

Humboldt County Cannabis Cultivation Compliance Initiative- Non-Legal Short Form

Dear Board Members and Colleagues,

Below you will find the “short form” of the Humboldt County Cannabis Cultivation Compliance Initiative. In this distillation of the full initiative we’ve indicated all changes that are made to the Humboldt County Code. The “long form” (over 100 pages) presents all sections of code, in their entirety, as they will appear in the initiative and on the ballot after these changes are made.

Please note that we are in the “Private Review” stage, and intend to publicly circulate an updated “short form” and “long form” after your initial feedback. If there are structural or syntactical errors, or other missteps, they’re not intentional. Please provide your editorial comments or feedback so we can correct them.

I’ve bolded each “Section” title so they are easy to identify. There are 15 sections.

1. Title
2. Statement of General Purpose
3. Findings and Declarations
4. Adding of terms to the Definitions of Language and Legal Terms
5. Modifying of terms in the Glossary of [Land] Use Types
6. Adding of terms to the Definitions of Zoning Regulations Outside the Coastal Zone
7. Adding of Use Types to Glossary of Agricultural Use Types
8. Adding of the Humboldt County Cannabis Cultivation Compliance Program; Registration; Duties of the County Agricultural Commissioner.
9. Statement on Consistency with General Plan
10. Adding of Use Types to Glossary of Use Types Outside Coastal Zone for Land Use Development. (This is where land use requirements for cultivation are found)
11. Adding of a chapter for Cannabis Business Licenses to the Business License section of the Humboldt County Code.
12. Exclusions and Exemptions
13. Severability; Change in law
14. Amendments (Simple majority of BOS)
15. Effective Date

Section 1. Title

This measure shall be known and may be cited as “Humboldt County Cannabis Cultivation Compliance Initiative.”

Section 2. Statement of General Purpose

This initiative measure establishes a reasonable regulation of land use and associated environmental aspects of agricultural activity within Humboldt County related to the planting, cultivation, harvesting, processing, storage, drying, packaging, transportation, distribution, and sale of cannabis within Humboldt County.

Section 3. Findings and Declarations

The people of Humboldt County find and declare as follows:

- (a) Over the years the decline of the fishing and timber industries within and adjacent to Humboldt County has had an adverse impact on the economy within Humboldt County; the agricultural products of Humboldt County were reported in 2004 at approximately \$320 million, but dropped to under \$150 million in 2008, as reported to the State of California..
- (b) The geography, climate, and micro-climates of Humboldt County make it an excellent location to farm cannabis.
- (c) As a result of these circumstances, cannabis has been farmed in Humboldt County without the benefit of any planning and zoning regulations.
- (d) The unregulated farming of cannabis in Humboldt County impacts the environment of the County and, therefore, the health, safety and welfare of the residents and the visitors to the County.
- (e) The unregulated farming of cannabis in Humboldt County diverts the use of some land which could be used for other agricultural production.
- (f) The unregulated farming of cannabis in Humboldt County sometimes occurs without the benefit of review by the California State Water Resources Control Board, the California Department of Forestry and Fire Protection, and/or the California Department of Fish and Wildlife.
- (g) The unregulated farming of cannabis in Humboldt County sometimes occurs in violation of regulations of the California State Water Resources Control Board, the California Department of Forestry and Fire Prevention, and/or the California Department of Fish and Wildlife.
- (h) Regulation is needed to maintain adequate stream flows, protect water quality, and prevent the construction of fish barriers to avoid adverse effects on protected salmon and steelhead trout.
- (i) Activities within Humboldt County associated with the planting, cultivation, harvesting, processing, storage, drying, packaging, transportation, distribution and sale of cannabis require the use of both human resources and natural resources of Humboldt County that

impact the health, safety and welfare of the residents of, and visitors to, Humboldt County.

- (j) Lawful and responsibly regulated cannabis cultivation presents a tremendous opportunity to preserve Humboldt County's rural character and to protect agricultural timber production, open space and natural resources consistent with such regulated cannabis cultivation within reasonable and environmentally conscious limitations.
- (k) The governmental policies and actions of Humboldt County should promote sustainable and commercial activities that protect the environment and preserve the rural character of the county while stimulating value-added businesses and industries that will enhance long term prosperity for the residents by reasonably regulating the cultivation of cannabis to protect the health, safety and welfare of its residents and the people of the State of California.
- (l) A framework of clear rules and regulations is necessary to promote voluntary compliance and to provide effective and efficient enforcement mechanisms to address necessary local and state permits for the cannabis industry as such may be permitted by California law from time to time.
- (m) Rules and regulations for the cannabis industry in Humboldt County can encourage compliance with state law regarding protection of the environment including the regulations of the State Water Resources Control Board, the State Department of Forestry and Fire Prevention, and the California Department of Fish and Wildlife, all to the benefit of the residents of Humboldt County and the people of the State of California.
- (n) Regulation of the cultivation of cannabis would likely diminish the availability of unlawfully produced cannabis and controlled substances to minors, and reduce the overall impact of illicit drug-related activities within Humboldt County.
- (o) This initiative preserves local control over land uses through general plan policies and updates and zoning regulations, and ensures compliance with all applicable state and local requirements for cannabis cultivation through a program administered by the County Agricultural Commissioner that allows for on-site inspection, laboratory testing of crop harvests, registration and certification of compliant cultivators and gardens, and implementation of best management practices based on collection of data permitting evaluation of Cumulative Watershed Impacts.
- (p) Responsibility for administering existing laws and regulations that are implicated by cultivation activities, such as building permits, fire inspections, property tax assessment, law enforcement, water, planning approval, etc., remain with the various state, county and regional agencies having jurisdiction and enforcement responsibility over those subjects.
- (q) The ordinance is not intended to and does not authorize cannabis cultivation or other cannabis-related activities for uses that violate California law.

- (r) This ordinance is intended to authorize outdoor cannabis cultivation only for uses lawful under California law applicable at the time. The zoning and land use restrictions contained in this ordinance are intended to operate as restrictions on the location and area that may be cultivated based on parcel size, while assuring compliance with applicable environmental procedures.
- (s) All cultivation of cannabis shall be subject to the County's compliance and oversight program requiring on-site inspections, registration of cultivators and cultivation sites, and presentation of documentation or other proof satisfactory to the Agricultural Commissioner that all permits, licenses and approvals required by all governmental agencies having jurisdiction over the person, property, use, activity, or other matter or thing required by law as a condition precedent to commencement or recommencement of cannabis cultivation or related activities at the site have been obtained and are current and valid.

Section 4. Chapter 3 of Division 1 of Title III of the Humboldt County Code is hereby amended to read as follows: (Text to be inserted into the Humboldt County Code below is indicated in *boldface italics* while text in standard type is existing text in the Humboldt County Code.)

SECTION C: INDEX OF DEFINITIONS OF LANGUAGE AND LEGAL TERMS

313-136-161 DEFINITIONS (A - Z)

313-138 DEFINITIONS (C)

“Cannabis” means 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 the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

13-147 DEFINITIONS (L)

“Lawful cultivation of cannabis” means the limited intensity agricultural land use for cultivation of cannabis within the unincorporated areas of Humboldt County for uses authorized under the laws of the State of California, as such laws may be amended, supplemented or superseded from time to time, and in a manner that complies with all state and county laws, administrative rules and regulations applicable to cultivation and cultivation-related activities, including activities and uses accessory, incidental or related to the planting, cultivation, harvesting, storage, drying, packaging, transportation, and distribution of cannabis and products thereof, subject to compliance with the restrictions on parcel size, registration, and compliance with ordinances, rules, and regulations of the county.

Section 5. Section 313-170 (Agricultural Use Types) of Part 2 (Glossary of Uses) of Section DD (Use Types) of Chapter 4 (Regulations Inside the Coastal Zone) of Division 1 (Planning) of Title III (Land Use and Development of Humboldt County) is amended to read as follows: (Text to be

inserted into the Humboldt County Code is indicated in **boldface italics** while text in standard type is existing text in the Humboldt County Code.)

SECTION D: USE TYPES

PART 2: GLOSSARY OF USE TYPES

313-170 AGRICULTURAL USE TYPES

70.3 General Agriculture. The General Agriculture Use Type includes cultivation of food and fiber such as field and tree crops, dairying, pasturage, tree farming, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, but not including feed lots, stock yards, slaughter houses, hog farms, fur farms, turkey farms, frog farms, fertilizer works or plants for the reduction of animal matter. (Former Section CZ#A313-9(B)) ***Horticulture expressly includes the lawful cultivation of cannabis.***

Section 6. Chapter 4 of Division 1 of Title III of the Humboldt County Code is hereby amended as to read as follows: (Text to be inserted into the Humboldt County Code below is indicated in **boldface italics** while text in standard type is existing text in the Humboldt County Code)

Section 314-138 Definitions (C)

“Cannabis” means 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 the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

314-147 DEFINITIONS (L)

“Lawful cultivation of cannabis” means the limited intensity agricultural land use for cultivation of cannabis within the unincorporated areas of Humboldt County for uses authorized under the laws of the State of California, as such laws may be amended, supplemented or superseded from time to time, and in a manner that complies with all state and county laws, administrative ruled and regulations applicable to cultivation and cultivation-related activities, including activities and uses accessory, incidental or related to the planting, cultivation, harvesting, storage, drying, packaging, transportation, and distribution of cannabis and products thereof, subject to compliance with the restrictions on parcel size, registration, and compliance with ordinances, rules, and regulations of the county.

Section 7. Section 314-170 (Agricultural Use Types) of Part 2 (Glossary of Uses) of Section D (Use Types) of Chapter 4 (Regulations Outside the Coastal Zone) of Division 1 (Planning) of Title III (Land Use and Development of the Humboldt County Code is amended to read as follows:(Text to be inserted into the Humboldt County Code below is indicated in **boldface italics** while text in standard type is existing text in the Humboldt County Code.)

Section 314-170. Agricultural Use Types

Agricultural use types include the on site production of plant and animal products by agricultural methods. The following are agricultural use types:

170.1 General Agriculture. The General Agriculture Use Type includes cultivation of food and fiber such as field and tree crops, dairying, pasturage, tree farming, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, but not including feed lots, stock yards, slaughter houses, hog farms, fur farms, turkey farms, frog farms, fertilizer works or plants for the reduction of animal matter. (From Section CZ#A313-9(B); Added to 1NL by Ord. 2205, Sec. 1, 4/11/00) *Horticulture expressly includes the lawful cultivation of cannabis.*

Section 8. Chapter 9 of Division 4 (County Departments and Officers) of Title II (Administration) of the Humboldt County Code is amended to read as follows: (Text to be inserted into the Humboldt County Code below is indicated in *boldface italics* while text in standard type is existing text in the Humboldt County Code.)

249-2. FUNCTIONS OF DEPARTMENT OF AGRICULTURE.

The Department of Agriculture of the County of Humboldt shall be headed by one individual, who shall carry out the mandated duties of County Agricultural Commissioner and County Sealer of Weights and Measures of the County of Humboldt as found in State law and regulation. (Ord. 358, § 3, 1/27/59; Ord. 2308, § 4, 9/23/2003)

249-3. *Humboldt County Cannabis Cultivation Compliance Program; Registration; Duties of the County Agricultural Commissioner.*

The Agricultural Commissioner shall register persons who apply to the Department of Agriculture to engage in the lawful cultivation of cannabis (as defined in Section 314-147) and who attest or otherwise demonstrate to the Commissioner all of the following:

- 1. the parcel is located within the territorial boundaries of Humboldt County and is owned, leased or otherwise lawfully possessed by the applicant;*
- 2. the applicant or parcel has lawful sources of water adequate for the cultivation area, in light of the irrigation methods and water conservation measures employed;*
- 3. the applicant has a cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel;*
- 4. the applicant agrees to annual on-site inspections by the Commissioner, during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays), upon not less than 24-hour advance written notice to the applicant.*
- 5. the applicant has paid all applicable fees;*

6. *the applicant will not use any banned or severely restricted fertilizers, pesticides, fungicides, rodenticides, or herbicides;*
7. *the area used for cannabis cultivation meets the size restriction for the parcel(s); and,*
8. *the applicant has a security plan for any on-site storage and lawful cultivation of cannabis activities;.*
9. *the applicant has a county issued business license or provisional business license to engage in the lawful cultivation of cannabis;*
10. *the applicant has obtained any state licenses and/or authorizations, if any are required at the time, to engage in the lawful cultivation of cannabis*

249-4. Annual Inspections; Certifications.

Commencing six months after the effective date of this ordinance, the Agricultural Commissioner shall issue a certification of "Certified Humboldt County Grower" to those registered cannabis cultivators who demonstrate compliance with all of the requirements set forth in Section 249-3, which certification shall be valid for 1 year, and shall be renewed annually thereafter following annual inspection of the registered cultivation site by the Commissioner.

249-5. Regulations.

The Agricultural Commissioner shall promulgate such rules and regulations as may be necessary or appropriate to implement and administer the Cannabis Cultivation Compliance Program, to ensure that cannabis cultivated in Humboldt County is grown to the standards and in a manner that maintains the highest quality standards for the industry, is grown using best management practices, and ensure that all cannabis cultivation in the unincorporated areas of the County is conducted in accordance with the provisions and consistent with the intent and purposes of the ordinance establishing the Program and amendments to the Program. The rules and regulations shall take effect six months after the effective date of this ordinance.

Section 9. Consistency with General Plan

At such times as the Board of Supervisors determines to amend the General Plan, such provisions as are enacted shall not eliminate the lawful cultivation of cannabis within the unincorporated areas of Humboldt County as authorized by this initiative ordinance, and such cultivation shall remain as a permitted use consistent with the provisions of this initiative ordinance.

Section 10. Section 314-178 is hereby added to Part 2 (Glossary of Use Types) of Section D (Use Types) of Chapter 4 (Regulations Outside The Coastal Zone) of Title II (Land Use and Development) of the Humboldt County Code, to read as follows: (Text to be inserted into the

Humboldt County Code below is indicated in ***boldface italics*** while text in standard type is existing text in the Humboldt County Code.)

CANNABIS CULTIVATION USE TYPES

Cannabis Cultivation Use Types are activities described as lawful cultivation of cannabis as defined in section 314-138 and subject to the following restrictions.

178.1 Area

The area that may be used for the lawful cultivation of cannabis on parcels over five (5) acres for which general agriculture is a permitted use, land use authorization requirements, and other conditions, restrictions and requirements to engage, or continue to engage, in the lawful cultivation of cannabis, are as follows:

Area Under Cultivation

600 sq.ft. or less

Land Use Approvals Required, Time to Cure Pre-existing Code Violations and other Requirements

Specific Land Use Authorization is not required for any use of this size if existing at the time of the effective date of this ordinance. A business license or provisional business license from the County is not required if the crop is to be used for personal use or as a caregiver for medical marijuana use.

over 600 sq.ft. but not more than 6,000 sq. ft

Lawful cultivation of cannabis is a principally permitted general agriculture land use. A ministerial permit will be issued for any use within an area of this size existing as of the effective date of this ordinance if permits are obtained or are actively being sought from the California Departments of Fish and Wildlife and Forestry and Fire Protection, and the State Water Control Board. The owner(s), and other person(s) in possession of the parcel, if any, engaged in the cultivation of cannabis on the parcel prior to the effective date of the ordinance shall have two years from issuance of a provisional business license under Section 817-6 of the Humboldt County Code to correct all violations of the Humboldt County Code existing on the parcel. A provisional

More than 6,000 sq.ft. but not more than 10,000 sq.ft.

business license to engage in the lawful cultivation of cannabis may not be renewed if code violations have not been cured within such two year period. For any parcel not actively used in cannabis cultivation in the County prior to the effective date of this ordinance, the proposed use of such parcel shall require both a conditional use permit and a business license under Section 817-6 of the Humboldt County Code prior to engaging in the lawful cultivation of cannabis in the County.

A ministerial permit shall be required to engage in the lawful cultivation of cannabis if the area under cultivation will exceed 6,000 sq. ft. but will not exceed 10,000 sq. ft. A ministerial permit for an existing use will be issued if permits are obtained from the California Departments of Fish and Wildlife and Forestry and Fire Protection, and the State Water Control Board. The owner(s), and other person(s) in possession of the parcel, if any, engaged in the cultivation of cannabis on the parcel prior to the effective date of the ordinance shall have two years from issuance of a provisional business license under Section 817-6 of the Humboldt County Code to correct all violations of the Humboldt County Code existing on the parcel. A provisional business license to engage in the lawful cultivation of cannabis may not be renewed if code violations have not been cured within such two year period. For any parcel not actively used for cannabis cultivation in the County prior to the effective date of this ordinance shall require both a conditional use permit and a business license under Section 817- 6 of the Humboldt County Code prior to engaging in the lawful cultivation of cannabis in the County. Drying, processing and washing facilities shall be required on site or by written agreement

with a compliant processing facility properly permitted.

More than 10,000 sq.ft.

A conditional use permit shall be required to engage in the lawful cultivation of cannabis if the area under cultivation will exceed 10,000 sq. ft. All other conditions of smaller canopy areas shall also met.

The area under cultivation for purposes of this provision shall be measured by plant canopy. Canopy means the aggregate area of vegetative growth of live cannabis plants on the parcel. Area shall be calculated using the following formula: Diameter of Plant squared, and then multiplied by the conversion factor ($\pi/4$). For example, if the diameter of one (1) Plant is equal to 30 inches (2.5 feet), the canopy would equal 4.9 square feet [$2.5 \text{ feet}^2 \times 0.7854$].

Proof of an existing, lawfully permitted and functioning on site well producing sufficient quantities of water for irrigation purposes or proof of compliance with the Humboldt County water storage permit process and an operational irrigation system shall be required.

With respect to State permits relating to water quality, proof of submission of a completed and accurate Notice of Intent and associated documents pursuant to Order R1-2015-0023 by the California Regional Water Quality Control Board as such shall be amended or supplemented shall constitute compliance.

To qualify for a ministerial permit as provide above, application for such permit must be submitted within one year of the effective date of this ordinance.

Notwithstanding the limitations stated above regarding the renewal of a provisional business license, for the purpose of curing county code violations in existence as of the effective date of this ordinance, a provisional business license may be renewed upon a finding by the Board of Supervisors that activities to correct the code violations have been timely commenced and pursued in a good faith effort but that the code violations have not been corrected within the two year period despite the efforts of the holder of the license to correct all such violations.

Section 178.2

Cannabis may be cultivated in any zone in which general agricultural use is permitted, including, but not limited to, the Timber Production Zone (TPZ) as provided in Section 314-7.4.

Section 178.3

Cannabis may not be cultivated within 30 feet of a boundary line of the parcel, nor within 600 feet of any school, school bus stop, public park, place of religious worship, or traditional native American cultural site, provided these uses existed prior to the lawful cultivation of cannabis on the parcel.

Section 11. Chapter 7 is hereby added to Division I (Business Licenses) of Title VIII (Business Licenses, Franchises and Municipal Solar Utility Program) of the Humboldt County Code to read as follows: (Text to be inserted into the Humboldt County Code below is indicated in **boldface italics** while text in standard type is existing text in the Humboldt County Code.)

CHAPTER 7

LICENSING OF LAWFUL CANNABIS CULTIVATION

817-1 **APPLICABILITY**

The provisions of this chapter shall not apply within the boundaries of incorporated municipalities.

817-2 **LICENSE REQUIREMENT**

It shall be unlawful for any person to participate in the lawful cultivation of cannabis as defined in Section 314-138 without first applying for and receiving a license from the Tax Collector for such operation.

817-3 **APPLICATION FOR LICENSE**

Application for such license as required by Section 817-2 shall be made upon forms prepared for this purpose by the Treasurer-Tax Collector and shall require the full name and mailing address of the person or persons intending to engage in the lawful cultivation of cannabis as described in Section 314-138. If the applicant is a copartnership, firm, corporation or otherwise, together with the full names of the management thereon and the full name of the person authorized to transact business and be responsible for matters at the actual operation and mailing address thereof, the location of the operation and a statement of the ownership of the land whereon it is situated, and any other information which may be pertinent to the administration of fire, planning and zoning, and environmental laws and provisions of this chapter.

817-4 **COPIES**

Application for such license as required by section 817-2 shall be made out with such number of copies thereof as the Tax Collector may direct in order that he or she may retain the original thereof in his/her office and transmit one (1) copy to the fire control agency having jurisdiction over fire prevention and suppression in the area in which the operation is situated, a copy to the Agricultural Commissioner, Planning Director, and a copy to any other governmental agency having a responsibility of enforcing land use, fire, health or safety laws involving the operation requesting a license to operate.

817-5 FEE

A fee of Twenty-five Dollars (\$25.00) shall be charged for issuing a license, which fee shall be paid at the time the application is made. All fees received pursuant to this section shall be credited to the County general fund.

817-6 ISSUANCE OF LICENSE

Upon receiving the application prescribed in this chapter, duly executed before a person authorized to administer oaths and certified as to truthfulness and correctness, and upon receipt of the fee required by this chapter, the Tax Collector shall issue a license as required in Section 817-2.

A provisional business license shall be issued to an applicant who certifies compliance with California Health and Safety Code Sections 11362.7 et seq. and Attorney General's Guidelines for the Non-Diversion of Marijuana Grown for Medical Use and who provides (1) proof of title in the parcel or proof of an existing right to possess and use the parcel for cannabis cultivation; (2) proof of lawful sources of water; (3) proof that the permit applications, if any are necessary for such use, have been submitted to the Planning Department as specified in Section 314-178.1, (4) that the applicant is enrolled in, or has completed, an applicable program of the State Water Resources Control Board, compliance with the regulations of the Department of Forestry and Fire Prevention, and the requirements of the Department of Fish and Wildlife (5) attestation to possessing a security plan, and (6) attests to possessing a Plan of Operation. No zoning approval will be required for less than 600 square feet of canopy for cultivation for personal use; however, any use in which excess product will be provided to a dispensary shall meet all other requirements. No provisional license may be renewed more than once, it being the intention of this ordinance that cannabis cultivation be brought into compliance with all local ordinances and state statutes and regulations within two years of the effective date of this ordinance.

A regular business license shall be issued to an applicant who has completed all of the reprogram requirements for a provisional license, and meets the requirements of this ordinance and all other applicable provisions of the County Code. For a regular business license for a parcel in excess of 6,000 square feet of canopy, a copy of a Security Plan and a Plan of Operation must actually be submitted and approved by the Agricultural Commissioner prior to issuance of the regular business license.

In any circumstance in which the license application is to be reviewed by any County officer or department, failure of such County officer or department to object in writing within thirty (30) days shall be deemed approval by the County officer or department. In the event of an objection by a County officer or department to the issuance of the license to the applicant, the applicant shall be notified in writing of the basis of the objection and the applicant shall have thirty (30) days thereafter to satisfy the objection; if the objection cannot reasonably be satisfied within the thirty (30) day period, the applicant shall have a reasonable period of time to satisfy the objection.

817-7 EFFECT OF LICENSE

The license required by Section 817-2 of this chapter shall authorize the person to whom it is issued to engage in the lawful cultivation of cannabis, and is not transferable to any other operator or operation that the one to whom or for which it is issued.

817-8 SUSPENSION OF LICENSE

Any license issued pursuant to this chapter may be suspended by any court having jurisdiction, upon conviction of the licensee for violation of any zoning, fire, health, or safety law pertaining to the operation authorized by the license.

817-9 REVOCATION OF SUSPENSION

At any time after a license has been suspended, the court shall, upon the motion of the licensee, require the proper enforcement officers to make an examination of the suspended operation and to report the result of such examination to the court within five (5) days. If it is reported by the officers that the law, violations for which the license was suspended, has been complied with, the court will revoke the suspension order.

817-10 RENEWAL OF LICENSE

Licenses as are required in § 817-2 of this chapter shall be obtained annually and be valid from the date of issue to December 31st of the year of issuance, at which time, or prior thereto, application shall be made for a renewal of the license. Upon receiving application together with the required fee prescribed in Section 817-5 of this chapter, the Tax Collector will renew the license for the following year.

817-11 DISPLAY OF LICENSE

Upon receiving the license prescribed by this chapter, the licensee shall place it in a conspicuous and safe location upon the premises of the operation it authorizes; if there does not exist a safe location on the premises, the license shall be available for inspection upon request at a location within the County as designated in the license application.

817-12 NOTRANSFERABILITY OF LICENSE

No license granted or issued under any provisions of this chapter shall be transferred in any manner, nor shall the same or any duplicate thereof authorize any person other than the one to whom said license or duplicate was originally issued to undertake cannabis cultivation activity associated with the property identified in the license application without the written consent of the Tax Collector endorsed thereupon; provided, however, that prior to filing any application for assignment or transfer of any license or duplicate, the applicant shall pay to said Tax Collector a fee for filing the same and which shall also cover the assignment or transfer of the original, when granted, and an additional fee for the assignment or transfer of each duplicate of said license. The fee shall be limited to the actual administrative cost of effecting said transfer. No fee paid under any provision of this chapter shall be returned in any event.

817-13 PENALTY

Any person who undertakes the cultivation of cannabis described in Section 314-147 of this chapter without first obtaining the required license, or who undertakes such cultivation activity upon which the license has been suspended by the court of competent jurisdiction, is guilty of a misdemeanor.

817-14 ENFORCEMENT

Any duly authorized peace officer of any other public officer having taken the oath of office and who is charged with the enforcement of zoning, environmental or fire prevention laws, public health laws or other laws pertaining to the safety of persons or property, or other Code sections of laws of the State, shall have the power of peace officers to enforce this chapter.

817-15 NO BAR TO FURTHER ACTION

The conviction, fine and/or imprisonment of any person for violating any of the provisions of this chapter shall not operate as a bar against the County to collecting the amount of any license fee hereunder. Nor shall the rendition of a judgment in a civil action in favor of said County in the name of the People of the State of California, or otherwise, for the amount of such license fee, operate as a bar to criminal prosecution for any violation of this chapter.

Section 12. Exclusions and exemptions

Nothing in this ordinance shall (a) permit any development or activity within the Coastal Zone which is not otherwise permitted by the Coastal Act or the County's Certified Local Coastal Program as it may be amended from time to time, (b) permit the cultivation of cannabis on any local, state or federal property, (c) permit the cultivation of industrial hemp, or (d) permit the cultivation of cannabis in violation of any state or federal laws or regulations regarding the production and harvesting of forest products.

Section 13. Severability; change in law

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter or any part thereof is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portion of this chapter or any part thereof shall nonetheless remain in full force and effect. The Board of Supervisors of the County of Humboldt hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

Section 14. Amendments

After the effective date, the Board of Supervisors may amend this ordinance by a simple majority vote to modify, make corrections, or to conform the ordinance to reflect community needs or changes in the law.

Section 15. Effective Date

This initiative ordinance shall take effect immediately upon the earlier of adoption by the County Board of Supervisors or certification of its approval by the voters of Humboldt County at a special or general election.

