

Medical Marijuana - Comparison of Current Code and Measure "S" Initiative			
Nevada County Republican Women Federated			
Jo Ann Rebane - 2nd VP & Legislative Chair			
17aug14(v 6sep14)			
Subject/Category	Sub-category	Current Code - Ordinance #2349	Ballot Measure "S"
Who wrote it		Nevada County Board of Supervisors with citizen & patient/cultivator input	Americans for Safe Access - Nevada County - ASA is a national activist group working to ensure safe & legal access to medical marijuana
Stated Purpose(s)		Implement State law by regulating cultivation of medical marijuana; balance the needs of medical patients while promoting the health, safety and general welfare of the residents and business in unincorporated Nevada County	Replace current code w new language; halt diversion of medical MJ to illicit drug market; ensure qualified patients can grow or obtain MJ for medical purposes; set guidelines for cultivation, distribution, transportation, storage & use of MJ
Other/Implied purpose(s)		Respond to citizen complaints regarding noxious ordors and safety issues. Try to stop NC from becoming the next Mendocino County (of the green MJ triangle).	Weaken/remove current code restrictions; increase size and zones for grows; favor patient/grower over community/neighbors. Perhaps serve as test case for loosening regs in other counties.
Definitions		25 specific definitions	2 definitions
Activities Regulated			
	<i>Distribution</i>	silent	silent
	<i>Transportation</i>	silent	silent
	<i>Storage</i>	out of sight & smell	suggests use of filters to control smell
	<i>Use</i>	medical use only w recommendation	medical use only w recommendation
	<i>Collective/Co-op</i>	allowed at patient's or caregiver's primary residence	allowed if atleast one patient/caregiver occupies premisis ; permits operator to be paid for expenses.
Cultivation area & Zone			
	<i>R-1,2,3</i>	max 100 sf indoor; or if >2 acres 75 sf outdoors or 6 plants	100 sf (or 200 sf if 2 or more patients live on property) indoor; if > 2 acres no sf limits outdoors, 12/6 (12 immature or 6 mature) plants w/out greenhouse or 12 plants in greenhouse
	<i>R-A</i>	same as R-1,2,3 (above)	same as AG, AE, FR & TPZ (below)
	<i>AG, AE, FR, TPZ</i>	<2 acres 100 sf indoors or 150 sf outdoors	<5 acres 100sf/patient, max 200sq indoors; 24/18 plants max outdoors
		2-5 acres 100 sf indoors or 300 sf outdoors	5-10 acres 100 sf / patient, max 300 sf indoors; 36/24 plants max outdoors
		5-10 acres 100 sf indoors or 400 sf outdoors	10-20 acres 100 sf/patient, max 400 sf indoors; 48/36 plants max outdoors
		10-20 acres 100sf indoors or 600 sf outdoors	20-30 acres 100 sf/patient, max 500 sf indoors; 60/48 plants max outdoors
		20+ acres 100 sf indoors or 1000 sf outdoors	30+ acres 100 sf/patient, max 600 sf indoors; 99/60 plants max outdoors
	<i>All other zones (airport, commercial, business park, office professional, SDA, industrial, rural, estate, etc.)</i>	not allowed - cultivation prohibited	no prohibitions - cultivation allowed with no limitations
Cultivation misc.			
	<i>Residency requirement</i>	patient or caregiver must live in as primary legal residence on legal parcel	patient or caregiver must occupy premises ("occupy" not defined)
	<i>Where to grow</i>	allows indoor OR outdoor cultivation on same property	allows indoor AND outdoor cultivation on same parcel
	<i>Where to grow</i>	requires contiguous cultivation area	allows non-contiguous cultivation area
	<i>Where to grow</i>	requires cultivation areas to be on a single plane (prohibits terracing)	allows terracing of cultivation areas

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	<i>Fencing</i>	requires sight obscuring fencing 6 to 8 ft high with locked gate.	"encourages" use of greenhouse to obscure view & for safety. (no fencing requirement)
	<i>Lighting</i>	lights must be shielded & downcast & not exceed boundaries of parcel. No outdoor "grow" lights.	lighting should not disturb neighbors
	<i>Visibility</i>	no part of MJ plant shall be visible from roads or exceed fence height	seeds, leaves & flowers shall not be visible from public view at ground level.
	<i>Set-backs</i>	grows prohibited 1000 ft from schools, churches, parks, day care centers, school bus stops and youth facilities	grows prohibited 600 ft from schools, churches, parks, day care or facilities for children
	<i>R-1,2,3 & R-A set-backs</i>	when < 2 acres 100 ft set-back required from grow to adjacent residence or its outdoor living area; if > 2 acres 200 ft set-back required	R-1,2,3 - 100 ft. set-back required from grow to closest exterior wall of adjacent residence
	<i>AG, AE, FR, TPZ set-backs</i>	depending on parcel acreage setback 100 to 300 ft from grow to adjacent residence or its outdoor living area	includes R-A - 200 ft set-back required from grow to closest exterior wall of adjacent residence
Permits			
	<i>Landlord</i>	cultivator must have written & notarized permission from landlord to grow MJ	silent
	<i>County</i>	modifications to electrical or plumbing systems require property owner to obtain county permit & inspection	modifications to indoor electrical or plumbing systems should meet applicable county codes
	<i>Posting ID & recommendation</i>	patient must post copies of the following OUTSIDE the cultivation area: State Medical Marijuana ID, Dr. recommendation & landlord's permission letter	patient must post copies of the following INSIDE the cultivation area: State Medical Marijuana ID, Dr. recommendation
Enforcement			
	<i>Enforcement Officer</i>	County Sheriff shall determine whether a public nuisance or illegal activity exists	silent
	<i>Notice to Abate</i>	when a public nuisance exists, notice to abate unlawful MJ cultivation must be served on property owner/tenant	silent
	<i>Appeal/Review</i>	administrative hearing process if abatement order challenged	silent
	<i>Abatement</i>	if property owner/tenant fail to remove MJ then county may remove it and recover its costs from property owner/tenant	silent
How to Amend or Repeal			
		Simple majority vote of County Board of Supervisors	Requires the vote of the people through another ballot action in a new election. Calif. Elections Code section 9125.