

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ADDING CHAPTER 9.30 TO TITLE 9 OF THE  
MENDOCINO COUNTY CODE – ADULT USE MARIJUANA CULTIVATION REGULATION AND  
AMENDING CHAPTER 9.31 OF TITLE 9 OF THE MENDOCINO COUNTY CODE – MEDICAL  
MARIJUANA CULTIVATION REGULATION

WHEREAS, in 2016, the voters of the State of California approved Proposition 64 amending, repealing and adding sections of the Business and Professions Code, the Food and Agriculture Code, and Health and Safety Code, the Labor Code, the Revenue and Taxation Code, and the Water Code, and entitled “the Control, Regulate and Tax Adult Use of Marijuana Act” (“AUMA”); and

WHEREAS, AUMA allows the County to enact and enforce reasonable regulations to reasonably regulate the possession and cultivation by a person of not more than six (6) living adult use marijuana plants; and

WHEREAS, the County of Mendocino regulates the cultivation of medical marijuana through Chapters 9.31 and 10A.17 of the Mendocino County Code; and

WHEREAS, the County of Mendocino currently has no ordinance regulating adult use marijuana and desires to adopt reasonable regulations on the cultivation of no more than six (6) marijuana plants pursuant to AUMA; and

WHEREAS, Chapter 9.31 will no longer apply to the Inland Zoning District and certain other provisions will sunset with the adoption of Chapter 10A.17; and

WHEREAS, it is necessary to amend Chapter 9.31 which will continue to regulate medical marijuana cultivation in those areas of unincorporated Mendocino County where Chapter 10A.17 does not apply and to achieve consistency with AUMA; and

WHEREAS, the addition of Chapter 9.30 to the County Code pursuant to this ordinance ~~represents the enacting of~~ enacts reasonable regulations regarding the cultivation of no more than six (6) adult use marijuana plants pursuant to AUMA, as they address potential nuisance, environmental and public safety (including potential crime and fire hazards) concerns.

NOW, THEREFORE, the Board of Supervisors of the County of Mendocino ordains as follows:

**SECTION 1.** Chapter 9.30 is added to Title 9 of the Mendocino County Code and shall read as follows:

**"ADULT USE MARIJUANA CULTIVATION REGULATION"**

**Section 9.30.010 Purpose and Intent.**

It is the purpose and intent of this Chapter to immediately regulate the cultivation of adult use marijuana in a manner that is consistent with State law and which is necessary to protect the health, safety, and general welfare of the residents and businesses within the unincorporated territory of the County of Mendocino by balancing: (1) the desires of people wishing to cultivate marijuana used for non-medical purposes; and (2) the needs of neighbors and communities to be protected from public safety and nuisance impacts. Nothing in this Chapter shall be construed to: (1) allow persons to

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