

MENDOCINO COUNTY SHERIFF'S OFFICE

THOMAS D. ALLMAN, Sheriff-Coroner



9.31. MEDICAL MARIJUANA REGULATIONS

The following is a condensed version of 9.31 as amended by the Board of Supervisors on **February 14, 2012**. **The cultivation of more than 25 plants under any circumstance is prohibited.** The ability to cultivate 99 plants with a permit is **no longer permissible**. The text of the full ordinance can be found on the Sheriff's Office website at www.mendocinosherriff.com/mm/.

NUMBER OF PLANTS

The cultivation of more than twenty-five (25) marijuana plants on one (1) 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 hereby prohibited.

Any qualified patient, person with an identification card, or primary caregiver may not cultivate marijuana in excess of the amount reasonably related to the current medical needs of the patients or persons with identification cards for whom the marijuana is being cultivated, either individually or collectively, but in no case more than twenty-five (25) total plants on one (1) parcel.

(See Section 9.31.040 Limitation on Number of Plants)

DEFINITION OF PARCEL

Parcel is defined as a parcel as determined by the Assessor for assessment purposes only.

(See Section 9.31.030 Definitions)

WHERE YOU CAN CULTIVATE

The cultivation of marijuana, whether grown collectively or individually, in any amount or quantity, **shall not be allowed in the following areas:**

- (1) Within one thousand (1,000) feet of a youth-oriented facility, a school, a park, or any "church" or residential treatment facility as defined herein.
- (2) Outdoors within one hundred (100) feet of any occupied legal residential structure located on a separate parcel.

- (3) Outdoors in a mobile home park as defined in Health and Safety Code Section 18214.1 within one hundred (100) feet of an occupied mobile home that is under separate ownership.
- (4) In any location where the marijuana plants are visible from the public right of way or publicly traveled private roads.
- (5) Outdoors within fifty (50) feet of a parcel under separate ownership.

HOW YOU MEASURE THE DISTANCE

The distance between the above-listed uses in Section (A) (1) and marijuana that is being cultivated shall be measured in a straight line from the nearest point of the required 6 foot fence, 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.

The distance in Sections (2) and (3) to any residential structure shall be measured from the required fence to the nearest exterior wall of the residential structure.

(See Section 9.31.050 Limitation on Location to Cultivate Marijuana)

RULES REGARDING THE INDOOR OR OUTDOOR GARDEN

- The indoor cultivation of marijuana plants shall be limited to no more than one hundred (100) contiguous square feet per parcel.
- The indoor or outdoor cultivation of marijuana shall 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 shall not exceed a maximum of six hundred (600) watts of lighting capacity per one hundred (100) square feet of growing area.
- All lights used for the cultivation of marijuana shall be shielded and 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.
- The indoor or outdoor cultivation of marijuana shall not exceed the noise level standards as set forth in the County General Plan Policies DE100, 101 and 103. These policies can be found on the County Building and Planning Website under "General Plan."
- The indoor or outdoor cultivation of marijuana shall not utilize water that has been or is illegally diverted from any stream, creek, or river.
- The indoor or outdoor cultivation of marijuana shall not create erosion or result in contaminated runoff into any stream, creek, river or body of water.
- All marijuana grown outdoors must be within a secure fence at least six (6) feet in height that fully encloses the immediate garden area. The fence must include a lockable gate that is locked at all times when a qualified patient or caregiver is not in the immediate area. Said fence shall not violate any other ordinance, code

section or provision of law regarding height and location restrictions and shall 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 shall be properly secured to prevent unauthorized entry.
- the County CAN abate any violation which may exist from the cultivation of marijuana plants or any part thereof from any location, indoor or outdoor, including from within a fully enclosed and secure building.

(See Section 9.31.060 Cultivation of Marijuana)

VOLUNTARY ZIP-TIES CAN BE OBTAINED

For the convenience of the property owner and to assist in the enforcement of this Ordinance, and to avoid unnecessary confiscation and destruction of medicinal marijuana plants, marijuana grown for medicinal purposes in unincorporated Mendocino County may have "zip-ties" issued by the Mendocino County Sheriff's Department.

For proper identification, such "zip-ties" should be securely attached to the base of individual flowering marijuana plants.

"Zip-Ties" can be obtained through the Mendocino County Sheriff's Department. All applicants for "zip-ties" must present a State-issued medical marijuana identification card or a valid medical recommendation.

The fee for the "zip-ties" shall be set by the Mendocino County Board of Supervisors in accordance with all applicable laws and regulations and the Master Fee Policy.

Any zip-tie fees may be discounted by fifty percent (50%) for Medi-Cal, SSI, and CMSP recipients, and equivalent income-qualified veterans.

(See Section 9.31.070 "Zip-Tie" Provision)

IF YOU ARE A COLLECTIVE YOU MUST FOLLOW THESE RULES

Medical marijuana collectives engaged in cultivation shall comply with all of the following:

- (1) Operate on a non-profit basis as set forth in Section IV B.1. of the Attorney General's Guidelines;
- (2) Employ only persons who are at least eighteen (18) 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;
- (3) Follow the membership and verification guidelines as set forth in Section IV B.3. of the Attorney General's Guidelines, except that wherever "should" appears it shall be replaced with "shall";
- (4) 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;

- (5) Prohibit sales to non-members as set forth in Section IV B.5. of the Attorney General's Guidelines;
- (6) Allow reimbursements and allocations of medical marijuana as set forth in Section IV B.6. of the Attorney General's Guidelines;
- (7) 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;
- (8) Exterior signage shall not indicate or advertise the presence or availability of medical marijuana. This does not apply to storefront dispensaries.

(See 9.31.080 Medical Marijuana Collectives)

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