

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF SISKIYOU
DELETING SECTION 10-14-040 OF CHAPTER 14 OF TITLE 10
OF THE SISKIYOU COUNTY CODE
REGARDING MARIJUANA CULTIVATION SETBACKS
AND ADDING IN ITS PLACE AN ORDINANCE REGARDING
PROHIBITION OF COMMERCIAL NON-MEDICAL MARIJUANA
ACTIVITIES**

THE BOARD OF SUPERVISORS OF THE COUNTY OF SISKIYOU ORDAINS
AS FOLLOWS:

SECTION I: Section 10-14-040, of Chapter 14, of Title 10 is deleted in its entirety.

SECTION II: Section 10-14-040, of Chapter 14, of Title 10 is hereby added as follows:

10-14.040. - ~~Exceptions. Commercial Non-Medical Marijuana Activity Prohibited.~~

~~(a) Upon request, the Director may reduce or waive the setbacks required by Section 10-14.030(c)(3) based upon a finding of unnecessary hardship due to special circumstances applicable to the subject property, including size, shape, topography, location or surroundings.~~

~~(1) Prior to reducing or waiving setbacks requirements, the Director shall first provide notification to the owner(s) of all properties located immediately adjacent to the cultivation site for which the reduction or waiver of setback requirements is requested and whose separation distance from the marijuana plants would be decreased if the reduction or waiver of setback requirements is granted.~~

~~(2) Any reduction or waiver of setback requirements shall not~~

~~be implemented until ten (10) days have elapsed from the granting thereof and, in the event an appeal is filed, shall not be implemented until a decision has been made by the appropriate decision-making body.~~

To the greatest extent permitted by state law, it is prohibited and a public nuisance for any person to engage in, conduct, or carry on, or permit to be engaged in, conducted, or carried on, in or upon any parcel, premises, or location in the unincorporated area of the County of Siskiyou, any commercial non-medical marijuana activities, including, but not limited to the commercial cultivation, possession, manufacture, processing, storing, laboratory testing, packaging, labeling, transporting, distribution, delivery or sale of marijuana or marijuana products, or any other non-medical marijuana activity licensed by the state or other government entity pursuant to Division 10 of the Business and Professions Code, as amended from time to time. This section shall not be read so as to prevent the transportation of marijuana or marijuana products on public roads by a licensee transporting marijuana or marijuana products in compliance with state law.

SECTION III: Constitutionality: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION IV: This ordinance shall become effective 30 days after its passage and shall, within 15 days of adoption, be published once in a newspaper of general

circulation, printed and published in the County of Siskiyou.

PASSED AND ADOPTED this ____ day of July, 2017 at a regular meeting of the Board of Supervisors by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Michael N. Kobseff, Chairman
Board of Supervisors

ATTEST:
COLLEEN SETZER, CLERK,
Board of Supervisors

By _____
Deputy

DRAFT