



COUNTY OF SANTA CRUZ

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January 22, 2015

AGENDA: January 27, 2015

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060

**Re: Repeal Of County Code Chapter 7.126 And Adoption Of New Chapter 7.126
Regarding Cultivation Of Medical Cannabis**

Dear Members of the Board:

On November 18, 2014, your Board directed County Counsel to return this month with proposed amendments to Chapter 7.126 of the County Code related to the cultivation of medical cannabis. Specifically, your Board asked us to incorporate suggestions described in the letter of the Planning Director dated November 12, 2014, and include draft language to eliminate the 99 plant limit, restrict outdoor cultivation to CA and A zoning districts, and regulate the cultivation of cannabis by dispensaries.

Attached for your consideration is a draft ordinance repealing existing Chapter 7.126 and adopting a new Chapter 7.126 that includes the language we were directed to provide. The language contained in this draft ordinance creates major changes to the cultivation ordinance.

In drafting the requested language, issues arose concerning the practical and logistical impacts the requested language would have on the enforcement of the ordinance. For instance, your Board may wish to consider whether it is meaningful to distinguish between indoor and outdoor grows for dispensaries, and instead just set a total grow area limit allowing dispensaries to grow indoors or outdoors at their discretion. This would eliminate arguments in the enforcement process concerning whether greenhouses or other alternative structures are considered "indoors" or "outdoors," and provide a clearer basis for regulation. Another issue that arose was whether the third party certification language currently in the ordinance makes sense, in that it appears that no cultivator or dispensary is currently complying with those provisions. Before your Board adopts a final draft ordinance "in concept," we suggest that your

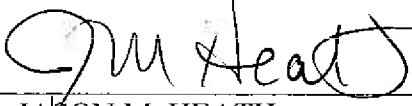
2

Board also provide the Planning Department an opportunity to address enforcement challenges related to these issues, and provide any additional suggestions to address the impacts of cultivation.


IT IS THEREFORE RECOMMENDED THAT YOUR BOARD consider the draft ordinance entitled "Ordinance Repealing Chapter 7.126 Of The Santa Cruz County Code And Adopting New Chapter 7.126 Relating To The Cultivation Of Medical Cannabis," and provide further directions to staff.

Sincerely,

DANA McRAE, COUNTY COUNSEL

By: 
JASON M. HEATH
Chief Assistant County Counsel

RECOMMENDED:


Susan A. Mauriello
County Administrative Officer

52

ORDINANCE NO. _____

ORDINANCE REPEALING CHAPTER 7.126 OF THE SANTA CRUZ COUNTY CODE AND ADDING NEW CHAPTER 7.126 RELATING TO THE CULTIVATION OF MEDICAL CANNABIS

The Board of Supervisors of Santa Cruz County hereby finds and declares the following:

WHEREAS, in 1992 the voters of the County of Santa Cruz enacted Measure "A", adding Chapter 7.122 to the Santa Cruz County Code which declared support for making cannabis available for medical use; and

WHEREAS, in 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code section 11362.5, and entitled "The Compassionate Use Act of 1996"); and

WHEREAS, (1) the intent of Proposition 215 was to enable persons who are in need of cannabis for medical purposes to use it without fear of criminal prosecution under limited, specified circumstances; (2) the proposition further provides that "nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of cannabis for non-medical purposes"; and (3) the ballot arguments supporting Proposition 215 expressly acknowledged that "Proposition 215 does not allow unlimited quantities of cannabis to be grown anywhere"; and

WHEREAS, the Board of Supervisors added Chapter 7.124 to the Santa Cruz County Code which implemented provisions of Proposition 215 by establishing a medical cannabis identification card program operated by the County; and

WHEREAS, in 2004, the Legislature enacted Senate Bill 420 (codified as California Health and Safety Code sections 11362.7 *et seq.*) to clarify the scope of Proposition 215, and to provide qualifying patients and primary caregivers who cultivate cannabis for medical purposes with a limited defense to certain specified State criminal statutes; and

WHEREAS, Health and Safety Code section 11362.83 expressly allows cities and counties to adopt and enforce ordinances that are consistent with Senate Bill 420; and

WHEREAS, following enactment of Senate Bill 420, Chapter 7.124 was amended to establish local guidelines consistent with the new State law for the possession and cultivation of medical cannabis used by qualified patients and caregivers; and

WHEREAS, (1) the Federal Controlled Substances Act, 21 U.S.C. §§ 801 *et seq.*, classifies cannabis as a Schedule I Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision; (2) the Federal Controlled Substances Act makes it unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, cannabis; and (3) the Federal Controlled Substances Act contains no exemption for the

4

cultivation, manufacture, distribution, dispensation, or possession of cannabis for medical purposes; and

WHEREAS, (1) Proposition 215 and Senate Bill 420 primarily address criminal law issues, providing qualifying patients and primary caregivers with limited immunity from state criminal prosecution under certain identified statutes; and (2) Proposition 215, Senate Bill 420, the relevant provisions of the Santa Cruz County Code, and the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use adopted pursuant to Senate Bill 420 do not provide comprehensive civil regulation of premises used for cannabis cultivation; and

WHEREAS, (1) on May 6, 2013, the California Supreme Court unanimously ruled in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (“*Inland Empire*”), that California’s medical cannabis laws do not preempt local ordinances that ban medical cannabis facilities; and (2) the Court found that the local police power derived from Article XI, section 7, of the California Constitution includes broad authority to determine, for purposes of public health, safety, and welfare, the appropriate uses of land within a local jurisdiction’s borders, and that “[n]othing in the CUA or the MMP expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land, including the authority to provide that facilities for the distribution of medical cannabis will not be permitted to operate within its borders”; and

WHEREAS, (1) the unregulated cultivation of cannabis in the unincorporated area of Santa Cruz County can adversely affect the health, safety, and well-being of the county and its residents; and (2) comprehensive civil regulation of premises used for cannabis cultivation is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, obnoxious smells, and indoor electrical fire hazards that may result from unregulated cannabis cultivation; and

WHEREAS, on December 10, 2013, the Board of Supervisors adopted an ordinance deleting then reenacting Chapter 7.124 of the Santa Cruz County Code, which prohibited medical cannabis businesses, but also granted a limited immunity from enforcement for such businesses that did not violate the restrictions and limitations added by that Chapter; and

WHEREAS, on February 25, 2014, the Board of Supervisors adopted an ordinance enacting Chapter 7.126 of the Santa Cruz County Code, which prohibited medical cannabis cultivation businesses, but also granted a limited immunity from enforcement for such businesses that did not violate the restrictions and limitations added by that Chapter; and

WHEREAS, after the enactment of Chapter 7.126, County staff documented a sharp rise in illegal cannabis cultivation sites that constitute a public nuisance by degrading the environment, improperly diverting natural resources, creating fire danger, and negatively impacting the quality of life for residents of Santa Cruz County; and

WHEREAS, (1) cultivation of any amount of cannabis at locations within six hundred feet of a school or public park creates unique risks that the cannabis plants may be observed by juveniles, and therefore be especially vulnerable to theft or recreational consumption by juveniles; (2) the potential for criminal activities associated with cannabis cultivation in such

51

locations or premises poses heightened risks that juveniles will be involved or endangered; and (3) cultivation of any amount of cannabis in such locations or premises is especially hazardous to public safety and welfare, and to the protection of children and the person(s) cultivating the cannabis plants; and

WHEREAS, as recognized by the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of cannabis grown for medical use, the cultivation or other concentration of cannabis in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

WHEREAS, (1) the limited right of qualified patients and their primary caregivers under state law to cultivate cannabis plants for medical purposes does not confer the right to create or maintain a public nuisance; and (2) by adopting the regulations contained in this ordinance, Santa Cruz County will achieve a significant reduction in the aforementioned harms caused or threatened by the unregulated cultivation and dispensing of cannabis in the unincorporated area of the County; and

WHEREAS, (1) it is the purpose and intent of this ordinance to implement State law by providing a means for regulating the cultivation and dispensing of medical cannabis in a manner that is consistent with State law and which balances the needs of medical patients and their caregivers and promotes the health, safety, and welfare of the residents and businesses within the unincorporated territory of Santa Cruz County; and (2) the intent and purpose of this ordinance is to establish reasonable regulations upon the manner in which cannabis may be cultivated and dispensed, including restrictions on the location of cultivation activities and the amount of cannabis that may be cultivated in any location or premises, in order to protect the public health, safety, and welfare in Santa Cruz County; and

WHEREAS, (1) nothing in this ordinance shall be construed to allow the use of cannabis for non-medical purposes, or allow any activity relating to the cultivation, distribution, or consumption of cannabis that is otherwise illegal under State or federal law; and (2) no provision of the Chapter created by this ordinance shall be deemed a defense or immunity to any action brought against any person by the Santa Cruz County District Attorney, the Attorney General of the State of California, or the United States of America.

NOW THEREFORE the Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Santa Cruz County Code is hereby amended by deleting existing Chapter 7.126 in its entirety.

SECTION II

The Santa Cruz County Code is hereby amended by adding new Chapter 7.126 to read as follows:

6

**Chapter 7.126
Medical Cannabis Cultivation**

Sections:

- 7.126.010 Purpose.**
- 7.126.020 Definitions.**
- 7.126.030 Prohibited activities.**
- 7.126.040 Limited immunity for medical cannabis cultivation business.**
- 7.126.050 Limited immunity for cultivation by medical cannabis businesses (dispensaries).**
- 7.126.060 No vested or nonconforming rights.**
- 7.126.070 Limited severability.**
- 7.126.080 Enforcement.**
- 7.126.090 No Duty to Enforce.**

7.126.010 Purpose.

The purpose of this Chapter is to prohibit the cultivation of cannabis by anyone other than qualified patients or their caregivers, while granting limited immunity from the enforcement of its prohibition to those medical cannabis cultivation activities that do not violate the restrictions and limitations set forth in this Chapter.

It is also the purpose of this Chapter to mitigate the negative impacts and secondary effects associated with ongoing cannabis cultivation activity including, but not limited to, demands placed on law enforcement and administrative resources; neighborhood disruption; robberies; burglaries; assaults; drug trafficking and other violent crimes; and the damage to the natural environment resulting from destructive cannabis cultivation activity.

This Chapter is not intended to conflict with Federal or State law. It is the intention of the County that this Chapter be interpreted to be compatible with Federal and State enactments and in furtherance of the public purposes that those enactments encompass.

7.126.020 Definitions.

As used in this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (A) "Building" means any structure having a roof supported by columns or walls, for the housing, shelter or enclosure of persons, animals, chattels, or property of any kind.
- (B) "Cannabis" shall be construed as the term "marijuana" is defined in California Health and Safety Code section 11018 and further shall specifically include any product that contains cannabis or a derivative of cannabis.
- (C) "Cannabis plant" means any mature or immature cannabis plant, or any cannabis seedling, unless otherwise specifically provided herein.

5L

(D) "Cultivation" or "cultivate" means the planting, growing, developing, propagating, harvesting, drying, processing, chemical extraction from, or storage of, one or more cannabis plants or any part thereof in any location, indoor or outdoor, including within a fully enclosed and secure building.

(E) "Enforcing Officer" means any employee duly authorized to investigate violations of and enforce Chapter 19.01 of the County Code, or any peace officer.

(F) "Fence" means a wall or barrier connected by boards, masonry, rails, panels, or any other materials for the purpose of enclosing space or separating parcels of land. For purposes of this Chapter, the term "Fence" does not include tarpaulins, scrap material, bushes, or hedgerows.

(G) "Garden canopy" means the net vegetative growth area measured by the combined diameters of individual cannabis plants.

(H) "Indoor" or "indoors" means any location that is contained within a fully enclosed and secured permanent structure that contains walls, a roof, and access to utilities, that is reasonably intended to prevent unauthorized access. Greenhouses, tents, hoop houses, and other structures of a temporary or moveable nature are not considered "indoor" or "indoors" for purposes of this definition.

(I) "Location" or "parcel" means that unit of land assigned a unique Assessor's Parcel Number by the County Assessor, whether vacant or occupied by a building, group of buildings, or accessory buildings, and includes the buildings, structures, yards, open spaces, lot width, and lot area. Where contiguous legal parcels are under common ownership or control, such contiguous legal parcels shall be counted as a single "location" or "parcel" for purposes of this Chapter.

(J) "Medical cannabis cultivation business" means any location where cannabis is started, planted, cultivated, harvested, dried or processed, or where chemicals or components are extracted from cannabis. Medical cannabis cultivation business shall not include:

(1) A qualified medical cannabis patient or person holding a valid identification card, or his or her designated primary caregiver, cultivating medical cannabis solely for the patient's personal use on a parcel that includes the residence of the patient or caregiver. The amount of cannabis grown shall not exceed one hundred (100) square feet of total garden canopy per parcel, as measured by the combined vegetative growth area and shall be subject to the following limitations:

(a) If the parcel is located within that area defined by section 2.04.030 of the Santa Cruz County Code, outdoor cultivation of cannabis is prohibited.

(b) If cultivation takes place outdoors, evidence of cultivation shall not be visible from any public right-of-way; and

(c) If cultivation takes place indoors: (i) lighting for cultivation purposes shall not exceed 1200 watts unless a written certification is first obtained from a licensed electrician that the cultivation site has all necessary electrical permits required by the

California Building Codes to ensure that the growing operations can be carried out safely; (ii) the use of flammable products such as butane or alcohol for cultivation or processing purposes are prohibited; and (iii) exterior evidence of cultivation is prohibited.

(2) A cultivation site granted an exemption by the Planning Director pursuant to Santa Cruz County Code section 13.10.670 (g) as enacted by Ordinance #5090, so long as the area subject to cultivation is not expanded or enlarged beyond what existed at that location on January 1, 2012.

(K) "Outdoor" or "Outdoors" means any location that is not "indoors" as defined in this Chapter.

(L) "Park" means any playground, hiking or riding trail, recreational area, beach, community center or building, historic structure or facility, owned, managed or controlled by any public entity.

(M) "Residence" means a fully enclosed structure, including any attached garage or ancillary structure, used as the primary dwelling unit of a "Person with an identification card," "Primary caregiver," or "Qualified patient."

(N) "School" means any licensed preschool or any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

(O) "Structure" means any secure building constructed or erected, supported directly or indirectly on the earth, the interior of which is protected from the elements and meant to be occupied by people or property. "Structure" does not include a greenhouse, tent, hoop house, vehicle, carport, or other structures of a temporary or moveable nature.

(P) "Third-Party Standards and Certification Program" means a form of certification in which a medical cannabis cultivator's claim of conformity with growing and processing standards is validated by a technically competent body other than one controlled by the cultivator. A third-party standards and certification program shall include, at a minimum, the following elements:

(1) certification of compliance with state and local regulations including: (a) zoning, water quality, and building code requirements; (b) grading and riparian regulations; and (c) timber management practices;

(2) certification that the medical cannabis cultivation business either owns or has the consent of the owner(s) to carry out cannabis cultivation activities on the property;

(3) certification of the safety of products used in the cultivation process;

(4) certification that the cannabis produced does not contain unacceptable levels of contaminants;

(5) certification that the medical cannabis business is in compliance with all labor laws and best management practices with regard to worker safety;

(6) certification that the medical cannabis business has an adequate security plan;

(7) a conflict of interest element containing the following requirements:

(a) Prohibiting any individual who has a financial interest or has held a financial interest in any medical cannabis business, or has an immediate family member who has a financial interest or has held a financial interest in any medical cannabis business, within the 12-month period prior to the application for certification, from certifying a medical cannabis business. For purposes of this section "financial interest" includes any investment in or ownership interest in a medical cannabis business, or remuneration for services of any kind or nature from a medical cannabis business, separate and apart from remuneration solely for the certification of a medical cannabis business.

(b) Prohibiting any person involved in the certification of a medical cannabis business from accepting payment, gifts, or favors of any kind, other than prescribed fees, from any medical cannabis business inspected; and

(c) Requiring all persons who review applications for certification, perform on-site inspections, review certification documents, evaluate qualifications for certification, make recommendations concerning certification, or make certification decisions, and all parties reasonably connected to the certifying agent, to complete an annual conflict of interest disclosure report.

(Q) "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a street, sidewalk or waterway, including but not limited to a device moved exclusively by human power.

(R) The following words or phrases when used in this section shall be construed as defined in California Health and Safety Code Sections 1746, 11362.5, 11362.7, and 11834.02: "Alcoholism or drug abuse recovery or treatment facility"; "Hospice"; "Identification card"; "Person with an identification card"; "Primary caregiver"; and "Qualified patient".

7.126.030 Prohibited activities.

(A) Except as provided under Section 7.126.020(J)(2), it is unlawful and shall constitute a public nuisance for anyone other than a qualified patient or that qualified patient's primary caregiver to cultivate cannabis. Except as provided under Section 7.126.020(J)(2), any cultivation by a qualified patient or primary caregiver that exceeds the limits set forth in Sections 7.124.070(c) or 7.124.070(d) of the County Code is unlawful and shall constitute a public nuisance.

(B) The prohibition in Subsection (A), above, includes renting, leasing, or otherwise permitting a medical cannabis cultivation business to occupy or use a location to cultivate cannabis.

10

7.126.040 Limited immunity for medical cannabis cultivation business.

Notwithstanding the prohibition created under section 7.126.030, and notwithstanding that a medical cannabis cultivation business is not and shall not become a permitted use or activity in the County for so long as this Chapter remains in effect, a medical cannabis cultivation business shall enjoy a limited immunity from the enforcement remedies set forth in the Santa Cruz County Code for violation of section 7.126.030 as long as: (a) subsections (A) through (K) of this Section 7.126.040 remain in effect in their entirety; and (b) only if that medical cannabis cultivation business does not violate any of the following prohibitions:

(A) A medical cannabis cultivation business is prohibited if it has not been explicitly selected in writing, by a Santa Cruz County medical cannabis business as defined in and operating under Santa Cruz County Code Chapter 7.124, to cultivate cannabis.

(B) A medical cannabis cultivation business is prohibited that cultivates cannabis outdoors if any of the following apply:

(1) cultivation takes place on a parcel less than one acre in size;

(2) in that area defined by section 2.04.040 of the Santa Cruz County Code, cultivation is conducted on any parcel which is less than five acres in size;

(3) the cultivation site is located within the urban area defined by either the Urban Services Line or the Rural Services Line;

(4) the cultivation site is located in any zone district other than CA (Commercial Agriculture) or A (Agriculture), as designated by the Santa Cruz County Zoning Ordinance (County Code, Chapter 13.10);

(5) the cultivation site is located on a parcel that borders any parcel located in a residential district as defined under Santa Cruz County Code section 13.10.321 (RA, RR, R-1, RB, or RM); and

(6) the cultivation site is not fully enclosed by an opaque fence at least six (6) feet in height, which is adequately secured by a locked gate to prevent unauthorized entry.

(C) A medical cannabis cultivation business is prohibited that is located within: (1) six hundred (600) feet from a school; or (2) six hundred (600) feet from a park. The distance specified in this paragraph shall be the horizontal distance 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.

(D) A medical cannabis cultivation business is prohibited that employs or otherwise allows a person twenty-one (21) years of age or younger unaccompanied by a parent or legal guardian to enter its premises.

51

(E) A medical cannabis cultivation business is prohibited where cannabis is visible from any public right-of-way.

(F) A medical cannabis cultivation business is prohibited that illuminates any portion of its premises between the hours of 6:00 p.m. and 9:00 a.m. by lighting that is visible from the exterior of the premises, except such lighting as is reasonably utilized for the security of the premises.

(G) A medical cannabis cultivation business is prohibited that fails to maintain the following information and thereafter make said information immediately available upon the request of any Enforcing Officer: (1) the name and address of the medical cannabis business to which the cannabis being cultivated is supplied; (2) written documentation from the owner of the property where the cannabis cultivation takes place that he or she has agreed to the use of the site for cultivation of cannabis; and (3) if the cannabis is being cultivated indoors, a written certification from a licensed electrician that the cultivation location has all necessary electrical permits required by the California Building Codes to ensure that the growing operations can be carried out safely.

(H) A medical cannabis cultivation business is prohibited that allows the transfer or delivery of cannabis except to the Santa Cruz County medical cannabis business that has selected it to cultivate cannabis as referenced in Section 7.126.040(A). Except as otherwise provided by this subdivision, the distribution, delivery, dispensing, or sale of cannabis by a medical cannabis cultivation business is prohibited.

(I) A medical cannabis cultivation business is prohibited that prints, publishes, advertises or disseminates in any way or means of communication, or causes to be printed, published, advertised or disseminated in any way or means of communication, including, but not limited to the use of the internet, any notice or advertisement with respect to either seeking or offering the availability of space to cultivate cannabis, regardless of whether the space is within a structure or outdoors.

(J) A medical cannabis cultivation business is prohibited unless the cultivation of cannabis is carried out in compliance with all requirements of Title 16 (entitled "Environmental and Resource Protection") of the Santa Cruz County Code and those applicable provisions of Title 7 (entitled "Health and Safety") of the Santa Cruz County Code relating to water used in the commercial cultivation of cannabis including, but not limited to Chapter 7.69 entitled "Water Conservation"; Chapter 7.70 entitled "Water Wells"; Chapter 7.71 entitled "Water Systems"; and Chapter 7.73 entitled "Individual Water Wells."

(K) A medical cannabis cultivation business is prohibited unless it complies with a third-party standards and certification program.

The limited immunity provided by this section shall not be available to and shall not be asserted as an affirmative defense to any violation of law except as expressly set forth in this Chapter. Further, nothing contained in this limited immunity is intended to provide or shall be asserted as a defense to a claim for violation of law brought by any county, state, or federal governmental authority. Finally, the limited immunity provided by this section shall be available

and may be asserted only so long as each and every provision and clause of subsections (A) through (K) and of this section 7.126.040 remain valid, effective, and operative.

7.126.050 Limited immunity for cultivation by medical cannabis businesses (dispensaries).

Notwithstanding the prohibition created under section 7.126.030, a medical cannabis business (i.e., a dispensary) as defined in section 7.124.020(G) of the County Code shall enjoy a limited immunity from the enforcement remedies set forth in the Santa Cruz County Code for the violation of section 7.126.030, as long as: (a) subsections (A) through (R) of section 7.124.040, and subsections (A) through (K) of section 7.126.040, remain in effect in their entirety; (b) the medical cannabis business is in compliance with subsections (A) through (R) of section 7.124.040 and subsections (A) through (K) of section 7.126.040; and (c) only if that medical cannabis business does not violate any of the following additional prohibitions:

- (A) A medical cannabis business is prohibited if it cultivates cannabis indoors in any more than one location apart from the location where the cannabis is dispensed.
- (B) A medical cannabis business is prohibited if it cultivates cannabis indoors in a cumulative amount exceeding 5,000 square feet.
- (C) A medical cannabis business is prohibited if it cultivates cannabis indoors in any zoning district other than C (Commercial), M-1 (Light Industrial), or M-2 (Heavy Industrial).
- (D) A medical cannabis business is prohibited if it cultivates cannabis outdoors in a cumulative amount exceeding 1,000 square feet of total garden canopy.
- (E) In no event shall a medical cannabis business cultivate, or cause to be cultivated by one or more medical cannabis cultivation businesses it has selected to cultivate cannabis for it as referenced in Section 7.124.040(A), more than 6,000 square feet of cannabis.
- (F) A medical cannabis business is prohibited if it receives cannabis during any single calendar year from any medical cannabis cultivation business in Santa Cruz County other than the medical cannabis cultivation businesses it has selected as its cultivators for that single calendar year period as referenced in Section 7.126.040(a). No more than four cannabis cultivation businesses in Santa Cruz County may be selected and used by any medical cannabis business during any single calendar year.
- (G) A medical cannabis business is prohibited if it fails to report, by March __, 2015, and on January 1 of every succeeding year thereafter, to the Santa Cruz County Planning Department (Code Enforcement Division) and the Santa Cruz County Sheriff's Office, the names of the (up to four) medical cannabis cultivation businesses it has selected to produce cannabis during that single calendar year, as well as the location of the cultivation sites.
- (H) A medical cannabis business is prohibited if it is not in compliance with the provisions of Santa Cruz County Code Chapter 4.06 (the Cannabis Business Tax).

7.126.060 No vested or nonconforming rights.

(A) This Chapter prohibits the cultivation of medical cannabis. Neither this Chapter, nor any other provision of this Code or action, failure to act, statement, representation, certificate, approval, or permit issued by the county or its departments, or their respective representatives, agents, employees, attorneys or assigns, shall create, confer, or convey any vested or nonconforming right or benefit regarding the cultivation of medical cannabis. Any immunity or benefit conferred by this Chapter shall expire permanently and in full upon repeal of this Chapter.

(B) All existing medical cannabis cultivation businesses must immediately cease operation; except that any medical cannabis cultivation business that does not violate any of the medical cannabis cultivation business prohibitions described in section 7.126.040, may continue to operate but only as long as subsections (A) through (K) of Section 7.126.040 remain valid, effective, and operative.

(C) All existing medical cannabis businesses must immediately cease cultivating cannabis; except that any medical cannabis business that does not violate any of the cannabis cultivation prohibitions described in sections 7.124.040, 7.126.040, and 7.126.050, may continue to cultivate cannabis, but only as long as subsections (A) through (R) of section 7.124.040, subsections (A) through (K) of section 7.126.040, and subsections (A) through (H) of section 7.126.050 remain valid, effective, and operative.

7.126.070 Limited severability.

(A) If any provision or clause of sections 7.126.040, 7.126.050, and/or 7.126.080 of this Chapter are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall invalidate every other provision, clause and application of the invalidated section, and to this end the provisions and clauses of sections 7.126.040, 7.126.050, and 7.126.080 of this Chapter are declared to be inseverable.

(B) Except for the inseverability of the provisions, clauses and applications of sections 7.126.040, 7.126.050, and/or 7.126.080 on the terms set forth hereinabove, if any other provision or clause of this Chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect those provisions, clauses or applications of this Chapter which can be implemented without the invalid provision, clause or application, and to this end the provisions and clauses of this Chapter other than sections 7.126.040, 7.126.050, and/or 7.126.080 are declared to be severable.

7.126.080 Enforcement.

(A) This Chapter shall be considered a land use regulation for purposes of Section 19.01 of this Code. Enforcement of this Chapter may be pursued by one or more of those alternatives set forth in subsection (A) of County Code section 19.01.030. It shall be a separate offense for each and every day during any portion of which any violation of, or failure to comply with, any provision of this Chapter is committed, continued or permitted.

14

(B) Whenever the Enforcing Officer determines that a public nuisance as defined in this Chapter exists at any location within the unincorporated area of Santa Cruz County, he or she is authorized to issue a Notice of Violation pursuant to County Code section 1.12.070, except that the violator shall be provided with notice of the opportunity to remedy the violation within seven (7) calendar days without civil penalties.

(C) In the event a court of competent jurisdiction preliminarily or permanently enjoins, or holds to be unconstitutional or otherwise invalid, any enforcement remedy provided for in this Section, then the remainder of the enforcement remedies provided for by this Section shall remain in full force and effect.

7.126.090 No Duty to Enforce.

Nothing in this Chapter shall be construed as imposing on the Enforcing Officer or the County of Santa Cruz any duty to issue a notice of violation, nor to abate any unlawful cannabis business activity or cultivation, nor to take any other action with regard to any unlawful cannabis business activity or cultivation, and neither the Enforcing Officer nor the county shall be held liable for failure to issue an order to abate any unlawful cannabis business activity or cultivation, nor for failure to abate any unlawful cannabis business activity or cultivation, nor for failure to take any other action with regard to any unlawful cannabis business activity or cultivation.

SECTION III

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED this __ day of _____, 2015, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson of the
Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:

County Counsel

cc: County Administrative Office
Planning Director

51

Network. Methidathion is an organophosphate insecticide, which functions by inhibiting the action of acetylcholinesterase (AChE) in nerve cells. Organophosphate pesticides can be absorbed by all routes, including inhalation, ingestion, and dermal absorption. Repeated or prolonged exposure to organophosphates may result in the same effects as acute exposure including the delayed symptoms. Other effects reported in workers repeatedly exposed include impaired memory and concentration, disorientation, severe depressions, irritability, confusion, headache, speech difficulties, delayed reaction times, nightmares, sleepwalking and drowsiness or insomnia. An influenza-like condition with headache, nausea, weakness, loss of appet ite, and malaise has also been reported.
<http://sccrtc.org/wp-content/uploads/2013/05/4.8-Hazards.pdf>

WATSONVILLE -- State regulators ordered a Santa Cruz County strawberry grower to destroy a crop valued at \$200,000 and pay a fine of \$15,000 for illegal pesticide use.
<http://www.santacruzsentinel.com/general-news/20130620/watsonville-strawberry-grower-sanctioned-for-illegal-pesticide-use>