



# Medical Marijuana Code Compliance Ordinances

Board of Supervisors Meeting  
1/10/16



# Presentation Overview

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- The Medical Marijuana Ad Hoc Advisory Committee to date
- Current ordinance
- What are benchmark jurisdictions doing
- Closer look at compliance programs implemented in other counties
- Proposal of conceptual changes to compliance ordinance



# Medical Marijuana Advisory Ad Hoc Committee

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- The Committee was formed by the Board of Supervisors during a 3/15/16 special meeting on medical marijuana
- The Committee has met five times since May on various topics
  - Cultivation
  - Niche medical marijuana businesses
  - Taxes and fees
  - Compliance
- Collaboration between public, County departments and various topic experts



# County's Ordinance Regarding Compliance

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- (3) Enforcement (Section 130.14.260(2)(C) and (2)(G)
  - Anyone who violates any portion of the cultivation ordinance will be subject to all abatement procedures allowed under the law
  - Anyone who violates any portion of the cultivation ordinance may be charged by the District Attorney with either a misdemeanor or an infraction. If the violation is charged as a misdemeanor, the penalty for each offense is a fine of up to \$1000 and imprisonment in the County jail for up to 6 months



# County's Ordinance Regarding Compliance

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- (4) Responsibility for Enforcement
  - The Sheriff and his sworn personnel have primary responsibility for enforcing the Cultivation Ordinance. All other County officers with authority to enforce the County Code (e.g. Code Enforcement personnel, Agricultural Department personnel and Environmental Management personnel) also have authority to enforce this section



# What Are Other Counties Doing

- Looked at 18 California counties and 2 cities in El Dorado County
  
- Complaint process goes to
  - 8 code enforcement
  - 6 law enforcement
  - 1 code enforcement or law enforcement
  - 1 Cannabis Licensing Office
  - 1 Agriculture
  - 3 - N/A



# What Are Other Counties Doing

- Verification Process
  - 11 joint verification w/ law enforcement and code enforcement
  - 5 law enforcement
  - 1 agriculture and sheriff
  - 3 – N/A
  
- How do jurisdictions punish violators
  - 4 fines and pay costs
  - 11 fines, pay costs, and liens on property if not paid
  - 2 no fines but prosecution
  - 3 working on process or N/A



# What Are Other Counties Doing

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- Registration for personal grows
  - 8 localities require
  - 4 localities do not require
  - 5 localities are still implementing and talking about registration
  - 2 do not allow any growing
  - 1 – N/A





# Examples of Other Compliance Programs

- Look at three counties: Butte, Tehama, and Yuba
  - Counties are recognized as operating successful programs and they have similar terrain as El Dorado County
- What are the differences in the programs with El Dorado?
  - El Dorado County is the only program to overtly single out the Sheriff's Department as having primary responsibility
  - El Dorado County does not publish the code compliance steps in its medical marijuana ordinance – only references the code compliance ordinance



# Examples of Other Compliance Programs

- Butte and Tehama set out a timeline of steps in which individuals can expect in the process (e.g. three days, etc.)
- Butte and Tehama counties allow for a hearing officer to hear any appeals
- All counties, including El Dorado, allow for fines, reimbursement of costs, and liens or special assessments – like other code compliance violations
- El Dorado County's ordinance mentions violations as misdemeanors



# Examples of Other Compliance Programs

- Butte County's ordinance allow for special circumstances when the code enforcement procedures/steps can be avoided:

“Notwithstanding any other provision of this Chapter, when any unlawful medical marijuana cultivation constitutes an immediate threat to the public health or safety, and where the procedures set forth in sections 34A-11 through 34A-14 would not result in abatement of that nuisance within a short enough time period to avoid that threat, the enforcing officer may direct any officer or employee of the County to summarily abate the nuisance.”



# Examples of Other Compliance Programs

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- Code compliance program personnel
  - Butte – 6 employees
  - Tehama – 4 employees
  - Yuba – 6 employees
  - El Dorado – currently 2 employees (hiring for another soon)



# Recommendation and Conclusion

- The recommendation is to move the enforcement of medical marijuana to more of a civil process led by code compliance
  - More in line with operations of other counties
  - Allows for more enforcement of Ordinance 5000
  - Agreement among stakeholders through process
- Steps
  - Go to the Board of Supervisors to get conceptual approval
  - First reading of the changes
  - Second reading of the changes