

18.04.030 - Agriculture.

"Agriculture" means the tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying and/or animal husbandry, including all uses customarily incidental thereto but not including slaughter houses, fertilizer yards, bone yards or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes.

(Ord. 525 § 1(part), 1989).

Chapter 18.87 - REGULATIONS FOR MEDICAL MARIJUANA CULTIVATION AND GROWING

Sections:

18.87.010 - Findings and purpose.

It is the purpose and intent of this chapter pursuant to Government Code Section 25123(d) to regulate the cultivation of medical marijuana in order to preserve the public peace, health, safety, and general welfare of the citizens of Madera County. The provisions of this section are applicable in all areas of the county. The board of supervisors adopts the findings for the need for the medical marijuana cultivation ordinance contained in Resolution No. 2012-049 as though fully set forth.

(Ord. No. 525RR, § 1 (Exh. A), 3-13-12)

18.87.020 - Relationship to other laws.

This chapter is not intended to, nor shall it be construed or given effect in a manner that causes it to apply to, any activity that is regulated by federal or state law to the extent that application of this chapter would conflict with such law or would unduly interfere with the achievement of federal or state regulatory purposes. It is the intention of the board that this chapter shall be interpreted to be compatible and consistent with federal, county, and state enactments and in furtherance of the public purposes which those enactments express. It is the intention that the provisions of this chapter will supersede any other provisions of this code found to be in conflict.

(Ord. No. 525RR, § 1 (Exh. A), 3-13-12)

18.87.030 - Definitions.

For purposes of this chapter, these words and phrases shall be defined as follows:

"County" means the county of Madera or the unincorporated area of the county of Madera as required by the context.

"Cultivate" or "cultivation" is the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof in any location.

"Marijuana" shall have the same definition as in California Health and Safety Code Section 11018 as it now reads or as amended.

"Medical marijuana" means marijuana used for medical purposes in accordance with California Health and Safety Code Sections 11362.7 et seq.

"Primary caregiver" shall have the same definition as in California Health and Safety Code Section 11362.7 et seq. as it now reads or as amended.

"Property owner" is the title holder of real property within Madera County.

"Qualified patient" shall have the same definition as California Health and Safety Code Section 1362.7 et seq. as it now reads or as amended.

(Ord. No. 525RR, § 1 (Exh. A), 3-13-12)

18.87.040 - Medical marijuana cultivation regulations.

- A. Medical marijuana cultivation on any one parcel of real property is limited to one of the following areas:
 - 1. One room within a single family dwelling that does not exceed one hundred twenty square feet.
 - 2. One detached, outdoor structure, enclosed and covered, where the cultivation is concealed from view, and where the cultivation area does not exceed one hundred twenty square feet.
- B. Cultivation is not permitted within commercial or industrial zone districts.
- C. Cultivation may only be conducted by the owner or a tenant with the consent of the owner of the subject property.
- D. Cultivation may not occur within two thousand feet of an institutional use, such as, but not limited to, a church, school, or other public building.
- E. The primary caregiver or qualified patient must reside at the subject property where cultivation occurs.

(Ord. No. 525TT, § 1, 4-9-13; Ord. No. 525RR, § 1 (Exh. A), 3-13-12)

18.87.050 - Prohibited medical marijuana cultivation declared a public nuisance.

The establishment, maintenance, or operation of any prohibited cultivation of medical marijuana, in excess of one hundred twenty square foot area as defined in this chapter, within the county, is declared to be a public nuisance and subject to immediate removal and abatement. Such removal shall include all growing marijuana at the site. Each person or responsible party in violation is subject to misdemeanor prosecution as provided in Chapter 1.12, and all other applicable laws.

(Ord. No. 525UU, 11-4-14; Ord. No. 525TT, § 2, 4-9-13; Ord. No. 525RR, § 1 (Exh. A), 3-13-12)

18.87.060 - Penalties for violation.

- A. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and subject to a maximum penalty of six months imprisonment in county jail, or a fine of one thousand dollars. Violators shall be subject to any other enforcement remedies available to the county under any applicable state or federal statute or pursuant to any other lawful power the county may possess.
- B. If a violation is reoccurring at the same location or is repeated by a party which has previous been cited for a violation involving cultivation, each separate occurrence shall constitute a separate violation and shall be subject to all remedies and subject to a fine amount double than the previous offense.
- C. In the event any civil suit or action is brought by the county to enforce the provisions of this chapter, the person responsible for such violation shall be liable to the county for costs of the suit, including, but not limited to, attorney's fees.

(Ord. No. 525RR, § 1 (Exh. A), 3-13-12)

Chapter 18.88 - LAND USE REGULATIONS

Sections:

18.88.010 - Restricted uses.

In any zoning district, no building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered, or relocated, except for one or more of the uses as hereinbefore stated for that zoning district and in compliance with the regulations hereinbefore established for that zoning district.

(Ord. 525 § 1(part), 1989).

18.88.015 - Prohibited uses.

The following land uses are prohibited in all zoning districts:

- A. Medical marijuana dispensaries;
- B. Notwithstanding any other provision of this code, the sale or distribution of a controlled substance under federal or state law shall not be a permitted use on any property or in any building or structure in any zone throughout the county, unless the person or entity selling or distributing the controlled substance has all applicable state and federal pharmaceutical licenses. This prohibition shall not interfere with the individual rights of qualified persons to participate in collectives or cooperatives in order to possess or use marijuana for medical purposes as provided for by the voters of the state of California under the Compassionate Use Act of 1966 and of the California Legislature under Senate Bill 420 (2003).

(Ord. No. 525MM, § 4, 9-22-09)

18.88.020 - Unclassified uses.

Any use not specifically listed as a permitted use shall be considered to be prohibited except as may be otherwise specifically provided hereinafter. In case of question as to the classification of a use, the question shall be submitted to the zoning administrator for determination.

(Ord. 525 § 1(part), 1989).

18.88.030 - Additional requirements.

Any use, in any zoning district, which becomes hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood may be required to be corrected or improved by measures directed by the zoning agency consistent with reasonable technological and economic practicality.

(Ord. 525 § 1(part), 1989).

18.88.040 - Public utilities.

Communications equipment buildings, substations, underground and overhead transmission lines and power lines above seventy KV, trunk and interregional communication lines, and supporting structures shall be permitted in any district, subject to review by the zoning administrator.

Public utility distribution and transmission lines, both overhead and underground, shall be permitted in all districts without limitation as to height except in AAO airport/airspace overlaid districts, and without the necessity of first obtaining a use permit; provided, however, that the routes of proposed electric transmission lines shall be submitted to the planning commission for recommendation prior to acquisition of rights-of-way therefor.

(Ord. 525 § 1(part), 1989).

18.88.050 - Storing motor vehicles and equipment.

Motor vehicles and equipment used by persons engaged in forestry, lumbering or agriculture in any residential, mountain, single family district or -RM, -Rural, mountain district may be stored on their own property. However, all other regulations shall apply and such stored devices or materials shall be treated as structures, regarding location on the premises.

(Ord. 525 § 1(part), 1989).

18.88.060 - Emergency shelters—Permanent.

- A. Applicability. The standards in this section apply to emergency shelters as defined in Chapter 18.04.
- B. Number of Beds. The number of beds in an emergency shelter shall not exceed 60.
- C. Proximity to Other Emergency Shelters. No emergency shelter may be located within three hundred feet of another emergency shelter.
- D. Length of Stay. Temporary shelter may be provided for no more than six months per calendar year for each resident.
- E. Lighting. All exterior lighting associated with an emergency shelter shall be located, adequately shielded, and directed such that no direct light falls outside the property perimeter, or into the public right-of-way.

(Ord. No. 669, § 28 (Exh. B), 5-19-14).