

ORDINANCE 1216

AN INTERIM ORDINANCE OF THE INYO COUNTY BOARD OF SUPERVISORS
ENACTING A TEMPORARY MORATORIUM PROHIBITING COMMERCIAL
MEDICAL AND RECREATIONAL MARIJUANA ACTIVITIES, INCLUDING
COMMERCIAL CULTIVATION, DISTRIBUTION, STORAGE, MANUFACTURING,
PROCESSING, PROVISION OR SALE OF CANNABIS PRODUCTS IN THE
UNINCORPORATED AREA OF INYO COUNTY

WHEREAS, Government Code section 65858 authorizes the adoption of an interim ordinance as an urgency measure to prohibit any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the Board of Supervisors, planning commission or planning department is considering or studying or intends to study within a reasonable time, when necessary to protect the public safety, health, and welfare; and

WHEREAS, California adopted the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which consolidated the State's legalization and regulation of medical and recreational commercial cannabis activity allowing for commercial uses beginning on January 1, 2018; and

WHEREAS, the State has yet to issue its final regulations for the commercial cannabis industry and will not likely be ready to do so before January 1, 2018; and

WHEREAS, the MAUCRSA gives local governments authority to regulate commercial medical and recreational marijuana activities within their jurisdictions, including enacting licensing requirements, land use restrictions and/or certain local sales and use taxes subject to local voter approval; and

WHEREAS, the Inyo County Board of Supervisors has not had the opportunity to hear adequate public comment or receive comprehensive input from local communities with regard to the imposition of local land use or other regulations, nor to consider the effect of eventual State regulations; and

WHEREAS, in order to preserve the ability to establish local regulations in the future, as well as preserve the status quo within the unincorporated areas of the County and discourage illegal cannabis activities, while staff and decision makers analyze and consider potential local regulations to address these new laws, the Board of Supervisors desires to temporarily prohibit commercial medical and recreational marijuana activities within the unincorporated areas of the County in accordance with Government Code section 65858;

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO FINDS AND ORDAINS THAT:

SECTION ONE: There is a current and immediate threat to the public health, safety and welfare as a result of newly enacted, and currently proposed, State laws within the unincorporated areas of the County for the reasons set forth above, and additionally as follows:

- A. Mandatory State regulations governing commercial cannabis activities under MAUCRSA have not yet been developed; and
- B. Commercial cannabis activities remain illegal until such regulations are in place, notwithstanding their apparent statutory authorization; and
- C. There is a lack of understanding among members of the public regarding the current legality of commercial cannabis activities; and
- D. This lack of understanding is likely to result in an increase in illegal commercial cannabis activities within the unincorporated areas of the County; and
- E. Such illegal activity will require law enforcement action which has the potential to endanger the health and safety not only of law enforcement officers themselves, but of the public.

SECTION TWO: Commercial medical marijuana activities described in MAUCRSA, including commercial cultivation, distribution, transportation, delivery, storage, laboratory testing, manufacturing, processing, provision or sales of cannabis products within the unincorporated areas of Inyo County are hereby temporarily prohibited to allow for the proper study and assessment of public sentiment, State regulation and County land use and regulatory needs as they relate to commercial medical marijuana activities. This temporary prohibition also applies to marijuana produced for recreational use, pursuant to the newly enacted MAUCRSA.

SECTION THREE: During the temporary prohibition created by this ordinance, staff shall identify and analyze the relevant issues associated with various commercial medical marijuana activities and the impact these activities would have on law enforcement and the community at large, should commercial activities not be regulated at the local level, and shall develop recommendations for the Board regarding possible local land use or other regulations governing their implementation.

SECTION FOUR: This temporary prohibition does not affect nor apply to those individuals who are currently engaging in medical marijuana cultivation or other non-commercial marijuana-related activities permissible under the Compassionate Use Act adopted in 1996 or the Medical Marijuana Program Act of 2004. In other words, this prohibition does not apply to marijuana activities that are currently legal under State law.

This moratorium will also not affect an individual's right to engage in cultivation of 6 or fewer plants for personal use as allowed by State law.

SECTION FIVE: This ordinance shall become effective upon adoption as an urgency measure pursuant to Government Code sections 65858 and 25123 and shall remain in effect, unless extended as allowed by law, for 45 calendar days. The Clerk of the Board of Supervisors shall post this ordinance and also publish it or a summary thereof in the manner prescribed by Government Code section 25124 no later than 15 days after the date of its adoption.

PASSED AND ADOPTED this 7th day of November, by the following vote of the Inyo County Board of Supervisors:

AYES: -4- Supervisors Griffiths, Kingsley, Pucci, Totheroh

NOES: -0-

ABSTAIN: -1- Tillemans

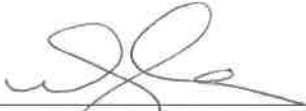
ABSENT: -0-



Dan Totheroh, Vice Chairperson

ATTEST: Kevin Carunchio
Clerk to the Board

By:



Darcy Ellis, Assistant