

On Monday, June 17, Americans for Safe Access - NC will be filing a Request for a Special Election to replace Ordinance 2349 with the Safe Cultivation Act of Nevada County.

The Board of Supervisors passed the Medical Marijuana Cultivation Ordinance to combat neighborhood nuisance complaints on May 8, 2012. It was passed as an Emergency Measure based on Sheriff Royal's assertion that he was receiving 20 - 30 calls a day. When Americans for Safe Access - Nevada County requested copies of the complaints through a Freedom of Information request, we were told that they hadn't been recorded. They didn't have a single complaint on file!

State laws already exist that make large commercial grows illegal. Even federal law has set limits on how many plants one can grow before they will intercede. This Ordinance was designed to restrict small medical growers who are following State law. Some MMJ Collectives have been cited for growing as few as twelve plants on large AG zoned parcels.

The provisions of the Ordinance are so prohibitive as to amount to a de facto ban. As a result, ASA-NC initiated a lawsuit to challenge the ordinance on behalf of medical marijuana patients who were no longer able to grow enough medicine to treat their conditions. Our case was dismissed when the CA Supreme Court decided in the City of Riverside v The Inland Empire Patients Health & Wellness Collective that local jurisdictions have the right to make their own land use regulations concerning the cultivation and distribution of medical marijuana.

We believe that elected officials are put in office to represent the views of their constituents. ASA-NC conducted a survey to assess the feelings of our fellow citizens regarding the Ordinance. Over 70% of the registered voters that we polled thought the Ordinance was overreaching. This figure included cultivators and business owners, Republicans and Democrats, the young and old. Surveys were conducted in Alta Sierra, Lake Wildwood, Lake of the Pines as well as Briarpatch Co-op and the Flour Garden to get an accurate sampling of the whole county.

The CA Supreme Court stated that a voters initiative would be required to change the law. We believe an issue of this importance should be decided by the people, so ASA-NC has filed a Request for a Special Election to replace the current Ordinance with one that complies with the 2008 Attorney General's Guidelines by using the initiative process.

Special Elections cost taxpayers a lot of money and ASA-NC would have preferred to save the County this burden. Estimates for Special Elections range from \$125,000 - \$250,000 according to statements made by local officials. ASA-NC has tried to work with the county to reach a compromise that would protect homeowners and patients alike, but the Board of Supervisors has refused to mediate with us. If we wait for a General Election, patients will have to suffer through two seasons under the restrictive provisions of this Ordinance.

I urge you to support our cause. There is more at stake than whether patients have safe access to medical marijuana. Any type of medical therapy one pursues is a decision best made between patient and doctor - not patient and the Board of Supervisors. This is a basic individual freedom that should never be usurped.

The citizens of Nevada County voted to support patients rights when they approved Prop 215 in 1996. The Safe Cultivation Act of Nevada County will protect patients and homeowners alike. In the spirit of compromise, The Safe Cultivation Act of Nevada County won't be to everyone's liking, but it is far better than what we have now.

You can read the full text of our initiative online.