

MOTION BY SUPERVISORS KATHRYN BARGER
AND SUPERVISOR KUEHL

JANUARY 11, 2022

ESTABLISHMENT OF A NUISANCE ABATEMENT ORDINANCE FOR ILLEGAL CANNABIS OPERATIONS

Los Angeles County (County) is developing a study that will propose recommendations for legal cannabis operations such as retail, manufacturing, distribution, growth, testing, regulation, and enforcement. It is imperative that immediate action be taken against unpermitted and illegal commercial cannabis activity that undermines progress for potential legal cannabis operations.

The County Code currently prohibits all commercial cannabis activity within the County's unincorporated areas, including the establishment, maintenance, and operation of any commercial cannabis business activity, and the renting or leasing of, or allowing property to be used for that purpose in all zones. However, the County continues to be inundated with unpermitted cannabis dispensaries in the unincorporated areas. Despite the efforts of numerous County departments, the growth of unpermitted cannabis dispensaries continues to outpace enforcement.

In addition, the Antelope Valley continues to report a significant number of illegal large-scale cannabis grows and associated problems including water theft, trespass, use of dangerous pesticides and fertilizers and trash and debris being left behind. The illegal cannabis activities create a hazard to the health and safety of the public.

On July 13, 2021, the Board of Supervisors directed County Counsel, in consultation with the Department of Consumer and Business Affairs' Office of Cannabis Management, Sheriff's Department, and the Los Angeles County Departments of Regional Planning, and Agricultural Commissioner/Weights and Measures to report back to this board in 90 days with a proposed administrative nuisance abatement ordinance for unpermitted cannabis activity including illegal cannabis cultivation and dispensaries.

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On January 3, 2022, County Counsel presented a draft ordinance in response to the Board's direction. The proposed ordinance declares any unpermitted commercial cannabis activity within the unincorporated areas of the County to be unlawful and a public nuisance, establishes administrative procedures for the abatement of a public nuisance, including an opportunity to appear and be heard before abatement of the nuisance by the County, and establishes administrative procedures for imposing penalties and costs of abatement.

The unpermitted commercial cannabis activities including illegal cannabis cultivation are incredibly profitable and in particular, cannabis cultivation has continued to proliferate due to the ease of establishment in more remote and rural locations. Therefore, the penalties contained within the draft ordinance should, consistent with State law, be adjusted and increased to ensure that they act as a deterrent to the continued operation of illegal commercial cannabis operations.

WE, THEREFORE, MOVE that the Board of Supervisors introduce the attached ordinance which has been prepared by County Counsel consistent with the above mentioned objectives which includes an administrative penalty of up to \$30,000 per day, consistent with section 26031.5 of the California Business and Professions Code.

WE FURTHER MOVE that the Board of Supervisors:

1. Designate the Department of Regional Planning as the Issuing Department to administer and enforce the ordinance;
2. Authorize the administrative review required to abate the nuisance under Chapter 8.44 to proceed pursuant to subsection 8.44.080(A)(1) of the proposed ordinance until such time as the County establishes an Office of County Hearing Officer pursuant to Government Code section 27720; and
3. Instruct the Chief Executive Office to work with the impacted Departments to assess what new or existing funding, if any, will be necessary to effectively carry out the objectives and responsibilities in the ordinance and report back to the Board in the next budget phase.

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