

ORDINANCE NO. 2017-26

(CANNABIS REGULATION)

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance regulates the personal cultivation of cannabis, and the commercial cultivation, distribution, transport, storage, manufacturing, processing, and sale of medical cannabis and medical cannabis products, and of adult-use cannabis and adult-use cannabis products, as authorized by the Control, Regulate, and Tax Adult Use of Marijuana Act, and by the Medicinal and Adult Use Cannabis Regulation and Safety Act.

SECTION II. Chapter 88-26 is added to the County Ordinance Code, to read:

**Chapter 88-26
CANNABIS REGULATION**

88-26.002 Purpose. The purpose of this chapter is to regulate the personal cultivation of cannabis, and the commercial cultivation, distribution, transport, storage, manufacturing, processing, and sale of medical cannabis and medical cannabis products, and of adult-use cannabis and adult-use cannabis products, as authorized by the Control, Regulate, and Tax Adult Use of Marijuana Act, and by the Medicinal and Adult Use Cannabis Regulation and Safety Act. (Ord. 2017-226 § 2.)

88-26.004 Allowed Use.

- (a) Six or fewer cannabis plants may be cultivated indoors at a private residence, or inside a fully-enclosed and secured accessory structure to a private residence located on the grounds of the private residence, if all of the following conditions are met:
- (1) The private residence or accessory structure, and all lighting, plumbing, and electrical components used for cultivation, must comply with all applicable zoning, building, electrical, and plumbing codes and permitting requirements.
 - (2) All living cannabis plants, and all cannabis in excess of 28.5 grams produced by those plants, must be kept in a locked room and may not be visible from an adjacent property, right-of-way, street, sidewalk, or other place accessible to the public.
 - (3) The private residence must be lawfully occupied by the person who cultivates the cannabis plants within the private residence or within the accessory structure. If the private residence is not owner-occupied, written permission from the owner of the private residence must be obtained before cannabis plants may be cultivated.

- (4) No cannabis plants may be cultivated outdoors.
- (b) For purposes of this section, the following terms have the following meanings:
 - (1) “Cannabis” has the meaning set forth in Health and Safety Code section 11018.
 - (2) “Private residence” has the meaning set forth in Health and Safety Code section 11362.2(b)(5). (Ord. 2017-26 § 2.)

88-26.006 Prohibited Uses.

- (a) All commercial cannabis activities are prohibited in all zoning districts of the County.
- (b) For purposes of this section, “commercial cannabis activities” has the meaning set forth in Business and Professions Code section 26001(k). (Ord. 2017-26 § 2.)

88-26.008 Use of Public Roads. It is not a violation of this chapter for any person employed by a licensed cannabis delivery service to travel on a public road within the unincorporated area of the County for the purpose of delivering cannabis or cannabis products to persons located in a city or county where the delivery of cannabis is not prohibited. (Ord. 2017-26 § 2.)

SECTION III. Section 82-2.022 of the County Ordinance Code is deleted in its entirety.

SECTION IV. Section 82-4.292 of the County Ordinance Code is deleted in its entirety.

SECTION V. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage must be published once with the names of supervisors voting for or against it in the Contra Costa Times, a newspaper published in this County.

PASSED ON _____ by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

ATTEST: DAVID J. TWA,
 Clerk of the Board of Supervisors
 and County Administrator

 Board Chair

By: _____
 Deputy

[SEAL]

TLG:
 H:\2017\Conservation and Development\marijuana ord - final.docx