Butte County Code Enforcement

BUTTE COUNTY

NON-MEDICAL (CHAPTER 34C) & MEDICAL(CHAPTER 34A)

MARIJUANA ORDINANCES

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What is the purpose of the two Ordinances?

- Butte County Chapter 34C was created in March 2017 as a result of California Proposition 64 passing in November 2016.
  - This Ordinance was developed to define the cultivation requirements and the enforcement processes in regards to **Non-Medical (Recreational) Adult Use Cannabis** Cultivation.
  - Prop 64 passed at the State level and also in Butte County.

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What is the purpose of the two Ordinances?

- Butte County Chapter 34A is the County Ordinance for Medical Cannabis that has been enforceable since 2014 and was amended by Measure A in 2016.
  - This Ordinance was developed to define the cultivation requirements and the enforcement processes in regards to **Medical Cannabis** Cultivation.

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Cultivation Requirements

- Similarities
  - Environmental Requirements
  - Parcel Requirements
  - Setback Requirements
  - Accessory Structures
  - Approved Materials
  - Fencing Requirements
- Differences
  - Indoor v. Outdoor Cultivation
  - Plant Count v. Cultivation Area
  - Residency Requirements

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Environmental Requirements

- Any parcel where cultivation of marijuana takes place shall:
  - Have a permitted, permanent water well or connection to municipal water source on the premises.
  - Not engage in unlawful or unpermitted surface drawing of water for cultivation
  - Not permit illegal discharges of water from the premises.
  - Be hooked up to a municipalities' sewer system, or have a permitted sewage disposal system.
  - Use, dispose, and store chemicals in accordance with all applicable laws.

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Parcel Requirements

- You must have a permanent legal residence on the parcel.
- You must have approved water supply and sewage disposal system on the parcel.
- Your cultivation area must be placed on the parcel in such a way that it meets all setback requirements.
- Cultivation must not be visible from any public right-of-way, or adjacent parcel.

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Setback Requirements (Handout)

- Setback requirements are the required distances your cultivation area needs to be from specific factors surrounding your parcel.

- Depending on the size of your parcel, your Cannabis grow must comply with the setbacks defined in each Ordinance. Also, you grow must be set back 1,000 feet from schools, youth oriented facilities, parks, churches, and residential treatment facilities; 600 feet from school bus stops; and 100-150 feet from occupied residential structure on an adjacent parcel.

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Accessory Structures

- Comply with the California Building Standards Code
- Secure against unauthorized entry
- Accessible only through one or more lockable doors
- Constructed of approved building materials, including glass, so as long as the marijuana being cultivated cannot be seen from any public right-of-way, including neighboring parcels
- Ventilation and filtration system (permitted) that prevents marijuana plant odors from exiting the interior of the structure
- Located in the rear yard area of a legal parcel or premises
- Maintain the setbacks

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Approved Materials

Approved building materials include the following:

T-111, Exterior Lathe, Stucco, Wood Siding, Brick and other materials approved by the Butte County Building Division.

The following are NOT allowed:

Fabric, Plywood, Particle Board, PVC, Plastic, Chip Board, Vinyl, Tarps, Burlap, Tin, Cargo Containers, PVC pipe used for hoop house structural frame, sheet plastic for walls and roof, zip ties used for fasteners and rebar stakes for foundation.

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Fencing Requirements

- Cannabis grown outdoors* must:
  - Be fully enclosed by a solid and opaque fence (of approved materials by the Department of Development Services)
  - At least six feet in height or a height sufficient to conceal the cannabis from view, whichever is higher.
    - If the plant(s) grow higher than the fence:
      - The plant(s) shall be cut so as to not extend higher than such fence.
      - The person growing marijuana shall install a fence sufficient to conceal the marijuana from public view and comply with all applicable Butte County permit requirements.
  - Must be adequately secure to prevent unauthorized entry.

*Parcels larger than five acres, where cannabis cultivation is out of public view.

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APPROVED FENCING

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NON-APPROVED FENCING

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NON-APPROVED FENCING

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NON-APPROVED FENCING

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Non-Approved Fencing

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Indoor v. Outdoor Cultivation

Non-Medical

- If parcel is less than five acres – cultivation of no more than six plants, must take place indoors.
- If parcel is greater than five acres – cultivation of no more than six plants, may take place indoors or in an outdoor cultivation area.

Medical

- If parcel is less than 0.5 acres – cultivation of cannabis must occur inside a detached structure (less than 120 square feet).
- If a parcel is greater than 0.5 – cultivation can occur in an outdoor cultivation area or inside a detached structure (less than 120 square feet).

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Plant Count v. Cultivation Area

Non-Medical

- CA Prop. 64 and Butte County Chapter 34C allows a person 21 years of age or older to cultivate up to six cannabis plants.

However…

- Not more than six plants may be planted, cultivated, harvested, dried, or processed within a single private residence, or upon the grounds of a private residence, at any one time.

Medical

- Plant count is not considered in regards to Medical Cannabis.
- One Medical Recommendation is required per 50 square feet.

Lot Size	Cultivation Area	Indoors/Outdoor
Less than 0.5 acre	50 square feet	Indoor ONLY
0.5-4.9 acres	50 square feet	Indoor or Outdoor
5.0-9.9 acres	100 square feet	Indoor or Outdoor
10+ acres	150 square feet	Indoor or Outdoor

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Residency Requirements

Non-Medical

- Persons engaging in the cultivation of marijuana shall either own the premises, or have entered into a written lease with the owner of the premises

Medical

- Persons engaged in the cultivation of Medical Marijuana shall have resided in Butte County for at least (1) year prior to cultivating
- As to the premises, such persons shall either own the premises or have entered into a written lease with the owner on the premises

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Enforcement Process

- If found in violation, a 72-hour Notice to Abate posted and mailed to all interested parties
- If still in violation on or after 72-hours, a Nuisance Abatement Hearing Notice will be posted and mailed to all interested parties and the Nuisance Abatement process begins.
- Hearing to be held before a Hearing Officer, seek judgment and recovery of Administrative Fines and Penalties.
- Court Order authorizing removal of cannabis in excess of County Ordinance(s).
- Removal of Violation/Cannabis that exceeds allowable area.
- Demand Letter posted and mailed to all interested properties.
- Lien Property with Administrative Fines and Penalties per the Hearing Officer judgment.

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CANNIBUS VIOLATIONS IN 2016

- EXCESSIVE CULTIVATION AREAS
- UNPERMITTED BUILDING & ELECTRICAL
- ILLEGAL DUMPING
- UNPERMITTED WATER SUPPLY
- CHEMICAL DISPOSAL
- GRADING & ENVIRONMENTAL DAMAGE
- ILLEGAL CAMPING
- RAW SEWAGE
- ABANDONED VEHICLES & RECREATIONAL VEHICLES
- HUMAN WASTE
- CRIMINAL ACTIVITIES

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EXCESSIVE CULTIVATION AREAS

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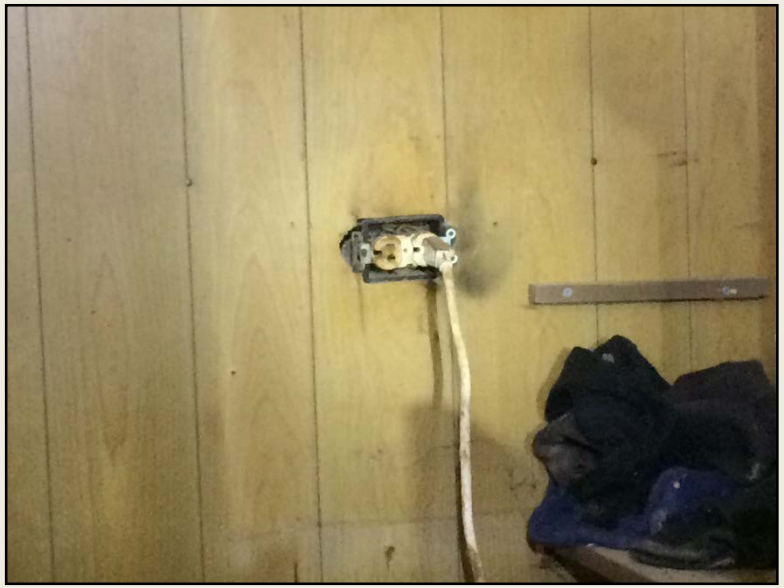
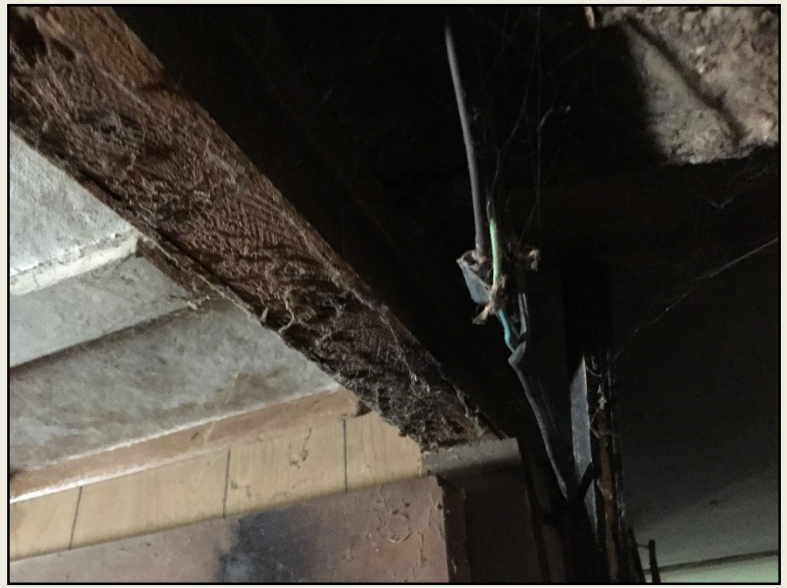
UNPERMITTED BUILDING & ELECTRICAL





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UNPERMITTED BUILDING & ELECTRICAL

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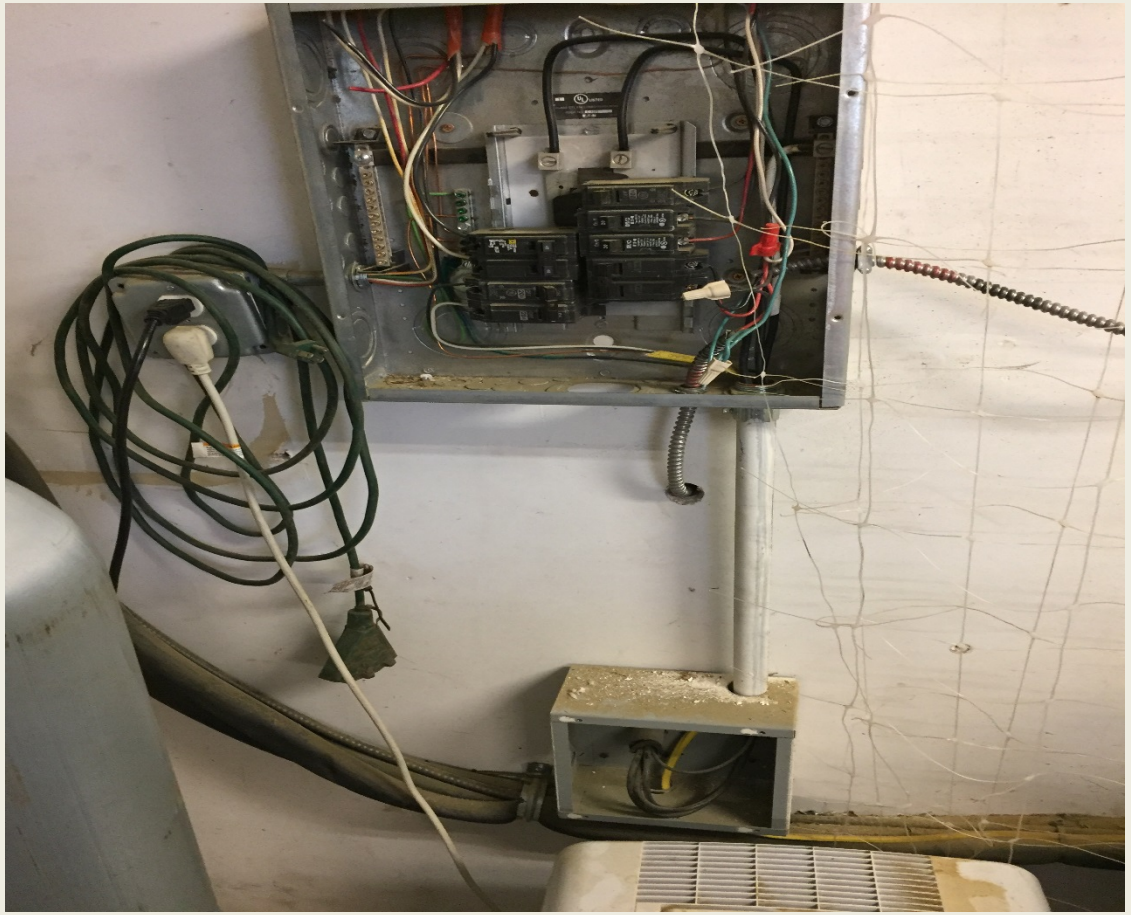
UNPERMITTED BUILDING & ELECTRICAL



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UNPERMITTED BUILDING & ELECTRICAL

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UNPERMITTED BUILDING & ELECTRICAL

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ILLEGAL DUMPING

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UNPERMITTED WATER SUPPLY

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ABANDONED VEHICLES & RECREATIONAL VEHICLES

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CRIMINAL ACTIVITES

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BONUS PICTURES THESE ARE REAL

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WHAT'S NEW IN 2017

BUTTE COUNTY CONNECT IS A CITIZEN REPORTING SYSTEM PROVIDING THE PUBLIC A MEANS FOR REPORTING ISSUES TO THE COUNTY FOR ROUTING AND RESOLUTION. BUTTE COUNTY CONNECT IS POWERED BY PUBLIC STUFF.

BC CONNECT

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Public Stuff

- Butte County Connect is an iOS and Android app that can be downloaded on your smartphone or other devices.

- Butte County Connect can also be accessed from our webpage:
  - buttecounty.net/dds
    - → Code Enforcement → Report Issues Online

- An interactive database that allows the Reporting Party to follow the enforcement process with Status Updates via email.

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WHAT'S NEW IN 2017

LIEN HEARINGS FOR COST RECOVERY AND PENALTIES ON 37/2016 CASES TO BE HELD BEFORE THE BOARD OF SUPERVISORS (MARCH THRU JUNE 2017).

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MMJ Lien Hearings

- 36 MMJ Board of Supervisor lien hearing judgments for Butte County
- Violations consisted of cultivations of 225 sq. feet up to 32,000 sq. feet
- Lien judgment amounts ranged from $3500 up to $130,000
- Settlement agreements have been made on 14 parcels prior to BOS lien hearing
- Settlements amounts have ranged from $3900 up to $21,000
- Pending BOS lien hearings:
  - June 27th – 05 parcels

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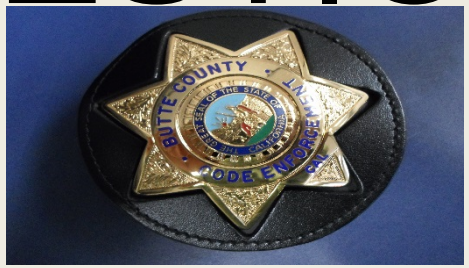
THANK YOU

QUESTIONS?



- Chris Jellison, Code Enforcement Division Supervisor

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