

# Invest in Marijuana

Legalization is underway. Early investors stand to profit.

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## What Does Marijuana Do to Spiders?

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Matt Soniak

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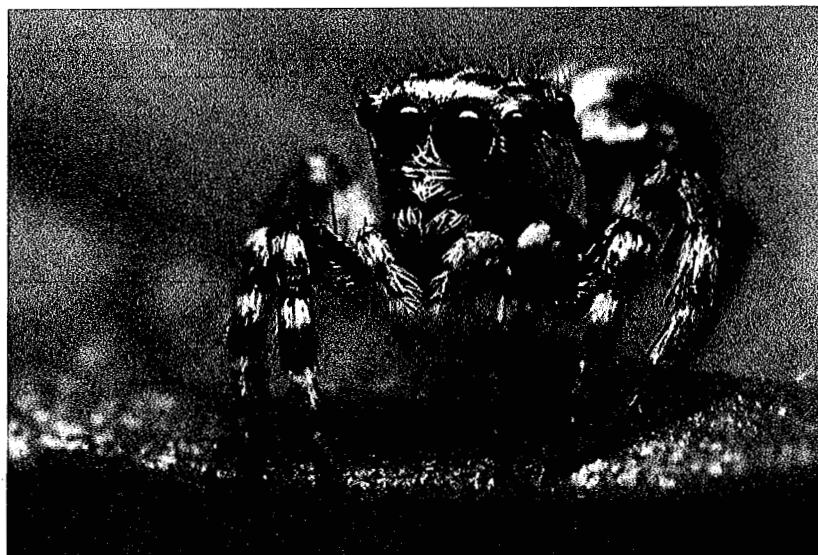


IMAGE CREDIT: THINKSTOCK

Jason mentioned the other day that he and his wife were watching the new series *Orange is the New Black*, wherein one of the characters talks about how deer were eating her marijuana plants. The factoid checked out. Deer really are a problem for pot growers because fresh growth on the plants makes an excellent snack.

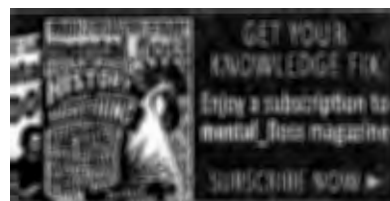
According to forest rangers who were led to a hilltop grow site by under-the-influence animals in Italy, deer who've consumed marijuana plants are "unusually frisky" and "abnormally high-spirited." This got us wondering what kind of effect marijuana had on other animals.

Cannabinoid receptors have been found in non-human mammals, birds, reptiles, fish and even some invertebrates, so there are plenty of animals that react to marijuana. Most of those reactions aren't that surprising, or all that interesting, though. Dogs and cats act kind of funny and groggy after eating weed (please don't feed them your stash, no matter how YouTube famous you want to be, though—the stuff can be toxic to them, especially dogs), and monkeys exposed to THC keep wanting more.

Spiders, though, are infinitely interesting when they get stoned because the effects of the drug are clear in the odd-looking webs they build afterwards.

Getting spiders high for science started in 1948, when German zoologist H.M. Peters got fed up with trying to study web-building behavior in spiders who wouldn't do him the courtesy of working on his schedule. His garden spiders tended to build their webs between two and five a.m., and he asked his pharmacologist friend P.N. Witt if there might be some chemical stimulant that would coax the spiders into building their webs at a more reasonable time.

Witt tried giving the spiders some amphetamine and, while they kept building at their usual hour (to Peters' dismay), the two scientists did notice that those webs were more haphazard than normal. Over the next few decades, Witt continued to dose spiders with a smorgasbord of psychoactive substances, including marijuana, LSD, caffeine and mescaline, to see how they



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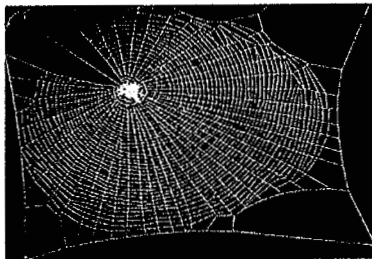
reacted. Since spiders can't use tiny bongos or drink from little mugs, Witt and his team either dissolved the drugs in sugar water or injected them into flies and then fed the spiders with them.

The drugs affected the size and shape of the spiders' webs, the number of radii and spirals, the regularity of thread placement and other characteristics. By comparing photographs and measurements of normal and "drug webs," Witt and other researchers could see how the different substances affected different aspects of the web and, by extension, the spiders' motor skills and behavior.

The line of study didn't have many practical applications at the time and was eventually discontinued. In 1995, though, NASA repeated some of Witt's experiments and analyzed the webs with modern statistical tools and image processors. This allowed them to quantify the differences between webs, and they suggested that comparisons like this could be used to test the toxicity of different chemicals on spiders instead of "higher" animals like mice, saving time and money.

**WHAT A WEB THEY WEAVE**

This is your web.

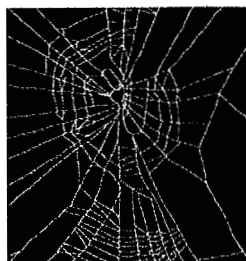


This is your web on drugs.



Specifically, this a web on marijuana. It was made by one of the NASA spiders, which appears to have given up on it halfway through. NASA says the spiders that were given marijuana were easily sidetracked while building and left their webs unfinished.

The spiders on benzedrine, a stimulant also known as "bennies," weaved their webs energetically, even frantically, but without planning or attention to detail. Their webs were characterized by large gaps.



Caffeinated spiders made smaller, but wider webs, characterized by threads meeting at wide angles, disorganized cells and a lack of the normal "hub and spoke" pattern.



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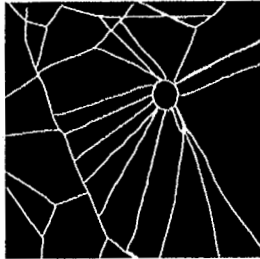


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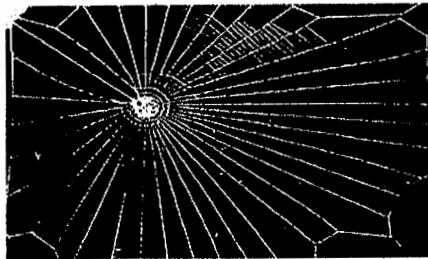
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Spiders given the sedative chloral hydrate gave up on their webs even faster than the ones who'd had a little pot.



Finally, spiders given low doses of LSD actually maintained more geometric regularity than they did when they were stone sober.



All images courtesy of NASA.

For a funny take on this experiment, see this video.

October 20, 2013 - 11:00am

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## HEALTH / HEALTH NEWS



**D**uring each shift at her drive-through window, once an hour, Cordelia Cordova sees people rolling joints in their cars. Some blow smoke in her face and smile.





Cordova, who lost a 23-year-old niece and her 1-month-old son to a driver who admitted he smoked pot that day, never smiles back. She thinks legal marijuana in Colorado, where she works, is making the problem of drugged driving worse — and now new research supports her claim.

"Nobody hides it anymore when driving," Cordova said. "They think it's a joke because it's legal. Nobody will take this seriously until somebody loses another loved one."

As medical marijuana sales expanded into 20 states, legal weed was detected in the bodies of dead drivers three times more often during 2010 when compared to those who died behind the wheel in 1999, according to a new study from Columbia University published in the American Journal of Epidemiology.

"The trend suggests that marijuana is playing an increased role in fatal crashes," said Dr. Guohua Li, a co-author and director of the Center for Injury Epidemiology and Prevention at Columbia University Medical Center. The researchers examined data from the federal Fatality Analysis Reporting System (FARS), spanning more than 23,000 drivers killed during that 11-year period.

*"Nobody will take this seriously until somebody loses another loved one."*

Alcohol remains, by far, the most common mind-altering substance detected in dead drivers, observed in the blood of nearly 40 percent of those who perished across six states during 2010, the Columbia study notes. (That rate remained stable between 1999 and 2010.)





Cannabinol, a remnant of marijuana, was found in 12.2 percent of those deceased drivers during 2010, (up from 4.2 percent in 1999). Pot was the most common non-alcoholic drug detected by those toxicology screenings.

"The increased availability of marijuana and increased acceptance of marijuana use" are fueling the higher rate of cannabinol found in dead drivers, Li told NBC News.

Researchers limited their analysis to California and five others states where toxicology screenings are routinely conducted within an hour of a traffic death. They note that California allowed medical marijuana in 2004. Since then, California has posted "marked increases in driver fatalities testing positive for marijuana," Li said.

"The number of deaths will grow," Cordova said. "I'm scared."

Minutes after the crash that killed Cordova's niece, Tanya Guevara, and Guevara's 5-week-old son, police arrested the driver who struck Guevara's car. Steven Ryan, then 22, admitted to smoking pot earlier that day, according to court records. Ryan later pleaded guilty to vehicular homicide and was sentenced to 10 years in prison in 2012.





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Tanya Guevara and her son, Adrian, were killed in 2010 when a driver, impaired after smoking marijuana, hit Guevara's car head-on in Colorado.

That same year, Cordova testified before Colorado lawmakers about a



proposed improvement limit for stoned drivers. Under Colorado law





today, drivers who test positive for 5 nanograms per milliliter of THC — an active ingredient in marijuana — can be charged and punished as drunk drivers.

That law has not, however, led Howard Myers to feel safer on local roads. He, too, takes the issue personally: In 2002, his three children were seriously injured when their car was struck by a driver who, Myers said, had smoked marijuana a short time earlier. (A police record provided by Myers showed that oncoming driver was charged with vehicular assault). Myers' children were returning from school to their home near Colorado Springs.

All three now are adults and their injuries have become chronic, Myers said. His daughter, who was driving, receives physical therapy for neck and back pain. One of his sons is recovering from a traumatic brain injury. Another son had a leg partially amputated.

"The attitude here is it's safe," Myers said. "So more people are driving under the influence."

*"If the current trends continue, non-alcohol drugs, such as marijuana, will overtake alcohol in traffic fatalities around 2020."*

But marijuana can be detected in the blood for one week after consumption, perhaps leading chronic consumers to be wrongly arrested, critics of the law assert.

A separate study — also based on FARS data — found that in states



where medical marijuana was approved, traffic fatalities decrease by







as much as 11 percent during the first year after legalization. Written by researchers at the University of Colorado, Oregon and Montana State University, the paper was published in 2013 in the Journal of Law & Economics.

Those authors theorized pot, for some, becomes a substitute for alcohol. They cited a recent, 13-percent drop in drunk-driving deaths in states where medical marijuana is legal.

“Marijuana reform is associated with ... a decrease in traffic fatalities, most likely due to its impact on alcohol consumption,” said Michael Elliott, executive director of the Marijuana Industry Group, a trade association in Colorado.

Overall, though, drugged driving is closing the gap with drunk driving.

The rate of traffic deaths in which drivers tested positive for non-alcohol drugs climbed from 16.6 percent in 1999 to 28.3 percent in 2010, according to the Columbia study.

Among dead male drivers, 4.0 tested positive for narcotics in 2010, up from 2.2 percent in 1999. Among female drivers killed, 7.6 percent tested positive for narcotics, up from 4.3 percent.

“If the current trends continue,” Li said, “non-alcohol drugs, such as marijuana, will overtake alcohol in traffic fatalities around 2020.”

First published February 15th 2014, 9:58 am



**BILL BRIGGS**

Bill Briggs started as a contributing writer for NBCNews.com in 2006. He is responsible for breaking... [Expand Bio](#)



The Lodo Wellness Center in Denver has been selling medical marijuana for several years. But since Jan. 1, when marijuana in Colorado officially moved from underground to behind the counter, the center has also been selling legal, recreational pot.

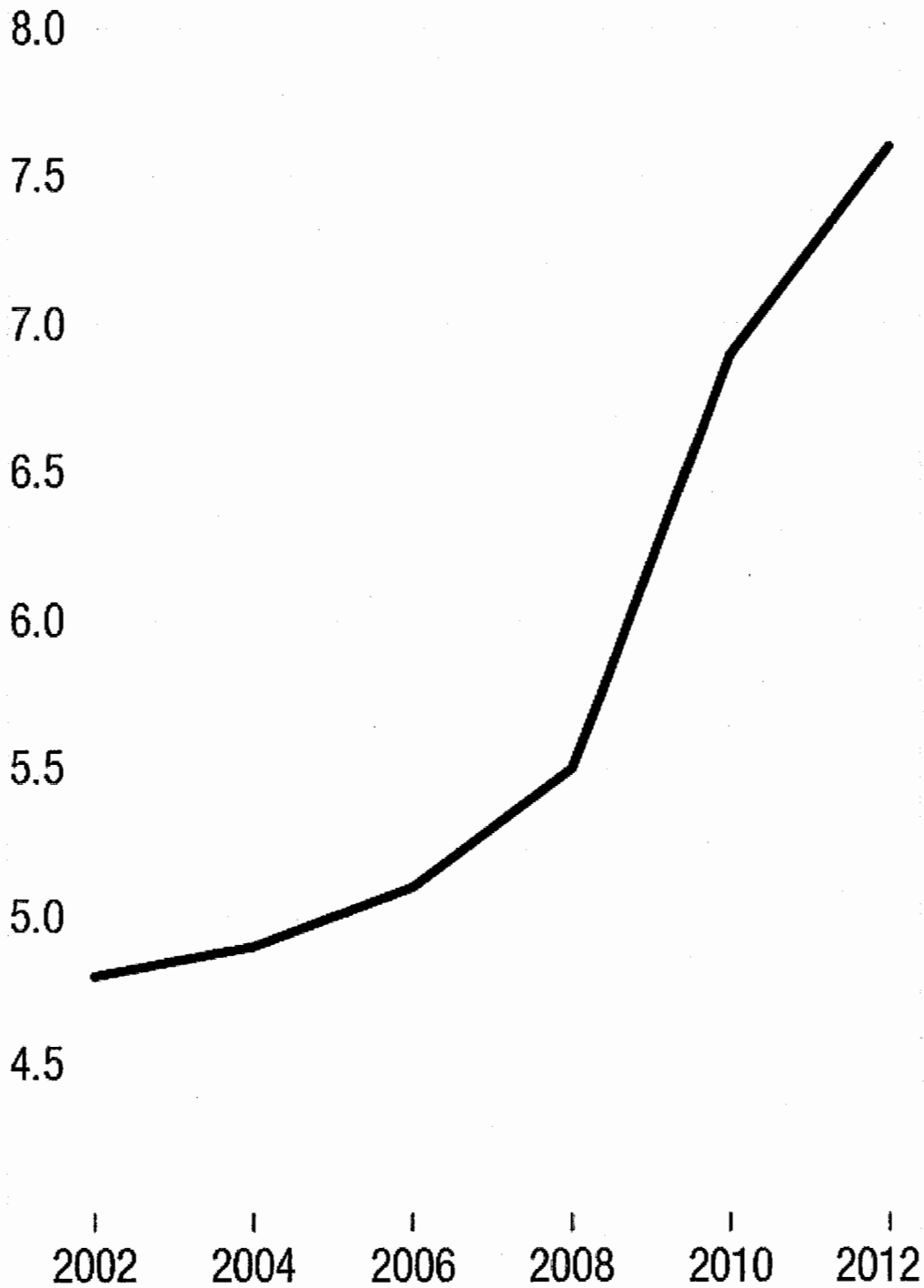
A majority of Americans now say they support full legalization, and the trend is spreading to other states.

Meanwhile, the public health community is warning of a potential safety problem: more people driving while stoned. But health officials and law enforcement don't yet have the data or the tools to address the concern.

### **Public Perception**

Inside Lodo Wellness Center, shoppers don't seem particularly worried about getting behind the wheel with pot in their systems.

## Marijuana Use In The U.S. (In Millions)\*



\*Self-reported use of marijuana on 20 or more days in the past month. 2012 National Survey on Drug Use and Health **hide caption**

**itoggle caption** 2012 National Survey on Drug Use and Health

"You could smoke about an ounce and still have your motor skills," says 39-year-old Dante Cox. "When it comes to one shot of alcohol, all that goes out of the window."

Like Cox, several others say it's OK to smoke before driving, and definitely safer than drinking and driving.

For advocates of traffic safety, their words are concerning.

"I think this is the next big issue in highway safety," says Jonathan Adkins, executive director of the Governors Highway Safety Association. He tells NPR's Arun Rath that there's a prevalent feeling in American culture that marijuana is no big deal.

"Well, it is a big deal if you use it and then get behind the wheel," he says. "We need to have the same cultural intolerance for marijuana use behind the wheel as we do with alcohol."

Alcohol-related crashes still kill around 10,000 people a year, and research clearly shows how drinking alcohol affects driving. The impact of marijuana is much less clear.

The National Institute on Drug Abuse has done extensive research on marijuana's effect on driving ability. The results, senior investigator Marilyn Huestis says, should give smokers pause.

"We have so many processes in our brain that help us to do a complex behavior of driving, and under the effects of marijuana, we just don't perform as well," she says.

### **Assessing Crash Risk**

After using marijuana, Huestis says, people generally have more trouble staying in lanes, they struggle to do multiple tasks at once, and there's a real problem maintaining concentration on long, monotonous drives.

But does that translate into more accidents? Studies of the crash risk associated with marijuana have produced mixed results, says Anne McCartt, senior vice president for research at the Insurance Institute for Highway Safety.

"Not only do we not have consensus on the risk associated with the presence of marijuana — we don't have information on the crash risk for different amounts of marijuana," McCartt says. "We don't even have good information on how many drivers involved in fatal crashes test positive for marijuana. So there's a lot we don't know."

McCartt says the evidence so far suggests that alcohol has a stronger effect than marijuana on crash risk, and that there is simply a larger body of research on the strong association between blood-alcohol concentrations and crash risk.

"We've used that science, for example, to enact in all 50 states laws that make it illegal to drive with [blood alcohol contents] of 0.08 percent or higher," she says. "We don't have comparable information on marijuana."

As marijuana use becomes more accepted in the U.S., McCartt says, the public safety issue is concerning. As a researcher, she says, it's frustrating not to have the science needed to craft effective, enforceable laws for drugs, including marijuana.

### **Testing For Marijuana**

Even with laws establishing a specific limit, police might not have a way to enforce them. For alcohol, police around the country carry hand-held breathalyzers. But coming up with a similar test for marijuana is not quite as easy.

For one, the alcohol content of, say, a Budweiser is on the label. But it's much more difficult to know the potency of a wide variety of marijuana products.

Another complication is marijuana's main psychoactive ingredient, THC. It can linger in the body long after the initial high.

"THC is a molecule that really loves human fat, and when you ingest it, it sticks in the fat, and then it slowly seeps out over the course of a week, or a month if you are a heavy user," says Timothy Fong, an addiction psychiatrist at the University of California, Los Angeles.

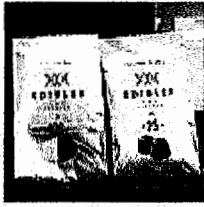
The most reliable test for THC is the blood test. A few states, like Washington and Colorado, have even established a kind of legal limit of marijuana in the blood: 5 nanograms of THC per milliliter.

But performing that test often requires that police drive a suspect to a hospital. And Fong says it's tough to interpret exactly what those tests mean for driving ability.

"Most of the marijuana testing has been done in human laboratories, and there you get a wide variety [of reactions]," he says. "So if you take 100 people and have the same blood level of marijuana, you'll have 100 different reactions."

California, the first state to legalize medical marijuana, recently conducted a roadside study at night, finding around 7 percent of drivers had marijuana in their systems.

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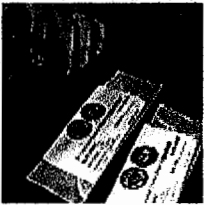
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### **Business**

#### **The Green Rush Begins: Investors Get In On Pot's Ground Floor**

Los Angeles is now at the forefront of law enforcement's response. The city has a federal grant to try out a new roadside drug test: oral swabs. City Attorney Mike Feuer calls the technology "the wave of the future."

"This is a technique under which, in the field, at the time of the traffic stop, an officer can test the saliva of the driver and get an immediate result as to whether there are drugs present in his or her system," Feuer says.

Feuer says the admissibility in court of the swabbing hasn't been tested in California but is likely to be tested in the coming months or next year. Legislation regarding the swabs could be down the road as well, he says.

The goal of all of this, Feuer says, is to assure that there is an effective means of determining whether a driver is impaired, not just for prosecution but also to prevent people from driving under the influence in the first place.

"The more commonly known it is that we have a quick and effective technique for determining that, the more I hope people are deterred from getting behind the wheel with drugs or alcohol in their system," he says.

### **Judgment Vs. Numbers**

Advocates in favor of marijuana legalization say they agree that people should know their limits and should not drive while impaired. But they're concerned that police officers will substitute this new technology — and an "arbitrary" legal limit — for their own judgment.

"I think that people want to have a clear-cut, black-and-white solution," says Mason Tvert, the communications director for the Marijuana Policy Project, a pro-legalization group. "They want a specific number that we can use to just say that this person is impaired or not. Unfortunately, it's a little more of a gray area than that."

Tvert says simply having a number attached to "impairment" could result in people who are perfectly sober being arrested and charged. He suggests that the law enforcement official's judgment should also come into play.

A bigger concern for Tvert is not the number of pot smokers getting behind the wheel but "excessive and overzealous reporting" on the subject. He does agree, however, that driving under the influence of marijuana is something that needs to be addressed and discouraged.

"We allow adults to use alcohol responsibly, and we punish adults if they use it irresponsibly, and that includes driving while drunk," he says. "We should be doing the same thing with marijuana."

It's in that area that Tvert and Feuer share some common ground.

"I'm optimistic that as the debate around legalization of marijuana continues in this country, there will be no debate ... around the notion that we should be educating the public about the fact that driving while impaired could lead another family to suffer a loss from which they can never recover," Feuer says.

That legalization debate is continuing this year: It's likely that marijuana initiatives will be on the ballot in Alaska and Oregon. As the momentum increases for marijuana legalization, police and lawmakers say they have to respond, even with so much still unknown.


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### Speak Out

#### What happens when states enact legislation that contradicts federal laws?

October 1, 2013

By [Jeremy Quattlebaum](#), Student Voices staff writer



From Colorado to Missouri, Wyoming to Washington, states recently have passed laws that contradict or ignore federal laws.

In these so-called nullification efforts, the states have acted because they say the federal laws are unconstitutional or they disagree with the laws.

For example, Colorado and Washington have legalized marijuana for anyone over the age of 21 while the federal government still criminalizes the possession and distribution of the drug.

This led to a standoff between the states and the Department of Justice, until the department announced that it would not prosecute marijuana growers and distributors in Colorado and Washington. The Justice Department emphasized that the states must tightly regulate marijuana and that it has the right to arrest anyone breaking a federal law.

Wyoming's House of Representatives passed legislation that would make it illegal for federal agents to enforce federal regulations regarding personal firearms in the state. Missouri's legislature approved a similar measure, but the governor vetoed it.

And it doesn't end there. An Associated Press analysis found that four of five states have a law that directly opposes a federal law. The laws include medical marijuana

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<b>Matthew Life</b>	<b>6/2/2014</b> Birmingham, Alabama

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**SEATTLE (CBS Seattle)** – According to a recent study, fatal car crashes involving pot use have tripled in the U.S.

“Currently, one of nine drivers involved in fatal crashes would test positive for marijuana,” Dr. Guohua Li, director of the Center for Injury Epidemiology and Prevention at Columbia, and co-author of the study told [HealthDay News](#).

Researchers from Columbia University’s Mailman School of Public Health gathered data from six states – California, Hawaii, Illinois, New Hampshire, Rhode Island, and West Virginia – that perform toxicology tests on drivers involved in fatal car accidents. This data included over 23,500 drivers that died within one hour of a crash between 1999 and 2010.

Li reported in the study that alcohol contributed to about 40 percent of traffic fatalities throughout the decade.

The researchers found that drugs played an increasing role in fatal traffic accidents. Drugged driving accounted for more than 28 percent of traffic deaths in 2010, which is 16 percent more than it was in 1999.

The researchers also found that marijuana was the main drug involved in the increase. It contributed to 12 percent of fatal crashes, compared to only 4 percent in 1999.

“If a driver is under the influence of alcohol, their risk of a fatal crash is 13 times higher than the risk of the driver who is not under the influence of alcohol,” Li said. “But if the driver is under the influence of both alcohol and marijuana, their risk increased to 24 times that of a sober person.”



URL of this page: <http://www.nlm.nih.gov/medlineplus/ency/article/003258.htm>

## Hallucinations

Hallucinations involve sensing things while awake that appear to be real, but instead have been created by the mind.

### Considerations

Common hallucinations include any of the following:

- Feeling bodily sensations, such as a crawling feeling on the skin or the movement of internal organs.
- Hearing sounds, such as music, footsteps, windows or doors banging.
- Hearing voices when no one has spoken (the most common type of hallucination). These voices may be critical, complimentary, neutral, or may command someone to do something that may cause harm to themselves or to others.
- Seeing patterns, lights, beings, or objects that are not there.
- Smelling a foul or pleasant odor.

In some cases, hallucinations are normal. For example, hearing the voice of, or briefly seeing, a loved one who recently died can be a part of the grieving process.

### Causes

There are many causes of hallucinations, including:

- Being drunk or high, or coming down from such drugs as marijuana, LSD, cocaine (including crack), PCP, amphetamines, heroin, ketamine, and alcohol
- Delirium or dementia (visual hallucinations are most common)
- Epilepsy that involves a part of the brain called the temporal lobe (odor hallucinations are most common)
- Fever, especially in children and the elderly
- Narcolepsy
- Mental disorders, such as schizophrenia and psychotic depression
- Sensory problem, such as blindness or deafness
- Severe illness, including liver failure, kidney failure, HIV/AIDS, and brain cancer

### When to Contact a Medical Professional

A person who begins to hallucinate and is detached from reality should get checked by a health care professional right away. Many medical and mental conditions that can cause hallucinations may quickly become emergencies. The person should not be left alone.

Call the health care provider, go to the emergency room, or call the local emergency number (such as 911).

A person who smells odors not present in his surroundings should also be evaluated by a health care professional. These hallucinations may be caused by a serious underlying medical condition.

## What to Expect at Your Office Visit

The health care provider will do a physical examination and take a medical history. The person will be asked about the hallucinations. For example, how long the hallucinations have been happening, when they occur, or whether the person has been taking medications or using alcohol or illegal drugs.

Blood may be drawn for testing.

## Alternative Names

Sensory hallucinations

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1 **CHAPTER 34A OF THE BUTTE COUNTY CODE - RESTRICTIONS ON**  
2 **CULTIVATION OF MEDICAL MARIJUANA**

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3 Section 1. Chapter 34A is added to the Butte County Code as  
4 follows:

5 **CHAPTER 34A MEDICAL MARIJUANA CULTIVATION REGULATION**

6  
7 **34A-1 Authority and Title.** Pursuant to the authority granted by  
8 Article XI, section 7 of the California Constitution, Health and  
9 Safety Code sections 11362.83 and 11362.768(f), and Government  
10 Code section 25845, the Board of Supervisors does enact this  
11 Chapter, which shall be known and may be cited as the "Butte County  
12 Medical Marijuana Cultivation Ordinance."

13 **34A-2 Findings and Purpose.**

14 (a) In 1996, the voters of the State of California approved  
15 Proposition 215 (codified as California Health and Safety Code  
16 section 11362.5, and entitled "The Compassionate Use Act of 1996").

17 (b) The intent of Proposition 215 was to enable persons who are  
18 in need of marijuana for medical purposes to use it without fear  
19 of criminal prosecution under limited, specified circumstances.  
20 The Proposition further provides that "nothing in this section  
21 shall be construed to supersede legislation prohibiting persons  
22 from engaging in conduct that endangers others, or to condone the  
23 diversion of marijuana for non-medical purposes." The ballot  
24 arguments supporting Proposition 215 expressly acknowledged that

1 "Proposition 215 does not allow unlimited quantities of marijuana  
2 to be grown anywhere."

3 (c) In 2004, the Legislature enacted Senate Bill 420 (codified  
4 as California Health and Safety Code sections 11362.7 et seq.) to  
5 clarify the scope of Proposition 215, and to provide qualifying  
6 patients and primary caregivers who collectively or cooperatively  
7 cultivate marijuana for medical purposes with a limited defense to  
8 certain specified State criminal statutes.

9 (d) Health and Safety Code section 11362.83 expressly allows  
10 Cities and Counties to adopt and enforce ordinances that are  
11 consistent with Senate Bill 420.

12 (e) The Federal Controlled Substances Act, 21 U.S.C. §§ 801 et  
13 seq., classifies marijuana as a Schedule I Drug, which is defined  
14 as a drug or other substance that has a high potential for abuse,  
15 that has no currently accepted medical use in treatment in the  
16 United States, and that has not been accepted as safe for use under  
17 medical supervision. The Federal Controlled Substances Act makes  
18 it unlawful, under federal law, for any person to cultivate,  
19 manufacture, distribute or dispense, or possess with intent to  
20 manufacture, distribute or dispense, marijuana. The Federal  
21 Controlled Substances Act contains no exemption for the  
22 cultivation, manufacture, distribution, dispensation, or  
23 possession of marijuana for medical purposes.

24 (f) The County's geographic and climatic conditions, which  
25 include dense forested areas receiving substantial precipitation,

1 along with the sparse population in many areas of the County,  
2 provide conditions that are favorable to outdoor marijuana  
3 cultivation. Outdoor marijuana growers can achieve a high per-  
4 plant yield because of the County's favorable growing conditions.  
5 The federal Drug Enforcement Administration reports that various  
6 types of marijuana plants under various planting conditions may  
7 yield averages of 236 grams, or about one-half pound, to 846 grams,  
8 or nearly two pounds. Based on Butte County Sheriff's seizures,  
9 yields in Butte County have tended to be beyond this range with  
10 three to four pounds of dried "bud" per plant being common. The  
11 "street value" of a single cannabis plant is substantial. Pound  
12 prices for domestically produced high-grade cannabis sold  
13 illegally within Northern California can range between \$1,500 to  
14 \$3,000. A single marijuana plant cultivated within the County can  
15 thus easily yield \$4,000 or more in salable marijuana.

16 (g) Proposition 215 and Senate Bill 420 primarily address the  
17 criminal law, providing qualifying patients and primary caregivers  
18 with limited immunity from state criminal prosecution under  
19 certain identified statutes. Neither Proposition 215 nor Senate  
20 Bill 420, nor the Attorney General's August 2008 *Guidelines for*  
21 *the Security and Non-Diversion of Marijuana Grown for Medical Use*  
22 adopted pursuant to Senate Bill 420, provides comprehensive civil  
23 regulation of premises used for marijuana cultivation. The  
24 unregulated cultivation of marijuana in the unincorporated area of  
25 Butte County can adversely affect the health, safety, and well-

1 being of the County, its residents and environment. Comprehensive  
2 civil regulation of premises used for marijuana cultivation is  
3 proper and necessary to avoid the risks of criminal activity,  
4 degradation of the natural environment, malodorous smells, and  
5 indoor electrical fire hazards that may result from unregulated  
6 marijuana cultivation, and that are especially significant if the  
7 amount of marijuana cultivated on a single premises is not  
8 regulated and substantial amounts of marijuana are thereby allowed  
9 to be concentrated in one place.

10 (h) Cultivation of marijuana at locations or premises within six  
11 hundred (600) feet of school bus stops or one thousand (1,000)  
12 feet of schools, school evacuation sites, churches, parks, child  
13 care centers, or youth-oriented facilities creates unique risks  
14 that the marijuana plants may be observed by juveniles, and  
15 therefore be especially vulnerable to theft or recreational  
16 consumption by juveniles. Further, the potential for criminal  
17 activities associated with marijuana cultivation in such locations  
18 poses heightened risks that juveniles will be involved or  
19 endangered, therefore, cultivation of any amount of marijuana in  
20 such locations or premises is especially hazardous to public safety  
21 and welfare, and to the protection of children and the person(s)  
22 cultivating the marijuana plants.

23 (i) Public meetings regarding previous cultivation ordinances  
24 were well-attended by hundreds of Butte County residents. The  
25 majority of those present spoke out against the adoption of the

1 proposed ordinance, Ordinance 4029. However, many residents who  
2 live on smaller parcels in more densely populated areas indicated  
3 that during the marijuana cultivation season, the overpowering  
4 unpleasant smell of marijuana resulted in their inability to use  
5 their yards and required them to keep windows and doors shut in  
6 the stifling summer heat. Residents stated that they could not  
7 invite friends to their home to visit, barbecue outdoors or even  
8 allow their children to play in the backyard. Other residents  
9 indicated that the use of a swamp cooler during the summer months  
10 would actually result in the stench of marijuana being sucked into  
11 the residence. Adults and children with respiratory problems were  
12 particularly affected. Residents reported that marijuana grown in  
13 residential backyards results in an invitation to criminal  
14 activity for persons who would steal marijuana plants out of  
15 backyards. Some marijuana growers would live in a tent in their  
16 backyard, carrying firearms and utilizing guard dogs to protect  
17 their marijuana plants. Residents reported they were  
18 uncomfortable allowing their children to play outside in their  
19 neighborhood due to such dangerous activity. Cultivators of  
20 medical marijuana stated that they would not grow medical marijuana  
21 at their own residence to protect their children. For this reason,  
22 the growth of medical marijuana on smaller parcels is especially  
23 dangerous to the community, particularly children.

24 (j) As recognized by the Attorney General's August 2008  
25 *Guidelines for the Security and Non-Diversion of Marijuana Grown*



1 for Medical Use, the cultivation or other concentration of  
2 marijuana in any location or premises without adequate security  
3 increases the risk that surrounding homes or businesses may be  
4 negatively impacted by nuisance activity such as loitering or  
5 crime. The Butte County District Attorney's Office has indicated  
6 that there has been an increase in crime/felonies involving  
7 marijuana. The Butte County Sheriff's Office has indicated that  
8 over 150 calls for service in the past year have involved  
9 marijuana, including assaults and an attempted homicide.

10 (k) It is the purpose and intent of this Chapter to implement  
11 State law by providing a means for regulating the cultivation of  
12 medical marijuana in a manner that is consistent with State law  
13 and which balances the needs of medical patients and their  
14 caregivers and promotes the health, safety, and welfare of the  
15 residents and businesses within the unincorporated territory of  
16 the County of Butte. This Chapter is intended to be consistent  
17 with Proposition 215 and Senate Bill 420, and towards that end, is  
18 not intended to prohibit persons from individually, collectively,  
19 or cooperatively exercising any right otherwise granted by State  
20 law. Rather, the intent and purpose of this Chapter is to  
21 establish reasonable regulations upon the manner in which  
22 marijuana may be cultivated, including restrictions on the amount  
23 of marijuana that may be individually, collectively, or  
24 cooperatively cultivated in any location or premises, in order to

25

1 protect the public health, safety, welfare and environment in Butte  
2 County.

3 (l) The limited right of qualified patients and their primary  
4 caregivers under State law to cultivate marijuana plants for  
5 medical purposes does not confer the right to create or maintain  
6 a public nuisance. By adopting the regulations contained in this  
7 Chapter, the County will achieve a significant reduction in the  
8 aforementioned harms caused or threatened by the unregulated  
9 cultivation of marijuana in the unincorporated area of Butte  
10 County.

11 (m) The purpose of this Ordinance is to provide a structure for a  
12 complaint-driven civil process to remedy nuisances related to  
13 medical marijuana cultivation.

14 (n) The Board of Supervisors adopted Ordinance 4029 on May 24,  
15 2011. A successful referendum campaign was conducted against  
16 Ordinance 4029, which resulted in Ordinance 4029 being placed on  
17 the ballot for the regular County election held on June 5, 2012.  
18 At the election, Butte County voters failed to approve Ordinance  
19 4029. By adopting this Chapter, the Board of Supervisors intends  
20 to reach a compromise between the interests of qualified patients  
21 who need access to medical marijuana and those who are adversely  
22 affected by its cultivation.

23 (o) Nothing in this Chapter shall be construed to allow the use of  
24 marijuana for non-medical purposes, or allow any activity relating  
25 to the cultivation, distribution, or consumption of marijuana that

1 is otherwise illegal under State or federal law. No provision of  
2 this Chapter shall be deemed a defense or immunity to any action  
3 brought against any person by the Butte County District Attorney,  
4 the Attorney General of State of California, or the United States  
5 of America.

6 (p) County staff has reported discovering many marijuana gardens  
7 without any person responsible for the property on site. Issues  
8 arising from unattended marijuana gardens, such as illegal camping  
9 associated with cultivation, abuse of experimental well permits  
10 and interim or non-permitted sewage disposal systems have been  
11 reported by County staff. Thirteen (13) lawsuits involving illegal  
12 grading have been filed by the County and in each case there is no  
13 legal residence on the property. The Board has repeatedly made  
14 very clear that it is their expectation and requirement that all  
15 cultivation activities be conducted with the upmost care,  
16 attention, oversight, protection and management possible.  
17 Requiring cultivation to take place in conjunction with the  
18 patient/caregiver/co-op grower's residence, in all circumstances,  
19 is a reasonable means by which to ensure cultivation is being done  
20 in line with those expectations and legal requirements throughout  
21 the growing season. Requiring cultivation in conjunction with a  
22 residence also supports the fundamental principle that cultivation  
23 in Butte County is to be done by, and for, Butte County residents,  
24 and is not meant for temporary or transient cultivation activities.

25 (q) The original enforcement provisions, which were limited to  
nuisance abatement and relatively low civil penalties, are not

1 adequate deterrents to violation. After a certain point in the  
2 growing season, the current fine amounts are insufficient to  
3 properly incentivize compliance. If the ultimate value of non-  
4 compliance exceeds the value of compliance, the choice will  
5 generally be to continue non-compliance. Higher penalty amounts  
6 could result in a reassessment of that choice.

7  
8 (r) The revised provisions contained in this Chapter are intended  
9 to address the aforementioned concerns, and more effectively  
10 control the harms caused by unregulated and noncompliant marijuana  
11 cultivation, while still accommodating the needs of medical  
12 patients and their caregivers to the greatest extent practicable.

13 **34A-3 Definitions.**

14 Except where the context otherwise requires, the following  
15 definitions shall govern the construction of this Chapter:

16 (a) "Child Care Center" means any licensed child care center,  
17 daycare center, or childcare home, or any preschool.

18 (b) "Church" means a structure or leased portion of a structure,  
19 which is used primarily for religious worship and related religious  
20 activities.

21 (c) "Code Enforcement Officer" means any person employed by the  
22 County of Butte and appointed to the position of code enforcement  
23 officer, as established by Butte County Ordinance Number 2652.

24 (d) "Cultivation" means the planting and growing of one or more  
25 marijuana plants or any part thereof in any location, indoor or

1 outdoor, including from within a fully enclosed and secure  
2 building.

3 (e) "Enforcing Officer" means the Code Enforcement Officer or his  
4 or her authorized deputies or designees, each of whom is  
5 independently authorized to enforce this Chapter.

6 (f) "Fence" means a wall or a barrier connected by boards, masonry,  
7 rails, panels, wire or any other materials approved by the  
8 Department of Development Services for the purpose of enclosing  
9 space or separating parcels of land. The term "fence" does not  
10 include retaining walls.

11 (g) "Harvest" means the drying, processing, or storage of marijuana  
12 which may only occur in a fully enclosed and secure building.

13 (h) "Indoors" means within one (1) fully enclosed and secure  
14 detached structure that complies with the California Building  
15 Standards Code (Title 24 California Code of Regulations), as  
16 adopted by the County of Butte. The detached structure must be  
17 secure against unauthorized entry, accessible only through one or  
18 more lockable doors and may be constructed of any approved building  
19 materials, including glass, as long as the marijuana being  
20 cultivated cannot be seen from any public right-of-way. Any  
21 detached, fully-enclosed and secure structure used for the  
22 cultivation of marijuana must have a ventilation and filtration  
23 system installed that shall prevent marijuana plant odors from  
24 exiting the interior of the structure. Such structure shall be  
25 located in the rear yard area of a legal parcel or premises,

1 maintain the setbacks set forth in section 34A-8 and the area  
2 surrounding the structure or back yard must be enclosed by a solid  
3 fence at least six (6) feet in height. When this Chapter requires  
4 that cultivation of marijuana occur indoors, the harvest of such  
5 marijuana shall also be accomplished indoors.

6 (i) "Legal parcel" means any parcel of real property that may be  
7 separately sold in compliance with the Subdivision Map Act  
8 (Division 2 (commencing with Section 66410) of Title 7 of the  
9 Government Code).

10 (j) "Marijuana plant" means any mature or immature marijuana plant,  
11 or any marijuana seedling, unless otherwise specifically provided  
12 herein. A "mature" marijuana plant is one whose sex can be  
13 determined by visual inspection.

14 (k) "Medical marijuana collective" means qualified patients,  
15 persons with valid identification cards, and the designated  
16 primary caregivers of qualified patients who associate by  
17 agreement, or form a cooperative in accordance with Section 12300  
18 of the Corporations Code within the unincorporated area of the  
19 County in order to collectively or cooperatively cultivate  
20 marijuana for medical purposes, as provided in Health and Safety  
21 Code Section 11362.775. The term collective shall include  
22 "cooperative" unless the context clearly indicates otherwise.

23 (l) "Outdoors" means any location that is not "indoors" within a  
24 fully enclosed and secure structure as defined herein.

25 (m) "Parcel" means a "legal parcel" as defined herein.

1 (n) "Premises" means a single, legal parcel of property that  
2 includes an occupied legal residence that is a dwelling in  
3 compliance with Chapter 26 of the Butte County Code and has also  
4 met the requirements of Sections 34A-6 and 34A-7. Where  
5 contiguous legal parcels are under common control or ownership,  
6 cultivation will only be permitted on parcels that have an  
7 occupied legal residence that is a dwelling in compliance with  
8 Chapter 26 of the Butte County Code and has also met the  
9 requirements of Section 34A-6 and 34A-7.

10 (o) "Primary caregiver" means a "primary caregiver" as defined in  
11 Health and Safety Code Section 11362.7(d).

12 (p) "Qualified patient" means a "qualified patient" as defined in  
13 Health and Safety Code Section 11362.7(f).

14 (q) "Recommendation" means a written current recommendation  
15 signed by a licensed California physician pursuant to Health and  
16 Safety Code sections 11362.5 and 11352.7.

17 (r) "Residential treatment facility" means a facility providing  
18 for treatment of drug and alcohol dependency, including any  
19 "sober living facility" run by treatment providers for the  
20 benefit of transitional living.

21 (s) "School" means an institution of learning for minors, whether  
22 public or private, offering a regular course of instruction  
23 required by the California Education Code, or any child or day  
24 care facility. This definition includes a nursery school,  
25 kindergarten, elementary school, middle or junior high school,

1 senior high school, or any special institution of education, but  
2 it does not include a vocational or professional institution of  
3 higher education, including a community or junior college, college  
4 or university.

5 (t) "School Bus Stop" means any location designated in accordance  
6 with California Code of Regulations, Title 13, section 1238, to  
7 receive school buses, as defined in California Vehicle Code section  
8 233, or school pupil activity buses, as defined in Vehicle Code  
9 section 546.

10 (u) "School Evacuation Site" means any location designated by  
11 formal action of the governing body, Superintendent, or principal  
12 of any school as a location to which juveniles are to be evacuated  
13 to, or are to assemble at, in the event of an emergency or other  
14 incident at the school.

15 (v) "Youth-oriented facility" means elementary school, middle  
16 school, junior high school, high school, public park, and any  
17 establishment that advertises in a manner that identifies the  
18 establishment as catering to or providing services primarily  
19 intended for minors, or the individuals who regularly patronize,  
20 congregate or assemble at the establishment are predominantly  
21 minors. This shall not include a day care or preschool facility.

22 **34A-4 Nuisance Declared; Cultivation Restrictions.**

23 (a) The cultivation of marijuana plants exceeding the following  
24 square footage limitations, on any premises is hereby declared  
25



1 to be unlawful and a public nuisance that may be abated in  
2 accordance with this Chapter:

3 (1) If the premises is one-half (0.5) of an acre in size or less,  
4 plants may be cultivated on the premises indoors only in a detached  
5 structure no larger than one hundred twenty (120) square feet in  
6 size;

7 (2) If the premises is greater than one-half (0.5) of an acre in  
8 size but less than five (5) acres in size, a single cultivation  
9 area no larger than fifty (50) square feet may be devoted to the  
10 cultivation of marijuana on the premises. The cultivation area  
11 shall be measured from the outer edge of the marijuana plant canopy  
12 and not the stalk. The cultivation area shall have one (1) or  
13 more recommendation associated with the plants. The cultivation  
14 area may be either indoors or outdoors;

15 (3) If the premises is equal to or greater than five (5) acres in  
16 size but less than ten (10) acres in size, a single cultivation  
17 area no larger than one hundred (100) square feet may be devoted  
18 to the cultivation of marijuana on the premises. The cultivation  
19 area shall be measured from the outer edge of the marijuana plant  
20 canopy and not the stalk. The cultivation area shall have two (2)  
21 or more recommendations associated with the plants. The  
22 cultivation area may be either indoors or outdoors;

23 (4) If the premises is equal to or greater than ten (10) acres in  
24 size, a single cultivation area no larger than one hundred fifty  
25 (150) square feet may be devoted to the cultivation of marijuana  
on the premises. The cultivation area shall be measured from the

1 outer edge of the marijuana plant canopy and not the stalk. The  
2 cultivation area shall have three (3) or more recommendations  
3 associated with the plants. The cultivation area may be either  
4 indoors or outdoors.

5 (b) The limitations of section 34A-4(a) shall be imposed  
6 regardless of the number of qualified patients or primary  
7 caregivers residing at the premises or participating directly or  
8 indirectly in the cultivation. Further, such limitations shall be  
9 imposed notwithstanding any assertion that the persons(s)  
10 cultivating marijuana are the primary caregiver(s) for qualified  
11 patients or that such persons(s) are collectively or cooperatively  
12 cultivating marijuana. And further, all persons(s) cultivating  
13 marijuana on the premises or participating directly or indirectly  
14 in the cultivation must be Butte County residents.

15 (c) The single cultivation area shall consist of one contiguous  
16 space. The length and width of the single cultivation area shall  
17 not exceed a ratio of 2:1.

18 **34A-5. Complaints.**

19 Any person may make a complaint relating to this Chapter.  
20

21 **34A-6. Residency requirements.**

22 (a) Persons engaging in cultivation of medical marijuana shall  
23 meet the following requirements:  
24  
25

1 (1) Such person shall have resided in Butte County for at least  
2 one (1) year prior to cultivating medical marijuana in Butte  
3 County;

4 (2) As to the premises relating to the cultivation of medical  
5 marijuana, such persons shall either (A) own the premises or (B)  
6 have entered into a written lease with the actual owner of the  
7 premises.

8 (b) Persons who are members of a medical marijuana collective  
9 must be:

10 (1) a Butte County resident; or

11 (2) an immediate family member or primary caregiver of a Butte  
12 County resident. If a medical marijuana collective member is  
13 directly involved in the cultivation of medical marijuana, such  
14 member must be a resident of Butte County or an immediate family  
15 member or primary caregiver of a Butte County resident.

16 **34A-7 Environmental requirements.**

17 (a) All persons engaging in the cultivation of medical marijuana  
18 shall (1) have a permitted permanent water well or connection to  
19 a municipal water source on the premises, (2) not engage in  
20 unlawful or unpermitted surface drawing of water for such  
21 cultivation and (3) not permit illegal discharges of water from  
22 the premises.

23 (b) The premises where the cultivation of medical marijuana takes  
24 place shall either be hooked up to a municipalities' sewer system  
25

1 or have a Butte County inspected and permitted sewage disposal  
2 system.

3 (c) Persons engaging in the cultivation and/or harvest of medical  
4 marijuana shall use, dispose and store chemicals used in such  
5 cultivation and/or harvest pursuant to applicable laws.

6  
7 **34A-8. Setbacks; Other Restrictions.**

8 (a) Each detached structure or outdoor area constituting the single  
9 cultivation area in which the marijuana is cultivated shall be set  
10 back from the boundaries of the premises as follows:

11 (1) If the premises is one-half (0.5) of an acre in size or less,  
12 each detached structure shall be set back at least fifteen (15)  
13 feet from all boundaries of the premises, unless the Director of  
14 the Department of Development Services or his or her designee  
15 reduces or waives this requirement based upon a finding of unusual  
16 hardship for that particular parcel to comply with such setback  
17 requirements.

18 (2) If the premises is greater than one-half (0.5) of an acre in  
19 size but less than five (5) acres in size, each detached structure  
20 or outdoor area constituting the single cultivation area shall be  
21 set back at least fifty (50) feet from all boundaries of the  
22 premises, unless the Director of the Department of Development  
23 Services or his or her designee reduces or waives this requirement  
24 based upon a finding of unusual hardship for that particular parcel  
25 to comply with such setback requirements. Such cultivation area

1 shall be measured from the outer edge of the marijuana plant canopy  
2 and not the stalk. Owners of parcels adjacent to such premises  
3 shall be notified in writing of any exercise of such discretion  
4 under this section.

5 (3) If the premises is equal to or greater than five (5) acres in  
6 size but less than ten (10) acres in size, each detached structure  
7 or outdoor area constituting the single cultivation area shall be  
8 set back at least seventy-five (75) feet from all boundaries of  
9 the premises, unless the Director of the Department of Development  
10 Services or his or her designee reduces or waives this requirement  
11 based upon a finding of unusual hardship for that particular parcel  
12 to comply with such setback requirements. Owners of parcels  
13 adjacent to such premises shall be notified in writing of any  
14 exercise of such discretion under this section.

15 (4) If the premises is equal to or greater than ten (10) acres in  
16 size, each detached structure or outdoor area shall be set back at  
17 least one hundred fifty (150) feet from all boundaries of the  
18 premises, unless the Director of the Department of Development  
19 Services or his or her designee reduces or waives this requirement  
20 based upon a finding of unusual hardship for that particular parcel  
21 to comply with such setback requirements. Owners of parcels  
22 adjacent to such premises shall be notified in writing of any  
23 exercise of such discretion under this section.

24 (5) With respect to subsections 34A-8(a)(2-4), such setback  
25 distance shall be measured in a straight line from the building in

1 which the marijuana is cultivated or if the marijuana is cultivated  
2 in an outdoor area, from the fence required by section 34A-10, to  
3 the boundary line of the premises.

4 (b) Notwithstanding the requirements of subsection 34A-4(a) above,  
5 the cultivation of marijuana, whether grown collectively or  
6 individually, in any amount or quantity, shall not be allowed in  
7 the following areas:

8 (1) Within one thousand (1,000) feet of a youth-oriented facility,  
9 a school, a park, or any church or residential treatment facility  
10 as defined herein.

11 (2) Within six hundred (600) feet from a school bus stop.

12 (3) Outdoors within one hundred (100) feet of any occupied  
13 residential structure located on a separate legal parcel,  
14 provided, however, that any person cultivating pursuant to section  
15 34A-4(a)(2) shall not grow outdoors within fifty (50) feet of any  
16 occupied residential structure located on a separate legal parcel.

17 (4) In any location where the marijuana plants are visible from  
18 the public right of way or publicly traveled privately maintained  
19 roads.

20 (5) In any location in the following zones:

21 (A) Commercial Zones (GC (General Commercial), NC  
22 (Neighborhood Commercial), CC (Community Commercial), REC  
23 (Recreation Commercial), SE (Sports and Entertainment), MU (Mixed  
24 Use));

25

1 (B) Industrial Zones (LI (Limited Industrial), GI (General  
2 Industrial), HI (Heavy Industrial)); and

3 (C) Special Purpose Zones (PB (Public), AIR (Airport), RBP  
4 (Research/Business Park), PD (Planned Development)).

5 (c) The distance between the above-listed uses in Section (b)(1)  
6 and marijuana that is being cultivated shall be measured in a  
7 straight line from the nearest point of the fence required in  
8 section 34A-10, or if the marijuana is cultivated indoors, from  
9 the nearest exterior wall of the building in which the marijuana  
10 is cultivated to the nearest boundary line of the property on which  
11 the facility, building, or structure, or portion of the facility,  
12 building, or structure in which the above-listed use occurs is  
13 located. The distance in Section (b)(2) shall be measured from the  
14 fence required in Section 34A-10 to the nearest exterior wall of  
15 the residential structure.

16 (d) No person owning, leasing, occupying, or having charge or  
17 possession of any premises within the County shall cause, allow,  
18 suffer, or permit such premises to be used for the outdoor or  
19 indoor cultivation of marijuana plants in violation of this  
20 chapter.

21 (e) Persons processing marijuana on the premises shall meet the  
22 following requirements:

23 (1) All processing of marijuana shall occur Indoors;

24 (2) Persons may only process marijuana that they themselves have  
25 cultivated pursuant to this Chapter; and

1 (3) The setback requirements set out in Section 34A-8(a) for  
2 cultivation shall also apply to processing of marijuana.

3 **34A-9 Permission of Property Owner.**

4 If the person(s) cultivating and/or harvesting marijuana on any  
5 legal parcel is/are not the legal owner(s) of the parcel, such  
6 person(s) shall obtain the written permission (including notarized  
7 signatures) of the legal owner(s) consenting to the cultivation  
8 and/or harvesting of marijuana on the parcel.

9 **34A-10 Fencing.**

10 All marijuana grown outside of any building must be fully enclosed  
11 by a solid and opaque fence (of approved materials by the  
12 Department of Development Services) at least six (6) feet in height  
13 or a height sufficient to conceal the marijuana from view,  
14 whichever is higher, provided, however, that such fence shall not  
15 be required for marijuana grown on premises of five (5) acres or  
16 more when such marijuana is grown out of sight from public view.

17 The Director of the Department of Development Services or his or  
18 her designee shall have discretion to determine whether the plants  
19 are grown out of sight from public view. Should the marijuana  
20 plant(s) grow higher than the fence, either (1) the plants shall  
21 be cut so as to not extend higher than such fence or (2) the person  
22 growing marijuana plants shall install a fence sufficient to  
23 conceal the marijuana plants from public view and comply with all  
24 applicable Butte County permit requirements. The fence must be  
25 adequately secure to prevent unauthorized entry. Bushes or



1 hedgerows may constitute an adequate fence under this Chapter on  
2 parcels five (5) acres and above in size.

3 **34A-11 Public Nuisance; Violations.**

4 A violation of any provision of this Chapter shall be deemed to be  
5 a public nuisance and subject to the enforcement process as set  
6 forth in sections 34A-12 through 34A-17 of this Chapter.

7 **34A-12 Enforcement.**

8 (a) The County may, in its discretion, abate the violation of  
9 this Chapter by the prosecution of a civil action, including an  
10 action for injunctive relief without first going through the  
11 administrative procedures set forth herein. The remedy of  
12 injunctive relief may take the form of a court order, enforceable  
13 through civil contempt proceedings, prohibiting the maintenance of  
14 the violation of this Chapter or requiring compliance with other  
15 terms.

16 (b) The County may also abate the violation of this Chapter  
17 through the abatement process established by Government Code  
18 Section 25845.

19 **34A-13 Abatement procedures.**

20 (a) Whenever the Director of Development Services, or his or her  
21 designee determines that a public nuisance (as defined in this  
22 Chapter) exists, he or she, or his or her designee, shall request  
23 in writing that the public nuisance be abated within seventy-two  
24 (72) hours. If the nuisance continues beyond that seventy-two (72)  
25 hour period, the Director of Development Services, or his or her

1 designee, may set the matter for hearing. If the matter is set for  
2 hearing, the Director of Development Services or his or her  
3 designee, shall post the property upon which the public nuisance  
4 exists and shall mail, with a proof of service, notices to those  
5 persons known to be in possession of the property, if any, and to  
6 persons shown on the latest County tax roll to be the owners of  
7 the property at least ten (10) days prior to the hearing, unless  
8 thirty (30) days or other notice is required by Health and Safety  
9 Code section 17980 or other state law. Both the mailed and posted  
10 notice shall be in substantially the following form:

11 **NOTICE OF NUISANCE ABATEMENT HEARING**

12 The owner(s) and occupant(s) of real property  
13 described on the latest equalized Butte County tax  
14 roll as A.P. No. \_\_\_\_\_ and having a street  
15 address of \_\_\_\_\_ is (are) hereby notified to  
16 appear before a Hearing Officer of the County of Butte  
17 at \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_\_, at  
18 the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ m., to  
19 show cause, if any there be, why the use of said real  
20 property should not be found to be a public nuisance  
21 and abated pursuant to the Butte County Code Chapter  
22 34A. The Department of Development Services has  
23 determined that conditions exist on the above property  
24 which constitute a public nuisance and violate Butte  
25

1 County Code section(s) \_\_\_\_\_, as follows:  
2 \_\_\_\_\_ . After hearing, if a violation is found  
3 to exist, the cost of abating such violation,  
4 including, but not limited to, the cost of the Hearing  
5 Officer, the cost of prior time and expenses  
6 associated with bringing the matter to hearing,  
7 attorneys' fees, the cost associated with any appeals  
8 from the decision of the Hearing Officer, the cost of  
9 judicially abating the violation, the cost of labor  
10 and material necessary to physically abate the  
11 violation, and the cost of securing expert and other  
12 witnesses may become a lien against the subject  
13 property and may also be assessed against the property  
14 in the same manner as taxes. If an abatement lien is  
15 recorded, it will have the same force and effect as an  
16 abstract of judgment which is recorded as a money  
17 judgment obtained in a court of law. If you fail to  
18 appear at the hearing or if you fail to raise any  
19 defense or assert any relevant point at the time of  
20 hearing, the County will assert, in later judicial  
21 proceedings to enforce an order of abatement, that you  
22 have waived all rights to assert such defenses or such  
23 points.

24 In preparing for such hearing, you should be aware  
25 that if an initial showing is made by the County,

1 sufficient to persuade the Hearing Officer that a  
2 public nuisance exists on your property, you will then  
3 have the burden of proving that no public nuisance  
4 exists on your property. Therefore, you should be  
5 prepared to introduce oral and documentary evidence  
6 proving why, in your opinion, your use of the property  
7 is not a public nuisance as defined in this Chapter. A  
8 copy of the Butte County Code Chapter 34A relating to  
9 Medical Marijuana Cultivation nuisance abatement  
10 hearings is enclosed to assist you in the preparation  
11 of your presentation.

12 If an initial showing sufficient to persuade the  
13 Hearing Officer that a public nuisance exists on your  
14 property is made by the Code Enforcement Officer, your  
15 failure to sustain the burden of showing that no  
16 public nuisance exists on the property may result in  
17 an administrative decision ordering the abatement of  
18 uses or conditions on your property which are found to  
19 be a public nuisance and may also result in a later  
20 judicial order to the same effect.

21 Further, if the Hearing Officer finds that a public  
22 nuisance exists on your property and you fail to abate  
23 the nuisance promptly, the County may abate the  
24 nuisance. If the County abates the nuisance, you may  
25 be responsible for the actual costs of the abatement,

1 including the costs to the County of the  
2 administrative hearing and attorneys' fees, and such  
3 costs may be specially assessed against your parcel by  
4 the Auditor-Controller's Office and added to the your  
5 tax bill as a special assessment. Such special  
6 assessments have the same priority, for collection  
7 purposes, as other county taxes and, if not paid, may  
8 result in a forced sale of your property. You are also  
9 hereby notified that the County will seek recovery of  
10 attorneys' fees incurred in any abatement hearing and  
11 that attorneys' fees may be recovered by the  
12 prevailing party.

13 Finally, if the Hearing Officer finds that a public  
14 nuisance exists on your property, a violation of the  
15 Butte County Code Chapter 34A, the County will contend  
16 that you are bound by such finding at any subsequent  
17 judicial action to enforce the Hearing Officer's  
18 order.

19 IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO  
20 APPEAR AND RESPOND AT THE TIME SET FORTH IN THIS  
21 NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND/OR  
22 JUDICIAL ABATEMENT AND TERMINATION OF USES OF OR  
23 CONDITIONS ON YOUR PROPERTY WHICH THE DIRECTOR OF  
24 DEVELOPMENT SERVICES CONTENDS ARE IN VIOLATION OF THE  
25 BUTTE COUNTY CODE.

1 Dated: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

2 BUTTE COUNTY DIRECTOR OF DEVELOPMENT SERVICES

3 By: \_\_\_\_\_

4 Enclosure: Butte County Code Chapter 34A

5  
6  
7 (b) All hearings conducted under this Chapter shall be held before  
8 a Hearing Officer designated pursuant to the protocol set forth in  
9 that document entitled the "Butte County Administrative Hearing  
10 Officer Program." The Program is based upon an alphabetical  
11 rotation through attorneys currently under contract through the  
12 Program.

13 (c) At the time and place set for the hearing, the Hearing Officer  
14 shall review the Director of Development Services' decision  
15 ordering cessation of the alleged public nuisance to determine  
16 whether such decision conforms to law and is supported by  
17 substantial evidence. The Hearing Officer shall hear testimony and  
18 receive written and/or documentary evidence relating to the  
19 alleged violation. Additional procedural rules may be adopted by  
20 resolution of the Board of Supervisors. The Hearing Officer shall  
21 tape record the hearing or engage the services of a certified court  
22 reporter to record the hearing and shall preserve the record of  
23 the hearing and all photographs and demonstrative and documentary  
24 evidence introduced at the time of the hearing for a period of  
25 three (3) years.

1 (d) Within five (5) days after the hearing is closed, the Hearing  
2 Officer shall render his or her written decision relating to the  
3 existence or nonexistence of the alleged public nuisance. If a  
4 violation is found to exist, the decision shall include a statement  
5 of the Abatement and Administrative Costs incurred by the County  
6 or estimated costs to abate the violation and shall also order  
7 that the owner of the property, or persons known to be in  
8 possession of the property, abate the violation within a reasonable  
9 time, not to exceed twenty (20) days. The decision shall contain  
10 findings of fact and conclusions of law. A copy of the decision  
11 shall be mailed by certified mail, return receipt requested, to  
12 the person or persons shown on the last County tax roll to be the  
13 owners of the property which is the subject of the hearing and the  
14 occupant of such parcel, if any. All other persons noticed pursuant  
15 to this section shall be mailed a copy of the decision by first  
16 class mail, postage prepaid.

17 (e) The decision of the Hearing Officer shall be final and  
18 conclusive on the date the certified mail set forth in subsection  
19 (d) above, is deposited in the mail.

20 (f) (1) Notwithstanding any other provisions of this Code, if a  
21 final decision of the Hearing Officer finds that a violation exists  
22 and the public nuisance is not voluntarily abated within twenty  
23 (20) days of said decision, the Director of Development Services  
24 or his or her designee may abate the public nuisance pursuant to  
25 a warrant issued by a court of competent jurisdiction. The owner

1 of the property shall be responsible for paying all of the County's  
2 Abatement Costs and Administrative Costs, including but not  
3 limited to, those cost items set forth in the notice required by  
4 subsection (a) above. The Director of Development Services or his  
5 or her designee shall keep an accounting of the Abatement and  
6 Administrative Costs to perform each abatement. Upon completion of  
7 the abatement, the Director of Development Services or his or her  
8 designee shall post the property and send a bill to the owner, and  
9 any persons known to be in possession of the property, requesting  
10 payment of the County's Abatement and Administrative Costs. The  
11 bill shall also state that failure to pay the Abatement and  
12 Administrative Costs within fifteen (15) days from service of the  
13 bill may result in the recording of a lien and the placement of a  
14 special assessment against the property.

15 (2) If the County's Abatement and Administrative Costs are  
16 not paid within fifteen (15) days from service of the bill, the  
17 Director of Development Services shall render an itemized report  
18 to the Clerk of the Board of Supervisors for submittal to the Board  
19 of Supervisors for hearing and consideration regarding the  
20 proposed lien and special assessment. The report shall include the  
21 names and addresses of the owner of record and any persons known  
22 to be in possession of the property. The report shall also include  
23 the date the abatement was ordered, the work performed, the date  
24 the abatement was completed, a description of the property subject  
25 to the lien and special assessment, and an itemized account of the



1 County's Abatement and Administrative Costs. At least fifteen (15)  
2 days prior to said hearing, the Clerk of the Board of Supervisors  
3 shall give notice, with an affidavit of service, of said hearing  
4 to all persons named in the Director of Development Services'  
5 report and the Director of Development Services or his or her  
6 designee shall post the property with a copy of the notice. The  
7 notice shall describe the property by assessor's parcel number and  
8 street number or other description sufficient to enable  
9 identification of the property and contain a statement of the  
10 amount of the proposed lien and special assessment. The notice  
11 shall also contain a statement that the Board will hear and  
12 consider objections and protests to the proposed lien and special  
13 assessment at the designated time and place.

14 (g) At the time and place fixed in the notice, the Board of  
15 Supervisors shall hear and consider the proposed lien and special  
16 assessment together with objections and protests thereto. At the  
17 conclusion of the hearing, the Board of Supervisors may make such  
18 modifications and revisions to the proposed lien and special  
19 assessment as it deems just and may order that the proposed lien  
20 and special assessment be recorded by the Director of Development  
21 Services and specially assessed against the property by the  
22 Auditor-Controller's Office. The lien shall have the same force,  
23 priority and effect as a judgment lien and the special assessment  
24 shall have the same priority as other County taxes.

25

1 (h) The notice of abatement lien shall, at a minimum, identify the  
2 record owner or possessor of the property, set forth the date upon  
3 which abatement of the nuisance was ordered or deemed ordered by  
4 the Board of Supervisors, describe the real property subject to  
5 the lien, set forth the amount of the Abatement Costs and  
6 Administrative Costs incurred to date and, if applicable, the date  
7 upon which the abatement was completed. If the abatement has not  
8 yet been completed, the notice shall so state and shall also  
9 indicate that the lien is a partial lien and that additional  
10 Abatement Costs will be incurred in the future.

11 It is the intent of the Board of Supervisors that Abatement  
12 Costs and Administrative Costs incurred after the filing of the  
13 notice of abatement lien relate back to the date upon which the  
14 lien was recorded for purposes of priority; however, in order to  
15 preserve its rights, after all Abatement Costs and Administrative  
16 Costs have been incurred and the abatement is complete, the  
17 Department of Development Services shall cause a supplemental  
18 notice of abatement lien to be recorded. The supplemental notice  
19 shall contain all of the information required for the original  
20 notice and shall also refer to the recordation date and the  
21 recorder's document number of the original notice.

22 (i) The decision of the Hearing Officer or Board of Supervisors  
23 may be recorded by the Director of Development Services. In the  
24 event of such recordation and in the further event that the  
25 violation is corrected, a notice of such correction shall be

1 recorded. The Director of Development Services is authorized to  
2 prepare and record a notice of correction. Correction of the  
3 violation shall not excuse the property owner's liability for costs  
4 incurred during the administrative abatement process (Abatement  
5 Costs and Administrative Costs as defined in section 34A-14 of  
6 this Chapter). If the property owner has not fully compensated the  
7 County for costs incurred during the administrative abatement  
8 process, a notice of correction shall not be recorded unless the  
9 fee specified in section 41-9 of Chapter 41 has been paid. Payment  
10 of the fee specified in section 41-9 of Chapter 41 does not excuse  
11 the property owner's liability for costs incurred during the  
12 administrative abatement process (Abatement Costs and  
13 Administrative Costs as defined in section 34A-14 of this chapter).

14 **34A-14 Abatement costs; Administrative costs.**

15 (a) The term "Abatement Costs" means any costs or expenses  
16 reasonably related to the abatement of conditions which violate  
17 the Butte County Code, and shall include, but not be limited to,  
18 enforcement, investigation, attorneys' fees, collection and  
19 administrative costs, and the costs associated with the removal or  
20 correction of the violation.

21 (b) The term "Administrative Costs," shall include the cost of  
22 County staff time reasonably related to enforcement, for items  
23 including, but not limited to, site inspections, travel time,  
24 investigations, telephone contacts and time spent preparing  
25

1 summaries, reports, notices, correspondence, warrants and hearing  
2 packets. The time expended by Development Services and Auditor-  
3 Controller staff, to calculate the above costs and prepare itemized  
4 invoices, may also be recovered.

5 (c) In any action, administrative proceeding, or special  
6 proceeding to abate a nuisance, attorneys' fees may be recovered  
7 by the prevailing party. In no action, administrative proceeding,  
8 or special proceeding shall an award of attorneys' fees to a  
9 prevailing party exceed the amount of reasonable attorneys' fees  
10 incurred by the County in the action or proceeding.

11 **34A-15 Non-exclusive remedy.**

12 This Chapter is cumulative to all other remedies now or hereafter  
13 available to abate or otherwise regulate or prevent public  
14 nuisances.

15 **34A-16 Administrative Civil Penalties.**

16 In addition to any other remedies provided by County Code or State  
17 Law, there is hereby imposed the following civil penalty for each  
18 violation of this Chapter, as imposed by the Code Enforcement  
19 Officer:

20 (a) Five hundred dollars (\$500.00) per day for the first  
21 violation; and one thousand dollars (\$1,000.00) per day for each  
22 subsequent violation of this Chapter for each day that the  
23 violation exists after the date of mailing of the notice of  
24 violation through to its abatement by whatever means.

1 (b) The Code Enforcement Officer shall have the sole and  
2 exclusive discretion to impose the civil penalties set forth in  
3 this Section. The Code Enforcement Officer shall not impose a  
4 penalty set forth in this Section, unless the Code Enforcement  
5 Officer's department has established a written policy setting  
6 forth how civil penalties are determined. Such policy shall take  
7 into account the facts and circumstances of the violation  
8 including, but not limited to, whether or not the violation poses  
9 a threat to human health, safety or to the environment; the  
10 seriousness or gravity of the violation; the length of time the  
11 violation has existed; the culpability of the person in violation  
12 or the willfulness of the violation; the sophistication of the  
13 persons creating or causing the violation; the extent of the  
14 violation and its effect on adjoining properties; attempts, if  
15 any, to comply with the applicable ordinances; and any other  
16 information which might be relevant to the determination of penalty  
17 to be imposed by this Section.

18 (c) If the penalty is imposed for violation of this Chapter there  
19 shall be imposed a fine of two hundred fifty dollars (\$250.00),  
20 plus the actual costs of abatement.

21 (d) At the discretion of the Code Enforcement Officer, or his or  
22 her designee, or upon the appeal of the property owner, the  
23 determination may be referred to a Hearing Officer of the County,  
24 duly appointed to hear such matters as described in this Chapter.  
25 The determination of the Hearing Officer as to the amount of

1 charges properly imposed under this Section shall be final, subject  
2 only to judicial review.

3 (e) The charges imposed by this Section shall not apply if the  
4 property owner establishes all of the following: (i) that, at the  
5 time he or she acquired the property, a violation of this code  
6 already existed on the property; (ii) the property owner did not  
7 have actual or constructive notice of the existence of that  
8 violation; and (iii) within thirty (30) days after the mailing of  
9 notice of the existence of that violation, the property owner  
10 initiates and pursues, with due diligence, good faith efforts, as  
11 determined solely by the Code Enforcement Officer, to meet the  
12 requirements of this code.

13 (f) In the event a property owner, in the opinion of the  
14 relevant Department Head(s), abates the nuisance in a timely  
15 manner after the Notice and Order to Abate has been issued, the  
16 relevant Department Head(s) has (have) the authority to waive or  
17 reduce the amount of penalties owed, if in his or her opinion  
18 such a reduction is warranted.

19 **34A-17 Summary Abatement.**

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

1 or employee of the County to summarily abate the nuisance. The  
2 enforcing officer shall make reasonable efforts to notify the  
3 persons identified in Section 34A-13 but the formal notice and  
4 hearing procedures set forth in this Chapter shall not apply. No  
5 summary abatement shall occur prior to consultation with the  
6 Office of County Counsel. The County may nevertheless recover  
7 its costs for abating that nuisance in the manner set forth in  
8 this Chapter.

9 **34A-18 No Duty to Enforce.**

10 Nothing in this Chapter shall be construed as imposing on the  
11 enforcing officer or the County of Butte any duty to issue a Notice  
12 to Abate Unlawful Marijuana Cultivation, nor to abate any unlawful  
13 marijuana cultivation, nor to take any other action with regard to  
14 any unlawful marijuana cultivation, and neither the enforcing  
15 officer nor the County shall be held liable for failure to issue  
16 an order to abate any unlawful marijuana cultivation, nor for  
17 failure to abate any unlawful marijuana cultivation, nor for  
18 failure to take any other action with regard to any unlawful  
19 marijuana cultivation.

20 **34A-19 Use of Money Collected Under This Chapter.**

21 All money collected for penalties for violations of this Chapter  
22 and all money collected for recovery of costs of enforcement of  
23 this Chapter shall be made available to the Department responsible  
24 for the enforcement action for training and further code  
25 enforcement actions.

1 Section 2. The County finds that this Chapter is not subject to  
2 the California Environmental Quality Act (CEQA) pursuant to  
3 Sections 15060(c)(2) (the activity will not result in a direct or  
4 reasonably foreseeable indirect physical change in the  
5 environment) and 15061(b)(3) (there is no possibility the activity  
6 in question may have a significant effect on the environment). In  
7 addition to the foregoing general exemptions, the following  
8 categorical exemptions apply: Sections 15308 (actions taken as  
9 authorized by local ordinance to assure protection of the  
10 environment) and 15321 (action by agency for enforcement of a law,  
11 general rule, standard or objective administered or adopted by the  
12 agency, including by direct referral to the County Counsel as  
13 appropriate for judicial enforcement).

14 Section 3. If any provision of this Chapter or the application  
15 thereof to any person or circumstance is for any reason held to be  
16 invalid by a court of competent jurisdiction, such provision shall  
17 be deemed severable, and the invalidity thereof shall not affect  
18 the remaining provisions or other applications of the Chapter which  
19 can be given effect without the invalid provisions or application  
20 thereof.

21 Section 4. The Ordinance shall take effect thirty (30) days after  
22 the date of its passage. The Clerk of the Board will publish the  
23 Ordinance codified in this Chapter as required by law.

24  
25