of a qualified patient or primary caregiver is exempted. [15.797.030](#)
- All other cultivation, or any violation of Chapter 15.797, constitutes a public nuisance and may be abated. (Sec. [15.797.040](#).)

(Ord. 1233 § 2, 2012)

Cultivation Requirements (Sec. [15.797.020](#), [15.797.030](#)):

- If not the legal owner(s) of the parcel, the person cultivating marijuana must obtain a notarized letter from the legal owner(s) consenting to cultivation on the parcel.
- All outdoor grows must be fully enclosed by a solid, opaque fence that is 6 feet high, and secured to prevent unauthorized access. Bushes and hedgerow do not constitute an adequate fence. The marijuana plants must be maintained at a height not to extend beyond the fence.

- A copy of the authorizing physician's recommendation and a valid identification card must be prominently displayed in the cultivation area.
- No outside lease, occupation or use of the outdoor or indoor cultivation area by any third party.
- Marijuana may be cultivated outdoors on private property by a qualified patient or primary caregiver subject to the following conditions:
 - o The location of the plants outdoors must be least 20 feet from the property line and takes place within an enclosed side or back yard;
 - o A maximum 100 square foot area allowed for cultivation, regardless of the number of how many qualified patients are living on the property;
 - o Plants are located and screened so that they are not visible from off the premises; and
 - o No lighting permitted to assist in outdoor cultivation, with the exception of security lighting. If security lighting is used, no unobstructed beam of light will be directed over onto adjacent parcels and the security lighting will not exceed 10 feet in height.
- All marijuana cultivated for medical purposes must only be for the personal use of a qualified patient residing on the property, and may not be distributed to any other person, collective, or cooperative.
- Cultivation prohibited if the activity adversely affects the health or safety of the nearby properties or residents through the creation of mold, mildew, dust, glare, heat, noise, odor, or other impacts.

(Ord. 1233 § 2, 2012)

Location Restrictions (Sec. [15.797.020](#)):

- No cultivation permitted within 1,000 feet of a youth-oriented facility, a school, a park, or any church or residential treatment facility; however, cultivation of marijuana on premises of 1 acre in size or less, whether grown collectively or individually, in any amount or quantity, will not be allowed within 300 feet of a youth-oriented facility, a school, a park, or any church or residential treatment facility.
- No outdoor cultivation within twenty 20 feet of any residence located on a separate legal parcel.
- No cultivation in any location where the marijuana plants are visible from off the premises.

Violation of any provision of Sections 15.797.020 and/or 15.797.030 is a misdemeanor offense. (Sec. [15.797.060](#).)

(Ord. 1233 § 2, 2012)

- Distribution and Sales

The delivery of marijuana, including for medical purposes, by any possible means of transportation, including, but not limited to, cars, trucks, buses, airplanes, skateboards, via pedestrian means, etc. is prohibited in the

unincorporated area of Glenn County. This prohibition excludes a primary caregiver who provides marijuana for medical purposes cultivated in conformity with Chapter 15.797 of the Glenn County Code to one or more of their authorized patients at the location where the subject marijuana for medical purposes is grown by the primary caregiver. (Sec. [10.460.020](#).)

(Ord. No. 1257 § 2, 2016)

Violation of Section 10.460.020 constitutes a misdemeanor offense. (Sec. [10.460.030](#).)

(Ord. 1233 § 2, 2012)

The establishment or operation of a marijuana dispensary for medical purposes or collective and/or cooperative is prohibited within the unincorporated areas of the County of Glenn. (Sec. [15.797.020](#))

(Ord. 1233 § 2, 2012)

▪ **City Ordinances**

Banned: Orland

Humboldt County

The summary below highlights regulations set forth Ordinance Nos. [2559](#), [2554](#), and [2523](#), as codified in the Humboldt County Code regulating medical and commercial marijuana activity in the unincorporated areas of Humboldt County.

Humboldt County enacted Ordinance No. [2559](#) in September 13, 2016 to permit commercial cannabis activity, as provided in detail in Sections 44.4.8.2 through 55.4.8.7 of Ordinance No. 2559. Ordinance No. 2559 provides a comprehensive regulatory system regarding commercial cultivation of medical marijuana.

Note that no more than four commercial cannabis activity permits of any type enumerated in these sections may be issued to a single person who owns or controls any interest, directly or indirectly, in a firm, partnership, joint venture, association, cooperative, collective, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, shall be collectively considered a single person with those entities. (Sec. 313-55.4.8.10.) Below is a limited overview of the regulations.

• **Cultivation**

Cultivation Restrictions:

- Indoor cultivation permitted for personal medical use. (Sec. 313-55.1, 314-55.1.1)

- Outdoor cultivation permitted for personal medical use on parcels between 1 and 5 acres. (Secs. 313-55.2, 314-55.2)
- Commercial cultivation permitted for medical purposes as specified in Ordinance No. [2559](#). All other commercial cultivation is prohibited. (Sec. 313-55.4.8.1)

([Ord. No. 2559](#), § 1, adopted 9/13/2016; [Ord. No. 2523](#), §§ 1-4, adopted 10/28/2014)

Cultivation Requirements for Personal Medical Use (Secs. 313-55.1.8, Sec. 313-55.2, 314-55.1.8, Sec. 314-55.2))

- No indoor and outdoor cultivation on the same parcel.
- Cultivation by qualified patient for personal use is limited to one residence or detached accessory building within the Humboldt County.
- No discharge of waste products, chemical fertilizers or pesticides permitted into drains, septic systems, community sewer systems, water systems or other drainage systems including those that lead to rivers, streams and bays.
- The cultivation must not adversely affect the health or safety of residents, neighbors, or nearby businesses by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes associated with the cultivation of medical marijuana.
- Indoor cultivation includes the following additional restrictions and requirements:
 - o The cultivation area whether within a residence or detached accessory building on the parcel, will not exceed 50 square feet or exceed 10 feet in height per residence on a parcel, per qualified patient or primary caregivers residing at the residence or participating directly or indirectly in the cultivation.
 - o Residence or detached accessory building must be secure from unauthorized access and the doctor recommendation posted onsite.
 - o Grow lights for medical marijuana cultivation for personal use in a residence or a detached accessory building shall not exceed 1200 watts total.
 - o All electrical equipment used in the indoor cultivation of medical marijuana in a residence or a detached accessory building must be plugged directly into a wall outlet or otherwise hardwired. No use of extension cords to supply power to electrical equipment is permitted.
 - o No gas products (CO₂, butane, etc.) or toxic or flammable fumigant permitted.
 - o The residence or accessory building must contain odor filtration and ventilation system(s).
 - o There must be no visible or auditory evidence of marijuana cultivation from a public right of way, neighboring properties, or neighboring housing units.
 - o Medical marijuana cultivation, processing, or transfers in a residence or detached accessory building are prohibited as a Cottage Industry or a Home Occupation, and are not eligible for an address of convenience.
 - o No sale, trading, or dispensing of medical marijuana is allowed on a parcel where residential cultivation of medical marijuana occurs.

- The residence where medical marijuana is grown indoors for personal use must maintain a kitchen and bathroom(s) for their intended use, and the kitchen, bathroom(s), and bedroom(s) must not be used primarily for medical marijuana cultivation.
 - Cultivation must comply with all applicable state and county laws, including fire and building codes.
 - A waterproof membrane must be installed under plants to prevent floor damage.
- Outdoor cultivation for personal use in the coastal zone on small parcels is subject to the following additional restrictions:
- Parcels of 1 acre or smaller in size are limited to a total plant canopy of 100 square feet cultivation area, with a setback of 20 feet from the property boundary line.
 - Parcels greater than 1 acre and up to 5 acres in size may not exceed a 200 square feet cultivation area, with a setback of 40 feet from the property boundary line, where the neighboring parcel is less than 5 acres in size, or 20 feet from the property , where the neighboring parcel is 5 acres or larger in size.
 - Cultivation in a greenhouse or “hoophouse” is subject to outdoor cultivation restrictions and setback requirements.
 - Cultivation must comply with the Humboldt Code and relevant State law, including, without limitation, Section 1602 of the Fish and Game Code. This includes notification of the California.
 - If the qualified patient is not the owner of the property, he or she must be the legal tenant of the property have the notarized consent of the property owner to cultivate medical marijuana on the property.

([Ord. No. 2523](#), §§ 1-4, adopted 10/28/2014) See also the [Phase II Outdoor Cultivation Chart Summary](#) provided by Humboldt County

Location Restrictions for Personal Medical Use (Secs. 313-55.2):

- Outdoor cultivation prohibited within 600 feet of any School, School Bus Stop, Public Park, Place of Religious Worship, or Traditional Native American Cultural Site.

([Ord. No. 2523](#), §§ 2, 4, adopted 10/28/2014)

Cultivation Restrictions for Commercial Medical Use (Sec. 313-55.4.8.):

- Outdoor and Mixed Light commercial cultivation of cannabis for medical use must comply with zoning requirements (based on parcel sizer), subject to obtaining a Zoning Clearance Certificate, Special Permit, or Use Permit issued pursuant to Sections 312-2.1 or 312-3.1 of the Humboldt County Code, as set forth in Sections 55.4.8.1 through 55.4.8.2.2.1, including requirements for new outdoor and mixed-light cultivation and existing outdoor and mixed-light cultivation on parcels ranging from 5 acres to 320 acres or larger.

- The area of cannabis cultivation and on-site processing must be set back at least 30 feet from any property line. The minimum setback required from property lines or adjacent uses may be waived or reduced with the express consent of the adjacent property owner and occupant.

([Ord. No. 2559](#), § 1, adopted 9/13/2016)

Location Restriction for Commercial Medical Cultivation:

- Outdoor commercial cultivation for medical use prohibited within 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, Public Park, or Tribal Cultural Resource (as these terms are defined in sections 55.2.6 and 55.4.7).

([Ord. No. 2559](#), § 2, adopted 9/13/2016)

Licensing Requirements for Commercial Medical Marijuana Cultivation:

- All operators of existing cultivation sites seeking recognition of cultivation activities that occurred on or before January 1, 2016, for purposes of obtaining a Zoning Clearance Certificate or discretionary permit for ongoing commercial cannabis cultivation for medical use pursuant to the CMMLUO must register with the County of Humboldt Department of Planning & Building within 180 days of the effective date of this ordinance.
- Information regarding application requirements for all CMMLUO clearance or permits may be obtained in Section 313-55.4.10, including, without limitation, contact information; site plan; a cultivation and operation plan; copies of applicable permits; copy of the Notice of Intent and Monitoring Self-Certification; a description of water source; storage and irrigation plan; consent for onsite inspection; and identification of electrical power sources and plan to comply with building codes (for indoor cultivation).
- Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws, except if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, compliance with a written approved compliance agreement signed by the applicant and the relevant enforcement agency or agencies, to abate or cure violations at the earliest feasible date, but in no event no more than two (2) years of date of issuance of a provisional clearance or permit. Applicants shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. Once the violations are cured, the permit will no longer be provisional.
- Compliance required with all statutes, regulations and requirements of State law, and possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MMRSA, and regulations promulgated thereunder, as soon as such licenses become available.
- Consent is required for an annual on-site compliance inspection, with at least 24-hours prior notice.

- All applicable fees to be paid, including annual inspection fee.
- Compliance with any special conditions applicable to the specific permit or parcel which may be imposed as a condition of any Special Permit or Use Permit.
- The commercial cannabis cultivation zoning clearance certificate will be valid for one year from the date of issuance.
-

([Ord. No. 2559](#), § 2, adopted 9/13/2016)

- Manufacture

Commercial manufacture and processing of cannabis for medical purposes permitted in the Coastal Zone in zoning districts CG, MB, ML, and MG, subject to a Special Permit and the conditions and limitations set forth in Sections 313-55.4.8.5, 55.4.8.)

([Ord. No. 2559](#), § 1, adopted 9/13/2016)

- Distribution and Sales

Wholesale Distribution Facilities for commercial cannabis for medical use will be a permitted use inside the Coastal Zone in zoning districts CG, MB, ML, and MG, subject to a Special Permit. (Secs. 313-55.4.8, 55.4.8.6.)

Nurseries producing commercial cannabis nursery products for retail sale will be a permitted use inside the Coastal Zone in zoning districts CG, ML, MG, and MB, subject to a Use Permit and the conditions and limitations set forth in this Section. Nurseries producing commercial cannabis nursery products for bulk wholesale sale or to supply retail nursery outlets will be a permitted use in the AE zoning district, or RA zoning district on parcels of 5 acres or more, subject to a Special Permit and the conditions and limitations set forth in Section 313-55.4.8.7.

([Ord. No. 2559](#), § 1, adopted 9/13/2016)

Medical Cannabis Dispensaries Permitted (Sections 313-55.3, 314-55.3)

Medical cannabis dispensaries will only be allowed in specifically enumerated zones with a valid business license, and a conditional use permit and coastal development permit, issued pursuant to Section 312-3.1 of the code. Zoning districts where a Dispensary may be located are CN, CG, MB, ML, and MG. (Sec. 313-55.3.8.2)

([Ord. No. 2554](#), § 3, adopted 7/19/2016)

Medical cannabis dispensaries under Section 4, shall only be allowed in specifically enumerated zones with a valid business license, and a conditional use permit issued pursuant to Section 312-3.1 of the code. Zoning districts where a Dispensary may be located are C- 1, C-2, C-3, MB, ML, MH. (Sec. 314-55.3.8.2)

([Ord. No. 2554](#), § 4, adopted 7/19/2016)

Medical Cannabis Dispensary Requirements (Secs. 313-55.3.9, 314-55.3.9.):

- An operator of a medical cannabis dispensary must prepare hazardous materials storage, handling, and disposal plan approved by the Division of Environmental Health, where applicable.
- An operator of a medical cannabis dispensary must provide an operation manual with requirements as set forth in Sections 313-55.3.10.1-313-55.3.10.14 and 314-55.3.10.1- 314-55.3.10.14.
- Medical cannabis Dispensaries shall submit a “Performance Review Report” on an annual basis from their initial date of operation for review and approval by the Planning Commission. (Secs. 313-55.3.12.1, 314-55.3.9.2.)
- Conditional use permits and coastal development permits to operate a medical cannabis Dispensary may be transferred upon approval by the Planning Commission after a noticed public hearing. (Secs. 313-55.3.14.1, 314-55.3.9.2.)

([Ord. No. 2554](#), § 3, 4, adopted 7/19/2016)

Location Restrictions (Secs. 313-55.3.9.2, 314-55.3.9.2):

No medical cannabis dispensaries may be located within a 600-foot radius of a school. The distance will be measured in a straight line from the property line of the school to the property line of the medical cannabis dispensing facility.

([Ord. No. 2554](#), § 3, 4, adopted 7/19/2016)

Medical Cannabis Dispensary Operating Restrictions (Secs. 313-55.3.11, 314-55.3.11.)

Sections 313-55.3.11.1 - 313-55.3.11.16 and Sections 314-55.3.11.1 – 314-55.3.11.16, respectively, set forth all operating requirements and restrictions, including, but not limited to:

- Medical cannabis delivery services shall only operate from a “store-front” Dispensary in a commercial or industrial zone with an approved conditional use permit and coastal development permit
- Medical cannabis Dispensaries may not be operated by any persons who have been convicted of a felony in the last 5 years.
- No dispensing of medical cannabis to an individual qualified patient shall be permitted more than twice a day.
- The operational hours of a medical cannabis dispensaries will be no earlier than 10 a.m. and no later than 7 p.m.
- Medical cannabis dispensaries will only provide medical cannabis to an individual qualified patient who has a valid, verified physician’s recommendation issued in the State of California.
- Dispensaries shall display their client rules and/or regulations in a conspicuous place that is readily seen by all persons entering the Dispensary.
- Smoking, ingesting or otherwise consuming medical cannabis products on the premises of a medical cannabis dispensary is prohibited. Signs will be clearly posted providing notice of such prohibition.

- Clear, visible notice that no one under the age of 18 is permitted without a parent or guardian and No medical cannabis Dispensary or delivery service shall provide medical cannabis to any qualified patient or holder of a medical cannabis recommendation who is under 18 unless their parent or guardian has previously given written permission that is on file with the delivery service and that same parent or guardian is present to accept the delivery of medical cannabis.

([Ord. No. 2554](#), § 3, 4, adopted 7/19/2016)

- **City Ordinances**

- Arcata (Ordinance Nos. [1468](#), [1472](#), [Resolution 156-40](#))
- Eureka (Bill 835)

Banned: Fortuna

Imperial County

- Cultivation

Imperial County currently has no ordinance regulating commercial medical marijuana dispensary operation or cultivation in the unincorporated areas of the County. California State law applies, which includes, but is not limited to, the following provisions:

- 6 mature or 12 immature marijuana plant limit, and 8 ounces of dried marijuana or as otherwise required to meet the qualified patient's needs, pursuant to Health and Safety Code [Section 11362.77\(a\) and \(b\)](#). Each qualified patient may also possess up to 8 ounces of dried marijuana.
- Cultivation site must not be located within a 600-foot radius of a school, pursuant to Health and Safety Code Section [11362.768\(b\)](#).
- The cultivation must comply with local laws regarding zoning, building, grading, and water requirements, pursuant to Health and Safety Code Sections [11362.769](#) and [11362.777\(b\)\(3\)](#); and Business and Professions Code [Section 19322\(a\)\(2\)](#).

- Distribution and Sale

The sale of marijuana is prohibited in Imperial County. The unauthorized sale of marijuana is a felony that, if convicted, may result in a 2- to 4-year prison sentence, or a 3- to 5-year prison sentence if the marijuana is sold to a minor.

- **City Ordinances**

Banned: Brawley, Calexico, Holtville

Inyo County

Inyo County does not have an ordinance regulating commercial medical marijuana cultivation or dispensary operation in the unincorporated areas of Inyo County. The County prohibits commercial marijuana activity, including cultivation and the operation of dispensaries through zoning regulation, pursuant to Inyo County Code Section 18.78.020.

- Cultivation

- Cultivation is permitted for personal medical use pursuant to Health and Safety Code [Section 11362.77\(a\) and \(b\)](#). Each qualified patient or primary giver of said patients may possess up to 6 mature plants or 12 immature marijuana plants and possess up to 8 ounces of dried marijuana.
- Inyo County does not have an ordinance regulating commercial medical marijuana cultivation, however it is generally prohibited through zoning regulations, pursuant to Inyo County Code Section 18.78.020.

Criminal Penalty

Unauthorized to process or cultivation of marijuana is a felony offense, punishable by up to 16 months in prison.

- Distribution and Sales

Inyo County does not have an ordinance regulating commercial sale of marijuana and defaults to regulations as the sale of marijuana is strictly prohibited under California law, and this applies to Inyo County as well. Any individuals found guilty of selling marijuana in any amount will be charged with a felony meriting a two- to four-year prison term. The penalty is even harsher for selling marijuana to a minor, in which case the offender may be sentenced to three to five years in prison. Offenders under the age of 21 will also have their driver's license suspended for a year.

Kern County

The summary below highlights regulations set forth in Title 5, [Chapters 5.85](#) and [5.86](#) and Title 19, Chapter [19.120](#) of the Kern County Code of Ordinances regulating medical personal and commercial marijuana activity in the unincorporated areas of Kern County.

- Cultivation

Cultivation Restrictions:

- Indoor and outdoor cultivation of medical marijuana prohibited in all areas of the county, constituting a nuisance. (Secs. [5.85.050](#), [5.85.060](#)).
- Personal cultivation for medical use of up to 12 plants on any legal parcel is exempted from this prohibition.

(Ord. No. G-8556, § 2, 05/19/2015)

Administrative Penalties:

- Each day more than 12 medical marijuana plants are being cultivated on any legal parcel of record shall constitute a separate and distinct violation and shall be subject to all remedies provided in Section [5.85.075](#) as follows.
 - o Up to a \$1,000 penalty will be charged at the time the violation is served on the responsible party or parties and either: 1) a penalty up to \$1,000 per day for each day a violation remains unabated past the deadline set forth in the notice of violation; or 2) a fine for every plant being cultivated over the twelve-plant limit, a per plant penalty to be administered according to the following schedule for each day a violation remains unabated past the deadline set forth in the notice of violation:
 - Up to \$25 per plant for 1 to 10 plants in excess of the 12-plant limit.
 - Up to \$50 per plant for 11 to 20 plants in excess of the 12-plant limit.
 - Up to \$75 per plant for 21 to 30 plants in excess of the 12-plant limit.
 - Up to \$100 per plant for 31 to 40 plants in excess of the 12-plant limit.
 - Up to \$150 per plant for 41 to 50 plants in excess of the 12-plant limit.
 - Up to \$300 per plant for 51 or more plants in excess of the 12-plant limit.
- If the violation does not constitute an immediate threat, the violator will have a reasonable period, up to 5 days from the date the notice is issued to remedy the violation.

(Ord. No. G-8556, § 2, 5/19/2015)

- Distribution and Sale

Effective May 10, 2016, Kern County enacted a moratorium on the establishment of new medical dispensaries in the unincorporated areas of Kern County. (Sec. [5.86.010](#).) The moratorium will remain in effect until March 31, 2017, pursuant to Government Code Section 65858(a). (Sec. [5.86.030](#).)

(Ord. No. G-8630, § 3, 5/10/2016; Ord. No. G-8646, § 3, 6/21/2016)

Medical marijuana dispensaries are only permitted in M-2 PD (Medium Industrial - Precise Development Combining District) and M-3 PD (Heavy Industrial - Precise Development Combining District) zone districts. Medical marijuana dispensaries must be fully compliant with all requirements of Chapter 19.80 (Special Development Standards). The establishment of a medical marijuana dispensary in the county that is not in full compliance with the provisions of Title 19 is prohibited and constitutes a public nuisance, and is subject to abatement under Chapter [8.44](#) and administrative penalties under Chapter [8.45](#). No permit or any other applicable license or entitlement for use will be approved or issued by any county personnel endorsing the establishment of a medical marijuana dispensary within the county. (Sec. [19.120.010](#).)

(Ord. No. G-8299, § 2, election date 6-5-12)

A site development plan must be approved before a medical marijuana dispensary can be established and commence operation. Section [19.120.060](#) sets forth the requirements for the application. The planning director will inform the applicant either verbally or in writing within 7 calendar days of receipt that the application is complete or that additional information is needed to complete the application. (Sec. [19.120.070](#).)

(Ord. No. G-8299, § 2, election date 6-5-12)

Location Restrictions (Sec. [19.120.030](#)):

In addition to the zoning requirements above, medical marijuana dispensaries must adhere to the following restrictions:

- No dispensary may be located within 1 mile of any public or private school; publicly or privately operated daycare center; park owned or maintained by a public entity; and church, chapel, or other recognized place of worship.
- No dispensary may be located within 1 mile of any other medical marijuana dispensary. In the event two dispensaries are located within 1 mile of each other, the first in time (first to submit a complaint, complete the site development plan and obtain approval in writing) will have priority.
- The distances above will be measured in a straight line, without regard to intervening structures, from the nearest point of the building in which the proposed or existing medical marijuana dispensary is established to the nearest property line of a use or zoning district listed above.

(Ord. No. G-8299, § 2, election date 6-5-12)

A full list of the conditions and restrictions that medical marijuana dispensaries must comply with is set forth in Section [19.120.040](#). Such requirements include, without limitation:

- No marijuana will be smoked, ingested or otherwise consumed on the premises of the dispensary.
- No edible products containing marijuana will be distributed or sold on the premises of the dispensary.
- The dispensary may not conduct or engage in the sale of any product, good or service other than the sale of medical marijuana.
- No persons under the age of 18 permitted on the premises unless he or she is a qualified patient or primary caregiver and accompanied by a parent or legal guardian, and a notice must be prominently displayed.
- The dispensary may only operate between the hours of 10:00 a.m. and 8:00 p.m.
- No alcohol is permitted on the premises.
- A dispensary may not be in a temporary or portable structure, and may not include a private patio or café seating area on the premises.

(Ord. No. G-8299, § 2, election date 6-5-12)

Penalties for Violation (Sec. [19.120.110](#)):

- Any violation of Chapter [19.120](#) constitutes a misdemeanor offense, with a maximum penalty of up to 6 months in county jail or a fine of \$1,000.
- Each day a violation continues and every violation will constitute a separate violation, subject to all remedies.
- In addition to other remedies, violators will also be subject to any other enforcement remedies, including but not limited to administrative penalties under Chapter [19.144](#).

(Ord. No. G-8299, § 2, election date 6-5-12)

▪ City Ordinances

Banned: Ridgecrest

Kings County

The summary below highlights regulations set forth in [Article V](#), Div. 1 and [Article XI](#) of the Kings County Code of Ordinances regulating medical personal and commercial marijuana activity in the unincorporated areas of Kings County.

• Cultivation

- All commercial cultivation is prohibited and constitutes a public nuisance, including medical marijuana cooperatives, collectives, and any other form of medical marijuana distribution or commercial cannabis activity in all zones in the county. (Sec. [14-50\(a\)](#).)
- Personal medical use is permitted. The ban excludes cultivation of marijuana for personal medicinal use by a qualified patient or his or her primary caregiver as allowed by and consistent with California Health and Safety Code Section [11362.5 et seq.](#) Notwithstanding the provisions of California Health and Safety Code Section [11362.777\(g\)](#). (Sec. [14-50\(b\)](#).)

• Manufacture

All manufacturing is prohibited and constitutes a public nuisance. (Sec. [14-50\(a\)](#).)

(Ord. No. 656, § 1, 11/08/2011; Ord. No. 656.1, § 3, 2/02/2016)

• Distribution and Sale

All commercial marijuana activity, including distribution, dispensing, delivery (including mobile delivery), testing, and donation, and transportation of marijuana to a destination within the unincorporated area of the county is prohibited and constitutes a public nuisance. (Sec. [14-50\(a\)](#).)

(Ord. No. 656, § 1, 11/08/2011; Ord. No. 656.1, § 3, 2/02/2016)

The establishment or operation of a medical marijuana dispensaries is prohibited within the unincorporated areas of the County of Kings, and development application will be accepted, filed, processed, issued or approved for a medical marijuana dispensary during the term of the moratorium ordinance. This interim ordinance does not limit the right to possess or use marijuana for medicinal purposes as authorized by the laws of the State of California as set forth in the Health and Safety Code. (Sec. [15-233.](#))

(Ord. No. 654.1, § 3, 9/13/2011)

- Administrative Penalties (Sec. [14-54.](#))

Administrative penalties apply for all cannabis related activity that violates Article V, including, without limitation, cultivation, manufacture, testing, nursery, distribution and establishment and operation of a medical marijuana dispensary.

- Each and every violation of [Article V](#) will constitute a separate violation and will be subject to all remedies and enforcement measures enumerated in this article, in the Kings County Code of Ordinances and in state law. Each and every day that a violation of this article continues to exist shall constitute a separate and distinct violation subject to all available remedies and enforcement.
- As a nuisance per se, any violation of [Article V](#) will be subject to injunctive relief, revocation of the registration of occupancy for the location, disgorgement and payment to the county of any and all monies unlawfully obtained, cost of abatement, costs of investigation, attorney fees and any other relief or remedy available at law or equity.
- Each and every is subject to an administrative fine of up to \$100 for the first violation, \$200 for the second violation within 1 year, and \$500 for every additional violation within one year.

(Ord. No. 656, § 1, 11/08/2011; Ord. No. 656.1, § 3, 2/02/2016)

Lake County

The summary below highlights regulations set forth in Chapter 21 of [Article 72](#) of the Lake County Code (Measure M), prepared July 1, 2014, regulating medical personal and commercial marijuana activity in the unincorporated areas of Lake County.

- Cultivation

Cultivation Restrictions:

- Commercial cultivation on vacant properties is prohibited.
- Cultivation for personal medical use, including by collectives, permitted, subject to the restrictions and conditions set forth below.

([Ord. No. 2997](#), § 1, eff. 01/16.2014)

Cultivation Requirements (Secs. [72.5](#), [72.6](#)):

- If the premises is rented or leased, written approval must be obtained from the property owner(s), containing the property owner(s) notarized signature that authorizes the tenant or lessee to cultivate medical marijuana at the site. A copy of the written approval must be maintained by the tenant or lessee and made available for review by enforcement officials upon request. Written approvals must be renewed annually. This applies to indoor and outdoor cultivation, by individuals and collectives.
- Permitted residence required. The qualifying patient or primary caregiver engaged in the cultivation must reside at the site.
- Indoor cultivation is subject to the following standards and requirements:
 - o Medical Marijuana cultivation must not exceed 100 square feet.
 - o Lighting must not exceed 1,200 watts, and conform to all applicable electrical codes.
 - o Cultivation must occur only within a legal structure that meets the definition of Indoor and complies with all applicable provisions of the County's Land Use and Development Code (shed, barn, garage or inside residence). Structure must be ventilated with odor control filters, and not create an odor, humidity or mold problem.
 - o The ventilation and filtration system, along with any plumbing improvements, shall be installed with valid electrical and plumbing permits issued and inspected by the Lake County Building and Safety Division prior to commencing cultivation within the allowable structure.
 - o Medical marijuana cultivation areas, whether in a detached shed, a garage or inside a residence shall not be accessible to juveniles who are not a qualified patient or primary caregiver.
- Outdoor cultivation is subject to the following requirements:
 - o Outdoor cultivation, including cultivation within greenhouses or “hoop houses” is prohibited on any parcel that is located within a Community Growth Boundary (as designated by the Lake County General Plan), and on any parcel that is one (1) acre or smaller located outside of a Community Growth Boundary.
 - o Outdoor cultivation must not exceed 6 mature or 12 immature plants on parcels larger than 1 acre. (See exception for Collective cultivation, below)
 - o Must have a legal water source on the premises, be completely screened from public view and the views of adjacent parcels with a fully enclosed solid fence of a minimum of 6 but not more than 8 feet high, with locked gates (fences must meet zoning ordinance and applicable building code standards).
 - o With the exception of cultivation by collectives (see below), setback of 75 feet from any property line and 150 feet of any off-site residence as measured from the edge of the fence of the cultivation area required.
- Outdoor Collectives are subject to the following requirements:
 - o Medical marijuana collectives must only be comprised of members who are residents of Lake County, shall not exceed 48 mature plants or 72 immature

plants, provided that the cultivation is conducted on a parcel that is a minimum of 20 acres and located within the “A”, Agriculture zoning district.

- The premises on which the medical marijuana is cultivated shall be the principal primary residence of at least one of the persons for whom the medical marijuana is being cultivated.
- For each member of the collective, the names, contact information, a doctor’s recommendation and the doctor’s name and contact information, or a copy of a state-issued medical marijuana identification card shall be displayed within the secure cultivation area, or on the exterior of the building used for an indoor cultivation, in a manner that allows law enforcement officials access the records at time of compliance inspection.
- The cultivation must be completely screened from public view and the views of adjacent parcels with a fence with locked gates, and no medical marijuana shall be cultivated or otherwise placed within 100 feet of any property line or within 200 feet of any off-site residence, as measured from the plant canopies. The fence must include a locking gate which shall be kept locked at all times when the qualified patient or caregiver is not in the immediate area. Fences and gates shall comply with the height limits specified by Section 42.11 of the Zoning Ordinance, and the definition of “fence” provided in this Article.

[\(Ord. No. 2997, § 1, eff. 01/16.2014\)](#)

Location Restrictions (Sec. 72.5):

- Outdoor cultivation must not be located within 1,000 feet of any elementary, middle or high school, park with playground equipment, child care facility, church or youth-oriented facility.
- Outdoor cultivation must not be located within 100 feet of any spring, wetland, stream, creek or lake.

[\(Ord. No. 2997, § 1, eff. 01/16.2014\)](#)

Criminal, Civil and Administrative Penalties (Secs. 72.7, 72.10):

- The cultivation of marijuana plants in excess of the amounts allowed for individuals and collective or cooperative organizations, either indoors, outdoors, or combination thereof on any premises constitutes a public nuisance and will be subject to abatement.
- If charged as a misdemeanor, the violation will be punishable by a fine up to \$1,000 or by imprisonment in the county jail up to 6 months, or both.
- If charged as an infraction, the violation will be punishable by a fine up to \$100 for the first violation, \$200 for the second violation within one year, and \$500 for each additional violation within one year. A separate offense will be charged for each and every day, or portion of a day, that a violation exists.

- In addition to any other remedy, any nuisance described in Article 72 may be subject to an administrative penalty of up to \$1,000 per day at the discretion of the enforcing officer or court.

([Ord. No. 2997](#), § 1, eff. 01/16.2014)

▪ **City Ordinances**

- Clearlake (Ordinance 150-2100)
- Lakeport (Ordinance 2978)

Lassen County

The summary below highlights regulations set forth in Chapter 18.107 of Title 18 and Title 19 of the Lassen County Code, regulating medical personal and commercial marijuana activity in the unincorporated areas of Lassen County.

- Cultivation

Cultivation Restrictions:

The cultivation of marijuana, indoors or outdoors, by any person, regardless of their status as a qualified patient or designated primary caregiver, constitutes a public nuisance that may be abated. (Sec. [19.040](#).)

([Ord. 2016-007](#) § 1; Ord. 2016-002 § 2)

The cultivation of marijuana as defined in Section [18.14.275](#) is prohibited in all zones and districts of the unincorporated areas of Lassen County and constitutes a public nuisance unless said cultivation can be demonstrated to be for use only by a qualifying patient. (Sec. [18.107.040](#).)

(Ord. 575 § 3, 2010).

Administrative Penalties (Sec. [19.170](#))

- Any nuisance as described in this title may be subject to an administrative penalty of up to \$1,000 per day, in addition to any other remedy that may be available, at the discretion of the enforcing officer or court.
- Acts, omissions, or conditions that constitute a violation and continue, exist, or occur on more than one day constitute separate violations on each day. Violations continuing, existing, or occurring on the service date, the effective date, and each day between the service date and the effective date are separate violations.
- In the case of a continuing violation, if the violation does not create an immediate danger to health or safety, the enforcing officer or the court will provide for a reasonable period of time, up to five days, for the violation to be correct or otherwise remedied prior to the imposition of administrative penalties.

([Ord. 2016-002](#) § 2, eff. 05/12/2016)

- Distribution and Sales

The establishment or operation of medical marijuana dispensaries is prohibited in all areas of the county of Lassen and constitutes a public nuisance. No permit or any other applicable license or entitlement for use, including, but not limited to, the issuance of a use permit, will be approved or issued for the establishment or operation of a medical marijuana dispensary within the unincorporated area of the county of Lassen. (Secs. [18.107.030](#), [18.107.050](#))

(Ord. 575 § 3, 2010)

- City Ordinances

Banned: Susanville

Los Angeles County

The summary below highlights regulations set forth in Chapters 22.56 and of Title 22 and Chapter [7.55](#) of Title 7 of the Los Angeles County Code regulating medical personal and commercial marijuana activity in the unincorporated areas of Los Angeles County.

- Cultivation

- Cultivation only permitted for personal medical use to meet a qualified patient's needs, pursuant to Health and Safety Code [Section 11362.77\(a\) and \(b\)](#). Each qualified patient may maintain 6 mature or 12 immature plants and also possess up to 8 ounces of dried marijuana. (Sec. [11.66.010](#).)

(Ord. 2006-0038 § 1 (part), 2006.)

- Distribution and Sales

Medical Marijuana Dispensary Licensing Requirements

- A license is required to establish a medical marijuana dispensary.
- A licensing fee must be paid annually.
- The license is not transferrable. (Sec. [7.55.090](#).)
- The license must be posted and exhibited at all times in an area that is visible to the public and clients of any medical marijuana dispensary. (Sec. [7.55.070](#).)
- Managers information, as required in Section [7.55.080\(A\)-\(K\)](#), must be provide with the application.
- Liability insurance required for dispensary. The minimum liability limits shall not be less than \$1,000,000 for each incident of damage to property or incident of injury to

or death of a person, with a general aggregate limit of not less than \$2,000,000. (Sec. [7.55.110.](#))

Medical Marijuana Dispensary Operational Standards (Secs. [22.56.196.](#)):

For a full list of requirements, review Chapters [7.55](#) and 22.56.

- Dispensary operation shall be limited to the hours of 7:00 a.m. to 8:00 p.m.
- All sale and consumption of alcohol onsite is prohibited. (Sec. [7.55.200.](#))
- No one under the age of 18 permitted onsite unless that person is a qualified patient or is a primary caregiver with a valid identification card in accordance with California State Health and Safety Code sections [11362.7.](#) (Sec. [7.55.210.](#))
- A manager must be present on the premises and be familiar with the requirements of this chapter and be capable of communicating the provisions of Chapter [7.55](#) to employees and others conducting activities at the medical marijuana dispensary and to all actual or prospective clients of and visitors to the dispensary.
- Marijuana must not be grown at or on the site of any medical marijuana dispensary, except that cuttings of the marijuana plant may be kept or maintained on-site for distribution to qualified patients and primary caregivers.
- An adequate security system will be installed, that includes a security camera, alarm, and at least one licensed surety guard (that possesses a valid Security Guard identification card issued by the Department of Consumer Affairs) on-site at all times. (Sec. [77.55.300.](#))
- Distribution of emergency phone number. Dispensaries shall distribute the name and emergency contact phone number of the operator or manager to anyone who requests it.
- Medical marijuana may be consumed on-site only as follows:
 - o The smoking of medical marijuana shall be allowed provided that appropriate seating, restrooms, drinking water, ventilation, air purifications system, and patient supervision are provided in a separate room or enclosure; and
 - o Consumption of edibles by ingestion shall be allowed subject to all applicable county requirements.

(Ord. 2016-0017 § 1, 2016; Ord. 2010-0062 § 7, 2010; Ord. 2006-0032 §§ 3, 4, (part), 2006.)

Location Restrictions (22.56.196.)

- Dispensaries must not be located within a 1,000-foot radius of schools, playgrounds, parks, libraries, places of religious worship, child care facilities, and youth facilities, including but not limited to youth hostels, youth camps, youth clubs, etc., and other similar uses.
- Dispensaries must not be located within a 1,000-foot radius of other dispensaries.

(Ord. 2016-0017 § 1, 2016; Ord. 2010-0062 § 7, 2010; Ord. 2006-0032 § 4, 2006.)

▪ **City Ordinances**

- Los Angeles (Measure D 2013)
- Malibu (Ordinance 328)

- [Santa Monica \(Ord. No. 2486CCS\)](#)
- South El Monte (Ordinance 1137)
- West Hollywood (Ordinance 05-716U)
- Whittier (Ordinance 2870)

Banned: Azusa, Calabasas, Claremont, Covina, Downey, Gardena, Glendale, Hawthorne, Hermosa Beach, Huntington Beach, La Canada, La Mirada, La Puente, Lawndale, Manhattan Beach, Monterey Park, Palos Verdes Estates, Pasadena, Pico Rivera, Redondo Beach, Santa Clarita, Torrance

Note:

- On March 7, 2017, the Santa Monica City Council will be meeting to discuss local regulations regarding permitting commercial marijuana activities and sale of recreational cannabis and proposed limitations. The Santa Monica City Council will not provide a timeline until after the March 7, 2017 meeting.

Madera County

The summary below highlights regulations set forth in Chapters [18.87](#) and [18.88](#) of Title 18 of the Madera County Code of Ordinances regulating medical personal and commercial marijuana activity in the unincorporated areas of Madera County.

- Cultivation

Cultivation Restrictions:

- Cultivation is prohibited within commercial or industrial zone districts. (Sec. [18.87.040](#).) Cultivation that exceeds the 120 square foot limit provided below constitutes a public nuisance and will be subject to abatement. (Sec. [18.87.050](#))

(Ord. No. 525TT, § 1, 4-9-13; Ord. No. 525RR, § 1 (Exh. A), 3-13-12)

Cultivation Requirements:

- Medical marijuana cultivation on any one parcel of real property is limited to either 1) One room within a single-family dwelling that does not exceed 120 square feet; or 2) one detached, outdoor structure, enclosed and covered, where the cultivation is concealed from view, and where the cultivation area does not exceed 120 square feet. (Sec. [18.87.040](#).)

Cultivation may only be conducted by the owner or a tenant with the consent of the owner of the subject property.

The primary caregiver or qualified patient must reside at property where cultivation occurs.

(Ord. No. 525TT, § 1, 4-9-13; Ord. No. 525RR, § 1 (Exh. A), 3-13-12)

Location Restrictions:

Cultivation may not occur within two thousand feet of an institutional use, such as, but not limited to, a church, school, or other public building. (Sec. [18.87.040.](#))

(Ord. No. 525TT, § 1, 4-9-13; Ord. No. 525RR, § 1 (Exh. A), 3-13-12)

- Criminal, Civil and Administrative Penalties
 - Each violation of a provision of Chapter [18.87](#) constitutes a misdemeanor offense, and will subject any person in violation of this chapter to maximum penalty of 6 months in county jail or a \$1,000 fine. (Secs. [18.87.050](#), [18.87.060.](#))
 - Any responsible party violating any provision of Chapter [18.87](#) of the Madera County Code that is determined to be a public nuisance, may be issued an administrative citation by a public official or the board of supervisors in accordance with [Chapter 8.01](#). The administrative citation penalty for each and every medical marijuana plant cultivated in violation of Chapter [18.87](#) will be: (1) \$250 per plant; plus (2) \$250 per plant per day the plant remains unabated past the abatement deadline set forth in the administrative citation.

(Ord. No. 625B, 04/21/2015; Ord. No. 525UU, 11/04/2014; Ord. No. 625A, 08/12/2014; Ord. No. 525TT, § 2, 4/09/2013; Ord. No. 525RR, § 1 (Exh. A), 3/13/2012; Ord. 625 § 2(part), 2007)

- Distribution and Sale

Madera County prohibits the establishment or operation of medical marijuana dispensaries in all zoning districts. (Sec. [18.88.015.](#))

This prohibition shall not interfere with the individual rights of qualified persons to participate in collectives or cooperatives in order to possess or use marijuana for medical purposes as provided for by the voters of the state of California under the Compassionate Use Act of 1966 and of the California Legislature under Senate Bill 420 (2003).

(Ord. No. 525MM, § 4, 9/22/2009)

Marin County

The summary below highlights regulations set forth in Title 6, Chapter [6.84](#) and [6.85](#) of the Marin County Code of Ordinances that regulates medical and commercial marijuana activity in the unincorporated areas of Marin County.

- Distribution and Sale

Operation of a dispensary is permitted with a license in Marin County. (Sec. [6.85.030.](#))

([Ord. No. 3639](#), § II (Exh. A), 2015)

Licensing Requirements (Sec. [6.85.031](#)):

- Licenses are valid for 2 years from the date of issuance and are renewable after January 1, 2018, subject to compliance with CMMRSA.
- Licenses may be renewed annually and any renewal application must be filed at least 45 days before the expiration of the license, along with the required fee.
- Applications for renewal submitted less than 45 days before the annual expiration will not stay expiration of the license.
- Up to two dispensary licenses may be issued in each of the two defined license zones (Zone A (Highway 101 Corridor and Zone B (Central/West Marin), for a total of up to four dispensary licenses in the unincorporated areas of Marin County. (Sec. [6.85.040](#).)
- A dispensary may only be located within commercial designated areas of the county's general plan (countywide plan) and more specifically within the following zoning districts: C1, CP, C-CP, VCR, and C-VCR. In addition to the dispensary license, the applicant shall obtain all land use permits required by the zoning district and comply with all applicable county ordinances. (Sec. [6.85.041](#).)
- A dispensary must be in a highly visible location that provides good views of the dispensary entrance, windows and premises from the public street. (Sec. [6.85.041](#).)

([Ord. No. 3639](#), § II (Exh. A), 2015)

Location Restrictions (Sec. [6.85.041](#).)

- No dispensary is allowed within 800 feet of a youth-oriented facility, a school, a smoke-shop which sells paraphernalia for consuming drug or tobacco products, or another dispensary.
- No dispensary is allowed within any residential zoned parcel, or any property with an underlying residential or mobile homes general plan land use designation.
- The distance will be measured in a straight line from the boundary line of the property on which the dispensary is located to the boundary line on which the building or structure in which the above listed use occurs or is located.

([Ord. No. 3639](#), § II (Exh. A), 2015)

Operation Requirements (Sec. [6.85.042](#).)

- No applicant must have a criminal history, including felony or misdemeanor conviction involving moral turpitude, or engaged in misconduct related to the qualifications, functions or duties of a licensee.
- No person under the age of 18 is permitted on the premises, unless accompanied by a parent or legal guardian and a notice must be posted precluding minors from the premises.
- The dispensary may operate between 9:00 a.m. and 9:00 p.m., 7 days a week, unless the reviewing authority imposes more restrictive hours due to specific considerations for a particular location.

- The dispensary will be limited in size as necessary to best serve patient needs. The County may limit the number of patients at a particular location if there is shown to be adverse impacts to the surrounding neighborhoods, businesses and demands on county services due to the number of patients being served.
- A dispensary will not increase its physical size without prior approval amending the existing dispensary license.
- The entrance must be locked and strictly controlled through a mechanical entry system and security personally shall be employed to monitor and control access.
- Only qualified patients and primary caregivers with a valid written recommendation from their physician recommending use of medical cannabis will be permitted access.
- A dispensary may possess no more than 8 ounces of dried cannabis per qualified patient or primary caregiver, and maintain no more than 6 mature or 12 immature cannabis plants per qualified patient or primary caregiver. However, if a qualified patient or primary caregiver has a physician's recommendation that this quantity does not meet the qualified patient's medical needs, the dispensary may possess an amount of cannabis consistent with the patient's needs.
- No dispensary shall not have a physician on-site to evaluate patients and provide a recommendation for medical cannabis.
- The dispensary will maintain patient records on-site and verify as needed.
- The dispensary will conduct an annual independent audit.
- Cannabis must not be consumed on the premises of the dispensary by any member of the public, including a qualified patient.
- No cultivation of cannabis on the premises of the dispensary, except in compliance with Health and Safety Code Section [11362.5](#) *et seq.*
- No dispensary will conduct or engage in the commercial sale of any product, good or service. The term "commercial sale" does not include the provision of medical cannabis on terms and conditions consistent with Chapter [6.85](#) and applicable law.
- No dispensary will sell or display any drug paraphernalia or any implement that may be used to administer medical cannabis unless specifically authorized in its license. An applicant may request that up to 150 square feet be authorized to display or sell devices for administration of medical cannabis which may only be sold to qualified patients or primary caregivers.
- A dispensary shall not cultivate, distribute or sell medical cannabis for a profit.
- A dispensary shall meet all the operating criteria for the dispensing of medical cannabis as is required pursuant to California Health and Safety Code Section [11362.5](#) *et seq.*
- A dispensary will have a lobby waiting area at the entrance to receive clients, and a separate and secure designated area for dispensing medical cannabis to qualified patients or designated caregivers
- A dispensary will have a suitable locked safe on premises, identified as a part of the security plan, for after-hours storage of medical cannabis.
- The premises will be staffed with at least one person during hours of operation who shall not be responsible for dispensing medical cannabis.
- A dispensary will have an air treatment system that ensures off-site odors shall not result.

- A dispensary will provide adequate security (including a security alarm system) on the premises include security surveillance cameras to monitor entrances and discourage loitering, crime, illegal or nuisance activities. Security video will be maintained for 7 days.
- A dispensary must provide a designated emergency contract for resolve any complaints or for notice purposes.
- A dispensary will comply with signage and notice requirements.
- A dispensary will keep a record of all current employees and qualified patient and primary caregivers, and provide training for staff.
- The operator the establishment must take all reasonable steps to discourage and correct any objectionable condition that would create a nuisance.
- Every dispensary will display at all times during business the license issued in a conspicuous place.
- The license for the dispensary is nontransferable. (Sec. [6.85.066.](#))

([Ord. No. 3639](#), § II (Exh. A), 2015)

Penalties for Violations

- Violation of Chapter [6.85](#) constitutes a misdemeanor. (Sec. [6.85.074.](#))
- Violation of any provision of Chapter [6.85](#) is declared contrary to the public interest and are grounds to seek injunctive relief in a civil action. (Sec. [6.85.075.](#))
- Any violation the provisions of Chapter [6.85](#) may further subject said violator to administrative remedies as set forth by the Marin County Code. (Sec. [6.85.076.](#))
- Any violation will constitute a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation to occur. (Sec. [6.85.072.](#))

([Ord. No. 3639](#), § II (Exh. A), 2015)

City Ordinances

- Corte Madera (2010 Planning Commission report)
- Fairfax (Ordinance 759, Minutes on Resolution 11-58, Resolution 11-58)
- Novato (Proposal of Moratorium I-6, 2011 Memorandum, Moratorium Extension H-8)
- Rose (Police Dept. Procedures)
- Sausalito (Ordinance 1178)

Banned: Larkspur, San Rafael

Note: Mill Valley adopted its urgency ordinance banning recreational marijuana activity and medical marijuana dispensaries until January 2018

Mariposa County

The summary below highlights regulations set forth in Chapter [8.56](#), of Title 8, and Chapter [17.334](#), Title 17, of the Mariposa County Code of Ordinances that regulates medical and commercial marijuana activity in the unincorporated areas of Mariposa County.

- Cultivation

- The establishment, maintenance, or operation of any prohibited cultivation of medical marijuana within the county of Mariposa constitutes a public nuisance. (Sec. 8.56.060.)
- Non-medical cultivation permitted as defined by Health and Safety Code § 11362.1 *et seq.* permitted for personal use only, subject to the cultivation restrictions below. All other non-medical cultivation is deemed a public nuisance.
- The collective or cooperative cultivation of marijuana is prohibited in all zoning districts. (Sec. 17.334.055.)

Cultivation Restrictions (Sec. 8.56.050.):

- The qualified patient or primary caregiver must reside on the property on a permanent basis.
- The following size restriction apply to both indoor and outdoor cultivation per parcel
 - o A 12-plant limit applies on parcels in which there is 1 qualified patient or primary caregiver residing on the parcel.
 - o A 24-plant limit applies on parcels in which there are 2 or more qualified patients or primary caregiver residing on the parcel.
- Structures for indoor cultivation must comply with all building codes and zoning permits.
- If the person cultivating is not the legal owner, a notarized written letter must be obtained from the legal owner consenting to the cultivation.
- Outdoor cultivation requires a 50 feet setback from all property lines. Upon request, setback may be waived based on a finding of unnecessary hardship.
- All outdoor cultivation must be fully enclosed by an opaque fence at least 6 feet high. The fence must provide adequate security to prevent unauthorized access. Landscaping, plastic sheeting, or tarpaulins do not constitute an adequate fence. Fences greater than 6 feet in height may require a building permit.

(Ord. No. 1104, § I, 2014)

Location Restrictions (Sec. 8.56.050.):

- There are no distance requirements as regards indoor cultivation.
- Outdoor cultivation under 20 acres must be at least 1,000 feet from any school, school evacuation site, church, park, childcare/daycare center, or youth oriented facility. The distance shall be measured in a straight line from the boundary line of the parcel upon which marijuana is cultivated to the boundary line of the parcel upon which the school, school evacuation site, church, park, child care center or youth-oriented facility is located.
- Outdoor cultivation over 20 acres must be at least 1,000 feet from any school, school evacuation site, church, park, childcare/daycare center, or youth oriented facility. The

distance will be measured in a straight line from the fenced area in which the marijuana is cultivated.

- Administrative Penalties

- Each day a violation is allowed to continued and every violation of Chapter [8.56](#) constitutes a separate violation. (Secs. 8.56.260.)
- An administrative penalty, up to \$250, will be accessed for the first violation of Chapter [8.56](#).
- An administrative penalty, up to \$500, will be accessed for the second violation of the same ordinance within 1 year from the date of the first violation.
- An administrative penalty, up to \$1,000), will be accessed for each additional violation of the same ordinance within 1 year from the date of the first violation.
- Unless provided otherwise any administrative penalty under Section 8.56.320 will be due immediately.

(Ord. No. 1104, § I, 2014)

- Distribution and Sale

The establishment and operation of medical marijuana dispensaries is prohibited in all zoning areas. (Sec. 17.334.055.)

(Ord. 1086, § VII, 2011)

Mendocino County

The summary below highlights regulations set forth in Chapters 9.31 in Title 9, and of the Mariposa County Code of Ordinances that regulates medical and commercial marijuana activity in the unincorporated areas of Mariposa County.

Additionally, on December 15, 2016, the Planning Commission recommended the Board of Supervisors adopt Ordinance Amendment OA_2016-0003 to 1) amend the Agriculture Code (Title 10) to add [Chapter 10A.17](#), Medical Cannabis Cultivation Ordinance, to regulate the agricultural activities associated with medical cannabis cultivation; and 2) amend the Inland Zoning Code (Division I of Title 20 of the Mendocino County Code) to add [Chapter 20.242](#), Medical Cannabis Site, to regulate the type and location of medical cannabis cultivation in the County's unincorporated area outside the coastal zone.

The proposed [Chapter 20.242](#) will establish a framework to establish zoning permits for existing and new cannabis cultivation sites. Additionally, the proposed [Chapter 10A.17](#) provides a further clarifying framework for the permit process, cultivation limits and requirements.

- Cultivation

Cultivation Restrictions:

- Outdoor and indoor cultivation is permitted.
-

Cultivation Requirements (Secs. [9.31.060](#), [9.31.080](#)):

- The cultivation of more than 25 marijuana plants on any legal parcel, either indoors or outdoors, within the unincorporated area of the County, regardless of whether the person(s) growing the marijuana is/are a qualified patient, primary caregiver, or collective, is prohibited unless cultivated by individuals, collectives, or members who apply for, obtain, and are in compliance with a permit for an exemption as set forth in section 9.31.110.
- A copy of a current and valid, State-issued medical marijuana identification card or physician recommendation must be displayed where the marijuana is grown in a manner as to allow law enforcement officers to easily see the card without having to enter any building of any type except as set forth in section 9.31.110.
- No cultivation is permitted in any location where the marijuana plants are visible from the public right of way or publicly traveled private roads.
- indoor cultivation is limited to 100 contiguous square feet per parcel and will not rely on diesel generators for a source of power.
- Indoor or outdoor cultivation will not subject residents of neighboring parcels who are of normal sensitivity to objectionable odors.
- The use of light assistance for the outdoor cultivation of marijuana must not exceed a maximum of 600 watts of lighting capacity per 100 square feet of growing area and all lights must be shielded and downcast to prevent light to exceed the boundaries of the parcel.
- Indoor or outdoor cultivation will not exceed the noise level standards as set forth in the County General Plan Policies DE100, 101 and 103.
- Indoor or outdoor cultivation must not utilize water that has been or is illegally diverted from any stream, creek, or river and must not create erosion or result in contaminated runoff into any stream, creek, river or body of water.
- The outdoor cultivation area must be fully enclosed in a fence that includes a lockable gate that is locked at all times when a qualified patient or caregiver is not in the immediate area. The fence must comply with ordinance, code section or provision of law regarding height and location restrictions and must not be constructed or covered with plastic or cloth except shade cloth may be used on the inside of the fence.
- All buildings where marijuana is cultivated or stored must be properly secured to prevent unauthorized entry.
- Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide or other substance toxic to wildlife, children, or pets, must be stored in a secured and locked structure or device.
- Any person who is not the legal owner of a parcel must provide written notice to the legal owner of the parcel prior to commencing cultivation of marijuana on said parcel.

- Requirements for an exemption to the 25-plant limit for medical marijuana growing collectives may be reviewed in full in Section [9.31.110](#)

([Ord. No. 4356](#), 5/17/2016)

Location Restrictions (Sec. [9.31.070](#)):

- No cultivation is permitted within one 1,000 feet of a youth-oriented facility, a school, a park, or any church or residential treatment facility.
- No outdoor cultivation within 100 feet of any occupied legal residential structure located on a separate parcel.
- No cultivation outdoors in a mobile home park as defined in Health and Safety Code Section 18214.1 within 100 feet of an occupied mobile home that is under separate ownership.
- No outdoor cultivation within 50 feet of a parcel under separate ownership.
- The distance will be measured in a straight line from the nearest point of the fence required in section 9.31.080, or if the marijuana is cultivated indoors, from the nearest exterior wall of the building in which the marijuana is cultivated to the nearest boundary line of the property on which the facility, building, or structure, or portion of the facility, building, or structure in which the above-listed use occurs is located

([Ord. No. 4356](#), 5/17/2016)

- Distribution and Sales

Medical Marijuana Collectives (Sec. [9.31.100](#).)

Medical marijuana collectives must comply with additional requirements as set forth fully in Section [9.31.100](#):

- Operate on a non-profit basis;
- Employ only persons who are at least twenty-one (21) years of age and comply with all applicable state and federal requirements relating to the payment of payroll taxes including federal and state income taxes and/or contributions for unemployment insurance, state workers' compensation and liability laws;
- Follow the membership and verification guidelines and require all prospective members to complete and sign a written membership application acknowledging and agreeing to abide by all the rules of the collective and all applicable requirements of this section;
- Prohibit sales to non-members;
- Allow reimbursements and allocations of medical marijuana;
- Possess marijuana only in amounts consistent with the medical needs of the members of the collective; and only cultivate marijuana consistent with the limits set forth in this ordinance;
- Exterior signage shall not indicate or advertise the presence or availability of medical marijuana.

([Ord. No. 4356](#), 5/17/2016)

- **City Ordinances**

- Fort Bragg (Ordinance 805-2005)

Banned: Ukiah, Willits

Merced County

The summary below highlights regulations set forth in Title 9, Chapter [9.29](#), and Title 6, Chapter [6.70](#) of the Merced County Code of Ordinances that regulates medical and commercial marijuana activity in the unincorporated areas of Merced County.

- **Cultivation**

- Both indoor and outdoor cultivation of medical marijuana is prohibited in all areas of the county. (Sec. [9.29.050](#).)
- The establishment, maintenance, or operation of any prohibited cultivation of medical marijuana is a public nuisance. (Sec. [9.29.060](#).)

(Ord. 1910 § 1, 2013)

Cultivation Restrictions:

- Cultivation of a maximum of 12 medical marijuana plants, mature or immature, on any parcel is exempted from the prohibition set forth in Section 9.29.050.

(Ord. 1910 § 1, 2013)

- **Civil and Criminal Penalties** (Secs. [9.29.070](#), [9.29.095](#), [9.29.107](#))

- Any person violating Chapter [9.29](#) shall be guilty of a misdemeanor and subject to a maximum penalty of 6 months imprisonment in county jail, a \$1,000 fine, or both.
- Each day a violation is allowed to continued and every violation of Chapter [9.29](#) constitutes a separate violation.
- The County may pursue a civil action, including seeking injunctive relief.
- An administrative penalty, up to \$250, will be assessed for the first violation of Chapter [9.29](#).
- An administrative penalty, up to \$500, will be assessed for the second violation of the same ordinance within 1 year from the date of the first violation.
- An administrative penalty, up to \$1,000, will be assessed for each additional violation of the same ordinance within 1 year from the date of the first violation.
- Unless provided otherwise any administrative penalty under Section [9.29.107](#) will be due immediately.

(Ord. 1910 § 1, 2013)

- Distribution and Sale

Merced County prohibits the establishment and/or operation of a medical marijuana dispensary in any unincorporated area of the county. (Sec. [6.70.030](#).)

(Ord. 1830 § 2, 2007).

- **City Ordinances**

- Merced (Ord. No. 2465 (Exhs. A, B) 09/19/2016)
Banned: Los Banos

Modoc County

The summary below highlights regulations set forth in Chapters [18.170](#), [18.175](#) and [18.180](#) of Title 18, of the Modoc County Code of Ordinances that regulates medical and commercial marijuana activity in the unincorporated areas of Modoc County.

Medical Marijuana Collective

- Medical marijuana collectives are permitted in the commercial (C) zoning district with a permit in compliance with Section [18.44](#), [18.110](#) and [18.128](#) and all applicable state and federal rules. (Sec. [18.170.020](#).)

(Ord. No. 346, 11/09/2010)

Licensing Requirements

- An operating plan must be provided with the medical marijuana collective use application, including security measures to be taken; size of location; number of employees to be present at one time on the premises; record keeping procedures; operation hours; and other relevant information. (Sec. [18.170.040](#).)
- The initial permit will be issued for a one year period. (Sec. [18.170.060](#).)
- The permit may be renewed annually for a period of 5 years from the original date of issuance. The renewal must be received at least 60 days prior to the expiration date of the current permit period, confirming that use has been conducted in accordance with Chapter [18.170](#) there has been no transfer of the business; an annual audit has been performed; no outstanding code enforcement violations; and all required fees have been paid. (Sec. [18.170.090](#).)
- Application and renewal fees will apply in accordance with Section [18.162.010](#).
- The property owner and applicant (if not the owner) must sign the application and provide an affidavit agreeing to comply with all relevant Modoc County Code provisions pertaining to the establishment and operation of the medical marijuana collective use.

- The applicant must be a qualified patient or primary caregiver and the permit is nontransferable. (Sec. [18.170.080](#).)

(Ord. No. 346, 11/09/2010)

Location Restrictions (Sec. [18.170.100](#)):

- No medical marijuana collective will be established on any parcel containing a dwelling unit used as a residence, or within 300 feet of a residential zoning district.
- No medical marijuana collective will be established within 1,000 feet of any other medical marijuana collective.
- No medical marijuana collective will be established within 1,000 any public school, park or an establishment, public or private, that caters to or provides services primarily to persons under 18 years of age.
- The above restrictions may be waived by the planning commission when the applicant can show that an actual physical separation exists between land uses or parcels such that no off-site impacts could occur.

(Ord. No. 346, 11/09/2010)

Development Standards and Operation Criteria:

The following are the minimum development standards and operation criteria for medical marijuana collective use (Sec. [18.170.110](#)):

- The building in which the collective is located must comply with all applicable local and state rules, regulations, and laws including, but not limited to, building codes and accessibility requirements.
- The collective must provide adequate security on the premises, including lighting and alarms, to insure the safety of persons and to protect the premises from theft.
- The membership of a collective will be limited to 300 members at any one time, unless otherwise approved by the planning commission and specifically stated in the use permit.
- No medical marijuana will be grown at collective sites.
- Cuttings of the marijuana plant may be kept or maintained on-site for distribution to qualified patients and primary caregivers in a manner contained within the operating plan and use permit.
- No exterior signage or symbols will be displayed that advertises the availability of marijuana, nor shall any such signage or symbols be displayed on the interior of the facility in such a way as to be visible from the exterior.
- A collective must not have operators or employees who are not qualified patients or primary caregivers meeting all terms and conditions of applicable law.
- Members of the collective must be residents of Modoc County.
- A collective may only possess the quantity sufficient to meet the needs of each qualified patient or primary caregiver under Health and Safety Code Section [11362.77](#).

- Only a primary caregiver and/or a qualified patient are allowed on collective premises in accordance with Health and Safety Code Section [11362.5](#) *et seq.*
- No person under the age of 18 will be allowed on the premises and all persons entering the collective site will be required to provide identification and shall establish proof of a valid and current doctor's recommendation.
- No collective will hold or maintain a liquor license or sell alcoholic beverages or sell any drug paraphernalia, products, or services unless otherwise approved by the use permit.
- No smoking, ingesting or other consumption of marijuana on the premises.
- No recommendations for use of medical marijuana will be issued on-site, and the collective will not have a physician on-site to evaluate patients unless specifically approved by the use permit.
- Collective sales are subject to sales tax in a manner required by state law. An operator of a collective will be required to apply for and obtain a seller's permit, as required by the state board of equalization.
- No distribution to nonmembers.
- The use permit will specifically define the size of the collective operation. No collective may increase in size without amending the use permit.
- Operation hours will be limited to Monday through Saturday from 8:00 a.m. to 5:00 p.m., or as otherwise approved by the use permit. Operating hours may be further restricted through the use permit process where needed to provide land use compatibility.
- A collective use permit applicant, his or her agent, employees, and/or volunteer workers, must not have been convicted of, or be on probation or parole for, the sale or distribution of a controlled substance or be convicted of a felony and a background investigation must be completed at the applicant/operator's cost and approved by the Modoc County Sheriff.

(Ord. No. 346, 11/09/2010)

- Cultivation

- Cultivation for personal and collective purposes permitted as provided above.
- Commercial marijuana cultivation and processing prohibited. (Sec. [18.180.030](#).)

(Ord. No. 353, § 5, 4/12/2016)

Cultivation Restrictions (Sec. [18.175.040](#)):

- Cultivation only permitted as an accessory use to at least one properly permitted and habitable residence on the same parcel of land.
- Cultivation may only occur at the residence of a qualified patient or primary caregiver on behalf of a qualified patient(s).
- 12 medical marijuana plant limit per qualified patient for up to 2 qualified patients per parcel.
- Cultivation is prohibited within a residence or any other structure lawfully used or intended for human occupancy is prohibited. Indoor cultivation may only occur

- within a detached structure that is accessory to and located on the same parcel as the residence.
- Cultivation areas and indoor cultivation that cannot be adequately secured must be enclosed by a fence.
 - Cultivation areas must be a minimum of 1,000 feet from sensitive uses. Measurement must be from the property line of the use considered to be sensitive to the closest portion of the cultivation area.
 - Chemicals, fertilizers, gas products (CO², butane, etc.) or any other products or equipment associated with the cultivation of marijuana must be used, stored and disposed of in a manner consistent with the manufacturer's instructions and/or any law that governs same.
 - Marijuana cultivation must not adversely affect the health, safety, or general welfare of persons at the cultivation site or at any nearby property by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, or vibration.

(Ord. No. 349-C, § 2A, 12/16/2013)

- Distribution and Sale

- Commercial marijuana dispensaries are prohibited except where the county is preempted by federal or state law from enacting a prohibition on any such activity. No use permit, variance, building permit, or any other entitlement, license, or permit, whether administrative or discretionary will be permitted. (Sec. [18.180.030](#).)

Administrative Penalty

- Any violation of this chapter is punishable as provided in Chapters [8.20](#) and [18.158](#) of this code.

(Ord. No. 353, § 5, 4/12/2016)

Mono County

The County prohibits all commercial medical marijuana cultivation and processing within the unincorporated areas of Mono County until December 2, 2017.

([Ord. No. 17-02](#), § 2 eff 1/17/2017; [Ord. No. 16-11](#), § 2, 12/13/2016)

- Manufacturing

The County prohibits all commercial medical marijuana manufacturing and processing within the unincorporated areas of Mono County until December 2, 2017.

([Ord. No. 17-02](#), § 2 eff 1/17/2017; [Ord. No. 16-11](#), § 2, 12/13/2016)

- Distribution and Sale

The County prohibits all commercial medical marijuana distribution, transportation, delivery, laboratory testing, storage, and sales of cannabis products within the unincorporated areas of Mono County until December 2, 2017.

([Ord. No. 17-02](#), § 2 eff 1/17/2017; [Ord. No. 16-11](#), § 2, 12/13/2016)

Monterey County

Monterey County provides an extensive and detailed program regarding regulation of personal and commercial cannabis activity. The summary below highlights regulations set forth in Chapters [7.90](#), [7.95](#), [7.100](#), of Title 7, and Chapter [21.67](#) of Title 21, of the Monterey County Code of Ordinances that regulates medical and commercial marijuana activity in the unincorporated areas of Monterey County.

- Cultivation

Cultivation Restrictions:

Except as provided in [Section 21.67.090](#) of Chapter [21.67](#), commercial medical cannabis activities is not be allowed in the unincorporated areas of Monterey County without first securing all permits, licenses, or other entitlements required by County regulation and state law and regulation.

Location Restrictions:

Commercial Medical Cannabis Cultivation Requirements (Secs. [21.67.930](#), [21.67.050](#)):

- Use Permit shall be required for all commercial medical cannabis activities.
- The owner must keep records and comply with all local, state and federal regulations.
- Commercial medical cannabis activities that were legally established prior to effective date of Ordinance No. 5270 enacting this Chapter shall have one year from the effective date of the ordinance to obtain all required County permits, licenses, and entitlements, or to terminate their operations.
- Except as provided in [Section 21.67.090](#) of Chapter [21.67](#), medical cannabis cultivation may only be permitted in the Light Industrial (LI), Heavy Industrial (HI), Agricultural Industrial (AI), or Farmland zoning districts with a Use Permit in each case and as may be further restricted by this Section.
- Outdoor medical cannabis cultivation is prohibited in all zones within the unincorporated areas of Monterey County except as provided in [Section 21.67.090](#) of Chapter [21.67](#). The table provided in [Section 21.67.050](#) summarizes the zoning districts where cultivation may occur with a use permit.
- It is the intent of the County to provide for the adaptive reuse of greenhouses in Monterey County and to restrict the proliferation of greenhouses or other structures on productive agricultural lands. To this end, within the Farmland ("F") zoning

- district, indoor and mixed-light medical cannabis cultivation and medical cannabis nurseries (Type 1A, 1B, 2A, 2B, 3A, 3B, and 4 state license types) may be permitted with a use permit in each case provided that within the Farmland (F) zoning district, the cultivation occurs only within a greenhouse or industrial building that was permitted or legally established prior to January 1, 2016. Greenhouses and industrial buildings may be improved for cannabis activities after January 1, 2016 provided that the footprint of the existing greenhouse(s) or industrial building(s) does not change.
- Within the Light Industrial ("LI"), Heavy Industrial ("HI"), and Agricultural Industrial ("AI") zoning districts, indoor or mixed-light medical cannabis cultivation or medical cannabis nurseries (Type 1A, 1B, 2A, 2B, 3A, 3B, or 4 state license types) may be permitted subject to a Use Permit in each case, except that type 3A, 3B and 4 cultivation types shall not be permitted in the Light Industrial ("LI") zoning district, and provided that the cultivation occurs only within a greenhouse or industrial building that was permitted or legally established prior to January 1, 2016. Subject to other permit requirements of this Title, greenhouses and industrial buildings may be improved for cannabis activities after January 1, 2016 provided that the footprint of the existing greenhouse(s) or industrial building(s) does not change.
 - No building intended for residential use may be used for cultivation purposes.
 - Security measures sufficient to restrict access and deter trespass and theft shall be provided and maintained. No firearms or other lethal weapons are permitted as an on-site security measure.
 - Pesticides and fertilizers must be properly labeled and stored.
 - Water conservation measures, water capture systems, or grey water systems must be incorporated in cultivation operations in order to minimize use of water where feasible.
 - On-site renewable energy generation shall be required for all indoor (cultivation activities using artificial lighting only including Type 1A, 2A, 3A and 4 state license types) medical cannabis cultivation activities. Renewable energy systems shall be designed to have a generation potential equal to or greater than one-half of the anticipated energy demand.
 - Cannabis plants must not be visible from offsite. No visual markers indicating that cannabis is cultivated on the site shall be visible from offsite.

(Ord. No. 5270, § 16, 7/12/2016)

Location Restrictions ([21.67.050](#)):

- Medical cannabis cultivation must not be located within six 600 feet of a school, public park, or drug recovery facility.

Personal Medical Cannabis Cultivation Requirements (Secs. [7.95.090](#), [7.95.100](#)):

- Cultivation must not exceed 100 square feet of total canopy area and must not exceed 10 feet in height.
- A personal medical cannabis permit is non-transferable.
- The cultivator must have an odor filtration and ventilation systems.

- No medical cannabis or medical cannabis products shall be visible from the exterior of the premises.
- Unless fully enclosed within an accessory structure, all personal medical cannabis cultivation shall be contained within a fully enclosed locked fence area and shall maintain the following minimum setbacks from property lines:
 - o The front setback must be 50 feet or behind the main structure;
 - o The side setback must be 30 feet; and
 - o The rear setback must be 30 feet.
- Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.
- No hazardous, flammable, or explosive substances may be used in conjunction with medical cannabis on the premises.
- Grow lights in a residence or a detached accessory building must not exceed 1200 watts total.

(Ord. No. 5273, § 1, 7-19-2016)

- Manufacture

Monterey County permits medical cannabis manufacturing, subject to the requirements set forth in Section [21.67.060](#).

- Non-volatile cannabis manufacturing facilities (requiring a Type 6 state license) may be permitted in the Heavy Commercial ("HC"), Light Industrial ("LI"), Heavy Industrial ("HI"), Agricultural Industrial ("AI"), or in Farmland ("F") zoning districts when combined with a medical cannabis cultivation permit, subject to a use permit in each case.
- Cannabis manufacturing facilities involving volatile processes or substances (requiring a Type 7 state license) shall only be permitted in the Heavy Industrial ("HI") zoning district with a use permit in each case. Except as provided in [Section 21.67.090](#) of Chapter [21.67](#), medical cannabis manufacturing will be subject to the requirements contained in [Section 21.67.060](#).
- Medical cannabis manufacturing must comply with all of the following regulations:
 - o Medical cannabis manufacturing must comply with all of the following regulations: Medical cannabis manufacturing facilities will be restricted to zoning districts that specifically provide for this use.
 - o Medical cannabis manufacturing facilities must not be located within 600 feet from any school, public park, or a drug recovery facility.
 - o The Director of the Monterey County Environmental Health Bureau or his/her designee is the appropriate authority to determine if manufacturing operations are "volatile."
 - o All cannabis manufacturing operations must ensure that cannabis is obtained from permitted and licensed cultivation sources and will implement best practices to ensure that all manufactured cannabis products are properly stored, labeled, transported, and inspected prior to distribution at a legally permitted and licensed dispensary.

- Initiate security measures sufficient to restrict access to only those intended and to deter trespass and theft of medical cannabis or medical cannabis products.
- Any employees of a medical cannabis manufacturing facility operating potentially hazardous equipment must be trained on the proper use of equipment and on the proper hazard response protocols in the event of equipment failure. In addition, employees handling edible cannabis products or ingredients shall be trained on proper food safety practices.

(Ord. No. 5270, § 16, 7/12/2016)

- Distribution and Sale

Regulation of Cannabis Dispensaries (Sec. [21.67.040](#)):

A medical cannabis dispensary must meet the minimum requirements set forth in (Sec. [21.67.040](#)), including, but not limited to:

- The owner shall be responsible for ensuring that all commercial medical cannabis activities at the site operate in good standing with all permits and licenses required by the Monterey County Code and State law
- The dispensary shall operate only in accordance with the operating plans reviewed and approved by the County.
- The County shall limit the hours of operation for a dispensary to begin no earlier than 8:00 a.m. and to end no later than 8:00 p.m.
- The owner shall be responsible for ensuring that all commercial medical cannabis activities at the site operate in good standing with all permits and licenses required by the Monterey County Code and State law.
- Owners must keep accurate records of all business operations and provide such records for inspection consistent with Section 19327 of the California Business and Professions Code.
- Dispensaries must implement and maintain sufficient security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products in compliance with Section 19334 of the California Business and Professions Code and any rules promulgated by the licensing authority.
- If the dispensary operations are proposed to include delivery, all employees of a dispensary delivering medical cannabis or medical cannabis products shall carry a copy of the documentation listed below when making deliveries. This information shall be provided upon request to law enforcement officers and to employees of state and local agencies enforcing this Chapter.
- Dispensaries must ensure that all cannabis and cannabis products at the dispensary are cultivated, manufactured, transported, distributed, and tested by licensed and permitted facilities that maintain operations in full conformance with state and local regulations.
- Dispensaries must not distribute any medical cannabis or medical cannabis product unless the medical cannabis and medical cannabis products are labeled and in a tamper-evident package in compliance with Section 19347 of the California Business and Professions Code and any additional rules promulgated by the licensing authority.

- Dispensaries must notify the Monterey County Sheriff's Office and the licensing authority within twenty-four (24) hours after discovering any of the following: 1) significant discrepancies in inventory; 2) diversion or theft or other criminal activity involving an employee or agent; 3) The loss or unauthorized alteration of records related to cannabis, registered qualifying patients, primary caregivers, or dispensary; 4) any other breach of security.
- Possession or delivery of any other form of illegal drugs without proper legal authorization shall be grounds for revocation of permits

(Ord. No. 5270, § 16, 7/12/2016)

Location Restriction (Sec. [21.67.040](#)):

- Dispensaries must only be located only in zoning districts that specifically provide for this use.
- Dispensaries must not be located within 600 feet from any school, public park, or a drug recovery facility.
- Dispensaries must not be located within 1,500 feet of another dispensary.

Requirements for medical cannabis facilities are provided in Section [21.67.070](#), and requirements for medical cannabis transportation and distribution are provided in [21.67.080](#).

- Cannabis Business Tax (Sec. [7.100.050](#).)

- Tax on Commercial Cannabis Cultivation Except Nurseries.
 - Every person who is engaged in commercial cannabis cultivation in the unincorporated area of the County shall pay an annual commercial cannabis business tax. The initial tax rate effective January 1, 2017 through June 30, 2020 for commercial cannabis cultivation, excluding nurseries, shall be set at fifteen dollars (\$15.00) per fiscal year, per square foot of canopy authorized by each County permit, or by each State license in the absence of a County permit, not deducting for unutilized square footage.
 - Beginning on July 1, 2020, such tax rate shall automatically increase each fiscal year by five dollars (\$5.00) per square foot of authorized canopy, not to exceed the maximum tax rate of twenty-five dollars (\$25.00) per square foot.
- Tax on Cultivation of Cannabis as a Nursery.
 - Every person who is engaged in cultivation of cannabis as a nursery as defined in this Chapter in the unincorporated area of the County shall pay an annual commercial cannabis business tax. The initial tax rate effective January 1, 2017 through June 30, 2020 shall be set at two dollars (\$2.00) per square foot of canopy authorized by each County permit, or by each State license in the absence of a County permit, not deducting for unutilized square footage.
 - Beginning on July 1, 2020, such tax rate shall automatically increase each fiscal year by one dollar and fifty cents (\$1.50) per square foot of canopy utilized for cannabis cultivation as a nursery, not to exceed the maximum tax rate of five dollars (\$5.00) per square foot per annum. Tax on All Other Commercial Cannabis Business

- Every person who is engaged in business as a dispensary, manufacturer, testing laboratory, transporter, distributor, or distribution facility, or engaging in delivery of cannabis in the unincorporated area of the County shall pay an annual commercial cannabis business tax. The initial tax rate effective January 1, 2017 through June 30, 2020 shall be set at five percent of the gross receipts per fiscal year.
- Beginning on July 1, 2020, such tax rate shall automatically increase each fiscal year by two and one-half percent, not to exceed the maximum tax rate of ten (10) percent per fiscal year on gross receipts.

Ord. No. 5274, § 1, 7-19-2016)

Penalties and Interest (Sec. [7.100.100.](#))

A penalty equal to twenty-five (25) percent of the amount of the tax, in addition to the amount of the tax, plus interest on the unpaid tax calculated from the due date of the tax at the rate of one and one-half percent per month; and

2.

If the tax remains unpaid for a period exceeding one calendar month beyond the due date, an additional penalty equal to twenty-five (25) percent of the amount of the tax, plus interest at the rate of one and one-half percent per month on the unpaid tax and on the unpaid penalties.

3.

Interest shall be applied at the rate of one and one-half percent per month on the first day of the month for the full month, and will continue to accrue monthly on the tax and penalty until the balance is paid in full.

▪ **City Ordinances**

Banned: Marina, Monterey Park, Pacific Grove, Seaside

Napa County

The summary below highlights regulations set forth in Title 8, Chapter [8.10](#) of the Napa County Code of Ordinances that regulates medical and commercial cannabis activity in the unincorporated areas of Napa County.

• **Cultivation**

- Cultivation permitted for personal medical use by qualified patient or primary caregiver. (Sec. [8.10.040](#))
- All outdoor cultivation prohibited as a public nuisance. (Sec. [8.10.050.](#))
- Cultivation for non-medical purposes prohibited as public nuisance. (Sec. [8.10.010.](#))

(Ord. No. 1410, § 1, 2/02/2016)

Cultivation Requirements:

Indoor Cultivation is permitted subject to the following conditions and criteria (Sec. [8.10.040](#)):

- Cultivation permitted only by qualified patient or primary caregiver.
- Cultivation permitted only on premises with a single-family residential structure; no cultivation in apartments, duplexes, triplexes, or other multifamily dwellings. The structure must be fully enclosed and secure and separate from the main residence.
- Cultivation limited to 25 contiguous square feet of cultivated area per premises, regardless of how many qualified patients or primary caregivers are residing at the premises. Only one cultivation area is allowed per premises. Marijuana cultivation must not occur in both a detached structure and inside a residence on the same parcel.
- There must be a minimum 10-foot setback from any parcel line.
- The structure must be secured in a manner to prevent unauthorized entry.
- Structures and electrical devices used for cultivation must comply with California Building, Electrical and Fire Codes as adopted by the county.
- No use of any gas products (CO₂, butane, etc.) or fossil fuel-powered electrical generators permitted.
- The structure requires odor filtration and proper ventilation to prevent mold and escape of odors.
- Marijuana cultivation shall not adversely affect the health, safety, or general welfare of persons at the cultivation premises or at any nearby residence or nearby property or areas open to the public by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, or vibration, by the use or storage of hazardous materials, processes, products or wastes, or by any other way.

(Ord. No. 1410, § 1, 2/02/2016)

Licensing Requirements:

Administrative Penalties

- The amount of the penalty imposed for violations will be as set forth in the schedule of penalties established by resolution of the board and will increase for repeat violations by the same person within a 12-month period from the date of issuance of the citation. (Sec. [1.28.070](#).)

(Ord. No. 1403, § 1, 9/15/2015)

- Distribution and Sale

Napa County prohibits the renting or leasing of a marijuana dispensary in the unincorporated areas of the county, including within a building, structure, and/or vehicle. (Sec. [8.10.030](#).)

The sale or donate of marijuana grown under Chapter [8.10](#) is prohibited. (Sec. [8.10.040](#).)

(Ord. No. 1410, § 1, 2/02/2016)

- **City Ordinances**

- Napa City (Ordinance 2010-12)

Banned: Calistoga, Yountville

Nevada County

The summary below highlights regulations set forth in G-IV 5.4 of the Nevada County Code of Ordinances that regulates medical and commercial cannabis activity in the unincorporated areas of Nevada County.

- **Cultivation**

- Cultivation is permitted for medical personal use only subject to the cultivation restrictions below. All other cultivation for medical use is deemed a public nuisance. (Sec. G-IV 5.4(C))
- Non-medical cultivation permitted as defined by Health and Safety Code § 11362.1 *et seq.* permitted for personal use only, subject to the cultivation restrictions below. All other non-medical cultivation is deemed a public nuisance.
- All commercial cultivation is prohibited as a public nuisance. (Sec. G-IV 5.4(M))

([Ordinance No. 2426](#), § I, eff. 02/09/2017; [Ord. No. 2416](#) § I, eff. 07/26/2016; [Ord. No. 2349](#), § I, 05/08/2012)

Cultivation Restrictions (Secs. G-IV 5.4(M)):

- Indoor cultivation is permitted for medical and nonmedical (pursuant to AUMA) use based on the following restrictions:
 - Persons cultivating marijuana must be 21 years of age or older.
 - Cultivation limited to 6 plants, regardless whether the plants are for medical or non-medical purposes, or are mature or immature plants. This limit is not additional to the maximum plant count set forth in Section G-IV 5.4(E).
 - Cultivation is limited to inside a private residence or accessory structure that is not easily accessible, to children.
 - Indoor cultivation is exempt from setback requirements set forth in G-IV 5.4(F) and G-IV 5.4(G) to the extent strict application of setbacks would completely prohibit indoor cultivation under G-IV 5.4(M).
 - All indoor cultivation areas must be adequate secure to prevent unauthorized entry and be locked at all times the qualified patient or primary caregiver is not present in the cultivation area. (Sec. G-IV 5.4(L))
 - Indoor cultivation must have odor filters and ventilation systems.
 - The structure must have valid electrical and plumbing permits.
- Outdoor cultivation is permitted for personal medical use subject to the following restrictions (Sec. G-IV 5.4(J) and (L)):

- Outdoor cultivation limited to personal medical use.
- All cultivation must be fully enclosed inside an obscuring fence that is between 6 feet and 8 feet in height. Bushes and hedgerows do not constitute adequate fencing.
- The marijuana must be concealed from public view at all stages of growth. Marijuana plants will be cut to remain below the height of the fence.
- The fence will be secured to prevent unauthorized entry and be locked at all times the qualified patient or primary caregiver is not present in the cultivation area.
- Cultivation must be conducted in one contiguous area which is clearly staked or marked as an outdoor cultivation area.
- Use of lights shall not exceed maximum of 400 watts of lighting capacity per 100 square feet of cultivation.
- Cultivation permitted for both indoor and outdoor personal medical use by a qualified patient or primary caregiver based on the following restrictions (G-IV 5.4):
 - The medical marijuana cultivation must be on a legal parcel with a permanent, occupied, legally permitted residence.
 - Cultivation prohibited in all areas zoned as R-1, R-2 and R-3 on legal parcels or premises of any size.
 - Areas designated as Residential and Estate and zoned as R-A must adhere to the following requirements:
 - Cultivation prohibited, whether indoor or outdoor, on legal parcels 5 acres in size or less.
 - A maximum of 12 plants are permitted indoors on parcels between 5 and 10 acres in size. No outdoor cultivation permitted at this size.
 - A maximum of 16 plants are permitted, whether mature or immature, per parcel, on parcels greater than 10 acres in size and up to 20 acres in size, whether cultivated indoors or outdoors or both. A maximum of 12 plants may be cultivated indoors. Cultivation outdoors must be conducted in one contiguous staked grow area which does not exceed 800 square feet in size.
 - A maximum 25 plants are permitted on parcels greater than 20 acres in size, whether mature or immature, per parcel, cultivated indoors or outdoors or a combination of both. A maximum of 12 plants may be cultivated indoors. Cultivation outdoors must be conducted in one contiguous staked grow area which does not exceed 1,000 square feet in size.
 - Areas designated primarily for agricultural use must adhere to the following requirements:
 - Cultivation prohibited, whether indoor or outdoor, on legal parcels 2 acres in size or less.
 - A maximum of 6 plants are permitted indoors on parcels between 2 and 5 acres in size, mature or immature. No indoor cultivation permitted at this size. Cultivation must be conducted in one contiguous staked grow area which does not exceed 300 square feet in size.

- A maximum of 12 plants are permitted, whether mature or immature, per parcel, on parcels greater than 5 acres in size and up to 10 acres in size, whether cultivated indoors or outdoors or both. A maximum of 12 plants may be cultivated indoors. Cultivation must be conducted in one contiguous staked grow area which does not exceed 600 square feet in size.
 - A maximum 25 plants are permitted on parcels greater than 20 acres in size, whether mature or immature, per parcel, cultivated indoors or outdoors or a combination of both. A maximum of 12 plants may be cultivated indoors. Cultivation outdoors must be conducted in one contiguous staked grow area which does not exceed 1,000 square feet in size.
 - The following setback apply to all indoor and outdoor cultivation, measured in a straight line form the nearest border of the outdoor staked grow area or indoor cultivation area to the property line of any adjacent legal parcel under separate ownership.
 - There must be a setback of 100 feet for parcels greater than 2 acres up to 5 acres.
 - There must be a setback of 150 feet for parcels greater than 5 acres up to 10 acres.
 - There must be a setback of 200 feet for parcels greater than 10 acres up to 20 acres.
 - There must be a setback of 300 feet for parcels greater than 20 acres.
 - Noise levels must comply with standards set forth in Table L-II 4.1.17 (Exterior Noise Limits) of the Nevada Zoning Ordinance.
 - All lights must be shielded and downcast.
 - Cultivation must not be visible from the public right of way or publicly traveled private road at any stage of growth.
 - The use of Hazardous Materials shall be prohibited in the Cultivation of Marijuana except for limited quantities of Hazardous Materials that are below State of California threshold levels of 55 gallons of liquid, 500 pounds of solid, or 200 cubic feet of compressed gas. Any Hazardous Materials stored shall maintain a minimum setback distance of 100-feet from any private drinking water well, spring, water canal, creek or other surface water body, and 200-feet from any public water supply well. The production of any Hazardous Waste as part of the Cultivation process shall be prohibited.
 - Marijuana Cultivation shall not adversely affect the health, safety, or general welfare of persons at the Cultivation site or at any nearby residence by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, or vibration, by the use or storage of hazardous materials, processes, products or wastes, or by any other way.

([Ord. No. 2426](#), § I, eff. 02/09/2017; [Ord. No. 2416](#) § I-II, eff. 07/26/2016; [Ord. No. 2349](#), § I, 05/08/2012)

Location Restrictions:

- Marijuana cultivation is prohibited on any parcel or premises located within 1,000 feet of any School, School Bus Stop, School Evacuation Site, Church, Park, Child Care Center, or Youth Oriented Facility Such distance is measured in a straight line from the fence or other enclosure required by Section G-IV(I)(1) to the nearest boundary line of the Premises upon which the School, School Bus Stop, School Evacuation Site, Church, Park, Child Care Center, or Youth-Oriented Facility is located.

([Ord. No. 2349](#), § I, 05/08/2012)

- Administrative Penalties

- Administrative penalties may be assessed for violation of cultivation of marijuana requirements as follows (G-IV 5.10.C.3.)
 - The first citation in a 12-period is \$100 per day, per violation that the nuisance remains unabated.
 - The second citation in a 12-period is \$200 per day, per violation that the nuisance remains unabated.
 - Any violation after the second violation in a 12-period is \$500 per day, per violation that the nuisance remains unabated.
 - Each marijuana plant cultivated in violation of Article 5 constitutes a separate violation and each day or part of any day a nuisance continues to exist constitutes a separate violation.
 - Administrative penalties begin to accrue on the date of notice of violation and proposed administrative penalty is served and will continue to accrue until the nuisance is abated.
- Administrative penalties may be assessed for violation of building and safety codes applicable to cultivation of marijuana as follows (G-IV 5.10.C.4)
 - The first citation in a 12-period is \$100 per day, per violation that the nuisance remains unabated.
 - The second citation in a 12-period is \$500 per day, per violation that the nuisance remains unabated.
 - Any violation after the second violation in a 12-period is \$1,000 per day, per violation that the nuisance remains unabated.
 - Each violation of building and safety codes constitutes a separate violation and each day or part of any day a nuisance continues to exist constitutes a separate violation.
 - If the violation is continuing, the enforcing officer will provide a reasonable time, up to 5 calendar days, to correct the condition prior to imposing penalties. This provision allowing for time to correct the continuing violation does not apply to the administrative civil penalties imposed as a result of any violation other than a violation of the building and safety code.
 - The amount of the administrative penalty is in the discretion of the enforcing officer or court.

- Administrative penalties begin to accrue on the date of notice of violation and proposed administrative penalty is served and will continue to accrue until the nuisance is abated.
- Should an administrative penalty imposed pursuant to Article 5 not be fully satisfied within 90 days a lien may be enforced against the real property on which the violation occurred. (G-IV 5.10.D.)

([Ord. No. 2426](#), § I, eff. 02/09/2017; [Ord. No. 2416](#) § I, eff. 07/26/2016)

- Distribution and Sale

Commercial medical marijuana dispensary prohibited.

([Ord. No. 2408](#) § IV, 01/26/2016)

- **City Ordinances**

- Nevada City: On February 22, 2017, the Nevada City Council approved the [Medical Marijuana Dispensary Draft Ordinance](#) and will be approving permits for one or more dispensaries. Nevada City prohibits all other commercial marijuana-related activity.

Banned: Grass Valley, Truckee

Orange County

The summary below highlights regulations set forth in Title 5, Division 1, Article 2 of the Orange County Code of Ordinances that regulates commercial cannabis activity in the unincorporated areas of Orange County.

- Cultivation

- Cultivation for personal medical use permitted by qualified patient or primary caregiver on behalf of qualified patient in accordance with California Health and Safety Code Section 1162.1.
- Commercial cultivation prohibited.

Cultivation Restrictions:

State requirements apply, and include, but are not limited to:

- 6 mature or 12 immature marijuana plant limit, or as otherwise required to meet the qualified patient's needs, pursuant to Health and Safety Code [Section 11362.77\(a\) and \(b\)](#). Each qualified patient may also possess up to 8 ounces of dried marijuana.
- Cultivation site must not be located within a 600-foot radius of a school, pursuant to Health and Safety Code Section [11362.768\(b\)](#).

- The cultivation must comply with local laws regarding zoning, building, grading, and water requirements, pursuant to Health and Safety Code Sections [11362.769](#) and [11362.777\(b\)\(3\)](#); and Business and Professions Code [Section 19322\(a\)\(2\)](#).
- Must be a not for profit organization or association, pursuant to Health and Safety Code [Section 11362.765\(a\)](#).

- Distribution and Sale

Orange County prohibits the sale or distribution of marijuana. While the County will not issue any permit or license to sell or distribute marijuana, the County does not prohibit the issuance of permits, licenses, or approvals, which are otherwise expressly permitted under local, state or federal law. (Sec. [5-1-31](#).)

Any business selling or distributing marijuana is also prohibited. ([Sec. 5-1-32](#).)

(Ord. No. 10-018, § 1-2, 12/7/10)

Administrative Remedies (Sec. [5-1-33](#))

- Violation of Section [5-1-32](#) will incur a fine of \$1,000 per day that the business activity, use or operation continues.
- In addition, interest will accrue on delinquent fines and penalties at the rate of 10% for fines not paid within 30 days of their due date.

(Ord. No. 10-018, § 3, 12/7/10)

- **City Ordinances**

- Laguna Woods (Ordinance 08-01)

Banned: Anaheim, Buena Park, Costa Mesa, Cypress, Fountain Valley, Fullerton, Huntington Beach, La Palma, Laguna Hills, Lake Forest, Mission Viejo, Placentia, San Juan Capistrano, Santa Ana, Seal Beach, Tustin

Placer County

The summary below highlights regulations set forth in Chapter 8, Article [8.10](#) of the Placer County Code of Ordinances that regulates commercial cannabis activity in the unincorporated areas of Placer County.

All commercial cannabis activity is prohibited in the unincorporated areas of the County. (Sec. 8.10.060. Violation of this provision will result in a civil penalty of \$1,000 per plant for each violation

- Cultivation

- Cultivation for personal use (both medical and nonmedical purposes) in accordance with Health and Safety Code Section [11362.1](#).
- Collectives and cooperatives permitted for qualified patient and primary caregivers pursuant to Health & Safety Code § [11362.1](#).
- Commercial cultivation prohibited. (

Cultivation Requirements (Secs. [8.10.040](#) and [8.10.050](#)):

The following requirements apply to both outdoor and indoor cultivation of marijuana unless specified otherwise.

- The parcel where cultivation occurs must contain a private residence.
- Cultivation of non-medical cannabis is limited to 6 plants on a maximum 50 square foot area per parcel.
- Cultivation of medical cannabis plants is limited to a maximum 50 square foot area per parcel, regardless of the number of authorized growers, qualified patients or primary caregivers residing in a private residence on the parcel.
- The total combined outdoor cultivation of medical and non-medical cannabis per parcel must not exceed 50 square feet at any time. The area used to cultivate cannabis shall be measured by the aggregate area of vegetative growth of live cannabis plants on the premises.
- Either outdoor or indoor cultivation permitted on the parcel at one time. No outdoor and indoor cultivation on the parcel at the same time.
- Only an authorized grower who resides on the parcel may cultivate cannabis on the parcel.
- The cultivation area must not adversely affect the health or safety of occupants of parcel or any other property by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, mold, or other impacts, and shall not be maintained so as to constitute a hazard due to use or storage of materials, processes, products or wastes.
- Cultivation must be in compliance with applicable regulations set forth in Chapter 17 of this code and the regulations in this article.
- Persons cultivating cannabis outdoors must take measures to prevent odors, excessive noise or other disruption to people of normal sensitivity in the immediate neighborhood or nearby property or areas open to the public.
- Outdoor cultivation includes the following additional requirements.
 - o Outdoor cultivation requires a minimum 100-foot setback from the property line and the cultivation must not be closer to an existing private residence on an adjoining property than to the private residence of the authorized grower on the parcel whereon the outdoor cultivation site is located.
 - o The outdoor cultivation area must be screened with a solid fence from all public rights-of-way, private access easements, and exterior property lines of the parcel.
- Indoor cultivation includes the following additional requirements:
 - o Each authorized grower may use only one private residence for the cultivation of cannabis.
 - o If the parcel and private residence are not owned by the authorized grower, the authorized grower must have a legal right to occupy and use the parcel and private residence to cultivate cannabis.

- The authorized grower must obtain a written statement from each owner of the parcel and private residence authorized the cultivation of cannabis. for the cultivation of cannabis in an amount in accordance with this article. The written statement will be valid for 12 months from the signing of the written statement. If ownership of the parcel or private residence changes, within 30 days of the change of ownership the authorized grower must obtain a new permission statement from each new owner of the parcel and private residence.
- Indoor cultivation may only occur inside a private residence that is a fully enclosed and secure structure located on the parcel or inside an accessory structure to a private residence that is a fully enclosed and secure structure on the parcel.
- The area used for cultivation must comply with California Building, Plumbing, Mechanical, Electrical and Fire Codes as adopted by the county of Placer, and the parcel has: (1) a permitted permanent water well or connection to a public water source drawing water, (2) does not engage in unlawful or unpermitted surface drawing of water for such cultivation, (3) does not permit illegal discharges of water from the parcel, (4) the parcel where the cultivation of cannabis takes place shall either be connected to a public sewer system or have a Placer County inspected and permitted sewage disposal system.
- No use of gas products (CO₂, butane, propane, etc.) for cultivation or manufacturing of cannabis products is prohibited.
- Cultivation must be concealed so that it is not visible from the exterior of the private residence or accessory structure, the parcel, the public right-of-way, and/or neighboring properties.
- The cultivation area must not adversely affect the health or safety of the occupants of the private residence or the parcel or any other property by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, mold, or other impacts, and shall not be maintained so as to constitute a hazard due to use or storage of materials, processes, products or waste.

(Ord. 5851-B § 2, 2016)

Location Restrictions:

- No outdoor cultivation permitted within six hundred (600) feet of any school, church, park, library, fairgrounds, child care center, youth-oriented facility or the boundary of any incorporated city. The distance will be measured in a straight line from the fence or other enclosure to the nearest boundary line of the premises upon which the school, church, park, child care center, or youth-oriented facility is located. A youth-oriented facility is any facility used for and predominantly occupied by individuals under the age of 18, including (but not limited to) a boys or girls club, an indoor or outdoor soccer field, a little league baseball field, an amusement park, and a community swimming facility. (Sec. [8.10.040](#))

(Ord. 5851-B § 2, 2016)

Civil and Administrative Penalties (Secs. [8.10.100](#) and [8.10.120](#)):

- Failure to adhere to the indoor and outdoor cultivation requirements above will be deemed a public nuisance and subject to abatement process established by Government Code Section 25845.
- The County, in its discretion, may prosecute the violation in a civil action, including seeking injunctive relief.
- The property owner and/or tenants will have 72 hours from the date of the notice to abated posted the property where the nuisance exists (a copy of which is mailed to the owners of the property) cure or correct the violation, along with the assessment of an administrative penalty.
- An administrative penalty of five hundred dollars will be charge per non-medical cannabis plant in excess of 6 plants or \$500 per every 25 square feet of medical cannabis outside the allowed 50 square feet.
- If the violation is not remedied within the 72-hour period the matter will be set for a hearing, at which time the administrative penalty will increase \$1,000 per non-medical cannabis plant in excess of 6 plants or \$1,000 per every 25 square feet of medical cannabis outside the allowed 50 square feet.
- Violation of Section 8.10.060, as regards commercial cultivation of cannabis, will result in a civil penalty of \$1,000 per plant. (Sec. [8.10.120](#).)

(Ord. 5851-B § 2, 2016)

- Manufacturing - Prohibited

Section [8.10.070](#) prohibits cannabis manufacturing activity in the unincorporated areas of Placer County. Pursuant to Section [8.10.120](#), violation(s) of this section will result in a civil penalty of \$5,000 per day for each separate violation.

(Ord. 5851-B § 2, 2016)

- Distribution and Sale

- Commercial cannabis is prohibited within the unincorporated areas of Placer County and subject to a civil penalty of \$5,000 per day for each separate violation. (Secs. [8.10.060](#) and [8.10.120](#).)
- No medical marijuana collective, cooperative or dispensary, processing facility or testing laboratory are permitted. (Sec. [8.10.080](#).) Pursuant to [8.10.120](#), a violation of this section is subject to a civil penalty of \$5,000 per day for each separate violation.
- Delivery of cannabis is prohibited. An exception allows a primary caregiver may deliver medical cannabis, or products made from medical cannabis, to a qualified patient or person with an identification card, for whom he or she is the primary caregiver. (Sec. [8.10.090](#).) Pursuant to [8.10.120](#), a violation of this section is subject to a civil penalty of \$500 for each separate violation.

(Ord. 5851B § 2, 2016)

▪ City Ordinances

Banned: Auburn, Lincoln, Rocklin, Roseville

Plumas County

On January 19, 2017, the Plumas County Cannabis Working Group began reviewing and revising a draft ordinance to address both medical and recreational cannabis regulation in the County. The Cannabis Working Group is working on the marijuana [cultivation provisions](#) and expected to start working on provisions covering testing, transportation and sale shortly thereafter. It is anticipated that a final draft ordinance will be ready for public review and comment in Summer 2017; however, the public is invited to provide input at each step of the process.

Below is summary of Plumas County's currently uncodified policy regarding regulation of medical marijuana in the County.

- Cultivation
 - Cultivation limited to personal medical use only.
 - No commercial cultivation allowed.

Plumas County currently allows qualified patients or a primary caregiver for a qualified patient to cultivate marijuana. Qualified patients must have a state-issued identification card. Primary caregivers will also need a permit in order to cultivate and process marijuana legally in the County.

The County has a 6-mature plant or 12 immature plant and 8 ounces of bud limit for qualified patients. For primary caregivers, this limit applies per qualified patient.

Criminal Penalty:

Unauthorized cultivation is a criminal offense that may result in a 16-month prison term if convicted.

- Manufacturing

Manufacturing is prohibited in Plumas County.

- Distribution and Sale

Plumas County permits legal dispensaries to provide medical marijuana to meet the needs of qualified patients.

Criminal Penalty:

Unauthorized sale of marijuana is a felony that, if convicted, may result in a 2- to 4-year prison sentence, or a 3- to 5-year prison sentence if the marijuana is sold to a minor.

Riverside County

The summary below highlights regulations set forth in Title 9, Chapter [9.64](#) and Title 17, Chapter [17.12](#) of the Riverside County Code of Ordinances that regulates commercial cannabis activity in the unincorporated areas of Riverside County.

- Cultivation – Limited Approval
 - Riverside County prohibits marijuana cultivation in all zone classifications in the unincorporated areas of the County with limited exceptions below. (Sec. [17.12.060](#).) Each zoning classification requires a one-family dwelling to be on the property and that the operators of the cultivation comply with the standards set forth in [Ordinance No. 925](#).
 - Exempted zoning classifications include: Light Agriculture (A-1), Heavy Agriculture (A-2), Light Agriculture with Poultry (A-P), Citrus Vineyard (C/V), Natural Assets (N-A), One-Family Dwellings (R-1), One-Family Dwellings Mountain Resort (R-1A), Multiple-Family Dwellings (R-2), Limited Multiple-Family Dwellings (R-2A), General Residential (R-3), Village Tourist Residential (R-3A), Planned Residential (R-4), Residential Incentive (R-6), Residential Agricultural (R-A), Regulated Development (R-D), Rural Residential (R-R), Mobile Home Subdivisions and Mobile Home Parks (R-T), Mobile Home Subdivision Rural (R-T-R), Controlled Development Areas (W-2), Controlled Development Area with Mobile Homes (W-2-M), Wine Country-Winery (WC-W), Wine Country-Winery Existing (WC-WE), Wine Country-Equestrian (WC-E), Wine Country-Residential (WC-R), and Specific Plan(SP) when the underlying zone classification for that particular SP is one of the other zone classifications identified in this section.

([Ord. No. 348.4840](#), § 3.4, eff. 01/05/2017 (as previously amended by Ord. No. 348.4802, § 3, 5/19/2015))

- Distribution and Sale

Marijuana Dispensaries

- Riverside County prohibits medical marijuana dispensaries of marijuana cultivation in all zone classifications and no permit of any type will be issued by the County. (Sec. [17.12.060](#).)
- A medical marijuana dispensary excludes a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a

residential hospice, or a home health agency licensed pursuant to [Chapter 8](#) of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section [11362.5 et seq.](#)

([Ord. No. 348.4840](#), § 21.51i, eff. 01/05/2017 (as previously amended by Ord. 348.4423, 11/02/2006); Ord. No. 348.4802, § 3, 5/19/2015)

Mobile Dispensaries

- Riverside County prohibits the operation of a mobile marijuana dispensaries in all unincorporated areas of the County. (Sec. [9.64.040](#).)
- This prohibition includes both the delivery of marijuana and marijuana-infused products (i.e. tinctures, backed goods or other consumable products), regardless of where the mobile marijuana dispensary is located, or to engage in any operation for this purpose. (Sec. [9.64.050](#).)
- Operation of a mobile dispensary or delivery of marijuana will be deemed a public nuisance and will be abated pursuant to all available remedies. (Sec. [9.64.060](#).)

([Ord. No. 928](#), §§ 4, 6, 12/15/2015)

Administrative Remedies

- A violator will receive a first notice of a public nuisance and will provided 15 days from the date of notice to cure or correct the public nuisance.
- If the violator fails to cure the nuisance as directed in the notice, a second notice will be issued, directing the violator to appear at a hearing.
- The County may recover all abatement costs, administrative costs and related penalties or assessments in any enforcement action to abate public nuisances.
- In addition, a first violation will incur a \$100 fine.
- The second violation of the same Land Use Ordinance on the same property within 12 months of the first violation issued will incur a \$200 fine.
- Each additional violation of the same Land Use Ordinance on the same property within 12 months of the first violation issued will incur a \$500 fine.
- Payment of the Penalty shall neither excuse the failure to correct the violation nor bar further enforcement action.

([Ord. No. 928](#), § 7, 12/15/2015; [Ord. No. 725](#), §§ 6-8, 03/04/1993, as amended)

▪ City Ordinances

- Palm Springs (Ordinance 1758)

Banned: Beaumont, Blythe, Corona, Desert Hot Springs, Hemet, Indian Wells, Indio, La Quinta, Lake Elsinore, Murrieta, Norco, Palm Desert, Rancho Mirage, Riverside, San Jacinto, Temecula

Sacramento County

The summary below highlights regulations set forth in Chapter [8.132](#) of Title 8 and Chapter [6.89](#) of Title 6 of the Sacramento County Code of Ordinances that regulates commercial cannabis activity in the unincorporated areas of Sacramento County.

- Cultivation

Cultivation Restrictions (Secs. [8.132.030](#), [6.89.060](#)):

- Outdoor cultivation of marijuana plants is prohibited and constitutes a nuisance.
- Indoor cultivation is prohibited and constitutes a nuisance unless the cultivator meets the requirements of Section [6.89.050](#).

Cultivation Requirements (Secs. [8.132.030](#)):

- The indoor cultivation of medical marijuana in residential zones or on premises used for residential use must be conducted only within an allowable structure.
- The cultivation area must not exceed 400 square feet and 9 plants, regardless of how many qualified patients, primary caregivers, or persons with identification cards are residing at the premises.
- Cultivation only permitted by a qualified patient or caregiver for medicinal purposes.
- Cultivation must be inside a single-family dwelling where the qualified patient or caregiver resides on a full-time basis.
- The area used for cultivation complies with California Building, Electrical and Fire Codes as adopted by Sacramento County.
- Indoor grow lighting systems must 1) not exceed 3,800 watts; be shielded to confine light and glare to the interior of the allowable structure; comply with the city building code and fire prevention code.
- Structure must have an odor filtration and ventilation system.
- Medical marijuana cultivation must be concealed from public view at all stages of growth and there shall be no exterior evidence of cultivation occurring at the premises from a public right-of-way or from an adjacent parcel.
- The medical marijuana cultivation shall not create offensive odors; create excessive dust, heat, noise, smoke, traffic, or other impacts that are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public; or be hazardous due to use or storage of materials, processes, products, or wastes.
- Medical marijuana cultivation areas, whether in a detached building or inside a residence, shall not be accessible to juveniles who are not qualified patients, primary caregivers, or persons with an identification card.
- The marijuana cultivation is concealed so that it is not visible from the exterior of the property, the public right-of-way, and/or neighboring properties.

(SCC 1563 § 1, 2014; Ord. 2012-045 § 2)

Criminal, Civil and Administrative Penalties (Section [8.132.040](#))

- Any person who violates a provision of Chapter [8.132](#) will be liable for a civil penalty of not more than \$250 nor more than \$25,000 for each day the violation continues.

Any person who violates any provision of this chapter is guilty of a misdemeanor.

(Ord. 2012-045 § 2)

- **Distribution and Sale**

The County prohibits the establishment or operation of a dispensary or marijuana-related business in the unincorporated areas of Sacramento County.

- **Business Tax (Sec. [3.08.205](#))**

- On and after July 1, 2011, 4% of each dollar of gross receipts for the reporting period.
- Notwithstanding the tax rate imposed in subsection (A)(1), the city council may, in its discretion, at any time by resolution implement any lower tax rate it deems appropriate, and may by resolution increase such tax rate from time to time, not to exceed the maximum rate established under subsection (A)(1).

(Ord. 2010-020 § 5)

- **City Ordinances**

- **Citrus Heights**
 - Cultivation:
 - Outdoor cultivation prohibited. Citrus Heights Code (CHC) § 50-702 (Ord. No. 2013-007, § 1, 7-11-2013), CHC 23.27.020.
 - Indoor cultivation permitted in residential buildings with many restrictions. CHC § 50-702 (Ord. No. 2013-007, § 1, 7-11-2013).
 - Dispensaries:
 - Prohibited. CHC § 47-3 (Ord. No. 2012-003, § 2, 2-25-2012); CHC § 106.42.120 (Ord. No. 2012-004, § 3, 2-25-2012).
- **Elk Grove**
 - Cultivation:
 - Outdoor cultivation prohibited. Citrus Heights Code (CHC) § 50-702 (Ord. No. 2013-007, § 1, 7-11-2013), CHC 23.27.020.
 - Indoor cultivation permitted in residential buildings with restrictions. CHC § 50-702 (Ord. No. 2013-007, § 1, 7-11-2013).
 - Dispensaries: Prohibited. CHC § 47-3 (Ord. No. 2012-003, § 2, 2-25-2012); CHC § 106.42.120 (Ord. No. 2012-004, § 3, 2-25-2012).
- **Folsom**
 - Cultivation:
 - Prohibited. Folsom Municipal Code (FMC) § 114.030 (Ord. 1251 § 3 (part), 2016).
 - Dispensaries:

- Prohibited. FMC § 112.020 (Ord. 1059 § 2 (part), 2006).
 - Galt
 - Cultivation:
 - Prohibited. Galt Municipal Code (GMC) 18.58.050 (Ord. 2015-05).
 - Dispensaries:
 - Prohibited. GMC 18.28.050 (Ord. 2015-05).
 - Rancho Cordova:
 - Cultivation: O
 - Outdoor cultivation prohibited. Rancho Cordova Municipal Code (RCMC) 6.90.030 (Ord. 1-2015 § 2; Ord. 17-2010 § 2).
 - Indoor cultivation permitted in single-family homes by resident patients or caregivers, with restrictions on square foot and a permit required. RCMC 6.90.040. Permit required, tax imposed. RCMC § 3.85 (Ord. 19-2010 § 1).
 - Dispensaries:
 - Prohibited. RCMC 9.102.030 (Ord. 16-2013 § 2; Ord. 15-2013 § 4); § 23.925.020.
 - Sacramento City
 - Cultivation:
 - Indoor permitted; limited to single-family dwelling, residence of patient or caregiver, maximum 9 plants. Sacramento County Code § 6.89.050 (SCC Ord. No. 1563 § 1, 2014).
 - Indoor commercial permitted; requires city permit, limited to 22,000 square feet, and other requirements. Sac. City Code § 17.228.127 (Ord. 2016-006).
 - Outdoor prohibited. County Code 6.88.050 (SCC Ord. No. 1561 § 1, 2014).
 - Dispensaries:
 - Permitted; requires city permit (SCC § 5.150 & SCC § 17.228.700 (Ord. 2016-008)); special city tax on marijuana businesses (SCC § 3.08.205 (Ord. 2010-020 § 5)).

San Benito County

The summary below highlights regulations set forth in Chapter 25.29, [Article VI](#) of Title 25, of the San Benito County Code of Ordinances that regulates commercial cannabis activity in the unincorporated areas of San Benito County.

- Cultivation

On September 27, 2016, the Board of Supervisors adopted Ordinance No. 949 which restricts and regulates marijuana cultivation within San Benito County as an urgency ordinance pursuant to Government Code 65858. Ordinance No. 949 was extended by Ordinance No. 952 through September 23, 2017. The ordinance exempted marijuana crops that could be proven to have been under cultivation as of September 27, 2016, but will terminate once they have been harvested. All other marijuana grows will not be exempt after December 27, 2016. To qualify for limited immunity, persons must have registered by November 30, 2016.

- Cultivation for personal medical use permitted as a limited exception.
- Commercial cultivation prohibited as a nuisance.

Cultivation Restrictions:

Ordinance No. 949 provides the following restrictions.

- Cultivation limited to 6 plants per parcel, regardless of how many patients or caregivers are living on the property or participating in cultivation. The number of plants being cultivated cannot exceed the number planted during the last quarter.
- If not the legal owner of the parcel, the grower must obtain written consent for cultivation by the owner.
- Identification must be posted at the enclosure or structure.
- Plants cannot be visible from the public right-of-way.
- Permits will be granted on a case-by-case basis.
- The structure for indoor cultivation must comply with California and County Building Codes and California and Electrical Codes.
- The structure for indoor cultivation must have locking doors and be equipped with an odor control filtration system.

Location Restrictions:

- No outdoor cultivation within 1,000 feet of a residence on a separate parcel, unless the marijuana is enclosed in a fence that is at least 6 feet high.
- No outdoor cultivation within 1,000 feet of schools, parks and youth facilities.

- Distribution and Sale - Prohibited

San Benito County prohibits the establishment or operation of medical marijuana dispensaries in all zoning districts, even if located within an otherwise permitted use. (Sec. [25.29.160.](#))

- A “marijuana dispensary” includes (a) any for profit or not-for-profit facility, building, structure, premises, or location, whether fixed, mobile, permanent or temporary, where any person(s) makes available, sells, gives, distributes, or otherwise provides marijuana to any two or more other persons (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)" or "person(s) with an identification card") pursuant to Cal. Health and Safety Code §§ 11362.5 *et seq.* and/or §§ 31362.7 *et seq.* or otherwise; or (b) any for profit or not-for-profit facility, building, structure, premises, or location, whether fixed, mobile, permanent or temporary, where qualified patients and/or persons with identification cards and/or primary caregivers meet or congregate to make available, sell, give away, distribute, or otherwise provide marijuana for medicinal or other purposes. The term further includes cooperatives, collectives and/or clubs.
- A medical marijuana dispensary excludes a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a

residential hospice, or a home health agency licensed pursuant to [Chapter 8](#) of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Sections [11362.5 et seq.](#) and [11362.7 et seq.](#)

(Ord. 878, § 3, 2011)

▪ **City Ordinances**

Hollister ([Ordinance No. 1131](#))

San Bernardino County

The summary below highlights regulations set forth in Chapter [84.34](#) of Title 8, Division 4, of the San Bernardino County Code of Ordinances that regulates commercial cannabis activity in the unincorporated areas of San Bernardino County.

- Cultivation
 - Cultivation for personal medical use permitted by a person holding an identification card or primary caregiver under Section [84.34.040](#).
 - No commercial cannabis activity permitted in any land use zoning districts, and no permit will issue for such commercial activity pursuant to [84.34.030](#).

Cultivation Restrictions:

Personal cultivation is subject to the following restrictions, pursuant to Section [84.34.040](#).

- Cannabis cannot be sold, distributed, donated, or provided to any other person or entity.
- Cultivation may only be conducted indoors at the private residence of the person with an identification card or primary caregiver of the person with the identification card.
- A primary caregiver may only receive compensation in full compliance with Health and Safety Code § [11362.765](#), subdivision (c).
- Cultivation is limited to 12 plants per person with an identification card or primary caregiver; with an aggregate total of 24 cannabis plants per residence when more than one person with an identification card or primary caregiver lives at the private residence.
- The residence must be in a fully enclosed structure and restricted to one distinct designated cultivation area within the residence that is separately secured and locked from all other uses of the residence.
- Cultivation must not be perceptible from the exterior of the residence, including:
 - o No form of signage or perceptible by common visual observation;
 - o No Odors; and
 - o No light pollution, glare or lighting associated with cultivation;
- Cultivation must be secondary and accessory to the residential use.
- The Cultivation area must comply with requirements of all applicable County Codes.

- No outdoor cultivation in the yard, curtilage, or other area outside of a private residence.
- No cultivation is permitted within the common areas of a multi-family dwelling, residential development, mobile home park, or other similar residential arrangements.
- Written consent must be obtained from the legal owner of the property for cultivation of cannabis within the residence (including any alterations to the residence associated with the cultivation of cannabis plants) if the person with an identification card or a primary caregiver is not the property owner. The written consent must be maintained at the residence and provided upon request to an enforcement officer.
- All cultivation must be conducted in compliance with State statutes.
- All cultivation activity prohibited in residence containing a child day care, as defined by § [810.01.060](#), subdivision (e).

(Ord. 4309, passed -2016)

- **Manufacture**

Section [84.34.030](#) prohibits all commercial cannabis activity, which includes manufacturing.

Section [84.34.020](#)(m) defines “manufacture” to mean to produce, prepare, propagate, compound, blend, extract, infuse, or otherwise make or prepare a cannabis product. The manufacture of cannabis includes the use of non-volatile solvents and volatile solvents.

- **Distribution and Sale**

Section [84.34.030](#) prohibits all commercial cannabis activity, which includes the distribution, delivery and sale of cannabis that is not otherwise exempted under Sections [84.34.030](#) and [84.34.050](#).

- **City Ordinances**

Banned: Adelanto, Apple Valley, Barstow, Chino, Fontana, Grand Terrace, Hesperia, Highland, Loma Linda, Montclair, Ontario, San Bernardino, Upland, Yucaipa

San Diego County

The summary below highlights regulations set forth in Chapter [25](#) of Title 2, Division 1, of the San Diego County Code of Ordinances that regulates cannabis activity for medical marijuana collective facilities in the unincorporated areas of San Diego County.

- **Cultivation**

Cultivation Restrictions

San Diego County permits cultivation by a “medical marijuana collective facility.”

A “medical marijuana collective facility” or “collective facility” means any location at which members of a medical marijuana collective collectively or cooperatively cultivate, store or exchange marijuana among themselves or reimburse each other or the medical marijuana collective for cultivation, overhead costs and operating expenses. (Sec. [21.2502](#).)

A “medical marijuana collective facility” or “collective facility” does not include 1) a clinic licensed or exempt from licensure pursuant to [Chapter 1](#) and 1.3 of Division 2 of the Health and Safety Code; 2) a health care facility licensed pursuant to [Chapter 2](#) of Division 2 of the Health and Safety Code; 3) a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; 4) a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; or 5) a hospice or a home health agency, licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

Cultivation Requirements (Sec. [21.2504](#)):

The San Diego County Code provides a full list of infrastructure requirements for medical marijuana collective facilities, including, but not limited to:

- The facility must provide sufficient security systems, including alarms and close circuit television.
- Windows and glass panes must have vandal-resistant glazing, shatter-resistant film, glass block, or bars installed equipped with latches that may be released quickly from the inside to allow exit in the event of emergency.
- Roofs, roof hatches, sky lights, and ceilings for the building must be secure from unauthorized entry. Exterior roof ladders shall be secured with locked ladder covers.
- No marijuana may be visible from any location off the property on which a collective facility is located. Exterior landscaping within 10 feet of any building in which a collective facility is located shall be free of locations which could reasonably be considered places where a person could conceal themselves considering natural or artificial illumination.
- Exterior building lighting and parking area lighting must be in compliance with relevant County Codes.
- An approved automatic fire sprinkler system, designed in compliance with NFPA 13, shall be provided in buildings and portions thereof used as a collective facility.
- Entrances, exits, and doors will comply with all requirements as set forth in Sec. [21.2504](#)(g).
- The provisions of this section do not apply to the following collective facilities:
 - o A collective facility operated by a qualified patient where the amount of marijuana at no time exceeds 1.5 times the amount allowed by state law for a single qualified patient under Health & Safety Code Section [11362.77](#), only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.
 - o A collective facility operated by a primary care giver where the amount of marijuana at no time exceeds the amount allowed by state law for a single primary care giver under Health & Safety Code Section [11362.77](#), only

cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.

(Added by Ord. No. 10060 (N.S.), effective 7-30-10; amended by Ord. No. 10120 (N.S.), effective 3-3-11)

Licensing Requirements (Sec. [21.2503](#)):

The list of requirements to apply for an operating certificate are set forth in Section [21.2503](#).

Highlighted requirements include:

- A collective may only operate a collective facility in the unincorporated area of San Diego County if a valid Medical Marijuana Collective Facility Operating Compliance Certificate ("Operating Certificate") has been issued by the Sheriff's Department to a member of the collective.
- An Operating Certificate issued pursuant to this section shall be valid only for the address for which it was issued.
- For purposes of facilitating the provisions of this ordinance, a collective must have a unique identifying name that will be entered onto the application for an Operating Certificate.
- The fee for an Operating Certificate shall be as provided in section [21.1901](#) of the County Code of Regulatory Ordinances.
- The application for an Operating Certificate shall designate and identify one or more persons as responsible persons. The designated responsible person(s) shall include the applicant(s).
- An Operating Certificate shall not be issued where a responsible party has a felony conviction.

(Added by Ord. No. 10060 (N.S.), effective 7-30-10; amended by Ord. No. 10224 (N.S.), effective 10-25-12)

Operating Requirements (Sec [21.205](#)):

A collective facility must adhere to the operating requirements set forth in Section [21.205](#)(a)-(m). Such requirements included, but are not limited to:

- The hours of operation of a collective facility shall be no earlier than 8 a.m. and no later than 8 p.m., seven days a week
- No persons under the age of 18 are allowed at, in or on a collective facility, unless such individual is a qualified patient and accompanied by their licensed attending physician, parent or documented legal guardian.
- The collective facility must maintain records as required for verification purposes, including an agreement, signed by each member of the collective associated with the collective facility and who is a source of marijuana to the collective facility
- All marijuana at a collective facility must have been cultivated at that collective facility or have as its source a member or members of the collective with which the collective facility is associated.
- Only marijuana as herein defined is allowed at the collective facility. No food or drink containing marijuana is allowed. No smoking or any other consumption or ingestion of marijuana is allowed at a collective facility.

- Only persons who are members of the collective that is associated with a collective facility shall collectively or cooperatively cultivate, store or exchange marijuana among themselves, or reimburse each other or the medical marijuana collective for cultivation, overhead costs and operating expenses, at the collective facility.
- All transactions between or among members of a collective involving the exchange of marijuana and money, the exchange of marijuana and any other thing of value, the exchange of marijuana, or the provision of marijuana by one collective member to another collective member shall occur at the collective facility operated by the collective to which the members belong, except as follows: To the extent allowed by Health & Safety Code § 11362.71 and Health & Safety Code § 11362.765, a member of a collective may transport medical marijuana from the collective facility of the collective to which the member belongs and deliver the medical marijuana to another member of the same collective and may, upon delivery, accept money on behalf of the collective in exchange for the medical marijuana.
- A collective facility shall have on its premises, posted in a prominent location, a copy of its Operating Certificate and a document that provides the names, home addresses, home telephone numbers and 24-hour emergency telephone numbers of its operators.
- The total quantity of marijuana located at any collective facility shall not exceed the maximum quantity limits set by state law, as established by statute and court decisions, in relation to the number of qualified patients and primary caregivers that are members of the collective.
- A licensed, uniformed security guard shall be present at a collective facility at all times during hours of operation pursuant to section [21.2505\(a\)](#).
- The provisions of this section do not apply to the following collective facilities:
 - o A collective facility operated by a qualified patient where the amount of marijuana at no time exceeds 1.5 times the amount allowed by state law for a single qualified patient under Health & Safety Code Section [11362.77](#), only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.
 - o A collective facility operated by a primary care giver where the amount of marijuana at no time exceeds the amount allowed by state law for a single primary care giver under Health & Safety Code Section [11362.77](#), only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.

(Added by Ord. No. 10060 (N.S.), effective 7-30-10; amended by Ord. No. 10120 (N.S.), effective 3-3-11; amended by Ord. No. 10224 (N.S.), effective 10-25-12)

- Administrative Penalties (Sec. [21.2507](#)):

- An operating certificate may be revoked for any violation of state law or this Chapter, or for failure to comply with conditions listed on the Operating Certificate.
- In a civil action filed by the County to enforce provisions of this Ordinance, a court may assess a maximum civil penalty of \$2,500 per violation for each day during which any violation of any provision of this Ordinance is committed, continued, permitted or maintained by such person(s). As part of said civil action, a court may

also assess a maximum civil penalty of \$6,000 for each day any person intentionally violates an injunction prohibiting the violation of any provision of this Ordinance.

(Added by Ord. No. 10060 (N.S.), effective 7-30-10)

- Distribution and Sale

On March 16, 2016 San Diego engaged a [Medical Marijuana Collective Facility Interim Urgency Moratorium Ordinance](#) on medical collective facilities.

- **City Ordinances**

- San Diego (Municipal Code SDMC Chapter 4: Health and Sanitations (3-2015) § 42.1503 and SDMC Chap 14 (5-2016) § 141.0614

Banned: Chula Vista, Escondido, Imperial Beach, Poway, San Marcos, Santee, Vista

City and County of San Francisco

- Cultivation

Cultivation Restrictions:

Pursuant to the authority granted under Health and Safety Code Section [11362.77](#), the City and County of San Francisco enacts the following medical cannabis guidelines:

- A qualified patient, person with a valid identification card, or primary caregiver may possess no more than eight ounces of dried cannabis per qualified patient. In addition, a qualified patient, person with a valid identification card, or primary caregiver may also maintain no more than 24 cannabis plants per qualified patient or up to 25 square feet of total garden canopy measured by the combined vegetative growth area.

(Added by Ord. 27505, File No. 051250, App. 11/30/2005)

- Distribution and Sale

All medical cannabis dispensaries operating in violation of California Health and Safety Code Sections 11362.5 and 11326.7 et seq., or Article 33 are expressly prohibited. No entity that distributed medical cannabis prior to the enactment of Article 33 will be deemed to have been a legally established use under the provisions of this Article, and such use shall not be entitled to claim legal nonconforming status for the purposes of permitting, (Sec. 3309.)

(Added by Ord. 27505,
File No. 051250, App. 11/30/2005)

Except for research facilities, it is unlawful to operate or maintain, or to participate therein, or to

cause or to permit to be operated or maintained, any medical cannabis dispensary without first obtaining a final permit pursuant to Article 33. It is unlawful to operate or maintain, or to participate therein, or to cause or to permit to be operated or maintained, any medical cannabis dispensary with a provisional permit issued pursuant to this Article 33. (Sec. 3303.)

(Added by Ord. 27505,
File No. 051250, App. 11/30/2005; Ord. 22506,
File No. 060032, Effective without the signature of the Mayor)

Business license and Registration

- Every medical cannabis dispensary must obtain a business license from the City in compliance with Article 2 of the Business and Tax Regulations Code. The business license fee shall be due annually on March 31 of each year, pursuant to Section 76.1, Article 2 of the San Francisco Business and Tax Regulations Code.

- The license is nontransferable, pursuant to Section 3311, subject to the following:
 - o Upon sale, transfer or relocation of a medical cannabis dispensary, the permit and license for the establishment will be null and void unless another permit has been issued pursuant to this Article; provided, however, that upon the death or incapacity of the permittee, the medical cannabis dispensary may continue in business for 6 months to allow for an orderly transfer of the permit.

If the permittee is a corporation, a transfer of 25% of the stock ownership of the permittee will be deemed to be a sale or transfer and the permit and license for the establishment will be null and void unless a permit has been issued pursuant to this Article; provided, however that this subsection shall not apply to a permittee corporation, the stock of which is listed on a stock exchange in this State or in the City of New York, State of New York, or which is required by law, to file periodic reports with the Securities and Exchange Commission.

(Added by Ord. 27505,
File No. 051250, App. 11/30/2005)

Medical Marijuana Dispensary Operation Requirements:

A full list of requirements may be found at Article 33, Section 3308.

- Medical cannabis dispensaries shall be operated only as collectives or cooperatives in accordance this ordinance. All patients or caregivers served by a medical cannabis dispensary shall be members of that medical cannabis dispensary's collective or cooperative.
- Medical cannabis dispensaries must maintain membership records onsite
- or have them reasonably available.
- The medical cannabis dispensary must operate as a not for profit and receive only
- compensation for the reasonable costs of operating the dispensary, including reasonable compensation incurred for services provided to qualified patients or primary caregivers to enable that person to use or transport cannabis pursuant to

- California Health and Safety Code Section 11362.7 et seq., or for payment for reasonable out-of-pocket expenses incurred in providing those services, or both.
- Medical cannabis dispensaries will sell or distribute only cannabis manufactured and processed in the State of California that has not left the State before arriving at the medical cannabis dispensary.

(Added by Ord. 27505,
File No. 051250, App. 11/30/2005; Ord. 22507,
File No. 070667, App. 10/2/2007; Ord. 31808,
File No. 081230,
12/19/2008; Ord. 2509,
File No. 081199, App. 2/13/2009)

- **City Ordinances**

- San Francisco City (Ordinance 275-05)

San Joaquin County

The summary below highlights pertinent medical marijuana regulations set forth in Division 2, [Chapter 9-125](#) and [Division 10, Chapter 1](#) of the San Joaquin County Code of Ordinances that regulates the unincorporated areas of San Joaquin County.

- **Cultivation**

Cultivation Restrictions (Secs. [4-10005](#) and [4-100006](#))

- No personal medical use. Medical marijuana cultivation is a public nuisance and prohibited by any person, including, without limitation, a qualified patient or primary caregiver as individuals or in a cooperative or collective.
- Commercial medical use prohibited.

Penalties for Cultivation ([Sec. 4-10007](#))

- Illegal medical marijuana cultivation is a misdemeanor punishable by a fine up to \$500, imprisonment in County Jail for no longer than 6 months, or both, and/or any other enforcement remedies available to the County under applicable state or federal statute.
- Each day illegal medical marijuana cultivation continues will constitute a separate violation and be subject to the maximum penalty and other enforcement remedies available to the County under applicable state or federal statute.
- In addition to the above remedies, the County may bring a civil suit or against person(s) responsible for such violation(s) and hold said person(s) personally liable for the County's costs of suit, including, but not limited to attorney's fees.

(Ord. No. 4462, § 1, 4/14/2015)

- Distribution and Sale

[Section 9-125.3](#), prohibits the establishment or operation of a medical marijuana dispensary in any premises in the unincorporated areas of San Joaquin County.

[Section 9-125.2](#) defines “medical marijuana dispensary” as any facility where medical marijuana is made available pursuant to Health and Safety Code Sections [11362.5](#) and Sections 11362.7-11362.83.

A medical marijuana dispensary does not include licensed clinics, health care facilities, residential care facilities for the elderly or persons with chronic life-threatening illnesses that are licensed under Chapters 1 through 3.2 of [Division 2](#) of the Health and Safety Code, or a hospice or home health agency licensed under [Chapter 8](#) of [Division 2](#) of the Health and Safety Code.

(Ord. No. 4388, § 3, 3/02/2010; Ord. No. 4413, § 5, 8/09/2011; Ord. No. 4443, § 3, 10/08/2013)

- **City Ordinances**

- Ripon (Ordinance 705)
- Stockton (Ordinance 013-10)

Banned: Escalon, Lodi, Manteca

San Luis Obispo County

- Cultivation

The San Luis Obispo Board of Supervisors adopted Urgency [Ordinance No. 3334](#) as a temporary measure to regulate marijuana cultivation in the unincorporated areas of the County. A draft of the permanent ordinance is expected to be available for public review and comment in Spring 2017 and the ordinance is expected to go before the Board for a vote late summer 2017.

Cultivation Restrictions:

Marijuana cultivation is considered a public nuisance and prohibited in all land use categories within the unincorporated areas of San Luis Obispo County.

([Ord. No. 3334](#), § 4, -2016)

Cultivation Requirements:

The County permits and will process applications for cultivation of marijuana in the unincorporated areas of San Luis Obispo County based on the following exemptions to the general prohibition.

- Existing nonconforming cultivation permitted, provided that:
 - o It can reasonably be proven cultivation of individual marijuana plants occurred onsite as of August 23, 2016;
 - o The cultivation area has not expanded since said date;
 - o The entire site complies with all County and State ordinances and statutes;
 - o The site has a valid posted street address;
 - o All outdoor cultivation activities must be fully enclosed by and secure fence that is at least 6 feet tall; and
 - o No portion of any marijuana plant will be visible from outside of the fence enclosure.
- New indoor cultivation permitted.
 - o Cultivation is limited to no more than 6 marijuana plants (including both mature and immature plants) with a maximum combined canopy of 100 square feet in size, per qualified patient at any one time, or cultivation by a primary caregiver for up to 5 qualified patients (500 square foot maximum area allowed and up to 6 plants per qualified patient).
 - o The person(s) growing the marijuana is/are a qualified patient or a primary caregiver with an identification card(s) or physician recommendation(s) available for inspection.
 - o The parcel on which the cultivation occurs must be at least 1,000 feet from any youth-oriented facility, school, park, or place of worship. Distance is measured in a straight line from the nearest exterior wall of the building in which marijuana cultivation occurs to the nearest boundary line of the property on which the youth-oriented facility, school, park, or place of worship is located.
 - o Marijuana plants must not be visible from the public right of way or publicly traveled private roads.
 - o Cultivation is accessory to an existing, permitted use of the parcel, except where the entire cultivation site is located within the Agriculture land use category of San Luis Obispo County's General Plan.
 - o Cultivation must not subject persons offsite to objectionable odors and measures must be taken to prevent odors from escaping structures in which cultivation occurs indoors in a residential land use category.
 - o The cultivation does not use water that has been obtained from any source without compliance with all applicable state and local regulations.
 - o No use of exterior signage that indicates or advertises the presence of availability of marijuana.
 - o The cultivation does not adversely affect the health or safety of nearby residents (i.e. glare, heat, noise, odor, storage of fertilizers or waste etc.)
 - o Premises available for inspection upon reasonable notice.
- New outdoor cultivation permitted, provided that:
 - o Cultivation is limited to no more than 6 marijuana plants (including both mature and immature plants) with a maximum combined canopy of 100

square feet in size, per qualified patient at any one time, or cultivation by a primary caregiver for up to 5 qualified patients (500 square foot maximum area allowed and up to 6 plants per qualified patient).

- The person(s) growing the marijuana is/are a qualified patient or a primary caregiver with an identification card(s) or physician recommendation(s) available for inspection.
- The parcel on which the cultivation occurs must be at least 1,000 feet from any youth-oriented facility, school, park, or place of worship. Distance is measured in a straight line from the nearest exterior wall of the building in which marijuana cultivation occurs to the nearest boundary line of the property on which the youth-oriented facility, school, park, or place of worship is located.
- The cultivation area must be at least 100 feet from the property line of a parcel under separate ownership.
- Prohibited on any vacant or undeveloped parcel or in a mobile home park, as defined in Health and Safety Code Section 18214.1.
- Marijuana plants must not be visible from the public right of way or publicly traveled private roads.
- All cultivation activities must occur within a secure fence that is at least 6 feet high and fully enclosed, with a lockable gate.
- Cultivation is accessory to an existing, permitted use of the parcel, except where the entire cultivation site is located within the Agriculture land use category of San Luis Obispo County's General Plan.
- Cultivation must not subject persons offsite to objectionable odors.
- No light permitted to assist in the growing of the marijuana plants.
- The cultivation does not use water that has been obtained from any source without compliance with all applicable state and local regulations and it does not create erosion or result in runoff into any street, creek, river or body of water.
- No use of exterior signage that indicates or advertises the presence of availability of marijuana.
- If the site is leased or rented, written authorization from the current property owners authorizing the tenant or lessee to cultivate marijuana onsite must be maintained onsite and made available upon request. Said authorization must be renewed annually.
- The cultivation does not adversely affect the health or safety of nearby residents (i.e. glare, heat, noise, odor, storage of fertilizers or waste etc.)
- Premises available for inspection upon reasonable notice.

[\(Ord. No. 3334, § 5, -2016\)](#)

Licensing Requirements:

- Licensing permitted within 60 days of adoption of Ordinance No. 3334.
- If asserting Existing Nonconforming Cultivation, a statement the registrant began cultivating medical marijuana at the location address on or before August 23, 2016 and proof of cultivation will be required at the time of registration.

([Ord. No. 3334](#), § 7, - - 2016)

- Penalties

[Ordinance No. 3334](#) is enforceable by the following means:

- In accordance with the provisions of Chapter 22.74 of the County Code in the Inland Area, or of Chapter 23.10 in the Coastal Zone, or by the prosecution of a civil action, including an action for injunctive relief.
- Through the abatement process established by Government Code Section 25845.
- In accordance with the provision of Chapter 1.05 of the San Luis Obispo County Code.

([Ord. No. 3334](#), § 8, - - 2016)

- Distribution and Sale

Section [22.30.225](#) of Chapter 22.30 controls the operation of medical marijuana dispensaries in commercial retail or commercial service land use categories and outside the Central Business District (CBD).

Dispensary Requirements

- A Minor Use Permit must be obtained to establish a medical marijuana dispensary.
- Hours of operation are limited to 11:00 a.m. to 6:00 p.m., seven days a week.
- Anyone under the age of 18 is not permitted on site without a parent or legal guardian present.
- No retail sale of paraphernalia as defined by Health and Safety Code Section 11364.5.
- No cultivation of medical marijuana is permitted at the dispensary or on dispensary property.
- Employees and staff must be 21 years of age or older.
- A security plan must be submitted with the Minor Use Permit Application that includes lighting, security video cameras, alarm systems and a secure area for storage of the medical marijuana. There must be at least 30 business days of surveillance video stored on an ongoing basis.
- Each dispensary shall display a notice inside indicating 1) that no one under 18 years of age is allowed in the dispensary without a parent or legal guardian and 2) that no consumption of medical marijuana is allowed in the vicinity of the dispensary.
- The Sheriff's Department must be notified of the name, location and contact information for the site and operator of the dispensary.

Dispensary Location Restrictions

- Dispensaries must be located outside the CBD.
- Dispensaries must be at least 1,000 feet from any pre-school, elementary school, high school, library, park, playground, recreation or youth center. The distance is measured in a straight line from the building that contains the dispensary to the property line of the enumerated use.

(Added 2006, Ord. 3114)

▪ **City Ordinances**

Banned: Arroyo Grande, Atascadero, Grover Beach, Paso Robles, Pismo Beach, San Luis Obispo City

San Mateo County

The summary below highlights pertinent medical marijuana regulations set forth in [Chapter 5.148](#) of the San Mateo County Ordinance Code that regulates the unincorporated areas of San Mateo County.

• Cultivation

- Cultivation of medical marijuana limited to qualified patients, persons with identification cards, and primary caregivers who may cultivate collectively or associate for the purpose of doing so.
- No commercial medical marijuana cultivation.

(Ord. 04468, § 1, 5/5/09)

Cultivation Restrictions:

Location Restrictions ([Sec. 5.148.050\(a\)\(20\)](#)):

- A medical marijuana collective must not operate or be located in or within 1,000 feet of the grounds of a school, recreation center, or youth center.

(Ord. 04468, § 1, 5/5/09)

Cultivation Requirements (Conditions of License)([Sec. 5.148.050\(a\)](#))

- No advertising of marijuana allowed and exterior signage limited to site address.
- The collective site will include a centrally monitored alarm system that is monitored at all times and windows and roof hatches will be secured by bars to prevent unauthorized access, and be equipped with latches that may be released from the inside to allow exit in case of an emergency.
- Interior and exterior building lighting, and parking area lighting will be sufficiently lit to allow ready identification of any individual committing a crime on site at a distance of no less than 40 feet.
- No cultivated marijuana or dried marijuana product may be visible from the exterior of the building.
- Activities at licensed collective are limited to cultivation, storage and preparation (drying and processing) of marijuana for personal use.

- The quantity of marijuana located at the facility where medical marijuana is collectively cultivated may not exceed the maximum quantity per patient of medical marijuana authorized by State law, multiplied by the number of participants who are served by the collective.
- Cultivation must be not for profit.
- Cultivation must be secured from public access, not be visible to the public domain, and secured in a fully enclosed structure that conforms to specified security standards (i.e. locks and deadbolts).
- The collective must comply with all applicable building, zoning, and environmental requirements set forth in the San Mateo Ordinance Code or State law.
- The collective may not employ any persons who are felons or are currently on probation.

Licensing Requirements ([Sec. 5.148.040](#)):

- Medical marijuana collectives must obtain a license, subject to the procedure set forth in [Chapter 5.04](#) of the San Mateo County Code of Ordinances and specific requirements in in [Chapter 5.148](#).
- The approval of a County License for a medical marijuana collective requires the following additional specific findings:
 - o That the requested use at the proposed location will not adversely affect the economic welfare of the nearby community;
 - o That the requested use at the proposed location will not adversely affect the use of any property used for a school, playground, park, youth facility, child care facility, place of religious worship, or library;
 - o That the requested use at the proposed location is sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area; and
 - o That the exterior appearance of the structure is compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration, or substantial diminishment or impairment of property values within the immediate area.
- Pursuant to [Section 5.148.060](#) the license may be revoked for any violation of Chapter 5.148 or State law.

(Ord. 04468, § 1, 5/5/09)

- Manufacturing

[Section 5.148.050](#) prohibits cooking, preparation, or manufacturing of marijuana enhanced or edible or drinkable products (i.e. cookies, candy, drinks, or brownies).

(Ord. 04468, § 1, 5/5/09)

- Distribution and Sale

Medical marijuana dispensaries or other commercial distribution or sale are prohibited.

[Section 5.148.050](#) includes the following restrictions:

- No sales of cultivated marijuana on site and the sale of marijuana enhanced or edible or drinkable products (i.e. cookies, candy, drinks, or brownies).
- No operation within 1,000 feet of the grounds of a school, recreation center, or youth center.
- Distribution must be not for profit.

(Ord. 04468, § 1, 5/5/09)

Penalties for Violation ([Sec. 5.148.090](#)):

- Any violation of [Chapter 5.148](#) will be deemed a misdemeanor and a public nuisance and the County may enforce any remedy available for abatement of a public nuisance.

(Ord. 04468, § 1, 5/5/09)

▪ **City Ordinances**

- San Carlos (Ordinance 1417)
- San Mateo City (Ordinance 2009-06)

Banned: Colma, East Palo Alto, Millbrae, Redwood City, San Bruno, South San Francisco

Santa Barbara County

The summary below highlights pertinent medical marijuana regulations set forth in [Article X](#), Chapter 35 of the Santa Barbara County Ordinance Code that regulates the unincorporated areas of Santa Barbara County.

• **Cultivation**

- [Section 35-1003](#) prohibits medical marijuana cultivation in all zones, districts and properties of the unincorporated areas of the County.
- Personal medical use by a qualified patient or person with an identification card or cultivation by that patient's or person's primary caregiver is exempted from the general prohibition.
- Medical marijuana cultivation locations already existing as of January 19, 2016 that were legal under California state law became legal nonconforming uses. County zoning ordinances prohibit the expansion or other changes to legal nonconforming uses.

(Ord. No. 4954, § 1, 1/19/2016)

Cultivation Requirements:

- Personal Medical Use Cultivation:
 - o The parcel must contain a lawful residential structure that is occupied by the qualified patient or person with an identification card; and
 - o Cultivation is limited to a single cultivation site that does not exceed 100 square feet; and
 - o Cultivation conforms to all applicable zoning regulations and California and county building codes; and
 - o The qualified patient or person with an identification card does not sell, distribute, donate, or provide marijuana to any other person or entity; and
 - o The primary caregiver does not sell, distribute, donate, or provide marijuana to any other person or entity for which he/she is not acting as the primary caregiver in accordance with MMRSA.

(Ord. No. 4954, § 1, 1/19/2016)

- Legal Nonconforming Uses Cultivation:
State requirements apply, and include, but are not limited to:
 - o 6 mature or 12 immature marijuana plant limit, or as otherwise required to meet the qualified patient's needs, pursuant to Health and Safety Code [Section 11362.77\(a\) and \(b\)](#).
 - o Cultivation site must not be located within a 600-foot radius of a school, pursuant to Health and Safety Code [Section 11362.768\(b\)](#).
 - o The cultivation must comply with local laws regarding zoning, building, grading, and water requirements, pursuant to Health and Safety Code [Sections 11362.769 and 11362.777\(b\)\(3\)](#); and Business and Professions Code [Section 19322\(a\)\(2\)](#).
 - o Must be a not for profit organization or association, pursuant to Health and Safety Code [Section 11362.765\(a\)](#).

Licensing Requirements:

- No use permit, variance, building permit, or any other entitlement, license, or permit, whether administrative or discretionary, will be approved or issued for medical marijuana cultivation in the unincorporated areas of the County

(Ord. No. 4954, § 1, 1/19/2016)

- Civil and Criminal Penalties

A violation of [Article X](#) will be deemed a public nuisance and may subject such person(s) to both civil and criminal penalties including, without limitation:

- At the discretion of the court, a civil penalty up to \$25,000 for each violation or any provision of this Article, or any rule, regulation order or permit issued hereunder.
- The cultivation or delivery of medical marijuana contrary to the provisions of [Article X](#) will be deemed an infraction and conviction of said crime will be punishable by 1) up to a \$100 fine for the first violation; 2) up to a \$200 fine for a second violation

- within one year; and 3) up to a \$500 fine for each additional violation within one year.
- At the discretion of the district attorney, any infraction may be filed as a misdemeanor and upon conviction be punishable by a fine of not less than \$500 and not more than \$25,000 per violation of any provision of [Article X](#), or imprisonment in county jail for a period not to exceed 6 months, or by both fine and imprisonment.
 - Each and every day during any portion of which any violation of [Article X](#) or the rules, regulations, orders, or permits issued hereunder, is committed or permitted, or permitted to exist without remedy, will be deemed a separate and distinct offense.

(Ord. No. 4954, § 1, 1/19/2016)

- **Distribution and Sale**

Medical marijuana dispensaries are prohibited in any zone district in the unincorporated areas of the County.

(County Land Use and Development Code, §§ 35.20.030.A.3.d, 35.42.195; Montecito Land Use and Development Code, §§ 35.420.030.A.3.c, 35.430.125; and Coastal Zoning Ordinance, §§ 35-144.I)

“Medical marijuana dispensary” is defined as a facility or location that dispenses marijuana through a storefront, including, but not limited to, storefronts organized and operated by a collective or a cooperative.

(County Land Use and Development Code, § 35.110.020; Montecito Land Use and Development Code, § 35.500.020; and Coastal Zoning Ordinance, § 35.58)

- **City Ordinances**

- Santa Barbara City (Ordinance [5526](#), 5449, [5733](#))

Banned: Buellton, Guadalupe, Lompoc, Santa Maria, Solvang

Santa Clara County

The summary below highlights pertinent medical marijuana regulations set forth in Divisions [B26](#) and [B26.5](#) of the Santa Clara County Ordinance Code that regulates the unincorporated areas of Santa Clara County.

- **Cultivation – Limited to Personal Use**

Cultivation Restrictions ([Sec. B26.5-3](#)):

- No commercial outdoor cultivation.

- No commercial indoor cultivation
- Cultivation for personal use is permitted on a legal parcel by resident of the parcel who is a qualified patient or the primary caregiver.

Location Restrictions:

- Outdoor cultivation ([Section B26.5-6](#)) must be:
 - o At least 1,000 feet from any park, school bus stop, school, day care center, college, or university.
 - o At least 25 feet from any property line.
- No outdoor cultivation in the front yard of any parcel.

Cultivation Requirements:

- Cultivation by the qualified patient or primary caregiver is limited to either indoor cultivation or outdoor cultivation.
 - o Indoor Cultivation ([Section B26.5-5](#))
 - Cultivation limited to a single space in a single room that is no larger than 50 square feet. All marijuana plants cultivated indoors must be arranged in a single layer. These restrictions apply regardless of the number of qualified patients and/or primary caregivers residing at the residence.
 - Cultivation must be secured to prevent unauthorized access, including by children.
 - Drying, processing, and/or storage of medicinal marijuana must be limited to a single room within the residence where the cultivation occurs and be secured to prevent unauthorized access, including by children.
 - o Outdoor Cultivation ([Section B26.5-6](#))
 - 12 plant limit applies regardless of the number of qualified patients and/or primary caregivers residing on the parcel.
 - Cultivation must be enclosed by a fence with a locking gate and comply with the height and building requirements of all zoning, planning, and building ordinances.
 - Drying, processing, and/or storage of medicinal marijuana cultivated outdoors must be limited to a single room at the residence where the outdoor cultivation occurs and be secured to prevent unauthorized access, including by children.
- There must be no visible or detectable evidence of medical marijuana on the property from any property or public right-of-way (i.e. dust, glare, light, odors, vibrations, etc. caused by any activity associated with medicinal marijuana cultivation.
- Cultivation is for the personal use only of the qualified patient cultivating the medicinal marijuana, or the qualified patient of the primary caregiver cultivating the medicinal marijuana.
- The total wattage for all lights used for cultivation will not exceed 1,200 watts and shall be plugged directly into a wall outlet.
- All electrical systems and fuel storage will be permitted, used and installed pursuant to all applicable ordinances, laws, and regulations.

- All water will be permitted and obtained from a legal source.
- If not the legal owner, written permission must be obtained and posted from the legal owner(s) or landlord granting permission to the cultivate medicinal marijuana on the property.
- The primary caregiver or qualified patient may store or possess on a legal parcel up to 8 ounces or the amount that is reasonably related to the qualified patient's current medical needs. All storage of dried and/or processed marijuana must be secured in a manner to prevent unauthorized access, including by children.
- No extraction of chemical compounds from marijuana by way of a solvent-based extraction method utilizing compressed flammable gases or alcohol.
- Any modifications, alterations, or improvements made to the residence or property where cultivation of medicinal marijuana occurs require a legal permit.

(Ord. No. NS-300.884, § 1, 10/20/2015)

- Administrative Penalties - Cultivation

Pursuant to [Section B26.5-9](#), and violation of Division [B26.5](#) will be deemed a separate offense for each and every day any person commits, continues, permits or causes a violation to occur, and such person will be penalized accordingly.

(Ord. No. NS-300.884, § 1, 10/20/2015)

- Manufacturing

Section [B26.5-4\(H\)](#) prohibits manufacturing, including the extraction of chemical compounds from marijuana by way of a solvent-based extraction method utilizing compressed flammable gases or alcohol.

(Ord. No. NS-300.884, § 1, 10/20/2015)

- Distribution and Sale

[Section B26-3](#) of the Santa Clara County Ordinance Code prohibits medicinal marijuana dispensaries in the unincorporated areas of the County.

[Section B26-2](#) defines a “medicinal marijuana dispensary” as any facility or location where an incorporated or unincorporated association, composed of four or more individuals who are qualified patients or primary caregivers, as defined in California Health and Safety Code [Section 11362.5 et seq.](#), associate to cultivate, distribute, sell, transmit, give, or otherwise provide marijuana for medical purposes.

A medical marijuana dispensary does not include 1) a clinic licensed or exempt from licensure pursuant to [Chapter 1](#) and 1.3 of Division 2 of the Health and Safety Code; 2) a health care facility licensed pursuant to [Chapter 2](#) of Division 2 of the Health and Safety Code; 3) a residential care facility for persons with chronic life-threatening illness licensed pursuant to

Chapter 3.01 of Division 2 of the Health and Safety Code; 4) a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; 5) a hospice or a home health agency, licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code; or 6) a mental health clinic or facility certified under Title 9, Division 1, Chapter 11 of the California Code of Regulations.

(Ord. No. NS-300.878, § 1, 8/16/2014)

- **Administrative Penalties - Medicinal Marijuana Dispensaries**
Pursuant to Section B26-4, any violation of Division [B26](#), will be deemed a separate offense for each and every day any person commits, continues, permits or causes a violation to occur, and such person will be penalized accordingly.

Pursuant to Section B26-5 any violation of Division [B26](#) is a public nuisance and may be abated pursuant to Chapter III of Division A1 of the Santa Clara Ordinance Code.

(Ord. No. NS-300.878, § 1, 8/16/2014)

- **City Ordinances**

San Jose (Ordinances 29420, 29421, 29664, 29804, 29805)

Banned: Gilroy, Los Gatos, Milpitas, Morgan Hill, Sunnyvale
Campbell (see article), Palo Alto

Santa Cruz County

Note: In December 2016 Santa Cruz County began an Environmental Impact Review (“EIR”) regarding the [proposed ordinance to amend Chapter 13](#) (Zoning) for the proposed licensing program for cannabis cultivation and manufacturing. An open house meeting regarding the EIR occurred on February 27, 2017 and the comment deadline expires March 25, 2017.

The environmental review process is expected to take approximately 8 months, and the program is expected to be in place in the fall of 2017.

- **Cultivation**

The summary below highlights pertinent regulations set forth in [Chapter 7.126](#) of the Santa Cruz County Code (“SCCC”) that regulates medical cannabis cultivation use in the unincorporated areas of Santa Cruz County.

Cultivation Restrictions:

- No commercial medical cannabis cultivation permitted. A medical cannabis cultivation business, including renting, leasing, or otherwise permitting a medical cannabis business to occupy or use the premises is deemed a public nuisance pursuant to [Section 7.126.030](#).

Limited Immunity Requirements

Section 7.126.040 provides limited immunity for a medical cannabis cultivation business that may be asserted as an affirmative defense as long as (a) subsections (A) through (O) of Section 7.126.040 remain in effect in their entirety; and (b) only if that medical cannabis cultivation business does not violate any provision of subsections (A) through (O) of [Section 7.126.040](#).

Cultivation Requirements ([Sec. 7.126.040](#)):

- The medical cannabis cultivation business must be a collective or cooperative cultivating cannabis for medicine.
- The cultivation business must operate in a manner that ensures security of the crop and safeguards against diversion for nonmedical purposes.
- Person 21 years or younger are prohibited onsite unless accompanied by a parent or legal guardian.
- The cultivation business must not be visible from any public right-of-way.
- Other than reasonable lighting for security, the premises cannot be illuminated with visible light from the exterior between 6:00 p.m. and 9:00 a.m.
- No cultivation business is permitted within the urban area as defined by both the Urban Services Line and Rural Lines, as set forth in the designed zoning districts in the Santa Cruz County Zoning Ordinance.
- No advertising, notice or dissemination of communication, including, but not limited, to print or Internet, may be used to seek or offer space to cultivate cannabis, whether indoors or outdoors.
- Cultivation business are prohibited within 600 feet a school or park. The distance is measured in a straight line from the property line of the school or park to the closest property line of the lot on which the medical cannabis cultivation business is located without regard to intervening structures.
- Every cultivation business must maintain specific business information, always available for immediate inspection upon request of a law enforcement officer or enforcing officer, including 1) name of each person or business to which cannabis is supplied; 2) the address of the location to which cannabis is supplied; 3) written documentation of consent by the property owner to cultivation of marijuana on the property; 4) if indoor cultivation, a written certification from a licensed electrician that all necessary electrical permits have been obtained and the growing operation is being carried out safely.
- Only transfer or delivery of cannabis is allowed to a Santa Cruz County medical cannabis business as defined in and operating under Chapter [7.124](#) of the SCCC.
- Medical cannabis cultivation business prohibited where:
 - o It is located on a parcel that is less than 1 acre in size;
 - o It is located on a Residential Agricultural zoned parcel that is less than 5 acres in size;
 - o It is located on any parcel within an area defined by SCCC 2.04.030 that is less than 5 acres in size;
 - o The premises contains more than 99 cannabis plants; or
 - o If the total garden canopy for any parcel exceeds the following limits:

- A parcel that is 1 acre but less than 5 acres in size must not exceed 1,000 square feet of garden canopy with a setback of at least 100 feet from any habitable structure located on an adjacent parcel;
 - A parcel that is 5 acres but less than 10 acres in size must not exceed 2,000 square feet of garden canopy with a setback of at least 200 feet from any habitable structure located on an adjacent parcel;
 - A parcel that is greater than 10 acres in size must not exceed 3,000 square feet of garden canopy with a setback of at least 300 feet from any habitable structure located on an adjacent parcel;
- The cultivation area must be fully enclosed by an opaque fence that is at least 6 feet high and adequately secured by a locked gate. Evidence of cultivation must not be visible from a public-right-of-way.
- No person owning, leasing, occupying or having charge or possession of the parcel will allow or permits indoor or outdoor cultivation of marijuana plants in violation of Chapter [7.126](#).
- Cultivation operations will comply with the requirements of the relevant environmental, health and safety and water regulations of the Santa Clara County Code.
- The cultivation business may only operate if subject to a third-party standards and certification program.

(Ord. No. 5176, § 1, 2014)

Licensing Requirements (Secs. [7.128.005](#), [7.128.009](#), [7.128.011](#)):

- A valid State license is required for commercial cultivation of cannabis under Section [7.128.005](#) of Chapter [7.128](#) of the SCCC.
- A qualified patient cultivation site does not constitute cultivation for commercial purposes and no license is required, as long as the qualified patient cultivation site complies with the restrictions set forth in SCCC Section [7.128.003](#)(T).
- Categories of licenses for commercial cultivation of medical cannabis include:
 - A Cottage Garden License allows cultivation up to 200 square feet of garden canopy.
 - A Level One Cultivator License allows cultivation up to 500 square feet of garden canopy.
- Original license required for commercial medical marijuana cultivation.
 - Original applications will only be accepted from January 1st through June 15th of any calendar year and require payment of an application fee.
 - If the applicant provides sufficient evidence to demonstrate the application has been cultivating medical cannabis on the parcel at issue since before January 2013, the Licensing Official may award a provisional license to cultivate medical cannabis for commercial purposes. The provision license will only be valid once the applicant receives written confirmation the license has been issued. Unless revoked, the provisional license will remain

- valid until the applicant received in writing notice that the original license has been granted or denied.
 - Upon granting of an original license, the applicant will be required to pay a nonrefundable license fee as set by the Board of Supervisors within 30 days of the issuance of the license, or the license will be automatically revoked.
 - The original license will be valid for one calendar year, or part thereof, beginning January 1st of the year in which it is issued and expire on December 31st of the same year.
- Renewal license required for commercial medical marijuana cultivation.
 - A renewal license must be obtained annually after expiration of the original license.
 - Renewal license applications will only be accepted from July 1st through September 30th of any calendar year and require payment of an application fee.
 - On or before December 31st of the year in which the renewal application is submitted the Licensing Official will notify the application in writing whether the renewal license has been granted or denied. If denied, all commercial cannabis cultivation activity must cease on December 31st, or 30 days after notification, whichever is earlier. If granted, the licensing fee must be paid within 30 days of issuance of renewal.
 - The renewal license will be valid for one calendar year.

License Specific Requirements

- Cottage Garden Licenses contain the following restrictions:
 - License requires the parcel to have been used for medical cannabis cultivation since prior to January 2013.
 - License prohibited on a parcel within the urban area defined by the urban services line or the rural services line.
 - Parcel must be at least 1 acre in size.
 - A parcel zoned Residential Agriculture must be at least 5 acres in size.
 - License prohibited for outdoor cultivation on a parcel in the area defined by SCCC Section [2.04.030](#).
 - A parcel in the area defined by SCCC Section [2.04.030](#) must be at least 5 acres in size.
 - The license restricts cultivation within 600 feet of a habitable structure on a neighboring parcel, a municipal boundary, a perennial stream, a school or a park.
 - Cultivation must not be visible from any adjacent public right-of-way.
 - The parcel must contain a permanent residence of at least one of the owners of the cottage garden.
 - As a catchall, the license will not issue if the cultivation site would be in violation of any administrative rule or regulation promulgated by the Licensing Official.
- Level One Cultivator Licenses contain the following restrictions:
 - All restrictions for Cottage Garden Licenses apply to Level One Cultivator licenses.

- Parcels used for medical cannabis cultivation under this license may only be located in Special Use, Timber Production Commercial Agriculture, Agriculture Preserve or Residential Agriculture designed zones by the Santa Cruz County Zoning Ordinance.

(Ord. 5216, § 1, 2015)

- Distribution and Sale

On August 2, 2016, the Board of Supervisors of Santa Cruz County adopted [Ordinance No. 5227](#), effective Santa Cruz amended the SCCC to include Chapter 7.130 regarding medical cannabis dispensary licenses. The County accepted applications for the original Level One Dispensary License program from September 1, 2016 through November 30, 2016.

Operating a medical cannabis dispensary requires both a valid local license under the Medical Cannabis Dispensary Licensing Program and a valid California State license. Failure to adhere to these requirements will constitute a public nuisance and will subject violators to civil penalties as set forth in Section 7.130.130 (Sec. 7.130.050).

Dispensary Licensing Requirements (Sec. 7.130.110):

- The original license will be valid from the date issued until December 31, 2017.
- A renewal license must be obtained annually.
- The Licensing Official will notify the renewal applicant whether the renewal license has been granted or is denied on or before December 31st of the year in which the renewal application is submitted. If a renewal application is denied, any further non-licensed dispensary operations may only be carried out in accordance with the limitations set forth in Section 7.130.110(H)(3).
- The renewal license will not be valid until the renewal fee is paid.
- The renewal license will be valid for one calendar year, beginning January 1st and expiring December 31st of the same year.
- An application to amend an existing license may be submitted at any time. A monetary deposit, determined by the Licensing Official, will be required at the time the application is submitted.

License Restrictions for Level One Dispensary License (Sec. 7.130.110):

- Dispensary must be located in one of the following zone districts designated by the Santa Cruz Zoning Ordinance: Professional and Administrative Offices (PA), Neighborhood Commercial (C-1), Community Commercial (C-2), Commercial Services (C-4) or Tourist Commercial (T-C)
- No dispensary may be licensed to operation within 600 feet of a school, another medical cannabis dispensary, or alcohol or drug treatment facility. The distance will be measured in a straight line from the property line of the school or other dispensary to the closest property line of the parcel containing the dispensary to be licensed.
- No license may be issued to operate within 300 feet of any parcel zoned Single-Family Residential or Urban/Rural (R-1); Single-Family Residential or

Oceanfront/Urban (RR); Multiple-Family Residential (RM). This prohibition does not apply to Level One Dispensaries operating in a location occupied on January 1, 2016.

- Mobile delivery services of medical cannabis permitted.

Administrative Penalties (Sec. 7.130.110):

Pursuant to Section 7.130.130, in addition to license revocation and any other available penalties, violators will be subject to the following civil penalties.

- Each violation will be deemed a separate offense for each and every day during any portion of which any violation of, or failure to comply with, any provision of Chapter 7.130 occurs or continues.
- A violator will have a seven-calendar day grace period to cure the violation from the date of notice of the violation before civil penalties will begin to accrue.
- A fine up to \$2,500 will be imposed for the first violation.
- A fine up to \$5,000 will be imposed for the second violation of the same County Code provision within one year of the first violation.
- A fine up to \$7,500 will be imposed for each additional violation of the same County Code provision within one year.

([Ord. No. 5227](#), eff. 9/2/2016)

- **Cannabis Business Tax**

Santa Cruz imposes a cannabis business tax on _____ to raise revenue for general governmental purposes of the County, pursuant to Chapter [4.06](#), Section [4.06.010](#) of the SCCC.

The SCCC defines a “cannabis business” or “medical marijuana business” as business activity as defined by Section [7.124.020\(G\)](#), including, but not limited to, transporting, manufacturing, compounding, converting, processing, preparing, storing, packaging, wholesale, and/or retail sales of cannabis and any ancillary products in the unincorporated area of the County, whether or not carried on for gain or profit.

Payment of business taxes does not entitle any person to operate a cannabis business unless the person has complied with all the requirements of the SCCC and all other applicable laws and zoning or locality requirements (Sec. [4.06.050](#)).

Any violation of Chapter [4.06](#) will be deemed a misdemeanor and a conviction will be punishable by a fine up to \$500.00, or by imprisonment for a period not more than 6 months, or both. Regardless of any civil conviction, outstanding tax debt must be paid or such person may be subject to additional civil and/or criminal action regarding collection of outstanding taxes (Secs. [4.06.280](#), [4.06.290](#)).

(Added by Measure K, 11/4/2014)

- **City Ordinances**

- Santa Cruz City (Ordinances [2010-08](#), [2010-10](#), [2010-15](#), [2016-12](#), [2016-20](#))

Shasta County

- Cultivation – Limited Approval

Title 17, Chapter 17.88, [Section 17.88.320](#) declares cultivation of marijuana is a nuisance in Shasta County, whether indoors, outdoors, in a greenhouse, or combined, on any parcel or premises, subject to the following restrictions.

Licensing Requirements:

- If not the sole legal owner of the parcel, the person(s) cultivating marijuana must have a notarized letter(s) from all legal owner(s) of the parcel indicating both 1) the legal owners have each reviewed and understand [Section 17.88.320](#) of the Shasta County related to medical marijuana cultivation; and 2) consent to the cultivation of marijuana on the parcel.
- A copy of the notarized letter must be kept available to be presented to an enforcing officer upon request.
- Cultivation requires a valid zoning permit, in accordance with [Section 17.92.060](#).
- The zoning permit to cultivate marijuana is two years and the permit may be renewed for 2 additional two-year terms (for a total of 6 years) as long as each renewal application is made prior to the expiration of the current permit.

Cultivation Restrictions:

- No cultivation within a residence or any structure used or intended for human occupancy.
- No outdoor cultivation on any premises.
- 12 plant limit on premises regardless of number of qualified patients or caregivers residing at the premises or participating (directly or indirectly) in the cultivation. Limitation applies to collectives and cooperatives.
- Marijuana must not be visible from any public right-of-way or publicly traveled private road at any stage of growth.

Location Restrictions:

- Marijuana cultivation must be at least 1,000 feet away from any school, school bus stop, school evacuation site, child care center, public park, public library, church, or youth-oriented facility.
 - o The distance will be measured in a straight line from the nearest exterior wall of the indoor cultivation structure; or
 - o The nearest fence surrounding the greenhouse cultivation structure or from the nearest exterior wall of the greenhouse cultivation structure, whichever is closer, as applicable, to the nearest boundary line of the nearest school, child care center, public park, public library, church, or youth-oriented facility

Cultivation Requirements:

- Cultivation may only occur on premises with a detached residential accessory structure affixed to the parcel that meets the following requirements:
 - o Meets the definition of “indoor” or “greenhouse;”
 - o The premises must contain the residence of a qualified patient (s) or primary caregiver(s); and
 - o Comply with Shasta County Codes relating to accessory structures, including, but not limited to Chapter [17.84](#), and [Section 17.88.140](#).
 - o The accessory structure will be constructed and comply with all applicable permits.
- The accessory structure must not set back at least 12 feet from all side and rear property lines.
- The maximum electrical panel for the structure is 50 amps.
- Light system must not exceed 2,000 watts and will be shielded, including window coverings to confine light and glare. Grow light systems within a greenhouse are prohibited.
- The structure will be equipped with odor control filtration and ventilation system(s) sufficient to prevent odor, humidity, or mold problem on the premises or adjacent parcels.
- The structure will have locking doors and working security system, with an audible alarm between ninety dBA and 110 dBA.
- If the structure is a greenhouse, it contains a lockable gate, be enclosed in a solid fence that is at least 6-foot high, and located within 10 feet of the greenhouse.
- Have a legal water source that contains any discharge of water on the parcel.
- Ensure sufficient safeguards are in place to prevent any adverse effects to the environment, public health and safety (i.e. odors, noxious gas, noise, toxic waste).

Misdemeanor Penalty

Any person or entity violating [Section 17.88.320](#) will be guilty of a misdemeanor.

(Ord. No. 2011-05, § I, 12/13/2011; Ord. No. 2014-02, § I, 1/28/2014; Ord. No. [2016-01](#), § II, 2/02/2016)

- Manufacturing

Shasta County restricts the sale of butane, pursuant to [Section 8.05.040](#) of the Shasta County Code, as follows:

- No resale, sale or distribution to customers any number of butane canisters that exceed a combined total storage quantity of 600 mL of butane in a single transaction.
- No person who is not a reseller or wholesaler, may have in his/her possession, custody or control any number of butane canisters that exceed a combined total storage quantity of 600 mL of butane at any one time.
- No customer may purchase or acquire per calendar month any number of butane canisters that exceed a combined total storage quantity of 600 mL of butane, whether sold individually or by the package.

(Ord. No. [2016-02](#), § I, 2/23/2016)

- Delivery and Sales

[Section 17.88.310](#) prohibits medical marijuana dispensaries in all zones of the county and no permit or approvals will be issued for any type of medical marijuana dispensary.

[Section 17.88.315](#) prohibits the delivery of medical cannabis or medical cannabis products by a dispensary, or transfer by any person, to a qualified patient or primary caregiver.

An exception to this prohibition exists where both 1) the transfer of medical cannabis or medical cannabis products is authorized under [Section 17.88.310](#)* and 2) the transfer will be permitted if between qualified patients and primary caregivers who are exempt from the licensing requirements of [Chapter 3.5](#) of Division 8 of the business and Professions Code, pursuant to Business and Profession Code [Section 19319](#).

*Authorized facilities under Section 17.88.310(C) include clinics, health care facilities, and residential care facilities for the elderly or persons with chronic life-threatening illnesses that are licensed under Chapters 1 through 3.2 of Division 2 of the Health and Safety Code.

All medical marijuana dispensaries are deemed a nuisance and subject to the provisions of [Chapter 8.28](#) and the administrative enforcement provisions of [Section 17.94.060](#) of the Shasta County Code.

([Ord. No. 2016-01](#), § 1, 2/02/2016; Ord. No. 2012-04, § I, 12/13/2011)

Administrative Penalties

- Violations of regulatory or prohibitory provisions of Chapter 8.28 will be deemed an infraction unless any provision of law establishes the violation as a misdemeanor, or the District Attorney files a complaint charging the violation as a misdemeanor.
-
- Each and every transaction, event or occurrence will be deemed a separate violation, and further will be deemed a separate offense committed each and every day the violation is caused, committed, continued or permitted. Each offense will be punishable separately from every other offense as a public nuisance.
- Whenever a judicial action or proceeding occurs to abate or enjoin a violation of the nuisance ordinance, the County may recover all costs and expenses incurred in detecting, investigating, abating and prosecuting the violation.

(Ord. No. 2011-05, § ii, 12/13/2011)
(Prior code § 5.06.070)

▪ City Ordinances

- Anderson (Ordinance 765)
- Redding (Ordinance 2445 – 2450, Cultivation Affidavit)

- City of Shasta Lake (Ord. Nos. 12-224, 12-229, 13-213,16-245, CC 10-)

Sierra County

- Cultivation

Cultivation Restrictions:

Any marijuana cultivation that does not comply with the restrictions set forth in Sierra County Code Section 8.01.040 will be deemed a public nuisance. A summary of key restrictions is provided as follows:

- 18 plant limit per qualified patient, whether indoor or outdoor, on the parcel.
- Primary caregiver may cultivate up to 18 plants per qualified patient.
- In no event will the number of marijuana plants cultivated on any parcel exceed 72 (equivalent of 12 qualified patients).
- Cultivation for personal use only.
- No marijuana cultivation on any parcel, except as an accessory use to a legally established residence on the parcel.

Location Restrictions:

- All outdoor cultivation prohibited within 100 feet of any school.
- The distance will be measured in a straight line from the boundary line of the parcel upon which marijuana is cultivated to the boundary line of the school property.
- If the premises is 20 acres or larger, the distance will be measured in a straight line from the building in which marijuana cultivated, or from the fence if cultivated outside, to the boundary line of the school property.

Cultivation Requirements:

- The person(s) cultivating marijuana must reside on the parcel, whether a qualified patient(s) possessing the relevant medical authorization or a primary caregiver.
- All outdoor cultivation must be fully enclosed by an opaque fence at least 6 feet tall if the Marijuana is visible from any location of the parcel. Bushes and hedgerows may constitute an adequate fence if sufficient to prevent public view of the Marijuana.
- Any outdoor cultivation area must be set back at least 10 feet from all boundaries of the parcel.
- No lights used outdoors to grow marijuana. Indoor use of lights must comply with all applicable laws and restrictions.

Licensing Requirements:

- If not the legal owner of the parcel, person(s) cultivating marijuana must provide notice of the cultivation to the legal owner(s) and obtain a notarized letter evidencing consent to the cultivation of marijuana on the parcel.

[\(Ord. No. 1055.\)](#)

([Ord. No. 1071](#), adopted 4/05/2016 and repealed by [Ord. No. 1073](#), eff. 8/05/2016, re-enacting (Ord. No. 1055))

- Distribution and Sales – Prohibited.

Sierra County prohibits cultivation and sale of commercial marijuana.

([Ord. No. 1055](#), 8/21/2014)

- Administrative Civil Penalties (Sec. 8.01.170)
 - Violations may be subject to a penalty up to \$1000 per day, at the discretion of the court or enforcing officer.
 - If continuing violation does not create an immediate danger to health and safety, the court or enforcing officer will allow a reasonable period of time, not to exceed 10 days, for correction of violation.
 - Interest will accrue from the effective date of the administrative penalty order to the date paid.

([Ord. No. 1055](#), eff. 8/21/2014)

Siskiyou County

- Cultivation

Cultivation Restrictions:

Failure to adhere to the restrictions and requirements of [Section 10-14.030](#) of [Chapter 5, Title 1](#) of the Siskiyou County Code will constitute a public nuisance and the person(s) may be subject to notice and order of abatement and administrative penalties. Below is a summary of key requirements.

- No outdoor cultivation on any premises.
- 12 plant limit on premises regardless of number of qualified patients or caregivers residing at the premises or participating (whether directly or indirectly) in the cultivation. Limitation applies to collectives.
- Marijuana cultivation must be at least 1,000 feet away from any school, school bus stop, school evacuation site, church, park, child care center, or youth-oriented facility.
 - o The distance will be measured in a straight line from the boundary line of the premises upon which marijuana is cultivated to the boundary line of the restricted premises.
 - o If the premises is 20 acres or more, the distance will be measured in a straight line from the accessory structure in which the marijuana is cultivated to the restricted premises.
- No marijuana cultivation within 1,000 feet of any school, public park, public library, church, or youth-oriented facility. The distance will be measured in a straight line from either the nearest exterior wall of the indoor cultivation structure or the nearest

- fence surrounding the greenhouse cultivation structure or from the nearest wall of the greenhouse cultivation structure, whichever is closer to the nearest property line of the nearest school, public park, public library, church, or youth-oriented facility.
- All cultivation prohibited where marijuana plants would be visible from public right-of-way or publicly traveled private roads at any stage of growth.

Cultivation Requirements:

- The premises must contain a residence or any other structure intended for human occupancy.
- Cultivation must be limited to a properly permitted, detached residential accessory structure affixed to the parcel that: 1) meets the definition of “indoor”; 2) is located on the same premises as the residence of a qualified patient(s) or primary caregiver(s); and 3) complies with applicable Siskiyou County Codes.
- The residence must be connected to an approved sewer and wastewater disposal system.
- The accessory structure must not be located in the front yard setback area of the parcel and will maintain a minimum building setback of 12 feet from all side and rear boundary lines. Distance will be measured in a straight line from either the nearest exterior wall of the indoor cultivation structure or the nearest fence surrounding the greenhouse cultivation structure, as applicable to the nearest property boundary line.
- Upon request, setback may be waived based on a finding of unnecessary hardship due to special circumstances applicable to the subject property, including size, shape, topography, location or surroundings as provided for in [Section 10-14.040](#).
- The maximum electrical panel for the cultivation area is 50 amps.
- Light systems associated with indoor cultivation will not exceed 2,000 watts and must be shielded and include coverings on windows, so as to confine light and glare to the interior of the structure.
- Accessory structure must contain adequate ventilation, air filtration and odor control filters to prevent odor, mold and mildew in any area used for cultivation or which is used or intended for human occupancy, or on an adjacent parcel.
- The structure will have locking doors and working security system, with an audible alarm between ninety dBA and 110 dBA.
- If the accessory structure is a greenhouse, for security and visibility purposes, it shall be surrounded by a secure, solid fence at least 6 feet high, located within 10 feet of the greenhouse and containing a lockable gate.
- The cultivation of marijuana will not affect nearby residences by creating dust, glare, heat, noise, noxious gasses, odor or other health, safety or general welfare issues.
- Water needs for cultivation must be sourced onsite and cultivation must not create unlawful or unpermitted surface draw of water for cultivation; and/or discharge of water from premises.
- If not the sole legal owner of the parcel, the person(s) cultivating marijuana must have a notarized letter(s) from all legal owner(s) of the parcel indicating both 1) the legal owners have each reviewed and understand Title 14 of Chapter 10 of the Siskiyou County Code related to medical marijuana cultivation; and 2) consents to the cultivation of marijuana on the parcel. A copy of the most recent letter must be posted in the cultivation area.

(Ord. No. 15-04, § I, 4/7/2015; Ord. No. 15-18, § VI, 12/08/2015; Ord. No. 15-19, § II, 12/08/2015)

Residency Requirements:

- Any premises used for cultivation and/or harvest of medical marijuana must be owned or occupied by a qualified patient or primary caregiver who is a resident of Siskiyou County. If leasing property, a copy of the lease should be made available for review upon request of enforcing officer.
- Upon request of enforcing officer, owner or lessee of the premises may be required to demonstrate residency, i.e. providing a driver's license or identification card issued by the California Department of Motor Vehicles.

(Ord. No. 15-04, § I, 4/7/2015)

- Distribution and Sales:

Medical Marijuana Collective Requirements Under [Section 10-14.070](#):

- At least one member must reside on the parcel where the cultivation and/or harvest of marijuana occurs.
- The collective must operate on a non-profit basis as set forth in Section IV B.1 of the Attorney General's Guidelines.
- Comply with federal and state requirements and payment of payroll taxes.
- Comply with membership and verification guidelines set forth in Section IV B.3 of the Attorney General's Guidelines and require prospective members to complete written membership application and acknowledgement that they will comply with all collective rules.
- Prohibits sales to non-members.
- Allow reimbursement and allocation so medical marijuana as set forth in Section IV B.6 of the Attorney General's Guidelines.
- Possess marijuana only in amounts consistent with the needs of members of the collective.
- Exterior signage shall not indicate or advertise the presence or availability of medical marijuana.

(Ord. No. 15-04, § I, 4/7/2015)

- Administrative Penalties:

All administrative penalties are cumulative and in addition to other remedies provided by the Siskiyou County Code or State law.

- Up to \$500 per day for the first violation; and up to \$1,000 per day for each subsequent violation for each day that the violation continues to exist after mailing date of notice of violation until abatement.

- The enforcing office has sole and exclusive discretion to impose civil penalties for said violation(s).

(Ord. No. 15-18, § IV, 12/08/2015)

- **City Ordinances**

- Dunsmuir (Ordinance 529)

Banned: Yreka

Solano County

Solano County Board of Supervisors adopted Ordinance No. 2017-1782, which extends the interim urgency ordinance prohibiting the commercial cultivation, delivery, distribution, transportation, manufacturing, retail operations or testing of medical and nonmedical marijuana within the unincorporated areas of Solano County.

Solano County prohibits all commercial marijuana activity, including commercial cultivation, manufacturing, testing, distribution, transportation, retail operation, and/or delivery of marijuana for either medical or nonmedical purposes.

The exemption provided in Section 14-17(a) of the Solano County Code, allowing a business to operate after having filed an application for a business license and pending final action on that application will not apply to any business engaged in, or proposing to engage in commercial marijuana activity.

The provisions of Ordinance 2017-1782 shall remain in effect until 12/04/2017 unless extended by an additional interim ordinance. This ordinance extends Ordinance 2016-1781, adopted on December 6, 2016.

(Ord. No. 2017-1782, §§ 3, 7)

- **Cultivation**

Cultivation Restrictions:

- No commercial cultivation for medical or nonmedical purposes.
- No outdoor cultivation of marijuana for personal use.

Cultivation Requirements:

- Indoor cultivation for personal use permitted inside a lawful private residence or inside an accessory structure to a private residence located on the same parcel as the private residence.
- The structure in which cultivation occurs must be fully enclosed and secure and the plants must not be visible by normal unaided vision from a public place.

(Ord. No. 2017-1782, §§ 3, 4)

- Manufacturing

Solano County prohibits all commercial manufacturing of medical and nonmedical marijuana, including testing in the unincorporated areas of the county.

(Ord. No. 2017-1782, §§ 3)

- Distribution and Sales

Solano County prohibits medical marijuana dispensaries, including all commercial delivery, distribution, transportation, or retail operations of medical and nonmedical marijuana within the unincorporated areas of Solano County.

Section 28.01 of Chapter 28 of the Solano County Code defines a “medical marijuana dispensary” as a facility or business at which marijuana is sold, distributed, dispensed, administered, delivered, made available, or given away for medical purposes in accordance with Health and Safety Code [Section 11362.5](#), including cooperatives and collectives.

The dispensing of marijuana by a primary caregiver to a qualified patient or person with an identification card at a temporary or permanent place of residence, the residence of the primary caregiver, or a facility described in Health and Safety Code [Section 11362.7](#) subd. (d)(1) (where the primary caregiver is an owner, operator, or employee of such facility) will not be considered a medical marijuana dispensary.

(Ord. No. 2017-1782, §§ 3; Ord. No. 2013-1736, § 3)

Section 28.70.20(C) of Chapter 28 further prohibits medical marijuana dispensaries in all zoning areas in the unincorporated areas of Solano County.

(Ord. No. 2013-1736, §4.)

- Business License Tax (Chapter 11, Article XII)

- Section 11-160(d) imposes a business license tax on any marijuana business.
- Section 11-163(h) defines a “marijuana business” as a commercial marijuana activity, regardless of whether it is for profit or nonprofit, including, but not limited to, planting cultivation, harvesting, donating, transporting, manufacturing, compounding, testing, converting, processing, preparing, storing, packaging, distributing, making available providing, or selling wholesale and/or retail sales of marijuana, whether fixed or mobile temporary or permanent, regardless of whether for medical or nonmedical purposes.”
- A marijuana business must pay Solano County 15 percent of each dollar of gross receipts for the reporting period.

- Payment of the marijuana business tax will not be construed as authorizing the conduct or continuance of any illegal business or conducting business in an illegal manner.
- Marijuana businesses must report gross receipts quarterly to the Solano County auditor-controller by the 25th day of the month following the end of the quarter.

(Ord. No. 1470, §1; Ord. No. 1496, §1; Ord. No. 1680, §1; Ord. No. 1773, §1)

- **Administrative Penalties**

All administrative penalties under Section 28.113 of Chapter 28 are cumulative and in addition to other remedies provided by the Solano County Code or State law.

- Notwithstanding Section 1-17 of this code, any violation of this chapter shall be an infraction punishable by a fine up to \$250 for each separate offense.
- If the defendant has been previously convicted one or more prior violations, any further violation shall be a misdemeanor punishable by imprisonment in the county jail for a term not exceeding 6 months, or by a fine not exceeding \$1,000, or by both.
- Every day any violation under this chapter continues to exist will be deemed a separate violation.

(Ord. No. 2017-1782, § 7)

- **City Ordinances**

Banned: Benicia, Dixon, Fairfield, Rio Vista, Vacaville

Sonoma County

- **Cultivation**

[Ordinance No. 6189](#), effective January 19, 2017, amends Chapter 26 of the Sonoma County Code, regarding zoning ordinances, to permit personal cultivation of cannabis and commercial cultivation of medical cannabis as follows:

Cultivation Requirements:

Personal Cultivation (Sec. 26-88-258):

- Limited to parcels with a residence and full-time resident living on the premises where the cultivation occurs.
- 6 plant maximum in a 100-square foot cultivation area for adult use per residence.
- Exempt from permit requirements.
- Allowed in Residential, Commercial, Industrial Agricultural and Resource Zones
- No cultivation of cannabis plants in front and side yard setback areas and plants must not be visible from a public right of way.

- No outdoor cultivation in multifamily units or in medium and high density residential zones (R2 and R3).
- Indoor and mixed-light personal cultivation permitted based on the following requirements.
 - o Both indoor and mixed light cultivation must be contained in an enclosed accessory structure, greenhouse or garage with all applicable permits obtained.
 - o All structures associated with cultivation must not be located in the front yard setback area and will adhere to setbacks stated within the base zone. There will be no exterior evidence of cannabis cultivation and greenhouses must be screened from any public right of way.
 - o All structures must have security features (locking doors or gates) to prevent free access.
 - o All structures must be equipped with odor filtration and ventilation systems to prevent odor, humidity or mold.
 - o Lights systems must be fully shielded and include adequate coverings to confine light and glare to the interior of the structure.
 - o Generator prohibited, except as an emergency back-up system.
 - o All cultivation operators must comply with Best Management Practices for Cannabis Cultivation as issued by the Agricultural Commissioner for management of wastes, water, erosion control and management of fertilizers and pesticides.

([Ord. No. 6189](#), Exs. A-2 (Table 1-A) and A-4, eff. 1/19/2017)

Commercial Medical Cannabis Cultivation (Sec. 26-88-254):

Licensing Requirements:

- Commercial medical cultivation will be subject to land use permit requirements specified in Table 1A-D to [Ord. No. 6189](#). (A summary of cultivation area size and plant limitations in zones specified in Table 1A-D is provided below.)
- Permits required for commercial medical cannabis cultivation in zones where permitted.
- Multiple permits may be issued to a single person, provided the total combined cultivation area within the County does not exceed one acre. The term “single person” includes any natural person that owns or controls any interest, directly or indirectly, in any entity or association (i.e. partnership, joint venture, cooperative, collective, corporation, limited liability company, estate, trust, etc.).

Cultivation Restrictions (Development Criteria):

- Only 1 cultivation use/operator may be approved per contiguous parcel ownership, with the exception of agricultural and industrial zones. In agricultural and industrial zones, multiple zoning permitted for multi-tenant operations on a single parcel as long as the minimum parcel size is met for the total combined cultivation area and the total combined cultivation area does not exceed the maximum area allowed for the type of cultivation compliance with Table 1A-D.

- The maximum area allowed for each type of cultivation (including where cannabis is processed, dried, aged, stored, trimmed, packaged or weighed and areas where equipment is stored and washed will be limited to on-site cultivation use only) and include:
 - o Nurseries have a maximum size threshold of 43,560 square feet (or one acre) for outdoor and 22,000 square feet for indoor or greenhouse cultivation.
 - o Outdoor Cultivation (agricultural and resource zones only) has a maximum size threshold between 25 plants, with a 2-acre minimum parcel size, for cottage cultivation and 43,560 square feet, with a minimum 10-acre parcel size, for medium outdoor cultivation.
 - o Indoor Cultivation has a maximum size threshold between 500 square feet for cottage cultivation and 22,000 square feet for medium indoor cultivation.
 - o Mixed Light Cultivation has a maximum size threshold between 2,500 square feet, with a minimum 2-acre parcel size, for cottage cultivation and 22,000 square feet, with a minimum 10-acre parcel size, for medium mixed light cultivation.
- All cannabis operations must comply with the Airport Land Use Plan.
- Lighting must be fully shielded, downward cast, and not spill over onto structures. All indoor and mixed light operations must keep light fully contained. Light must not be visible from neighboring properties between sunset and sunrise.
- No runoff containing sediment or other waste or by-products will be allowed to drain to the storm drain system, waterways, or adjacent lands. The operator must prepare and implement a storm and water management plan and erosion and sediment control plan, pursuant to Chapter 11 of the County Code, approved by the agency in the jurisdiction. The plan must comply with best management practices.
- Comply with standards provided in State and Federal regulations for protection of farmland and biotic, cultural and historic resources.
- The operator must prepare and implement a fire prevention plan and obtain an operation permit from the Fire and Emergency Services Department.
- No cultivation sites permitted on natural slopes steeper than 15% (as defined by County Code Chapter 11 section 16-020) unless use permit obtained.
- Cannabis operation may not be sited on a parcel listed as a hazardous materials site pursuant to Government Code Section 65962.5, unless use permit is required.
- The operator must provide a Site Security Plan for approval by the Permit and Resource Management Department. The security plan will include security cameras, motion sensors, alarm and locking doors. All outdoor mixed light cultivation sites will be screened by native, fire resistant vegetation and fenced with locking gates. The fence will comply with height limitations of Section 26-88-030 and be consistent with the surrounding area and not diminish the visual quality of the site or surrounding area. Weapons and firearms are prohibited at the cultivation site.

Setbacks and Location Restrictions:

- Outdoor Cultivation
 - o Outdoor cultivation areas and associated structures must not be located in the front yard setback area. They must be screened from public view, and not be visible from a public right of way.

- The setback must be a minimum of 100 feet from the property line and at least 300 feet from occupied residences and businesses on surrounding properties.
- Outdoor cultivation sites and greenhouses and mixed light structures must be setback at least 1,000 feet from a school providing education to K-12 grades, a public park, childcare center, or an alcohol or drug treatment facility. The distance will be measured in a straight line from the property line of the protected property to the closest boundary line of the parcel with the cannabis cultivation use.
- Indoor Cultivation
 - All structures used for indoor cultivation and/or for drying, curing, grading or trimming must comply with the setbacks for the base zone and any applicable combining zone.
 - The structure must not be located in the front yard setback area and must be screened from public view. There must be no exterior evidence of cultivation either within or outside the structure.
- Mixed Light and Greenhouse Cultivation
 - Mixed light and greenhouse structures must be setback a minimum of 100 feet from property lines and at least 300 feet from occupied residences and businesses on surrounding properties in agricultural and resource zones.
 - The setback must be at least 300 feet from occupied residences on surrounding properties in industrial zones.
 - Greenhouses and mixed light structures in all zones must be setback at least 1,000 feet from a school providing education to K-12 grades, a public park, childcare center, or an alcohol or drug treatment facility. The distance will be measured in a straight line from the property line of the protected property to the closest boundary line of the parcel with the cannabis cultivation use.

([Ord. No. 6189](#), Ex. A-2 (Tables 1-B, 1-D), eff. 1/19/2017)

Medical Cannabis Cultivation in Commercial and Industrial Zones (Sec. 26-88-250, 252, and 256)

- Testing/Laboratories operate on a per use permit in the cultivation area and require a State license.

([Ord. No. 6189](#), Ex. A-2 (Tables 1-C, 1D), eff. 1/19/2017)

Cultivation Requirements (Operation Standards):

- All cultivation must be conducted and maintained using Best Management Practices for cannabis cultivation as determined by the Agricultural Commissioner.
- All cultivation sites will be subject to an on-site inspection during regular business hours, with at least 24-hours' notice.
- Outdoor harvesting and indoor or mixed light cultivation activities may be conducted 7 days a week, 24-hours per day as needed. Deliveries, shipping, outdoor processing

- activities (drying and trimming) will be limited to 8:00 a.m. to 5:00 p.m., unless a use permit is obtained.
- All indoor, greenhouse and mixed light cultivation operations and any drying, aging, trimming and packing facilities will have odor control filtration and ventilation system(s) to control odors, humidity, and mold, as well as utilize dust control measures on access roads and ground disturbing activities.
 - Electrical power for indoor cultivation and mixed light operations will be provided by a permitted renewable source or carbon offsets will be purchased for any portion of power that is not from a renewable source. The use of generators is prohibited, except for a portable generator for emergencies only.
 - There must be an adequate on-site water supply to meet all uses on a sustainable basis. Trucked water is not allowed, except in the case of emergencies. Additionally, water wells used for cultivation will be equipped with meter to monitor water level.
 - All cultivation operations that utilize hazardous materials must comply with requirements and permits from the Fire Prevention Division, Certified Unified Program Agency (CUPA) of Sonoma County Fire and Emergency Services Department or Agricultural Commissioner.
 - Cultivation must comply with applicable noise limits and all applicable federal, state and local laws regulating California Agricultural Employers (i.e. CAL/OSHA, OSHA and the California Agricultural Labor Relations Act).
 - The operator must provide both a sufficient waste management plan (addressing the handling and disposal of all waste by-products of the cultivation and processing activities) and a waste water management plan (identifying the amount of waste water, excess irrigation and domestic waste water anticipated) in compliance with the Best Management Practices.

Transitional Time Period:

Existing cannabis cultivation cooperatives or collectives that can demonstrate that they were in business before January 1, 2016 will have a grace period to January 1, 2018 to become compliant with this ordinance, provided that there has been no increase in the size of the cultivation area and the operations comply with best management practices and operating standards.

([Ord. No. 6189](#), § III, eff. 1/19/2017)

• Administrative Remedies

- Whether each act, omission, or condition may be cited as a separate violation and the continuation of a violation constitute a separate violation each day such continues to exist is in the discretion of the agency having jurisdiction.
- Exceeding the permitted cultivation area will result in the following administrative penalties: 1) first offense, \$20 per square foot of cultivation area; second offense, \$30 per square foot of cultivation area; and 3) third offense, \$50 per square foot of cultivation area.
- Failure to comply with a standard or condition will result in the following administrative penalties: 1) first offense, no more than \$1,000; second offense, \$5,000; and 3) third offense, \$10,000.
- Unpermitted cannabis use other than in a cultivation area will result in the following administrative penalties: 1) first offense, \$10,000; second offense, no more than

- \$25,000 within 2 years; and 3) third offense, no more than \$50,000 if within three years.
- Daily calculation of violation will not exceed \$1,000 per day for the first violation; \$2,000 per day for the second violation within 2 years, and more than \$5,000 per day for each additional violation within 2 years for each day a violation exists after date of mailing or hand delivery of notice of order to abate.
 - If the violating use or structure may be permitted, an appropriate permit may be obtained with a maximum charge of 50 times the amount of the standard fee for every required approval, review and permit.
 - Upon receipt of a combination of 3 administrative citations, verified violations, or hearing officer determinations of violations by the same owner or operator within a 2-year period, permit for cannabis operation is automatically revoked, subject to filing a notice and appeal. Appeals must be filed within 10 days of notice of revocation. Upon revocation, no application will be accepted for said parcel for at least 2 years.
 - Failure to pay administrative fines may result in a lien issued by the County and sale of the real property at issue to cover the lien and fees associated with enforcement of the lien.

([Ord. No. 6189](#), Ex A-2, eff. 1/19/2017)

- Manufacturing - Permitted

Sonoma County permits the manufacturing in Industrial Zones as follows (Sec. 26-88-250-254):

- Level 1 – nonvolatile solvents are allowed on a per use permit and require state licensing.
- Level 2 – volatile solvents are prohibited in all industrial zones.

([Ord. No. 6189](#), Ex A-2, eff. 1/19/2017)

Use of volatile solvents to manufacture cannabis products for personal use prohibited.

([Ord. No. 6189](#), Ex A-4, eff. 1/19/2017)

- Distribution and Sales

Medical Cannabis Dispensaries Licensing (Sec. 26-88-256):

- Operators must obtain a use permit and be in compliance with regulations established by the Sonoma County Department of Health and Services, and all applicable building codes and requirements.
- No more than 9 medical cannabis dispensaries will be permitted to operate at any one time within the unincorporated areas of the County.
- Application for permit must include an operating plan and, at minimum, a doctor's written recommendation in compliance with state law, and photo identification for any person entering the site.
- Use permits are limited-term and must be renewed annually.
- Use permits are tied to the applicant, are nontransferable, and will expire upon termination, sale or transfer of ownership in the dispensary or change of tenancy.
- Any use permit abandoned for a period of 6 months will automatically expire.

- If the applicant is not the property owner, the owner must sign the application for the use permit and include an affidavit agreeing to abide by the conditions of use permit and the relevant provisions of the Sonoma County Code as regards the establishment and operation of a medical cannabis dispensary use.

Location Requirements and Zoning Restrictions:

- Prohibited on any parcel containing a dwelling used as a residence or within 100 feet of a residential zoning district.
- Must be at least 1,000 feet away from any other medical cannabis dispensary and at least 500 feet from a smoke shop or similar facility selling drug paraphernalia.
- The above two restrictions may be waived if an applicant can show that an actual physical separation exists sufficient to demonstrate no off-site impact could occur.
- Must be at least 1,000 feet from any public or private school, park, childcare center, drug or alcohol treatment facility.
- Dispensaries and other retail sales are permitted based on the following zoning restrictions. (Sec. 26-88-250, 252, and 256)
 - o Storefront and delivery is based on a per use permit requiring licensing. Conditionally permitted neighborhood commercial, retail business and service and limited commercial zones. Prohibited in all other commercial zoned areas.
 - o Dispensaries may have no more than 3 retail sites and are also based on a per use permit requiring licensing. Conditionally permitted neighborhood commercial, retail business and service and limited commercial zones. Prohibited in all other commercial zoned areas.

Operation Standards for Medical Cannabis Dispensary:

- The building will apply with all local, state and federal rules and regulations.
- The dispensary will have an adequate security plan and security devices onsite.
- All aspects of the dispensary (i.e. site plan, parking, lighting, signage, etc.) must be subject to committee review and approval.
- No exterior signage will advertise the availability of cannabis.
- Only employees, vendors, contractors of the dispensary and qualified patients and/or primary caregivers are permitted on the premises.
- The dispensary may not hold or maintain a State license to sell alcoholic beverages and no alcoholic beverages may be consumed on the premises.
- An exhaust and ventilation system must be utilized to prevent off-site odors.
- No dispensary may conduct or engage in the commercial sale of any product or service unless otherwise approved by the use permit. A dispensary may sell live starter plants, clones and seeds from qualified nurseries, but may not cultivate or clone cannabis. A dispensary may sell manufactured cannabis, including edible products, and vaporizing devices if allowed by a permit issued by the Department of Health Services. Not more than 10% of the floor area, a maximum of 50 square feet, may be devoted to the sale of incidental goods for personal cultivation but will not include clothing, posters or other promotional items.
- No smoking or ingesting of cannabis products on the premises.

- Operating hours will be limited to Monday through Saturday, from 7:00 a.m. to 7:00 p.m., including deliveries, or as otherwise allowed by the use permit.
- Delivery services only allowed with a dispensary use permit

([Ord. No. 6189](#), Ex A-3, eff. 1/19/2017; Ord. No. 5967, § I, 1/31/2012; [Ord. No. 5715](#) § 2, 2007.)

▪ **City Ordinances**

- Cotati (Ordinance 787)
- Santa Rosa (Ordinance 3754)
- Sebastopol (Ordinance 1004)

Banned: Cloverdale, Healdsburg, Rohnert Park, Windsor

Stanislaus County

Pursuant to Section 9.86.030 of the Stanislaus County Code prohibits cannabis activities conducted by any person, whether at a fixed location or mobile, for any purpose in the unincorporated areas of the County.

Section 9.86.090 further provides that the establishment, maintenance, or operation of any cannabis activity, within the unincorporated area of the county, will be declared a public nuisance, and subject to a notice of abatement.

Pursuant to Section 9.86.040, for the purposes of Health and Safety Code [Section 11362.777](#), the principles of permissive zoning will be construed so that no cannabis activities are permitted uses except where specifically allowed. The words “cannabis” or “marijuana” must be expressly used in a subject section for permissive zoning to apply.

([Ord. CS 1170](#) §2, eff. 2/25/2016)

- Cultivation
 - Cannabis cultivation is prohibited for any purpose under Sections 9.86.050 and 9.86.080, including use of cannabis cooperatives and collectives.

([Ord. CS 1170](#) §2, eff. 2/25/2016)

- Manufacturing

Pursuant to Section 9.86.70, all testing, manufacturing, packaging and labeling of cannabis products are prohibited in the unincorporated areas of Stanislaus Count.

([Ord. CS 1170](#) §2, eff. 2/25/2016)

- Distribution and Sales

Stanislaus County prohibits operation of cannabis dispensaries, including cannabis cooperatives and collectives pursuant to Sections 9.86.060 and 9.86.080.

([Ord. CS 1170](#) §2, eff. 2/25/2016)

- Administrative Penalties

- Each and every day, during which any violation to Ordinance CS 1170 occurs, continues or is permitted, such will be deemed a separate and distinct offense.

([Ord. CS 1170](#) §2, eff. 2/25/2016)

Sutter County

- Cultivation

[Chapter 410](#) of the Sutter County Ordinance Code covers marijuana cultivation regulations in the unincorporated portions of Sutter County. Below is a summary of pertinent regulations as provided in [Section 410.040](#).

Cultivation Restrictions

- No outdoor cultivation.
- No Cultivation inside a residence or any other structure used or intended to be used for human occupancy.
- No cultivation on any premises unless it meets all of the requirements set forth in the “Cultivation Requirements” set forth below.

Location Restrictions:

- Cultivation must be at least 1,000 feet away from any school, school evacuation site, church, park, child care center, or youth-oriented. The distance will be measured in a straight line from the boundary line of the premises upon which marijuana is cultivated to the boundary line of the school, school evacuation site, church, park, child care center, or youth-oriented.

Cultivation Requirements:

- The premises where cultivation occurs must contain a permitted residential use and be occupied on a full-time basis by at least one qualified patient or primary caregiver. “Permitted residential use” means actual residential use of residential structure or a manufactured home with a final certificate of occupancy.
- The cultivation area may not exceed 80 square feet, regardless of the number of qualified patients or primary caregivers residing at the premises or participating directly or indirectly in the cultivation. Restriction remains regardless of whether is by a primary caregiver for more than one qualified patient or whether cultivation is for a collective or cooperative.
- The marijuana cultivation must be conducted inside a detached, fully enclosed and accessory structure not otherwise used or intended to be used for human occupancy.

- The structure must comply with Sutter County Ordinance Code, [Chapter 1300](#). The structure must be secure against unauthorized entry and accessible only through lockable doors. Walls and roof must be at least 3/8” or thicker and no plastic sheeting of any gauge will meet this requirement. Outer walls must be opaque.
- The building permit and final approval must be obtained from the Development Services Department for any structure intended to be used for marijuana cultivation, prior to any cultivation. The intended use must be disclosed on the building permit application and the structure inspected for compliance with [Chapter 410](#).
- The maximum electrical panel for the structure is 60 amps.
- The light system will not exceed 1,200 watts per fixture, be shielded and comply with Sutter County Ordinance Code, [Chapter 1300](#).
- The structure will be equipped with odor control filtration and ventilation system(s) adequate to prevent plant odors from leaving the interior of the structure.
- The structure will have locking doors and windows and each door will be secured with a deadbolt or similar locking mechanism.
- Alternatively to the above requirements (as set forth in [Section 410.040\(a\)-\(g\)](#)) cultivation may occur in a prefabricated greenhouse structure constructed for a nursery or agricultural purpose, subject to the following specifications:
 - o the structure does not include any services systems and has a floor area that does not exceed 80 square feet;
 - o the structure is located in a fully enclosed area by an opaque fence that is at least six feet high;
 - o the structure complies with all permit and ventilation requirements and will be inspected by the Development Services Department prior to start of cultivation;
 - o the structure is secure from unauthorized entry and accessible through one or more lockable doors;
 - o the frame must be constructed of metal and the panels of polycarbonate (or similar materials) and be no less than four mm thick, or the structure may be chain-link or wire mesh which is overlaid with one-piece cover made of polyethylene laminate fabric or other similar material which is no less than eight ml thick; and
 - o the structure will be equipped with odor control filtration and ventilation system(s) adequate to prevent plant odors from leaving the interior of the structure.
- Structure must comply with setback requirements set forth in the Sutter County Zoning Code (Chapters 1500, [1510](#), [1515](#), [1520](#), [1525](#), and 1530 of the Sutter County Ordinance Code). Setback distance will be measured in a straight line from the structure in which the marijuana is cultivated to the boundary line of the premises.

(Ord. No. 1618, § 2, 3/22/2016)

Licensing Requirements:

- Annual registration required. Registration valid for no more than one calendar year and expires on December 31st of that year.

- To apply for or renew registration the following information must be provided to the Development Services Department:
 - o Name of each person, owning, leasing, occupying, or having charge or possession of the premises;
 - o Name of each qualified patient or primary caregiver who participates directly or indirectly in the cultivation, or provides reimbursement for marijuana or services provided;
 - o Copy of a current valid medical recommendation or State-issued medical marijuana card for each qualified patient and the primary caregiver for each qualified patient identified;
 - o A description of the structure and location of the area to cultivate marijuana;
 - o Notarized letter from the legal owners consenting to cultivation of marijuana on the parcel if the person(s) cultivating are not the legal owner(s) of the parcel;
 - o Proof of inspection and approval by the Development of Services Department.
- Must further show proof of payment of registration fee, building inspection compliance fee, and any other applicable fee.

(Ord. No. 1618, § 2, 3/22/2016)

- Administrative Penalties ([Sec. 410-080](#)):

Violations of [Chapter 410](#) will be deemed a nuisance and, in addition to other remedies that may be available, will be subject to administrative remedies, including:

- Up to \$1,000 per day, as provided in Government Code Section 53069.4, or may be imposed by the court if the violation requires court enforcement without an administrative process.
- If the violation is a continuing violation and does not create an immediate danger to health or safety, the Enforcing Officer or the court will provide a reasonable period of time (a maximum of five days) to remedy the violation. The notice period starts on the day notice is served, as set forth in [Section 410-060\(c\)\(2\)](#). Failure to receive the notice does not affect the five-day grace period.
- Each day the violation exists or continues constitutes a separate violation. A daily administrative penalty will be assessed as of the effective date set forth in the order of the Administrative Hearing Officer. The administrative penalty will be assessed in 30-day increments and will continue to accrue until the Enforcing Officer is satisfied the condition has been abated. Proof of abatement to the satisfaction of the Enforcing Officer operates as an affirmative defense to the imposition of any daily administrative penalty assessed after proof of abatement has been provided to the Enforcing Officer.
- The amount of the administrative penalty is in the discretion of the Enforcing Officer or court.
- Interest will accrue on all amounts due under this section, from the effective date of the administrative penalty order to the date paid.
- If the administrative penalty has not been satisfied in full within 90 days, and has not been timely appealed to the Superior Court, or if appealed, such appeal has been

- dismissed or denied, this obligation may be enforced as a lien against the real property on which the violation occurred. The foreclosing on the lien by the Board of Supervisors may result in the real property being sold and the county will be entitled to attorney's fees and costs.
- Administrative penalties imposed constitute a personal obligation of each person who causes, permits, maintains, conducts or otherwise suffers or allows the nuisance to exist. Imposition of penalties is joint and severable liability. In addition to any other remedy, the county may prosecute a civil action through the office of the County Counsel to collect any administrative penalty imposed pursuant to [Sec. 410-080](#).
 - Payment of administrative penalties do not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the Notice of Violation. The payment of administrative penalties does not bar the county from taking any other enforcement action regarding a violation that is not corrected.

(Ord. No. 1618, § 2, 3/22/2016)

- **Distribution and Sale**

Zoning ordinances in Sutter County prohibit medical marijuana dispensaries in Agricultural, Recreation and Public Districts ([Sec. 1500-05-020](#)); Residential Districts ([Sec. 1500-06-020](#)); and Commercial and Employment Districts ([Sec. 1500-07-020](#)). No zoning designations in Sutter County permit the establishment or operation of a medical marijuana dispensary in the unincorporated portions of the County ([Sec. 1500-8033](#)).

[Section 1500-03-090](#)(M) defines a medical marijuana dispensaries to include any facility or location where medical marijuana is made available to and/or distributed by or to three or more of the following: a primary caregiver, a qualified patient, or a person with an identification card, in strict accordance with California Health and Safety Code Section [11362.5 et seq.](#)

A medical marijuana dispensary excludes a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to [Chapter 8](#) of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section [11362.5 et seq.](#)

- **City Ordinances**

Banned: Yuba City

Tehama County

- Cultivation

Title 9, [Chapter 9.06](#) of the Tehama County Code of Ordinances covers marijuana cultivation regulations of Tehama County. Below is a summary of pertinent regulations in Sections [9.06.035](#).

Cultivation Restrictions:

Failure to adhere to these restrictions will constitute a public nuisance and be subject to notice and administrative penalties.

- No outdoor marijuana cultivation.
- 12 plant limit on premises regardless of number of qualified patients or caregivers residing at the premises or participating (whether directly or indirectly) in the cultivation. Limitation applies to collectives.
- Marijuana cultivation must be at least 1,000 feet away from any school, school bus stop, school evacuation site, church, park, child care center, or youth-oriented facility.
 - o The distance will be measured in a straight line from the boundary line of the premises upon which marijuana is cultivated to the boundary line of the restricted premises.
 - o If the premises is 20 acres or more, the distance will be measured in a straight line from the accessory structure in which the marijuana is cultivated to the restricted premises.
- No cultivation inside a residence or other structure used or intended for human occupancy.

Cultivation Requirements:

- The marijuana cultivation must be conducted inside a detached, fully enclosed accessory structure not otherwise used or intended to be used for human occupancy.
- The structure must comply with Tehama County Code, [Title 15](#). The structure must be secure against unauthorized entry and accessible only through lockable doors. Walls and roof must be at least 3/8" or thicker and no plastic sheeting of any gauge will meet this requirement. Outer walls must be opaque.
- Person must obtain the necessary building permit.
- The maximum electrical panel for the structure is 50 amps.
- The light system will not exceed one thousand watts, be shielded and comply with Tehama County Code, [Title 15](#).
- The structure will be equipped with odor control filtration and ventilation system(s) sufficient to prevent odors from leaving the interior of the structure.
- The structure will have locking doors and working security system, with an audible alarm between 90 dBA and 100 dBA.
- The structure will be accessory to a permitted residential use.
- Structure must be setback at least 100 feet from all boundaries of the premises, unless requirement waived due to a finding of unusual hardship.

Licensing Requirements:

- Annual registration will be submitted to the Tehama County Department of Environmental Health. Annual registration will include the following documentation:

- Name of each person owning, leasing, occupying, or having charge or possession of the premises;
 - Name of each qualified patient or primary caregiver who participates in the cultivation, whether directly or indirectly by providing reimbursement for marijuana;
 - Copy of current valid recommendation or State-issued medical marijuana card for each qualified patient identified, and for whom any person identified as required above is the primary caregiver;
 - Number of marijuana plants cultivate on the premises; and
 - Any additional documentation or information the department determines necessary to ensure compliance.
- Registrations are valid for one calendar year, expiring December 31.
 - Should the registration for any calendar be submitted after March 1 of that year, the registrant will pay a late registration penalty equal to 50% of the relevant registration fee.
 - If the registrant is not the owner of the premises, the registrant must provide a notarized letter from the land owner granting permission for marijuana cultivation on the property.

(Ord. No. 2000, § 6, 3/03/2015)

Should Section 9.06.035 be held illegal, invalid or unconstitutional, pursuant to subdivision (H) of said section, then the provisions of [Section 9.06.040](#) apply.

Cultivation Restrictions:

- Section 9.06.040 allows for both indoor and outdoor cultivation. The 12-plant limit remains, regardless of number of qualified patients or caregivers residing at the premises or participating (whether directly or indirectly) in the cultivation, including collectives.
- Cultivation must still be at least 1,000 feet away from any school, school bus stop, school evacuation site, church, park, child care center, or youth-oriented facility.
 - The distance will be measured in a straight line from the boundary line of the premises upon which marijuana is cultivated to the boundary line of the restricted premises.
 - If the premises is 20 acres or more, the distance will be measured in a straight light from the accessory structure in which the marijuana is cultivated to the restricted premises.

Cultivation Requirements:

- All outdoors grows must be fully enclosed by an opaque fence that is at least six feet high. The fence must be adequately secure to prevent unauthorized entry. Bushes, hedgerows, plastic sheeting, or cloth material (tarpaulins) do not constitute an adequate fence.
- Each building or outdoor area in which marijuana cultivation occurs must be set back at least 100 hundred free from all boundaries of the premises, unless requirement waived due to a finding of unusual hardship. Setbacks will be measured in a straight

- line from the building in which the marijuana is cultivated, or the fence enclosing the outdoor area, to the boundary line of the premises.
- Premises must contain a permitted residential use in a residential structure or manufactured home on a permanent foundation that has been certified for occupancy in accordance with Tehama County Code, Title 15.

Licensing Requirements:

Registration requirements remain the same as in Section 9.6.035.

- Annual registration must be submitted to the Tehama County Department of Environmental Health. Annual registration will include the following documentation:
 - o Name of each person owning, leasing, occupying, or having charge or possession of the premises;
 - o Name of each qualified patient or primary caregiver who participates in the cultivation, whether directly or indirectly by providing reimbursement for marijuana;
 - o Copy of current valid recommendation or State-issued medical marijuana card for each qualified patient identified, and for whom any person identified as required above is the primary caregiver;
 - o Number of marijuana plants cultivate on the premises; and
 - o Any additional documentation or information the department determines necessary to ensure compliance.
- Registrations are valid for one calendar year, expiring December 31.
- Should the registration for any calendar be submitted after March 1 of that year, the registrant will pay a late registration penalty equal to 50% of the relevant registration fee.
- If the registrant is not the owner of the premises, the registrant must provide a notarized letter from the land owner granting permission for marijuana cultivation on the property.

(Ord. No. 1936, § 1, 4/06/2010; Ord. No. 1980, §§ 7, 8, 8/6/2013; Ord. No. 1990, §§ 2, 3, 4/15/2014; Ord. No. 2000, §§ 7, 8, 3/03/2015)

- Administrative Penalties

All administrative civil penalties under [Section 9.06.165](#) are cumulative and in addition to any applicable state and federal penalties.

- Any nuisance described in [Chapter 9.06](#) may be subject to administrative penalties up to \$1,000.00 per day. The amount of the penalty will be determined by the enforcing officer or court. Consideration will be based upon the nature, circumstances, extent, and gravity of the violation or violations, any prior history of violations, the degree of culpability, economic savings, if any resulting from the violation, and any other matters justice may require.
- Violations continuing, existing, or occurring on the service date, the effective date, and each day between the service date and the effective date constitute separate violations.

- Should the violation not create an immediate danger or health or safety risk, the enforcing officer or court will provide a period of time, not to exceed five days, as a cure period to correct or otherwise remedy the violation to be in compliance with Tehama County Codes.
- The notice issued will set forth the violation, the proposed penalty and may include a notice to abate. A hearing must be requested within ten days of issuance of notice or the penalty will become final and conclusive and immediately due.
- After a hearing, the board of supervisors or hearing officer may impose, modify, or disapprove, in whole or part, the penalty specified in the notice. Order will be effective upon issuance and payment of the administrative penalty set forth in the order will be due within 20 days of issuance of the order unless appealed.
- Interest will continue to accrue from effective date of order until paid.
- If administrative penalty has not been satisfied in full within 90 days of issuance, or any appeal has been dismissed or denied, a lien may be filed against the real property on which the violation occurred.
- Administrative penalties will constitute a personal obligation on the person who causes, permits, maintains, conducts or otherwise allows the nuisance to exist, including joint and several liability for imposition of penalties on two or more persons.
- Payment of penalty will not excuse or discharge any continuing or repeat violation.

(Ord. No. 1980, § 13, 8/6/2013; Ord. No. 2000, §§ 10, 11, 3/03/2015; Ord. No. 2004, §§ 5, 6, 6/02/2015)

- Distributions and Sale

[Chapter 17.09](#) of the Tehama County Code of Ordinances prohibits marijuana dispensaries.

Under [Section 17.09.040](#) Tehama County prohibits the establishment, development, construction, maintenance, or operation of a marijuana dispensary in any zoning district, even if located within an otherwise permitted use. No permit or other entitlement will be approved by the County for such use.

A “marijuana dispensary,” as defined in Section [17.09.030\(B\)](#) includes any for-profit or not-for-profit facility and any medical marijuana collective or cooperative that meets any of the following criteria:

- A facility where marijuana is made available, sold, given, distributed, or otherwise provided by or to ten or more persons (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)," or "person(s) with an identification card") pursuant to Health and Safety Code Sections [11362.5](#) and/or [11362.7](#) *et seq.* or otherwise.
- A facility where ten or more persons (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)," or "person(s) with an identification card") meet or congregate to make available, sell, give away, distribute, or otherwise provide marijuana for medical or other purposes.

- A facility where any marijuana cooperative, collective, operator, establishment, or provider operates a storefront or mobile retail outlet providing marijuana or other goods or services to the members of the collective or cooperative or to the public.

Marijuana dispensary excludes the following uses, as long as the facility complies with location restriction in the Tehama County Code: a clinic licensed pursuant to [Chapter 1](#) of [Division 2](#) of the Health & Safety Code; a health care facility licensed pursuant to [Chapter 2](#) of [Division 2](#) of the Health & Safety Code; a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of [Division 2](#) of the Health & Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of [Division 2](#) of the Health & Safety Code, a residential hospice; or a home health agency licensed pursuant to [Chapter 8](#) of [Division 2](#) of the Health & Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health & Safety Code sections [11362.5 et seq.](#) and [11362.7 et seq.](#) and the Tehama County Zoning Code (Title 17 of the Tehama County Code).

(Ord. No. 1957, § 1, 6/28/2011)

▪ **City Ordinances**

Banned: Corning

Trinity County

- Cultivation

[Ordinance No. 315-816](#), adopted August 30, 2016 and extended on 10/13/2016, enacts Section 32(0) of Zoning Ordinance No. 315 for regulation of commercial medical marijuana cultivation, including the following requirements.

Application Requirements:

- Trinity County provides provisional permits to cultivate marijuana plants that exempt registrants from current plant count restrictions for personal grow under Ordinance No. 315-797.
- Instead of plant count restrictions, applicants are subject to the square footage provisions in Type I and Type II of Medical Marijuana Regulation and Safety act (“MMRSA”).
- Registrants are entitled to priority processing for future permit applications.
- Applications are non-transferrable.
- Should the State begin issuing medical cannabis cultivation licenses under MMRSA before a permanent medical cannabis ordinance has been enacted in Trinity County, the cultivator must file a complete application for the appropriate state license with the appropriate State licensing authority on or before January 1, 2018.
- A person participating in the cultivation of medical cannabis who applies for and is denied a State license before a permanent medical cannabis cultivation ordinance has been enacted in the County, must immediately cease all medical cannabis cultivation

- in violation of the personal grow ordinance within the County until the person successfully obtains the proper State cultivation license(s) under MMRSA.
- Application fees for a medical cannabis cultivation site include \$4,000 (Type I MCRSA) or \$5,000 (Type II MCRSA), plus \$1,000 for a general plan update.

Licensing Requirements:

A summary of important requirements for cultivation registration, as set forth in detail in Section 3 of Ordinance No. 315-816, include:

- Registrant that do not own the parcel must have notarized authorization from the land owner to cultivate marijuana on the parcel.
- Applicants will be required to provide the following:
 - o Proof of intent to comply with all County setback requirements;
 - o Proof of enrollment in good standing with [NCRWQCB Order #2015-0023](#); and
 - o Identification of intended commercial cultivation license:
 - Type 1: up to 5,000 square feet of cultivated area
 - Type 2: up to 10,000 square feet of cultivated area
 - Type 3 License of MMRSA – not currently allowed in Trinity County
 - o Registrant may have any serious felony conviction or a Schedule I, II or III Felony, excluding a non-serious felony conviction for sale, transportation or cultivation of marijuana, except if the conviction is on public lands.
 - o One year of residency in Trinity County required prior to registration.

Registration Phases

- The County will allow up to 500 registrants to enroll in the Application Program based on completion dates of enrollment in the [NCRWQCB Order#2015-0023](#), in reference to a Trinity County based operation.
 - o Phase I consists of persons or entities who completed enrollment by August 01, 2016.
 - o Phase II consists of persons or entities who completed enrollment by December 31, 2016.
 - o Phase II consists of persons or entities who completed enrollment by March 1, 2017.
- Completed enrollment will be determined by receipt of a Proof of Order number.

Location Restrictions:

- Prohibited within 1,000 feet of a youth-oriented facility, a school, any church, or residential treatment facility.
- Prohibited within 500 feet of an authorized school bus stop.
- Prohibited within 350 feet of a residential structure on any adjoining parcels. Registrant may apply for a variance from this restriction with the Trinity County Planning Commission.
- Prohibited within the Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the legal boundaries of the Ruth Lake Community Service District.

- Prohibited in the Timber Production Zones (TPZ) with the exception made for qualified Phase I Applicants.
- Prohibited in Residential 1, Residential 2, or Residential 3 Zones.

Cultivation Requirements:

- Marijuana plants must not be visible from public right of way. Organic or landscape screening may be used upon approval of the Trinity County Planning Department.
 - The parcel must have a permitted residential structure or an active building permit.
 - Outdoor and indoor cultivation must comply with the limitation restrictions imposed on person grow in [Ordinance No. 315-797](#), as set forth below.
 - Noise level standards will not exceed 55db from 7:00 a.m. – 7:00 p.m. and 50db from 7:00 p.m. – 7:00 a.m. measured at the property line. Generators associated with commercial grow must not be used between 10:00 p.m. and 7:00 a.m.
 - Water needs for cultivation must be sourced onsite and cultivation must not create erosion or result in contaminated runoff into any stream, creek, river or body of water.
 - If the parcel has more than a 35% slope, the Registrant will need to apply for Tier 2 of the [NCRWQCB Order#2015-0023](#).
 - All outdoor grow must be fully enclosed within Wildlife Exclusionary Fencing that complies with height restrictions and contains a lockable gate that is locked at all times when a qualified patient or caregiver is not in the immediate area. Plastic covering or cloth may only be used on the inside of the fence.
 - All buildings where marijuana is cultivated or stored will be secured against unauthorized access. Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide or other toxic substances will be stored in a secured and locked structure.
 - All lighting associated with the operation shall be downcast, shielded and/or screened to keep light from emanating off-site or into the sky.
 - The cultivation of marijuana must comply with California Fire, Fish and Wildlife regulations.
 - Applicant must obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity ([Construction General Permit, 2009-0009-DWQ](#)) for construction projects (individual or part of a common development) that disturb one or more acres of land surface, specifically for new site preparation and development.
 - Section 6 of Ordinance No. 315-816 prohibits the use of gas products, including, but not limited to, butane.
- Administrative Penalties

Violation of this Chapter constitutes a nuisance and is subject to fines and abatement pursuant to Chapters [8.64](#) and [8.90](#) of the Trinity County Municipal Code.

- Under [Section 8.90.080](#) the director may impose any of the following penalties for violation of county code:
 - o The fair market rental value of the land or structure in violation from the date of issuance of notice of violation through abatement of the violation; or

- Up to \$100 dollar, per day, from issuance date of the notice of violation to the date of abatement; or
- If the use of a structure in violation may be permitted with an appropriate permit, up to a maximum of five times the amount of the standard fee for such a permit.
- It will be at the discretion of the director to impose a fine up to \$100, per day, from date of issuance of notice to date of abatement, for any other violation.
- Daily fines are not mandatory and will be set to ensure compliance with the code and to deter individuals and entities from violating this code.
- When any unlawful medical marijuana cultivation constitutes an immediate threat to the public health or safety, and where there is insufficient time to 1) obtain an inspection warrant, and 2) comply with the abatement procedures set out in Chapter 8.64 the enforcement official may direct any officer or employee of the County to summarily abate the nuisance and include any costs on the property owner's tax bill.

[Ordinance No. 315-797](#), adopted June 5, 2012, pertains to personal grow requirements for qualified patient or qualified caregivers to cultivate, harvest, process, dry, or assemble marijuana (“activities”) as summarized below.

Cultivation Requirements for Personal Grow:

- Activities must be conducted exclusively on property that contains a single-family residence.
- Only qualified patients or qualified caregivers may conduct the activities.
- If not the legal owner of the parcel, the person conducting activities must obtain a notarized letter from the legal owner(s) evidencing consent to activities on the parcel.
- Each building or outdoor area in which the activity occurs must be set back from the property boundaries at the farthest feasible location from neighboring residences, but at a minimum in accordance with the applicable zoning regulations, including setback limitations, for the district in which the property is located.
- All marijuana related activities must be secured, not readily visible from off site, and behind a fully enclosed opaque fence that is at least six feet high. The fence may not be constructed or covered with plastic or cloth, except that shade cloth may be used on the inside of the fence. The fence must be adequately secured to prevent unauthorized entry and all processed marijuana must be secured to deter theft.
- Activities, whether indoor or outdoor, must comply with the all applicable building, zoning, and environmental regulations set forth in [Ordinance 315](#), and fire codes.
- Noise impacts from generator use is limited to 8:00 am to 8:00pm.
- Use of butane to enhance or for additive purpose in processing marijuana is prohibited.

Size and Quantity Restrictions:

- Plants grown on any parcel shall comply with the following limit restrictions:
 - For parcels one acre or less, 2 marijuana plants or 50 square feet;
 - For parcels between 1 acre and 2 Y2 acres, four plants or 100 square feet
 - For parcels between 2 Y2 and 5 acres, 6 plants or 300 square feet;
 - For parcels of 10 acres or greater, 8 plants or 400 square feet.

- Plants must be grown in a contiguous area, they cannot be distributed through the parcel.
- An individual property may also cultivate additional marijuana plants as long as the plants are immature. The number of immature plants that may be cultivated, when combined with the number of mature plants, must not exceed twice the number of plants permitted for each size category above.
- Indoor cultivation of mature marijuana plants is limited to the same maximum size standards as stated above. Such cultivation may only be conducted only in an approved accessory structure.
- Size and quantity restrictions are based on the size of the parcel and not the number of qualified patients.

Location Restrictions:

- Activities prohibited within 1,000 feet of any school, recreation center, youth center, church, library, child-care facilities, substance abuse center or other public gathering area.
- Activities prohibited within 500 feet of any school bus stop.

- **Distribution and Sales**

Trinity County prohibits any marijuana dispensaries in commercial or industrial zoning districts. No permit or other entitlement will be approved by the County for such use.

(Ord. 315-795, 10/18/2011)

Tulare County

- **Cultivation**

Cultivation and Grow Restrictions:

- Only 3 collectives or cooperatives combined are allowed in the unincorporated areas of Tulare County.
- Outdoor cultivation prohibited. Cultivation and growing must occur in a secure, fully enclosed structure that can be locked.
- No persons under the age of 18 allowed onsite unless such individual is a qualified patient or person with an identification card and accompanied by their licensed attending physician, parent or documented legal guardian.
- No cultivation or distribution of marijuana for profit or exchange. No money or other thing of value may be exchanged for medical marijuana, except compensation of actual expenses and reasonable compensation of services provided to a qualified patient.
- Cultivation of plants shall be within the main structure, shall not be visible from the public domain, shall be secured, and plants shall not be transported in or out of the main structure.

- When a primary caregiver serves 2 or more qualified patients he/she must live in the same county as the qualified patients. This requirement does not apply when the primary caregiver only serves one qualified patient.
- Collective or cooperative cultivation are confined to the zones indicated in [Section 15.3 of Tulare County Ordinance No. 352](#).
- Cultivation of medical marijuana at a collective or cooperative must occur solely by the member qualified patient(s), person(s) with an identification card, or primary caregiver(s). No employees, independent contractors, or other persons may be utilized for the cultivation except pursuant to Health and Safety Code Section [11362.765](#), as amended.

Quantity Restrictions:

- A maximum 99 marijuana plant limit applies to individual, collective and cooperative cultivation, whether mature or immature, in all zones of the County.
- A maximum 24 marijuana plant limit, whether mature or immature, applies except where collective or cooperative is allowed. The individual, collective or cooperative cultivation of more than 24 plants will occur only in zones where collective or cooperative cultivation is permitted pursuant to Tulare County Ordinance Code No. 352 (Zoning Ordinance).
- Qualified patients, persons with an identification card, and primary caregivers of 2 or more patients may maintain up to 6 mature or twelve 12 immature marijuana plants, and possess no more than 8 ounces of dried marijuana, or as otherwise recommended by a doctor in accordance with Section [11362.77](#). The primary caregiver must not maintain plants or possess dried marijuana in amounts that exceed the limits for each qualified patient or person with an identification card, factoring in the amounts already maintained or possessed by the qualified patients or persons with an identification card.

The collective, cooperative or primary caregiver must maintain records in compliance with Section 6-21-1040(i)(5)-(6) to be provided to the Sheriff Department.

(Ord. No. 3396, effective 12/10/2009)

Licensing Requirements:

Section 6-21-1030 through 6-21-1090 of [Part VI, Chapter 21](#) of the Tulare County Code, sets forth the licensing requirement, including the following pertinent requirements.

- Medical marijuana collectives and cooperatives must obtain a business license for operation in the unincorporated areas of Tulare County (as provided in [Part VI, Chapter 1](#), Licensing and Regulation of Business Operations), in addition to guidelines issued pursuant to Health and Safety Code Section [11362.81](#), as amended.
- The primary caregiver must obtain the Sheriff's written clearance regarding his/her established plan of transport or delivery of a medical marijuana product to a qualified patient prior to transportation or delivery of the medical marijuana.

License shall be valid for a one year period from date of approval and will be renewed annually. Renewal licensing fees must be paid at least 60 days prior to the expiration of the current licensing period.

- Manufacturing

The County prohibits the manufacturing of marijuana-enhanced, edible or drinkable products, including but not limited to cookies, candy, drinks, brownies or baked goods in a collective or cooperative. (Sec. [6-21-1040\(i\)](#).)

- Distribution and Sales

- The commercial sale of marijuana products is prohibited.
- Only permitted distribution of cultivated marijuana is among members of the association and will be without compensation except pursuant to Health and Safety Code Section [11362.765\(c\)](#).
- No on-site consumption, use or smoking of medical marijuana is permitted at collectives or cooperatives. No cooking, sale, distribution, preparation or consumption of marijuana-enhanced, edible or drinkable products, including but not limited to cookies, candy, drinks, brownies or baked goods, is allowed in a collective or cooperative.
- Collectives and cooperatives may not purchase from other entities, and only distribute medical marijuana to members of the same collective or cooperative.

(Added by Ord. No. 3396, effective 12/10/2009)

- **City Ordinances**

- Tulare City (Ord. 15-13, adopted 1/19/2016)
- Visalia (Ordinance 2005-19)

Banned: Woodlake

Tuolumne County

The summary below highlights regulations set forth in Chapter [17.67](#) of Title 17 of the Tuolumne County Code of Ordinances that regulates medical and commercial marijuana activity in the unincorporated areas of Tuolumne County.

- Cultivation

Marijuana cultivation allowed under the following condition. All other cultivation of marijuana is prohibited.

Personal Use by a Qualified Patient or Primary Caregiver:

- Must reside on the parcel on a permanent basis.
- May cultivate either 12 plants outdoors or up to 24 plants indoors within one area that does not exceed 50 square feet.
- If two or more qualified patients or primary caregivers reside on a parcel, up to 24 plants may be cultivated outdoors and up to 24 plants may be cultivated indoors. The 50-square foot limit remains the same.
- The person(s) cultivating the marijuana must be the legal owner(s) of the parcel or be able to provide a notarized letter by the legal owner(s) consenting to the cultivation of marijuana on the parcel.

Outdoor Restrictions:

- Outdoor grows must be fully enclosed in an opaque fence that is at least 6 feet high. Fences higher than 7 feet may require a building permit. The fence must provide adequate security to prevent unauthorized access. Landscaping, tarps or plastic coverings do not constitute an adequate fence material.
- Each outdoor area to be cultivated must be set back at least 25 feet from the parcel boundary.

Location Restrictions:

- Outdoor cultivation must be at least 1,000 feet away from any school, school evacuation site, place of worship, public park, licensed family day care home/day care center, or youth-oriented facility is prohibited.

Commercial Cultivation Prohibited

[Section 17.67.065](#) of Title 17 of the Tuolumne County Ordinance Code prohibits, as a public nuisance, all commercial marijuana cultivation activity, including, without limitation, cultivation, processing or storage, which would require a state license to be issued pursuant to the Medical Cannabis Regulation and Safety Act or the Adult Use of Marijuana Act.

(Ord. 3308 § 3, 2017)

- Manufacturing - Prohibited

Section [17.67.065](#) prohibits, as a public nuisance, all commercial marijuana activity, including, without limitation, manufacture and testing, which would require a state license to be issued pursuant to the Medical Cannabis Regulation and Safety Act or the Adult Use of Marijuana Act.

(Ord. 3308 § 3, 2017)

- Distribution and Sale - Prohibited

Section [17.67.065](#) prohibits, as a public nuisance, the establishment, maintenance, or operation of any commercial marijuana activity, including, but not limited to, distribution, storage or sale, which would require a state license to be issued pursuant to the Medical Cannabis Regulation and Safety Act or the Adult Use of Marijuana Act.

(Ord. 3308 § 3, 2017)

- **City Ordinances**

Banned: Sonora

Ventura County

The summary below highlights regulations set forth in Articles 1 and 5 of Chapter 1.1, Division 8 of the Ventura County Code of Ordinances that regulates medical and commercial marijuana activity in the unincorporated areas of Ventura County.

- Cultivation

Section [8171-4.5](#) and Section [8105-1.7](#) of the Ventura County Ordinance Code prohibits cultivation, processing or storage of medical cannabis as defined in Business and Profession Code Section [19300.5](#) for which a license is required pursuant to Health and Safety Code Section [11362.77](#) in both coastal and non-coastal zoned unincorporated areas of Ventura County.

Personal use of qualified patient or primary caregiver exempted with no permit required, pursuant to Business and Professions Code Section [19319](#).

(Ord. No. 4484, eff. 2/25/2016; Ord. No. 4485, eff. 2/25/2016)

- Manufacturing

Sections [8171-4.5](#) and [8105-1.7](#) the manufacturing of medical cannabis or medical cannabis products in both coastal non-coastal zoned areas.

(Ord. No. 4484, eff. 2/25/2016; Ord. No. 4485, eff. 2/25/2016)

- Distribution and Sales

Sections [8171-4.5](#) and [8105-1.7](#) prohibit operation of medical cannabis dispensaries and sale of medical cannabis or medical cannabis products in both coastal non-coastal zoned areas.

This prohibition excludes delivery and transport of medical cannabis and does not apply to qualified patients or primary caregiver for which a permit is not required pursuant to Business and Professions Code Section [19319](#).

(Ord. No. 4484, eff. 2/25/2016; Ord. No. 4485, eff. 2/25/2016)

- **City Ordinances**

- Fillmore (proposed Ordinance 857, City Council meeting scheduled 2/23/2017)

Banned: Camarillo, Moorpark, Simi Valley ([Ordinance 1255](#)), Thousand Oaks

Yolo County

The summary below highlights regulations set forth in Chapter [20](#) of Title 5 and Chapter 2 of Title 8 of the Yolo County Code of Ordinances that regulates medical and commercial marijuana activity in the unincorporated areas of Yolo County.

- Cultivation

Permitted Cultivation (Sec. [5-20.04](#)):

Medical marijuana cultivation is allowed under the following conditions. Non-medical marijuana currently remains prohibited.

- Personal Use by a Qualified Patient (pursuant to Section [11362.5](#) of the Health & Safety Code)
 - o Area of cultivation cannot exceed 100 square feet, at full plant maturity per parcel. This restriction applies regardless of the number of qualified patients residing on the property or participating or benefiting from the cultivation.
 - o The marijuana may only be used for personal medical use (i.e. no sale, distribution or donation to any other person or entity)
 - o The qualified patient shall reside full-time in the residence where the cultivation occurs and may not participate in medical marijuana cultivation in any other residential location in Yolo County.
 - o Qualified patient must register within the Yolo County Department of Agriculture within 60 days prior to commencing cultivation of marijuana.
- Commercial Cultivation by Permit Registration
 - o Permit requirements must have been satisfied of October 11, 2016 to be eligible to obtain a permit.
 - o Cultivation must be in compliance with California Regional Water Quality Control Board Central Valley Region Order No. R5-2015-0113.
 - o Garden canopy for outdoor grows must be between 1,000 and 43,560 square feet. The County prohibits cultivation by permit of less than 1,000 square feet.
 - o Must participate in track and trace program required by the County.
 - o Written consent to reasonable on-site inspections and indemnification of Yolo County.
 - o Person owning, leasing, occupying or having charge of the parcel must not have been convicted of a felony.
 - o Person(s) must register within the Yolo County Department of Agriculture within 60 days prior to commencing cultivation of marijuana.

(§ 2, Ord. 1467, eff. April 21, 2016, as amended by § 3, Ord. 1473, eff. November 24, 2016, § 2, Ord. 1478, eff. December 22, 2016, and § 3, Ord. 1483, eff. February 9, 2017)

Residency Requirements:

Only the owner of the premises or a person with both a written lease and written, notarized permission from the record owner(s) may cultivate marijuana on the parcel. (Sec. [5-20.06](#).)

Location Restrictions (Sec. [5-20.05](#)):

- Outdoors within 1,000 feet of a youth-oriented facility, a school, a school-bus stop, a park, a church or federal lands held in trust by the federal government for a federally recognized tribal government or lands held in fee by a federally recognized tribal government.
- Outdoors within 75 feet of any occupied legal residential structure located on a separate parcel.
- In any location not fully enclosed by an opaque fence at least six feet in height. The fence must contain a locked gate to prevent unauthorized entry. Cultivation must not be visible from a public right-of-way or publicly traveled private roads.

(§ 2, Ord. 1467, eff. 4/21/2016, as amended by § 3, Ord. 1473, eff. 11/24/2016, and § 4, Ord. 1483, eff. 2/9/2017)

- **Administrative Penalties (Sec. [5-20.11](#)):**

All administrative penalties are cumulative and in addition to any applicable state and federal penalties.

- When an enforcing officer determines that a public nuisance exists, civil penalties will be \$1,000.00 per day from the service date of the Notice of Violation and to Abate (“Notice”) and continue to accrue daily until the nuisance is abate, as directed in the Notice (i.e. demolished, secured, removed, repaired and the like, as described in the Notice).
- Filing an appeal will not stop the accrual of the administrative penalty during the appeal process.

(§ 2, Ord. 1467, eff. 4/21/2016, as amended by § 3, and Ord. 1473, eff. 11/24/2016)

- **Distribution and Sales**

[Section 8-2.116](#) of Title 8 of the Yolo County Code of Ordinances prohibits medical marijuana dispensaries in all zoning districts.

(Ord. 1445 eff. 8/14/2014)

- **City Ordinances**

Banned: Davis, Woodland

Yuba County

The summary below highlights regulations set forth in Chapter 7.40 of Title VII of the Yuba County Code of Ordinances that regulates medical and commercial marijuana activity in the unincorporated areas of Yuba County.

- Cultivation

Below is a summary of the pertinent regulations regarding marijuana cultivation in Yuba County, pursuant to [Urgency Ord. No. 1542](#), adopted April 28, 2015 (not yet codified) that re-enacted Title VII, Chapter 7.40 of the Yuba County Ordinance Code.

Cultivation restrictions (Section 7.40.300):

- No outdoor cultivation.
- No cultivation in a dwelling or other structure on the parcel used or intended to be used for human occupancy.
- 12 plant limit regardless of parcel size or number of persons authorized to grow on parcel.

Cultivation Requirements (Sections 7.40.310, 7.40.320, 7.40.330):

- The parcel must contain an occupied legal dwelling or residence.
- The person cultivating is a qualified individual with a proper permit and is either the land owner or authorized to cultivate marijuana on the property
- Cultivation must be in a legal, properly permitted accessory structure on the parcel, that is fully enclosed and constructed of at 3/8" inch or thicker materials, and secured against unauthorized access.
- Any fence required to surround an accessory structure shall be made of solid material, having a locking mechanism and be between 6 feet and 8 feet in height to prevent unauthorized entry and to keep cultivation out of public view.
- Have a legal water source that contains any discharge of water on the parcel.
- Ensure sufficient safeguards are in place to prevent any adverse effects to the environment, public health and safety (i.e. odors, noxious gas, noise, toxic waste).

Licensing Requirements (Sec. 7.40.340):

- Any person intending to cultivate marijuana must obtain registration approval and a registration number prior to starting cultivation activities.
- Any marijuana cultivation prior to registration will be deemed a public nuisance.
- Registrations are valid for one calendar year, expiring December 31.
- Should the registration for any calendar be submitted after March 1 of that year, the registrant will pay a late registration penalty equal to 50% of the relevant registration fee.
- If the registrant is not the legal owner of the parcel, a notarized letter is required from the legal owner(s) consenting to the cultivation of marijuana on the parcel.

- Administrative Penalties (Sec. 7.40.550)

- When an enforcement official determines that a public nuisance exists penalties will range from \$100.00 per day, per plant to \$500.00 per day, per plant depending upon the number of violations in a specified monthly period, in addition to any additional county of state penalties that may apply.
- Penalties will be assessed immediately upon issuance of the Notice and Order to Abate and continue to accrue until the nuisance is abated (i.e. demolished, secured, removed, repaired and the like, as described in the Notice).
- Filing an appeal will not stop the accrual of the administrative penalty during the appeal process.

- **Distribution and Sales**

On June 7, 2016 Measure B (the “Patients Access to Regulated Medical Cannabis Act of 2015) was voted down in Yuba County. As a result, medical dispensaries are banned in Yuba County. Delivery of marijuana prohibited in the County.

- **City Ordinances**

- Marysville (Ordinances 1384, 1381, 1332, 1331)

Banned: Wheatland