

ORDINANCE NO. 3502

AN INTERIM ORDINANCE EXTENDING TULARE COUNTY ORDINANCE NO. 3500, PROHIBITING ALL COMMERCIAL NONMEDICAL MARIJUANA ACTIVITY IN THE UNINCORPORATED AREAS OF THE COUNTY, PROHIBITING OUTDOOR NONMEDICAL MARIJUANA CULTIVATION ON PRIVATE RESIDENCES IN THE UNINCORPORATED AREAS OF THE COUNTY, AND PROHIBITING INDOOR CULTIVATION OF NONMEDICAL MARIJUANA IN THE UNINCORPORATED AREAS OF THE COUNTY, EXCEPT INDOOR CULTIVATION THAT COMPLIES WITH CERTAIN REASONABLE REGULATIONS, FOR AN ADDITIONAL PERIOD OF TWENTY-TWO (22) MONTHS AND FIFTEEN (15) DAYS, AND DECLARING THE URGENCY THEREOF

The Board of Supervisors of the County of Tulare ordain as follows:

Section 1. Findings and Declarations

The Board of Supervisors makes the following findings in support of the enactment of this urgency and interim zoning ordinance:

A. On November 5, 1996, California voters approved Proposition 215, the Compassionate Use Act of 1996 (codified at Health & Safety Code § 11362.5) ("CUA"), an initiative that exempted certain patients and their primary caregivers from criminal liability under state law for the possession and cultivation of marijuana for medical purposes. One of the stated purposes of the CUA is to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use has been recommended by a physician.

B. On January 1, 2004, Senate Bill 420, the Medical Marijuana Program Act (Health & Safety Code §§ 11362.7-11362.83) ("MMPA") became effective to clarify the scope of the CUA and to facilitate the prompt identification of qualified patients and their primary caregivers. Pursuant to the MMPA, a qualified patient or primary caregiver may possess no more than eight ounces of dried marijuana per patient and may maintain no more than six mature or twelve immature marijuana plants per patient unless a doctor authorizes an additional amount.

C. On January 1, 2016, Assembly Bill 243, Assembly Bill 266, and Senate Bill 643, which are collectively known as the Medical Cannabis Regulation and Safety Act (hereinafter "MCRSA"), became effective. MCRSA set forth a comprehensive, state-wide regulatory structure for the cultivation and distribution of medical cannabis, including commercial activities. The MCRSA protected local control by requiring that medical cannabis businesses comply with local regulations in order to obtain a State license, including any local requirements that businesses obtain a local license or permit to operate in a local jurisdiction. MCRSA allows the County to completely prohibit commercial medical marijuana activities.

D. In response to the MCRSA, the County adopted Interim Ordinances No. 3497 and 3498, which prohibited for an interim period the establishment of new or expansion of existing

medical marijuana entities, including collectives, cooperatives, businesses, or other entities engaged in commercial cannabis activity in the unincorporated areas of the County. These ordinances also prohibited any building permits, occupancy permits, or other land use entitlements for such use from being issued by the County until August 14, 2018. The County held public hearings before adopting each of these ordinances, at which County staff presented a substantial amount of evidence regarding the dangers of unregulated and inadequately regulated marijuana activities. The facts and findings presented in these ordinances have previously been considered by this body, are directly relevant to the regulation of nonmedical marijuana activities, and are hereby incorporated by this reference.

E. On November 8, 2016, California voters approved the Control, Regulate and Tax Adult Use of Marijuana Act (“Proposition 64” or “AUMA”), which became effective immediately. Among other things, Proposition 64 decriminalizes under state law the possession, use, transport, and purchase of limited amounts of nonmedical marijuana for those who are 21 years of age or older. Proposition 64 decriminalizes under state law the planting, cultivation, harvesting, drying and processing (“cultivation activities”) of up to six marijuana plants in, or upon the grounds of, a private residence, but at the same time permits local jurisdictions (1) to enact and enforce reasonable regulations that reasonably regulate indoor cultivation activities, and (2) to completely prohibit cultivation activities outdoors upon the grounds of a private residence until the California Attorney General determines that nonmedical use of marijuana is lawful in the State under federal law.

F. Proposition 64 also establishes a comprehensive system to regulate commercial nonmedical marijuana activity. However, it permits local jurisdictions to completely prohibit the establishment or operation of one or more types of marijuana businesses within its jurisdiction. Proposition 64 also states that nothing in it shall be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances to regulate nonmedical marijuana businesses, including, but not limited to, local zoning and land use requirements; business license requirements; and requirements related to reducing exposure to secondhand smoke.

G. Although nonmedical marijuana possession, use, and sale have been decriminalized under state law, the federal government has not sanctioned the cultivation, sale, or possession of nonmedical cannabis in any way. The Federal Controlled Substances Act, 21 U.S.C. § 801, *et seq.*, classifies marijuana as a Schedule 1 Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision. The Federal Controlled Substances Act makes it unlawful under federal law for any person to cultivate, manufacture, distribute or dispense marijuana, or possess with intent to manufacture, distribute or dispense marijuana. Just a few months ago, in August 2016, the United States Drug Enforcement Agency announced that marijuana would remain a Schedule 1 substance under the Controlled Substances Act. This creates a potential conflict for the County as it attempts to determine what laws and regulations should apply to nonmedical marijuana in California.

H. Additionally, based upon the experiences of the State of Colorado and other states in which nonmedical marijuana has been decriminalized, it is likely that Proposition 64 will have significant impacts on the activities of Tulare County law enforcement and other Tulare County first responders, as well as the medical resources of the State and the regulatory functions of local agencies, including the County of Tulare. The decriminalization of nonmedical marijuana may also have harmful effects on public health and safety, including the following:

1. In Colorado, decriminalization appears to be related to an increased prevalence of “honey oil” THC extraction laboratories and related explosions, which present significant fire and public safety hazards. This increased incidence may be due in part to the high monetary value of concentrated cannabis products coupled with the increased availability of marijuana from which such concentrates can be manufactured.

2. Decriminalization may inadvertently increase the exposure and access of youth to marijuana. In Colorado, surveys of students aged 12-17 have indicated an increase in usage rates of marijuana. These trends are troubling when measured against decreases in the usage rates of alcohol, cigarettes, and other drugs. In addition, the rate of drug-related school suspensions in Colorado has increased, despite a general decrease in the rate of school suspensions.

3. Law enforcement officials have found that in places where recreational marijuana has been decriminalized, some individuals use state marijuana laws as a cover for illicit grow operations. This is in line with Tulare County Sheriff’s Department’s evidence showing that large, sophisticated Drug Trafficking Organizations (DTO’s)—most notably the Zetas and the Gulf Cartels—have been increasing operations in the Central Valley in recent years under the guise of California’s medical marijuana laws. The Tulare County Sheriff’s Department has determined these DTOs are responsible for most large valley grows, and that they coordinate sophisticated networks of backyard and indoor grows, involving multiple grow sites with different recommendation holders at each site. The Sheriff is concerned that such problems may be exacerbated now that recreational, nonmedical marijuana has been decriminalized in California.

4. Decriminalization of recreational marijuana has not necessarily resulted in a reduction in the number of plants criminally eradicated in such states. This fact—along with the fact that marijuana remains illegal under federal law and in many states in the country—may partially explain why some states that have decriminalized marijuana also report a higher degree of drug trafficking in and out of their states since decriminalization.

I. Tulare County, numerous other California counties and cities, and/or some branches of the state and federal governments, have also noted that the cultivation, processing and/or distribution of marijuana has been associated with serious harmful effects in the areas where such activities are located, including to owners of property in such areas and to those living, visiting, conducting business or otherwise present in the area. The harmful effects reported by these jurisdictions have included criminal activities because of the high monetary value of the marijuana plants (including illegal sales and distribution of marijuana, trespassing, theft, home invasions, violent robberies and robbery attempts), fire danger from grow light systems and marijuana oil extraction operations, electricity theft, child endangerment, adverse environmental

impacts, excessive energy consumption, strong offensive odors, and suspected interference with farming practices. For instance:

1. A single marijuana plant is capable of yielding over two (2) pounds of dry, useable marijuana in its lifetime, conditions permitting. Furthermore, prices for domestically produced high-grade cannabis sold in California can reach a value of \$240 per ounce on the black market. Thus, a single marijuana plant has the potential to yield over \$7,000 worth of unconcentrated marijuana in California, and potentially much more in markets outside of California.

2. As outdoor marijuana plants begin to flower, and for a period of two months or more, the plants produce a strong, unique odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors. This odor can have the effect of alerting persons to the location of the valuable plants, and thereby increasing the risk of burglary, robbery, armed robbery, or related criminal activities that target the persons or property where the plants are located.

3. Due to the value of the marijuana, firearms are commonly used to defend marijuana plants (and cash from the sale of marijuana) from theft. In FY 2014/2015, the Sheriff's Department seized 161 firearms located at or associated with marijuana grows in Tulare County. In FY 2015/2016, the Sheriff's Department seized 89 such firearms. Approximately one-third (1/3) of the weapons recovered in 2015 were reported lost/stolen. The Sheriff's Department also confirmed that at least 2 homicides in the County in 2016 were related to marijuana.

4. The California Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Cannabis Grown for Medical Use recognized that the cultivation or other concentration of cannabis in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.

5. The Sheriff's Department has found that marijuana cultivation and honey oil labs frequently occur in households where children are present. As discussed above, honey oil labs have the potential to cause explosions and fire, and thus may expose children living in households where such labs occur to great bodily injury or possibly death. Furthermore, the Sheriff's Department has found that children are sometimes exposed to highly toxic fertilizers and pesticides used in the cultivation of marijuana, either through access to treated plants or to the chemicals themselves. In 2015, the Tulare County Sheriff's Department investigated 18 separate incidents of child endangerment related to the cultivation, processing, manufacturing, and/or distribution of marijuana. In 2016, the Sheriff's Department investigated at least 7 separate incidents of child endangerment related to the cultivation, processing, manufacturing, and/or distribution of marijuana.

6. Indoor marijuana grows also require electric lights to grow plants, and this can be extremely expensive. The Sheriff's department has received several reports regarding marijuana cultivators stealing power for their marijuana activities by tapping into the electricity before the meter. In fact, in 2016, the majority of indoor grows investigated by the Sheriff's

Department were later determined to be stealing electric power. It is estimated that in the first half of 2016 alone, over \$300,000 in unreported power usage is attributable to these illicit indoor marijuana grows. These illegal activities place an undue burden on both the County's electrical resources and on the County's law-abiding rate payers.

7. The United States Drug Enforcement Administration reports that marijuana cultivation is associated with environmental problems like illegally diverted water, illegal deforestation, and soil contamination. Rodenticide and insecticide toxicants have frequently been discovered at marijuana cultivation sites, and have detrimental impacts on wildlife.

8. In Tulare County, several at risk or special status species could be harmed by marijuana cultivation (both in the mountains and in the Valley), including: Bald Eagle (endangered), Golden Eagle (fully protected, FGC 3511), California Condor (endangered), Swainson's Hawk (threatened), Blunt-Nosed Leopard Lizard (endangered), Tipton Kangaroo Rat (endangered), and the San Joaquin Kit Fox (endangered). Furthermore, according to the 2015 State Wildlife Action Plan (page 5.4-4), more than 75 percent of the known California locations of 32 special-status animal species, including the Swainson's hawk and the California Tiger Salamander (threatened in Central California), occur predominately on private lands.

9. Fishers live in the Southern Sierra Nevada, including in portions of Tulare County, and are being considered for listing through the Endangered Species Act. According to a Report to the Fish and Game Commission by the California Department of Fish and Wildlife, "Fishers in California are frequently exposed to, and sometimes killed by, rodenticides. Large amounts of pesticides, including anticoagulant rodenticides, have been found in recent years at illegal marijuana cultivation sites on public, private, and tribal forest lands."

10. Staff is also aware that common species in the County, such as the mule deer, black bear, and mountain lions, have been killed at illegal marijuana grow sites in Tulare County, either intentionally or unintentionally.

11. A recent study of marijuana cultivation in Northern California by staff of the California Department of Fish and Wildlife and the National Marine Fisheries Services demonstrates how unregulated marijuana cultivation may potentially divert excessive amounts of water in a way that has harmful impacts on state and federally listed sensitive species. Tulare County was not part of that specific study, and does not have all of the same species discussed in the article, but it does have state and federally listed species that could be affected by both water diversion and/or water contamination associated with marijuana cultivation, including the California Tiger Salamander.

12. Marijuana cultivation also requires a significant amount of water. On average, a single marijuana plant will use approximately 6 to 8 gallons of water per day in order to thrive. Given the water demand associated with marijuana cultivation, Tulare County's significant water supply constraints, and the evidence showing how water diversion related to marijuana cultivation could adversely impact sensitive species, increases in unregulated cultivation, and in particular outdoor cultivation, pose a significant threat to the County's environment and natural resources.

J. The number of individuals who will be able to cultivate marijuana without violating California law has increased dramatically since the passage of Proposition 64, and a potential widespread expansion of outdoor nonmedical cultivation in particular could intensify some of the threats that marijuana poses to the environment, and to the public health and safety generally.

K. Business and Professions Code section 26067, as added by Proposition 64, provides that for the purposes of issuing licenses for cultivation, "marijuana is an agricultural product." The County's current agricultural land use zones permits the production of field crops, fruit and nut trees, vines, vegetables, horticultural specialties and timber, and the operation of plant nurseries and greenhouses for producing trees, vines and other horticultural stock without the need for a use permit. Many of these same items can also be cultivated in a residential zone without a use permit. However, the current County land use regulations related to crop production did not contemplate the possibility of marijuana as a permissible "agricultural" or other "horticultural" product, and thus do not adequately address the unique legal, land use, environmental, and public health, safety, and welfare issues and impacts associated with cultivating marijuana, as described above.

L. The County has already received inquiries from individuals seeking to obtain licenses for commercial nonmedical marijuana operations within the unincorporated areas of the County, notwithstanding the fact that the County has yet to consider or adopt regulations and requirements for the establishment of such uses. The approval of use permits, variances, building permits, or any other applicable entitlement for use for nonmedical marijuana activities before the County has adequate regulations in place would result in a threat to public health, safety, or welfare. In addition, based on the County's experiences with medical marijuana, the County also anticipates that some individuals may choose to attempt to engage in commercial nonmedical marijuana activities in the County before receiving a State license. If this occurs, some commercial nonmedical marijuana uses may become established in the County prior to the establishment of zoning, business, and other health and safety regulations under the normal planning and zoning processes of the County.

M. Pursuant to Article XI, section 7 of the California Constitution, the County may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens. The County of Tulare has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses, and preserving the peace and integrity of neighborhoods within the unincorporated area. However, without sufficient regulations, standards, procedures, and thresholds which are enforceable pursuant to an adopted ordinance, there is a current and immediate threat to the public health, safety and welfare from an expansion in unregulated nonmedical marijuana activities.

N. At this time, the County urgently needs to study whether and to what extent the County's General Plan, zoning and land use regulations, and health and safety regulations should be modified to accommodate and/or address the impacts of Proposition 64 to best protect the health, safety, and welfare of County residents and visitors. The uses prohibited by this ordinance may conflict with a contemplated general plan, specific plan, or zoning proposal that the Board of Supervisors and County agencies and departments intend to study within a reasonable time.

O. Based on the findings above, and upon the information presented at the public hearing held on December 6, 2016 at a regular Board meeting, the Board of Supervisors adopted Tulare County Ordinance No. 3500, which prohibits in the unincorporated areas of the County all commercial nonmedical marijuana activity; outdoor nonmedical marijuana cultivation on private residences; and indoor cultivation of nonmedical marijuana, except indoor cultivation that complies with certain reasonable regulations. The Board found that the immediate preservation of the public health, safety and welfare required that this Ordinance be enacted as an interim zoning ordinance pursuant to Government Code section 65858, and also as an urgency ordinance pursuant to Government Code sections 25123 and 25131. Ordinance No. 3500 expires on January 20, 2017, unless further extended by the Board.

P. Since Ordinance No. 3500 was adopted, County departments have begun researching and attempting to address some of the threats posed by unregulated or inadequately regulated nonmedical marijuana activities. However, the decriminalization of marijuana in California will likely have many long term impacts that cannot be easily resolved or understood within the initial forty-five (45) day interim ordinance period, and the threats posed by unregulated or inadequately regulated nonmedical marijuana activities remain.

Q. Based on the findings above, and upon the information presented at the public hearing held during the January 17, 2017 Board meeting, the Board of Supervisors finds that, in order to protect the public health, safety and welfare, the Board should extend Tulare County Ordinance No. 3500 such that all commercial nonmedical marijuana activity in the unincorporated areas of the County; all outdoor nonmedical marijuana cultivation on private residences in the unincorporated areas of the County; and all indoor cultivation of nonmedical marijuana in the unincorporated areas of the County, except indoor cultivation that complies with certain reasonable regulations, is prohibited for an additional period of twenty-two (22) months and fifteen (15) days, and no building permit, occupancy permit, or other land use entitlement for such prohibited uses shall be issued by the County of Tulare in any of the unincorporated areas.

R. The Board further finds that the limitations on indoor cultivation proposed herein are reasonably calculated to address some of the anticipated negative impacts that nonmedical marijuana activities may have on the County in the aftermath of Proposition 64, including reducing possible criminal and other nuisances, and dangers to youth.

S. This ordinance will take effect immediately upon adoption, and its urgency is hereby declared.

Section 2. Applicability. This Ordinance applies within all unincorporated areas of County of Tulare.

Section 3. Definitions. For the purposes of this Ordinance, the following words shall have the meanings set forth below, unless the context otherwise permits or requires:

A. "Approved Private Residence" means a Private Residence which structure complies with all applicable County and state requirements, except it does not include a building owned, leased, or occupied by the County of Tulare.

B. "Commercial nonmedical marijuana activity" shall include the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, delivery or sale of marijuana and marijuana products for which licensure is required under Proposition 64.

C. "Cultivation" shall include any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

D. "Fully enclosed and secure structure" means a space within a building that complies with the applicable building code, and has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. The walls and roof of the fully enclosed and secured structure must be constructed of solid materials that cannot be easily broken through, and must be constructed with non-transparent material. Plastic sheeting, regardless of gauge, or similar products, are not considered solid materials. A fully enclosed and secure accessory structure to a Private Residence must be located upon the parcel on which that Private Residence is situated.

E. "Marijuana" shall include all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include (a) industrial hemp, as defined in Section 11018.5 of the Health and Safety Code; (b) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product; and (c) marijuana that is cultivated, processed, transported, distributed, or sold for medical purposes under Chapter 3.5 of Division 8 of the Business and Professions Code.

F. "Nonmedical marijuana" means marijuana that is intended to be used for nonmedical purposes pursuant to Health and Safety Code section 11362.1 *et seq.*, as those sections may be amended from time to time.

G. "Private Residence" means a house, an apartment unit, a mobile home, or other similar dwelling.

H. "Proposition 64" refers to the Control, Regulate and Tax Adult Use of Marijuana Act.

I. "Outdoors" means not within a fully enclosed and secure structure.

Section 4. Prohibition.

A. Commercial nonmedical marijuana activity is expressly prohibited in all zones and all specific plan areas in the unincorporated areas of the County of Tulare. No person shall establish, operate, maintain, conduct or allow commercial nonmedical marijuana activity.

B. Paragraph A of this Section 4 is meant to prohibit in the unincorporated areas all activities for which a State license is required as established by Proposition 64. Accordingly, the County shall not issue any permit, license or other land use entitlement for any activity in the unincorporated areas for which a State license is required under Proposition 64. The County shall

also not issue any local license to a non-profit pursuant to provisions of Business and Professions Code section 26070.5.

C. The cultivation of nonmedical marijuana outdoors is hereby expressly prohibited in all areas and in all zoning districts of the unincorporated areas of the County during the period of time which this ordinance is in effect. The County shall not approve applications for land use entitlements for the use of real property for the outdoor cultivation of marijuana.

D. Indoor cultivation of nonmedical marijuana is prohibited in all zoning districts of the unincorporated areas of the County, except when such cultivation occurs on a parcel with an Approved Private Residence. Such cultivation shall be in conformance with the following minimum standards:

1. The indoor cultivation of nonmedical marijuana shall only be conducted within a Private Residence, or within a fully enclosed and secure structure on the grounds of the Private Residence. Nonmedical marijuana cultivation shall be limited to six (6) marijuana plants per Private Residence, regardless of whether the marijuana is cultivated inside the Private Residence, in a fully enclosed and secure accessory structure located upon the grounds of a Private Residence, or some combination thereof. The limit of six (6) plants per Private Residence shall apply regardless of how many individuals reside at the Private Residence.

2. Adequate mechanical locking or electronic security systems must be installed as part of the fully enclosed and secure structure where nonmedical marijuana is cultivated prior to the commencement of cultivation.

3. From a public right-of-way, there shall be no exterior evidence of nonmedical marijuana cultivation occurring on the parcel.

4. A fully enclosed and secure structure used for the cultivation of nonmedical marijuana that is an accessory structure on the grounds of the Private Residence shall be located in the rear yard area of the parcel. This provision shall not apply to cultivation occurring in a garage.

5. Indoor grow lights shall comply with the California Building, Electrical and Fire Codes as adopted by the County.

6. The nonmedical marijuana cultivation area, whether in a fully enclosed and secure accessory structure or inside a Private Residence, shall not be accessible to persons under 21 years of age.

7. Written consent of the property owner to cultivate nonmedical marijuana within the Private Residence or in a fully enclosed and secure structure on the grounds of the Private Residence shall be obtained and shall be kept on the premises, and available for inspection by the Sheriff or his/her designee, and any County code inspectors.

8. A portable fire extinguisher that complies with the regulations and standards adopted by the state fire marshal and applicable law shall be kept in the fully enclosed and secure structure used for cultivation of nonmedical marijuana. If cultivation occurs in a Private Residence, the portable fire extinguisher shall be kept in the same room as where the cultivation occurs.

9. All indoor cultivation of nonmedical marijuana and the structures in which the cultivation occurs must be in compliance with this Ordinance, any other applicable County ordinances, and with applicable state law.

10. Any marijuana cultivation that exceeds the limits set forth in this subsection is hereby declared to be unlawful and a public nuisance.

E. No application for a building permit, conditional use permit, business license, or other entitlement authorizing the establishment, operation, maintenance, development, or construction of any use in conflict with this Ordinance shall be approved during the term of the prohibition established in this Ordinance.

F. Nothing in this Ordinance shall be interpreted to the effect that the County's permissive zoning scheme allows any other use not specifically listed therein.

Section 5. Public Nuisance. Any use or condition caused, or permitted to exist, in violation of any provision of this Ordinance shall be, and hereby is declared to be, a public nuisance and shall be subject to abatement as provided in Chapter 1 of Part IV of the Tulare County Ordinance Code.

Section 6. Penalty. Violation of any provision of this Ordinance shall constitute a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each and every day such a violation exists shall constitute a separate and distinct violation of this Ordinance.

Section 7. Civil Penalties. In addition to any other enforcement permitted by this Ordinance, or by any other law, the County Counsel may bring a civil action for injunctive relief and civil penalties against any person or entity that violates this Ordinance.

Section 8. Enforcement. The enforcement procedures provided for in this Ordinance are in addition to any other provided by statute, ordinance, or law.

Section 9. Severability. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, is for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 10. Effective Date and Duration. As authorized by subsection (b) of Government Code section 65858, Ordinance No. 3500 may be extended after notice and public hearing, upon a four-fifths (4/5) vote of the Board. If this extension is approved, this interim ordinance shall become effective immediately, and shall remain in effect for twenty-two (22) months and fifteen (15) days therefrom, expiring on December 1, 2018. No additional extensions of this ordinance

are permitted. Ten (10) days prior to the expiration of this extension, County staff shall issue a written report describing the measures taken to alleviate the conditions which lead to the adoption of Ordinance No. 3500 and this extension.

Section 11. Publication. Within fifteen (15) days after adoption of this Ordinance, a summary shall be published once in the Visalia Times Delta, a newspaper printed and published in the County of Tulare, State of California, together with the names of the Board of Supervisors members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the 17th day of January, 2017, at a regular meeting of said Board duly and regularly convened on said day by the following vote:


Chairman, Board of Supervisors

ATTEST: MICHAEL C. SPATA
County Administrative Officer/
Clerk, Board of Supervisors

BY: 
Deputy Clerk