



Mendocino County

Legislation Text

File #: 16-1290, **Version:** 1

To: Board of Supervisors

From: County Counsel

Meeting Date: January 10, 2017

Department Contact: Michael Makdisi

Phone: 234-6885

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Adoption of Ordinance Creating New Chapter of County Code Establishing Cannabis Specific Nuisance Abatement and Code Enforcement Procedures to be used by Multiple Departments

Recommended Action/Motion:

Adopt the ordinance creating Chapter 8.76, establishing cannabis specific nuisance abatement and code enforcement procedures; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

Board of Supervisors referred this matter to the General Government Committee on November 14, 2016; General Government Committee referred this matter to Board of Supervisors on December 12, 2016. The Board of Supervisors introduced and waived reading of the ordinance on December 19, 2016.

Summary of Request:

County Counsel proposes this code enforcement ordinance, which establishes a nuisance abatement and code enforcement procedure applicable to nuisance's caused by the cultivation of cannabis as an alternative to the abatement procedures in Chapter 8.75. County Counsel anticipates that this ordinance will be used by the department(s) enforcing nuisances caused by cannabis cultivation. This ordinance provides expedient and robust procedures to effectively deter nuisances and code violations presented by the unique circumstances involved with cannabis cultivation. Key provisions include: a description of the required process prior to abatement by County, including issuance of an administrative order to show cause, automatic hearing procedures, and notice requirements; hearing procedures to be held by a hearing officer; procedures and timing for abatement by County; liability for costs of abatement, which will be on the responsible party; procedures for County to recover its costs; incorporates the administrative citation and penalties procedures, with cannabis specific modifications that also provide for a more expedient process; incorporates sections from chapter 8.75 by reference where appropriate.

This ordinance is based on the approval of proposed ordinances creating Office of County Hearing Officer, creating administrative citation and penalty procedures, and revising Chapter 8.75. County Counsel recommends alternative action, below, if such ordinances were not approved.

Alternative Action/Motion:

Provide further direction to staff or take no action.

Supplemental Information Available Online at: N/A

Fiscal Impact:

Source of Funding: N/A

Current F/Y Cost: N/A

Budgeted in Current F/Y: No

Annual Recurring Cost: N/A

Supervisory District: All

Vote Requirement: Majority

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Alan D. Flora, Assistant CEO

CEO Review: Yes

Comments: