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LOS ANGELES COUNTY
CONSUMER & BUSINESS AFFAIRS

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Rafael Carbajal

Chief of Staff
Joel Ayala

August 13, 2021

TO: Supervisor Hilda L. Solis, Chair
Supervisor Holly J. Mitchell
Supervisor Sheila Kuehl
Supervisor Janice Hahn
Supervisor Kathryn Barger

FROM: Rafael Carbajal
Director

REPORT BACK ON ENHANCED ENFORCEMENT AGAINST WATER THEFT AND ILLEGAL CANNABIS GROWS IN THE ANTELOPE VALLEY AND ILLEGAL CANNABIS DISPENSARIES IN UNINCORPORATED AREAS (ITEM NO. 10, AGENDA OF JULY 13, 2021)

On July 13, 2021, your Board directed the Department of Consumer and Business Affairs' (DCBA) Office of Cannabis Management, in collaboration with the Sheriff's Department (Sheriff), and the Chief Executive Office (CEO) to determine the type and cost of equipment that can test quantity levels of Tetrahydrocannabinol (THC) in cannabis, identify any other resources needed for enhanced enforcement efforts, and report back to this Board in 30 days as to recommended next steps.

This report provides information on progress to date and collective efforts of DCBA, Sheriff, and the CEO.

Progress to Date

DCBA has convened the Sheriff, CEO, and County Counsel to discuss equipment and resources that are needed to implement enhanced enforcement efforts. During these discussions, the Sheriff identified equipment currently utilized by other counties and the State of California, for testing THC levels of cannabis and hemp grows. The equipment and services include:

- LightLab 3 Analyzer (field device)
- Hemp Compliance Module

- Supplies for one year (Flower Test Kits and Concentrate Test Kit)
- User training
- Extended Warranty (two years) with one recalibration

Use by Other Jurisdictions and Accuracy

DCBA confirmed that these resources are used by San Bernardino and Ventura County Sheriff as well as the California Department of Fish and Wildlife. This equipment will allow the Sheriff to perform preliminary tests in the field of suspected illegal Cannabis grows. Obtaining these resources will ensure that the Sheriff's testing equipment is aligned with the industry standard and other agencies.

This equipment was selected because of its portability, ease of use, and accuracy. The LightLab 3 Analyzer weighs 13.5 pounds, has an eight-hour battery life, and a rugged build ideal for use in the field. The device is easy to use and designed for non-technical personnel by guiding users through a step-by-step process. In addition, it requires only a small sample size of less than one gram of Cannabis concentrate, hemp, or Cannabis flower to obtain results that are accurate within two percent for flower and three percent for concentrates in less than 15 minutes. Furthermore, the manufacturer will provide expert testimony should the accuracy of the analysis or the device be questioned during legal proceedings.

Cost Analysis

The Sheriff is currently working with their budget division to confirm the quantity and cost of additional equipment and resources that will be required to implement enhanced enforcement efforts, including a cost analysis of any recurring expenses such as overtime for staff and power tools to execute search warrants. The Sheriff's Scientific Services Division has recommended the need for a Liquid Chromatography Mass Spectrometry machine to validate the THC testing field results. The Sheriff is in the process of evaluating and finalizing the additional costs needed to fully support the implementation of these efforts.

Next Steps

DCBA will continue working with the Sheriff to complete the cost analysis of the type and cost of equipment needs and identification of any other resources needed for enhanced enforcement efforts and will report back to your Board by September 13, 2021.

Should you have any questions concerning this matter, please contact me or Joel Ayala, Chief of Staff, at (213) 712-5491 or jayala@dcba.lacounty.gov; or Christian Olmos, Program Chief, at (213) 712-5456 or colmos@dcba.lacounty.gov.

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County Counsel
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Sheriff
Public Health
Public Works
Regional Planning

LOS ANGELES COUNTY
CONSUMER & BUSINESS AFFAIRS

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Director
Rafael Carbajal

Chief of Staff
Joel Ayala

September 15, 2021

TO: Supervisor Hilda L. Solis, Chair
Supervisor Holly J. Mitchell
Supervisor Sheila Kuehl
Supervisor Janice Hahn
Supervisor Kathryn Barger

FROM: Rafael Carbajal
Director

REPORT BACK ON ENHANCED ENFORCEMENT AGAINST WATER THEFT AND ILLEGAL CANNABIS GROWS IN THE ANTELOPE VALLEY AND ILLEGAL CANNABIS DISPENSARIES IN UNINCORPORATED AREAS (ITEM NO. 10, AGENDA OF JULY 13, 2021)

On July 13, 2021, your Board directed the Department of Consumer and Business Affairs' Office of Cannabis Management (OCM), in collaboration with the Sheriff's Department (Sheriff), and the Chief Executive Office (CEO) to determine the type and cost of equipment that can test quantity levels of delta-9 Tetrahydrocannabinol (THC) in cannabis, and identify any other resources needed for enhanced enforcement efforts, and report back to this Board in 30 days as to recommended next steps.

OCM provided a progress to date report on August 13, 2021 with information on the collective efforts in collaboration with the Sheriff and the CEO. As mentioned in the previous report, the Sheriff identified a portable analyzer capable of handling ongoing field testing required for effective cannabis enforcement. An additional recommendation for a Liquid Chromatography Mass Spectrometry (LCMS) machine was identified by the Sheriff's Scientific Services Bureau (SSB) in order to enhance the accuracy of field results.

Sheriff Narcotics Bureau: Enhanced Enforcement Efforts

Field Testing Equipment

The LightLab 3 Analyzer will allow law enforcement in the field to confirm THC levels of the cannabis plant and thereby assist in the prosecution and enforcement against illicit cannabis.

This portable testing device has a lifespan of five to six years and will need to be recalibrated yearly. After the two-year warranty has expired there is an annual maintenance and servicing cost thereafter.

Funding for the Marijuana Eradication Team

Currently, the Marijuana Eradication Team operates without a dedicated budget. The Sheriff's Narcotics Bureau is requesting funding in the amount of $1,940,000 to operate the Marijuana Eradication Team. Funding for overtime, equipment, services and supplies will ensure that the Marijuana Eradication Team is available to provide continuous enforcement throughout the year, conduct investigations related to outdoor grows, and serve approximately 300 search warrants per year.

Additional Support: Lancaster Station- Patrol

As the number of illegal large-scale grows increase in the Antelope Valley, so do the problems associated with water theft and trespassing on private property. The Sheriff's Department requests funding in the amount of $503,000 for fiscal year 21-22 to maintain a two-man patrol unit at the Lancaster Station. The two-man patrol unit will increase coverage through overtime for a maximum of 16 hours per day. The additional hours of coverage will provide higher visibility as a deterrent to the ongoing water theft concerns in the Antelope Valley and ensure that the recently eradicated marijuana grow areas are not allowed to repopulate.

Equipment for Field Test Validation

With the recent changes to state (Senate Bill 153) and federal laws regarding hemp, it is necessary to make a distinction between hemp and marijuana by determining the concentration of THC in a submitted sample of plant material. This type of quantitative testing requires laboratory equipment that the SSB does not currently possess internally.

In addition to the LightLab 3 Analyzer utilized for field testing, the SSB recommends an enhancement to its current in-house testing capabilities through the procurement of the LCMS machine. The LCMS is the preferred method, by SSB, to determine the levels of THC in submitted evidence samples and validate field results.

Benefits of in-house testing includes a reduction in the need for court experts as it allows SSB to develop internal expertise on the equipment and methodology to testify in court. Additionally, LCMS machines are used to identify and distinguish other substances, such as synthetic cannabinoids, psilocin, and psilocybin. Given the rise in popularity of synthetic cannabinoids, the Sheriff believes there may be an opportunity to contract out lab services to other departments and/or jurisdictions. Doing so could potentially create a revenue stream that can offset equipment costs. The Sheriff fully supports the needs of SSB and recommends the purchase of a LCMS machine with required supplies,

maintenance, and training costs of $399,270.41.

Cost Analysis

The Sheriff's Narcotics Bureau has provided the following itemized cost breakdown: :

Sheriff: Narcotics Bureau			**Total**
Marijuana Eradication Team (MET)	Overtime		$1,153,000
	Capital Assets ($640,000 for 10- 4x4 Vehicles, $42,000 2- portable Hemp/Cannabis Testers)		$682,000
	Services & Supplies *(Power Tools and Vehicle Fuel/Maintenance)*		$105,000
		Subtotal	**$1,940,000**
Additional Patrol Requested by Sherriff: Lancaster Station	Overtime (FT/Perm)- *ongoing funding for two-man patrol fiscal year 21-22*		$503,000
		Subtotal	**$2.443M**
Sheriffs: Scientific Services Bureau			
	Equipment *(Instrument, Nitrogen Generator, Expendable Supplies, work bench pump, plus tax)*		$322,045.61
	Support/Maintenance/Service (4 years) Xevo TQ-S		$66,308.80
	Staff Training/Travel/Per Diem		$10,916
		Subtotal	**$399,270.41**
			$2,842,270.41

Next Steps

Your Board's investment in the above equipment and resources will expand the County's ability to combat illegal cannabis grows. Additionally, the OCM will continue to conduct research and collaborate with the CEO and Sheriffs to identify opportunities where other departments can leverage these resources for their cannabis-related programs.

Lastly, per the Board's directive, the CEO will report back during the FY 2021-22 Supplemental Budget with funding recommendations for the Sheriff's Marijuana Eradication Team, additional patrols at the Lancaster station and equipment costs requested to sustain eradication of environmental and quality of life nuisance related to illegal cannabis grows and water theft. The Sheriff's Department will continue to work with the CEO on the Crime Lab portion of the Department's funding and resource request for consideration.

Should you have any questions concerning this matter, please contact me or Joel Ayala, Chief of Staff, at (213) 712-5491 or jayala@dcba.lacounty.gov; or Hyunhye Seo, OCM Chief, at (213) 974-3540 or hseo@dcba.lacounty.gov.

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HS:FN:SB

c: Executive Office, Board of Supervisors
Chief Executive Office
County Counsel
District Attorney
Sheriff
Public Health
Public Works
Regional Planning

County of Los Angeles
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Kenneth Hahn Hall of Administration
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FESIA A. DAVENPORT
Chief Executive Officer

Board of Supervisors
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Fourth District

KATHRYN BARGER
Fifth District

October 5, 2021

To: Supervisor Hilda L. Solis, Chair
Supervisor Holly J. Mitchell
Supervisor Sheila Kuehl
Supervisor Janice Hahn
Supervisor Kathryn Barger

From: Fesia A. Davenport
Chief Executive Officer

ENHANCED ENFORCEMENT AGAINST WATER THEFT AND ILLEGAL CANNABIS GROWS IN THE ANTELOPE VALLEY AND ILLEGAL CANNABIS DISPENSARIES IN UNINCORPORATED AREAS (ITEM NO. 10, AGENDA OF JULY 13, 2021)

On July 13, 2021, the Board of Supervisors instructed the Chief Executive Office to report back during the Fiscal Year (FY) 2021-22 Supplemental Budget on potential funding sources for the County to sustain eradication of serious environmental and quality of life nuisance related to illegal cannabis grows, water theft, and illegal dispensaries.

Ongoing funding of $1.7 million is being recommended in the Supplemental Budget to fund overtime for patrol at the Lancaster station as a deterrent to ongoing water theft ($503,000), and overtime for the Los Angeles County Sheriff's Department (LASD) Marijuana Eradication Team to eliminate illegal cannabis grows ($1.2 million). In addition, one-time funding of $707,000 is being recommended primarily for the purchase of ten (10) trucks to conduct investigations related to outdoor grows which are often in rough terrain and dirt roads.

Additionally, a total of $2.5 million in one-time unspent carryover funding is being recommended in the Supplemental Budget for continued targeted enforcement and patrols of the areas impacted by the massive illegal grows and water theft in the Antelope Valley ($250,000), and overtime costs associated with LASD's participation in the County's Cannabis Consumer Health and Safety Taskforce (Taskforce) ($2.2 million). LASD's participation on the Taskforce primarily focuses on combatting illegal dispensaries.

LASD's FY 2021-22 budget also includes $500,000 in previously approved grant funding for cannabis eradication efforts from the United States Department of Justice Drug Enforcement Administration, for participation in the Domestic Cannabis Eradication Suppression Program for non-permitted or unlicensed cannabis plants. Funds are used for overtime and other qualifying expenditures associated with LASD's participation in the program.

It is recommended that LASD continue to explore grant opportunities to expand their ability to combat illegal cannabis grows, water theft, and illegal cannabis dispensaries.

Should you have any questions concerning this matter, please contact me or Rene Phillips at (213) 974-1478 or at RPhillips@ceo.lacounty.gov.

FAD:JMN:MM
SW:RP:AP:cc

c: Executive Office, Board of Supervisors
County Counsel
Sheriff

COUNTY OF LOS ANGELES
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RODRIGO A. CASTRO-SILVA
County Counsel

January 3, 2022

Agenda No. 2 and 10
07/13/21

TO: SUPERVISOR HOLLY MITCHELL, Chair
SUPERVISOR HILDA L. SOLIS
SUPERVISOR SHEILA KUEHL
SUPERVISOR JANICE HAHN
SUPERVISOR KATHRYN BARGER

FROM: RODRIGO A. CASTRO-SILVA
County Counsel

RE: **Proposed Administrative Nuisance Abatement Ordinance for Unpermitted Commercial Cannabis Activity and Cannabis Enforcement**

Purpose of Memorandum

This is in response to your Board's July 13, 2021 motion directing County Counsel in consultation with the Department of Consumer and Business Affairs' Office of Cannabis Management, the Sheriff's Department ("LASD"), and the Departments of Regional Planning and Agricultural Commissioner/Weights and Measures, to report back in 90 days with a proposed administrative nuisance abatement ordinance for unpermitted cannabis activity, including cannabis cultivation and dispensaries.

Summary

After consulting with the various departments, County Counsel drafted the attached proposed administrative nuisance abatement ordinance to address unpermitted commercial cannabis activity in the unincorporated areas. The proposed ordinance amends Title 8 - Consumer Protection, Business and Wage Regulations, Division 2 - Business Regulations of the Los Angeles County Code by adding Chapter 8.44 (Abatement of Unpermitted Commercial Cannabis Activity) ("Ordinance") which:

1. Declares any unpermitted commercial cannabis activity within the unincorporated areas of the County to be unlawful and a public nuisance;

2. 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

3. Establishes administrative procedures for imposing penalties and costs of abatement.

Background

The Los Angeles County Code 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 the property to be used for that purpose in all zones. However, as reported to your Board, the County continues to discover and address unpermitted cannabis dispensaries in the unincorporated areas. Despite the efforts of numerous County departments, the growth of unpermitted cannabis dispensaries continues to outpace enforcement efforts. Moreover, the Antelope Valley is experiencing a significant proliferation of unpermitted cannabis cultivation, which consumes large quantities of water typically obtained by diverting and stealing water resources.

Proposed Nuisance Abatement Ordinance

1. Unpermitted Commercial Cannabis Activity - Unlawful and a Public Nuisance

The Ordinance makes it unlawful and a public nuisance to conduct unpermitted commercial cannabis activity, including the cultivation or sale of cannabis, and the possession of any fixtures and equipment used to support the unlawful activity. Violation of any provision of the Ordinance may subject a person to administrative enforcement, and to civil and criminal prosecution. The Ordinance does not regulate personal use of cannabis, or industrial hemp.

2. Administrative Abatement Procedure

Your Board is authorized by California Government Code section 25845 to establish a procedure for the abatement of a nuisance. The goal of the Ordinance is to allow the County to abate the nuisance and dismantle the infrastructure used to support unpermitted cannabis dispensaries and cultivation sites. The proposed nuisance abatement procedure, as outlined below, would enable the County to abate the nuisance of unpermitted commercial cannabis activity through an administrative process by removing and/or destroying the cannabis and associated infrastructure:

(a) As provided by law, LASD would execute a search warrant to obtain evidence of unpermitted commercial cannabis activity;

(b) LASD would refer the case to a County enforcement official (identified in the Ordinance as the "Issuing Department");

(c) The Issuing Department would serve a notice of violation and order to abate the unpermitted commercial cannabis activity to the property owner and/or anyone having an interest in the property, including any known occupant(s), with a deadline of 10 days to abate the unpermitted commercial cannabis activity;

(d) If the unpermitted commercial cannabis activity persists beyond the 10-day deadline, the property owner and any known occupant(s) would have an opportunity to be heard at a hearing before the County abates the nuisance and removes and/or destroys the cannabis and associated infrastructure;

(e) Based on evidence presented, the hearing officer would decide whether to authorize the County to abate the nuisance and whether the property owner will be responsible for the costs of abatement;

(f) If an abatement order is issued, the County would seek an abatement warrant from the Superior Court to allow entry onto the property to carry out the abatement; and

(g) After the court issues the abatement warrant, the County could enter the property to abate the nuisance, including removing and/or destroying the infrastructure, and securing the premises.

Government Code section 25845 requires that the owner and occupant be given an opportunity to appear before your Board and be heard before the County abates the nuisance. The Ordinance provides three options to allow for an opportunity to be heard before abatement.

Option One: an administrative hearing officer may be appointed by the Issuing Department to hold a hearing, prepare written findings, and if the hearing officer determines a nuisance exists, and that it should be abated by the County, the matter is then scheduled before your Board for final determination. The matter would be placed on your Board's agenda as a public hearing item, the owner and occupants would be given the opportunity to present evidence, and your Board would make a decision and direct County Counsel to prepare written findings, which would then come back to your Board for approval.

Option Two: your Board may formally designate a three-person hearing board to hold a hearing, prepare written findings, and make a written recommendation. Your Board would then have the option of adopting the recommendation at a public hearing, or set the matter for a new hearing with presentation of evidence.

Option Three: your Board may adopt an ordinance establishing the Office of County Hearing Officer under Government Code section 27720. If established, the Office of County Hearing Officer would conduct the hearing, prepare written findings, and issue a written decision that would be final. No further action by your Board would be necessary.

After any of the three administrative hearings described above, the property owner or occupant could challenge the final decision by initiating a writ proceeding before the Superior Court.

3. Administrative Penalties and Abatement Costs

The Ordinance also authorizes administrative penalties of $2,500 for each day the unpermitted commercial cannabis activity remains unabated, and allows the County to recover the costs of abatement. The Ordinance provides for an opportunity to be heard regarding the administrative penalties and costs. The process for challenging penalties and costs is different from challenging abatement of the unpermitted commercial cannabis activity because State law does not require your Board to hold hearings on penalties and costs, and because the penalties and costs are imposed after the abatement has occurred. The penalties and costs hearings may be held by a hearing officer appointed by the Issuing Department. After the hearing officer issues a final decision on the penalties and costs, the decision may also be challenged in Superior Court.

Conclusion

The adoption of the Ordinance would provide the County with additional tools to address the proliferation of unpermitted cannabis dispensaries and cannabis cultivation.

RCS:SJS:ab

Attachment

c: Honorable Alex Villanueva, Sheriff
Fesia A. Davenport, Chief Executive Officer
Celia Zavala, Executive Officer, Board of Supervisors
Kurt E. Floren, Director, Agricultural Commissioner/Weights and Measures
Rafael Carbajal, Director, Department of Consumer and Business Affairs
Amy Bodek, Director, Department of Regional Planning

ATTACHMENT

ANALYSIS

This ordinance amends Title 8 - Consumer Protection, Business and Wage Regulations, Division 2 - Business Regulations of the Los Angeles County Code by adding Chapter 8.44 (Abatement of Unpermitted Commercial Cannabis Activity), which:

(1) Declares any unpermitted commercial cannabis activity within the unincorporated areas of the County of Los Angeles to be unlawful and a public nuisance;

(2) Establishes administrative procedures for the abatement of a public nuisance, including an opportunity to appear and be heard before the County abates the nuisance; and

(3) Establishes administrative procedures for imposing penalties and costs of abatement.

RODRIGO A. CASTRO-SILVA
County Counsel

By Sari Steel
SARI STEEL
Principal Deputy County Counsel
Affirmative Litigation & Consumer Protection Division

SS:ab

Requested: 09-07-2021
Revised: 12-27-2021

DRAFT

ORDINANCE NO. _____

This ordinance establishes the procedures for abatement of a public nuisance and imposition of related penalties and costs resulting from Unpermitted Commercial Cannabis Activity.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Chapter 8.44 is hereby added to read as follows:

Chapter 8.44 Abatement of Unpermitted Commercial Cannabis Activity

8.44.010 Purpose and Title.

8.44.020 Definitions.

8.44.030 Declared Unlawful and a Public Nuisance.

8.44.040 Notice of Violation and Order to Abate.

8.44.050 Contents of Notice of Violation and Order to Abate.

8.44.060 Service of Notice of Violation and Order to Abate.

8.44.070 Recordation of Notice of Pending Nuisance Abatement.

8.44.080 Administrative Review Hearing Before Abatement by County.

8.44.090 Enforcement.

8.44.100 Abatement by Owner(s) or Occupant(s).

8.44.110 Liability for Costs of Abatement.

8.44.120 Notice of Costs of Abatement; Request for Hearing.

8.44.130 Collection of Costs of Abatement; Special Assessment and Lien.

8.44.140 Notice of Administrative Penalty; Request for Hearing.

8.44.150 Contesting the Costs of Abatement and Administrative Penalties.

8.44.160 Hearing Procedures.

8.44.170 Subsequent Violation Costs.

8.44.180 Non-exclusive Remedies and Penalties.

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8.44.010 Purpose and Title.

This Chapter establishes administrative procedures to abate a public nuisance from Unpermitted Commercial Cannabis Activity and recover abatement costs. The administrative procedures include an opportunity to appear and be heard before the County abates the nuisance. This Chapter also establishes administrative procedures to impose penalties related to Unpermitted Commercial Cannabis Activity.

8.44.020 Definitions.

For the purposes of this Chapter, the following definitions apply:

A. "Administrative Hearing Officer" means the person appointed by the Issuing Department to conduct the administrative proceedings under sections 8.44.080, 8.44.120, and 8.44.140 of this Chapter.

B. "Board of Supervisors" or "Board" means the Board of Supervisors of the County of Los Angeles.

C. "Cannabis" means all parts of the plant Cannabis Sativa Linnaeus, Cannabis Indica, or Cannabis Ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, Manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant incapable

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of germination. "Cannabis" does not mean "industrial hemp" as defined by section 11018.5 of the Health and Safety Code.

D. "Cannabis Product" means cannabis that has undergone a process through which the plant material has been transformed into a concentrate, including concentrated cannabis, or an edible or topical product containing cannabis, or concentrated cannabis and other ingredients.

E. "Commercial Cannabis Activity" means and includes the Cultivation, possession, Manufacture, Distribution, processing, storing, Laboratory Testing, packaging, Labeling, transportation, Delivery, or Sale of Cannabis and Cannabis Products, and possession of any fixtures and equipment used for Commercial Cannabis Activity, including storage structures, hoop structures, greenhouses and frames, irrigation lines, pesticides, fertilizers, and tents. "Commercial Cannabis Activity" does not mean Cannabis used for personal purposes allowed under State law.

F. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of Cannabis.

G. "Delivery" means the commercial transfer of Cannabis or Cannabis Products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned, leased, or controlled by the retailer.

H. "Distribution" means the procurement, Sale, and transport of Cannabis and Cannabis Products.

I. "Enforcement Officer" means any County employee or agent of the Issuing Department.

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J. "Hearing Board" means the County board delegated by the Board of Supervisors to conduct and preside over the administrative abatement proceedings under Government Code section 25845 and this Chapter.

K. "Hearing Officer" means and includes the Hearing Board, or the Office of County Hearing Officer, as defined in this section, or the Board of Supervisors, who may conduct and preside over the administrative abatement proceedings under this Chapter.

L. "Issuing Department" means the County department that issues a notice of violation and order to abate Unpermitted Commercial Cannabis Activity and/or a notice of violation and administrative penalty, and administers and enforces this Chapter.

M. "Labeling" means any label or other written, printed, or graphic matter upon a Cannabis Product, its container or wrapper, or that accompanies any Cannabis Product.

N. "Laboratory Testing" means a laboratory, facility, or entity that offers or tests Cannabis or Cannabis Products.

O. "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a Cannabis Product.

P. "Office of County Hearing Officer" means the office to which the Board of Supervisors has delegated its authority, by ordinance, if it so elects, to conduct the administrative hearings under Government Code sections 25845 and 27720, and this Chapter.

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Q. "Occupant" means any Person(s) with possession, use, or apparent control of the Premises.

R. "Owner" means one or more individuals, Person(s), partnerships, or corporations holding any interest in the title of the property where the Commercial Cannabis Activity is being conducted.

S. "Person" means natural persons, corporations, unincorporated associates, estates, trusts, and any other legal entities, including the Owner(s), majority stockholders, officers, general partners, joint ventures, members, executors, administrators, and trustees of any such legal entity.

T. "Premises" means the designated structure or structures, and land owned, leased, or otherwise held under the control of the Owner(s) and/or Occupant(s) where Commercial Cannabis Activity is being conducted.

U. "Sale" means any transaction in which, for any consideration, Cannabis or Cannabis Products is transferred from one Person to another, and includes the Delivery of Cannabis or Cannabis Product, and/or the soliciting or receiving of Cannabis or Cannabis Products.

V. "Unpermitted Commercial Cannabis Activity" means Commercial Cannabis Activity as defined in this Chapter that is conducted without land use approvals under Title 22 of the Los Angeles County Code and without any other approvals required for Commercial Cannabis Activity under the Los Angeles County Code.

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8.44.030 Declared Unlawful and a Public Nuisance.

No Person may establish, maintain, cause to be maintained, or allow any Unpermitted Commercial Cannabis Activity, as defined in this Chapter, within the unincorporated area of the County of Los Angeles. All Unpermitted Commercial Cannabis Activity within the unincorporated area of the County of Los Angeles is declared to be unlawful and a public nuisance that may be abated under this Chapter, or any other lawful means. Any Person violating any provision of this Chapter may be subject to administrative enforcement, and/or civil and/or criminal prosecution.

8.44.040 Notice of Violation and Order to Abate.

Whenever an Enforcement Officer determines that Unpermitted Commercial Cannabis Activity is being conducted upon any property within an unincorporated area of the County, the Enforcement Officer may issue a notice of violation and order to abate Unpermitted Commercial Cannabis Activity to the Owner(s) and any Occupant(s).

8.44.050 Contents of Notice of Violation and Order to Abate.

The notice of violation and order to abate Unpermitted Commercial Cannabis Activity must:

A. Identify the Owner(s) of the property upon which the Unpermitted Commercial Cannabis Activity exists, as named in the records of the Los Angeles County Assessor, and identify any Occupant(s), if known, or who are reasonably identifiable.

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B. Describe the location of the property by its commonly used street address, if any.

C. Identify the property by reference to the Assessor's parcel number.

D. Contain a statement that Unpermitted Commercial Cannabis Activity exists on the Premises.

E. Describe the Unpermitted Commercial Cannabis Activity and the actions required to abate it.

F. Contain a statement that any Owner(s) and any Occupant(s) must abate the Unpermitted Commercial Cannabis Activity within 10 calendar days after service of the notice of violation and order to abate unless a shorter time period is provided in the notice of violation and order to abate.

G. Contain a statement that any Owner(s) and any Occupant(s) who abate the nuisance must notify the Issuing Department no later than three calendar days after the abatement, using the contact information provided in the notice.

H. Notify the recipient(s) of the notice that a hearing will be held before an Administrative Hearing Officer or a Hearing Officer. The notice must specify the date, time, and location of the hearing, and state that all Owner(s) and any Occupant(s) will be given an opportunity to be heard and to present evidence at the same hearing regarding the Unpermitted Commercial Cannabis Activity existing on the Premises, and why the Unpermitted Commercial Cannabis Activity should not be abated by the County.

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I. Contain a statement that, unless the Owner(s) and any Occupant(s) abate the Unpermitted Commercial Cannabis Activity, the County will proceed with abatement after a hearing under Government Code section 25845, and the Owner(s) will be liable for all costs of abatement incurred by the County, including administrative costs, and any costs of the physical abatement of the nuisance that may be made a special assessment added to the County assessment roll and become a lien on the real property, or may be placed on the unsecured tax roll.

J. Contain a statement that upon issuing the notice of violation and order to abate Unpermitted Commercial Cannabis Activity, the Enforcement Officer may record a notice of pending nuisance proceeding under Section 8.44.070 of this Chapter with the Los Angeles County Registrar-Recorder/County Clerk's Office.

8.44.060 Service of Notice of Violation and Order to Abate.

A. The notice of violation and order to abate Unpermitted Commercial Cannabis Activity under Section 8.44.040 must be served as follows:

1. By personal delivery to the Owner(s) and to any Occupant(s); or

2. By mailing it by overnight mail or overnight courier service to the Owner(s) at the address as it appears on the last assessment roll and to any Occupant(s) of the property at the address thereof, and by posting the notice of violation and order to abate at a location on the property reasonably likely to provide notice to the Owner(s) and any Occupant(s). If the records of the Los Angeles County Assessor show that ownership has changed since the last assessment roll was completed, the notice of violation and order to abate must also be mailed to the new

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Owner(s) at the address appearing in the records. If the notice of violation and order to abate is served by overnight mail or overnight courier service, then the time periods in subsection 8.44.050.F. must be extended by one calendar day.

B. Service under paragraph A.1., above, is deemed effective at the time of personal delivery. Service under paragraph A.2., above, is deemed effective on the later of either the date deposited with the United States Postal Service by overnight delivery or courier service, or the date of posting.

C. The failure of any Owner(s) and/or Occupant(s) to receive a notice of violation and order to abate served consistent with the requirements of this Chapter does not affect the validity of the proceedings under this Chapter.

8.44.070 Recordation of Notice of Pending Nuisance Abatement.

A. Upon issuance of a notice of violation and order to abate Unpermitted Commercial Cannabis Activity under Sections 8.44.040 to 8.44.060, the Enforcement Officer may record a notice of pending nuisance abatement proceeding with the Los Angeles County Registrar-Recorder/County Clerk's Office. A notice of pending nuisance abatement proceeding must legally describe the property and the Unpermitted Commercial Cannabis Activity in violation of this Chapter.

B. If a notice of pending nuisance abatement and order to abate Unpermitted Commercial Cannabis Activity is recorded, the Enforcement Officer must serve and record a notice of final disposition when the nuisance abatement proceeding has been completed, including any hearings or appeals, and the completion of any work required to abate the nuisance. If the work to abate the

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nuisance is performed at County expense, the notice of final disposition must not be issued until all costs of abatement have been paid, or a lien for those costs has been recorded. The notice of final disposition must be served upon any party served with the notice of violation and order to abate Unpermitted Commercial Cannabis Activity.

8.44.080 Administrative Review Hearing Before Abatement by County.

A. Whenever the Enforcement Officer has issued a notice of violation and order to abate Unpermitted Commercial Cannabis Activity under Section 8.44.040, the notice must state that a hearing will be held to determine whether the Unpermitted Commercial Cannabis Activity still exists, and why the Unpermitted Commercial Cannabis Activity should not be abated by the County under this Chapter. The hearing must be held no less than 11 calendar days, but no more than 45 calendar days from the date the notice of violation and order to abate was served, except for hearings before the Board of Supervisors as described below. The hearing required under this Chapter may be presided over by any of the following:

1. Board of Supervisors. Upon a decision by an Administrative Hearing Officer, appointed by the Issuing Department under subsection D, below, that includes the finding of a violation and a public nuisance, and recommends the nuisance be abated by the County, the matter must be scheduled for a public hearing before the Board of Supervisors. Notice of the public hearing before the Board must be sent to the Owner(s) and any Occupant(s) of the property at least 10 calendar days before the public hearing. At the public hearing, the Board of Supervisors must determine whether a public nuisance exists and whether the nuisance should be abated by the County.

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Following the public hearing, the decision by the Board is final. Notice of the Board's decision must be reflected in the Board of Supervisors' Statement of Proceedings.

2. A Hearing Board. If the Board of Supervisors establishes a Hearing Board under Government Code section 25845, it must have three members appointed by, and serving at the pleasure of, the Board of Supervisors. The Hearing Board must hold a hearing on whether a public nuisance exists and whether the nuisance should be abated by the County. The Hearing Board must make a written recommendation to the Board of Supervisors, which may adopt the recommendation without a further hearing or set the matter for a *de novo* hearing before the Board of Supervisors. The decision by the Board of Supervisors is final. Notice of the Board's decision must be reflected in the Board of Supervisors' Statement of Proceedings.

3. Office of County Hearing Officer. If an Office of County Hearing Officer has been established by the Board of Supervisors under Government Code section 27720 and is delegated authority to act as the hearing officer under Government Code section 25845, the Office of County Hearing Officer must hold a hearing, and make written findings on whether a public nuisance exists and whether the nuisance should be abated by the County. The Office of County Hearing Officer's decision is final and no further hearing by the Board of Supervisors is required. The decision by the Office of County Hearing Officer must be provided to the Clerk of the Board of Supervisors.

B. At any hearing, the Owner(s) and any Occupant(s) of the property must be given an opportunity to present evidence on whether conditions constituting a nuisance

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under Section 8.44.030 remain on the Premises, and if so, whether the nuisance should be abated by the County.

C. In hearings before either the Office of County Hearing Officer or the Hearing Board, evidence must be reviewed and a written decision or recommendation that affirms, reverses, or modifies the determinations in the notice of violation and order to abate must be provided to the Owner(s) and any Occupant(s). Written decisions and recommendations prepared by either the Office of County Hearing Officer or the Hearing Board must include findings regarding the existence of any Unpermitted Commercial Cannabis Activity, actions taken by the Owner(s) and/or Occupant(s) to abate the nuisance, and, if applicable, the additional steps required by the County to abate the nuisance and to bring the property into compliance. Both the written decision and written recommendation must also state whether the Owner(s) are responsible for any costs of abatement under Section 8.44.110 if the abatement is to be performed by the County. If the Office of County Hearing Officer or the Hearing Board finds that no nuisance exists, or that the nuisance has been abated, or for any other reason(s) the matter should not continue, the nuisance abatement proceeding will be deemed completed, and no further action by the Owner(s) or any Occupant(s) will be required as to that notice of violation and order to abate that is the subject of that nuisance abatement proceeding.

D. Administrative Hearing Officer's Decision. An Administrative Hearing Officer may be appointed by the Issuing Department to conduct the administrative proceeding under this section. The Administrative Hearing Officer must not be the

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Enforcement Officer, or the immediate supervisor of the Enforcement Officer who issued the notice of violation and order to abate. If the matter is heard by an Administrative Hearing Officer, that Administrative Hearing Officer will determine whether a public nuisance exists and, if so, whether it should be abated by the County. The Administrative Hearing Officer's written decision must include findings regarding the existence of any Unpermitted Commercial Cannabis Activity, actions taken by the Owner(s) and/or Occupant(s) to abate the nuisance, and, if applicable, the additional steps required by the County to abate the nuisance and to bring the property into compliance. The written decision must also state whether the Owner(s) are responsible for any costs of abatement under Section 8.44.110 if the abatement is performed by the County. The written decision must also state that the Owner(s) and any Occupant(s) will have an opportunity to appear before the Board of Supervisors and be heard at a public hearing before the abatement by the County. If the Administrative Hearing Officer's written decision finds no nuisance exists, or the nuisance has been abated, or for any other reason(s) the matter should not continue, the nuisance abatement proceeding will be deemed completed, and no further action by the Owner(s) or Occupant(s) will be required as to the notice of violation and order to abate that is the subject of that nuisance abatement proceeding. Service of the Administrative Hearing Officer's decision must be by first class mail, overnight mail, or personal delivery to the parties upon whom the notice of violation and order to abate was served or their representatives, and is deemed effective at the date deposited

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with the United States Postal Service by first class mail, or overnight delivery, or at the time of personal delivery.

E. Hearing Board's Recommendation. In the case of a hearing before the Hearing Board, the Hearing Board must make a written recommendation to the Board of Supervisors, which may adopt the recommendation without a further hearing or set the matter for a *de novo* hearing before the Board of Supervisors. The Hearing Board's recommendation does not become final unless a decision is made by the Board of Supervisors under subsection F of this section. Service of the Hearing Board's recommendation must be by first class mail, overnight mail, or personal delivery to the parties upon whom the notice of violation and order to abate was served or their representatives, and is deemed effective on the date deposited with the United States Postal Service by first class mail, or overnight delivery or at the time of personal delivery.

F. Board of Supervisors' Decision. In the case of a hearing before the Board of Supervisors, or the adoption of the Hearing Board's recommendation, the decision by the Board is final, as reflected in the Board of Supervisors' Statement of Proceedings, and will be served by first class mail, overnight mail, or personal delivery to the parties upon whom the notice of violation and order to abate was served or their representatives. Service is deemed effective on the date deposited with the United States Postal Service by first class mail, or overnight delivery, or at the time of personal delivery.

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G. Office of County Hearing Officer's Decision. Any decision by the Office of County Hearing Officer is final and will be served by first class mail, overnight mail, or personal delivery to the parties upon whom the notice of violation and order to abate was served or their representatives. Service is deemed effective upon the date deposited with the United States Postal Service by first class mail, or overnight delivery, or at the time of personal delivery.

8.44.090 Enforcement.

If the Owner(s) or Occupant(s) fail to abate any Unpermitted Commercial Cannabis Activity within five calendar days of service of the Office of County Hearing Officer's decision, or the Board of Supervisors' Statement of Proceedings, affirming the existence of the violation and the public nuisance and order of abatement by the County, the Enforcement Officer may take one or more of the following actions:

A. Apply to the Superior Court for an abatement warrant authorizing entry upon the Premises to abate the nuisance using County personnel or private contractors, including removing and destroying all Cannabis, Cannabis Products, any Unpermitted Cannabis Cultivation, and any fixtures and equipment used for Commercial Cannabis Activity. The abatement warrant may also include locking and securing of the Premises.

B. Request that the matter be referred for civil or criminal prosecution to redress, enjoin, and/or abate the public nuisance.

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8.44.100 Abatement by Owner(s) or Occupant(s).

Any Owner(s) or any Occupant(s) may abate the Unpermitted Commercial Cannabis Activity or cause it to be abated before the County commences abatement. Any Owner(s) or any Occupant(s) abating Unpermitted Commercial Cannabis Activity must: (1) notify the Enforcement Officer either by email or overnight mail to the email address or physical address, respectively, shown on the notice of violation and order to abate no later than three calendar days after the abatement; and (2) provide documentation that the Unpermitted Commercial Cannabis Activity has been abated in compliance with this Chapter. Abatement will not be deemed completed until the Unpermitted Commercial Cannabis Activity has been entirely removed from the Premises, and an inspection by the Enforcement Officer confirming completion has occurred. Failure to allow the inspection creates a rebuttable presumption that abatement has not occurred.

8.44.110 Liability for Costs of Abatement.

In any enforcement action brought under this Chapter, whether by administrative or judicial proceedings, any Owner(s) who causes, permits, or maintains an Unpermitted Commercial Cannabis Activity will be liable for all costs of abatement incurred by the County, including administrative costs and all costs incurred in the physical abatement of the nuisance. Under Government Code section 25845, reasonable attorneys' fees may also be awarded to the prevailing party. Recovery of attorneys' fees may be limited to the prevailing party in those individual actions or

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proceedings in which the County elects, at the initiation of the action or proceeding, to seek recovery of its attorneys' fees.

8.44.120 Notice of Costs of Abatement; Request for Hearing.

The Enforcement Officer must notify, in writing, the Owner(s) served with a notice of violation and order to abate under Section 8.44.060, of the amount of the costs of abatement of the nuisance. The notice of costs of abatement must be served by first class mail. Service is deemed effective on the date deposited with the United States Postal Service by first class mail. Within 10 calendar days of service of such notice, any Owner(s) may request in writing to the Issuing Department a hearing on such costs under Section 8.44.150 of this Chapter. Unless a hearing is requested, payment of the costs of abatement is due within 20 calendar days of service of the notice of costs of abatement.

8.44.130 Collection of Costs of Abatement; Special Assessment and Lien.

If there are any unpaid costs of abatement owed as described in Section 8.44.120, the Board of Supervisors, or the Office of County Hearing Officer, if one is created, may order that all, or any part, of the costs of abatement incurred by the County, including administrative costs and any costs in the physical abatement of the nuisance, be placed upon the County tax roll as a special assessment against the respective parcel(s) of land, or placed on the unsecured roll, under Government Code section 25845. The Board of Supervisors, or the Office of County Hearing Officer, if one is created, may also cause a notice of abatement lien for the unpaid costs of

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abatement owed as described in Section 8.44.120 to be recorded against the respective parcel(s) of real property upon which the nuisance exists under Government Code section 25845.

8.44.140 Notice of Administrative Penalty; Request for Hearing.

A. Besides any other remedy prescribed in this Chapter, any Unpermitted Commercial Cannabis Activity as described in Section 8.44.020 is subject to an administrative penalty of $2,500 for each day the Unpermitted Commercial Cannabis Activity occurs on the property. The administrative penalty may be imposed through the administrative procedure in this section, under Government Code section 53069.4, or by the Superior Court if the violation is enforced through the judicial process.

B. Whenever an Enforcement Officer issues a notice of violation and order to abate Unpermitted Commercial Cannabis Activity under this Chapter, the Enforcement Officer may separately issue a notice of administrative penalty to: (1) any Owner(s) whose property is the subject of a notice of violation and order to abate Unpermitted Commercial Cannabis Activity issued under Section 8.44.040; and/or (2) any Occupant(s) who causes or contributes to Unpermitted Commercial Cannabis Activity and who is served with a notice of violation and order to abate Unpermitted Commercial Cannabis Activity issued under Section 8.44.040.

C. If a notice of administrative penalty is issued, the Enforcement Officer must provide a reasonable period of time, no less than 10 calendar days from the date of service, for the Owner(s) and/or Occupant(s) to correct or otherwise remedy the violation before imposing an administrative penalty. If the Owner(s) and/or

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Occupant(s) fail to correct or otherwise remedy the violation within 10 calendar days from the date of service, the administrative penalty will be assessed and will continue to accrue from the date of the notice until the Unpermitted Commercial Cannabis Activity is abated.

D. Each notice of administrative penalty must contain the following information:

1. A statement that unless the Unpermitted Commercial Cannabis Activity is corrected within 10 calendar days after the service of the notice of administrative penalty, or an appeal under this Chapter is timely requested, an administrative penalty will be imposed on the Owner(s) and/or Occupant(s);

2. The name of the Owner(s) and/or Occupant(s);

3. The code section violated;

4. The address where the code violation occurred;

5. A description of the code violation;

6. The names of the Issuing Department and Enforcement Officer;

7. That the Owner(s) and/or Occupant(s) is liable for an administrative penalty of $2,500 per day for each day that the violation continues unabated; and

8. The procedures to pay the administrative penalty or to request an administrative hearing to contest the imposition of the administrative penalty.

E. The notice of administrative penalty must be served:

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1. By mailing it by first class or overnight mail to the Owner(s) at the address appearing on the last assessment roll and the Occupant(s) of the property at the address thereof, and by posting the notice at the property at a location reasonably likely to provide notice to the Owner(s) and/or Occupant(s); or

2. By personal delivery to the Owner(s) and/or Occupant(s);

3. Service under subsection 8.44.140.F., paragraph 1, above, will be deemed effective on the later of either the date deposited with the United States Postal Service or the date of posting. Service under subsection 8.44.140.E., paragraph 2, above, will be deemed effective at the time of personal delivery.

F. The failure of any Owner(s) and/or Occupant(s) to receive a notice of administrative penalty served consistent with this Chapter does not affect the validity of the proceedings.

G. Any Owner(s) and/or Occupant(s) served with a notice of administrative penalty may request a hearing before an Administrative Hearing Officer or the Office of County Hearing Officer, if one has been created, to contest the imposition of the administrative penalty under Section 8.44.150 of this Chapter. If the matter is heard by an Administrative Hearing Officer, it must not be the Enforcement Officer or the immediate supervisor of the Enforcement Officer that issued the notice of administrative penalty or the notice of violation and order to abate. The request must be made in writing and filed with the Issuing Department within 10 calendar days following service of the notice of the administrative penalty. The request must include a statement indicating the basis on which the Owner(s) and/or Occupant(s) contests

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the imposition of the administrative penalty. The request must also include the address of the Owner(s) and/or Occupant(s) for correspondence by the Administrative Hearing Officer or the Office of County Hearing Officer. The hearing required under this section may be combined with the hearing required under Section 8.44.120 involving the same property.

H. Unless a Person served with a notice of administrative penalty requests an administrative hearing to contest the imposition of the administrative penalty under this Chapter, the notice of administrative penalty will constitute the final administrative order of the County regarding the administrative penalty, which will be due and payable to the County by the Owner(s) and/or Occupant(s) within 20 calendar days following service of the notice of administrative penalty.

I. The administrative penalty imposed under this Chapter will be in addition to any other fines and/or penalties imposed for violations of local, State, and/or federal law.

J. An administrative penalty will be due only if it is determined at the final administrative review hearing under Section 8.44.080 that there was a nuisance on the property.

8.44.150 Contesting the Costs of Abatement and Administrative Penalties.

A. Costs of Abatement. Any timely request for hearing to contest the costs of abatement incurred by the County in the abatement of Unpermitted Commercial Cannabis Activity under Section 8.44.120 may be set for hearing by the Issuing

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Department, Administrative Hearing Officer, or Office of County Hearing Officer, if one is created. The hearing may be combined with any hearing to contest the administrative penalty imposed under Section 8.44.140 involving the same property. The hearing will be set within 30 days following any such request for a hearing under Section 8.44.120. At the hearing, the Owner(s) and County may provide evidence regarding the amount and reasonableness of the costs of abatement. Following the hearing, the Administrative Hearing Officer or the Office of County Hearing Officer may make such modifications as deemed necessary and issue a written decision with findings and any order for payment of the costs of abatement. Any order of the Administrative Hearing Officer or the Office of County Hearing Officer will become effective upon issuance and must be served by first class mail, addressed to the Owner(s) notified under Section 8.44.120. Service is deemed effective on the date deposited with the United States Postal Service. Payment of the costs of abatement must be made to the County within 20 calendar days of the service of the decision and order for payment of costs of abatement of the Administrative Hearing Officer or the Office of County Hearing Officer. If the total assessed costs of abatement determined under this section are not paid in full within 20 calendar days after service of the decision and order by the Administrative Hearing Officer or the Office of County Hearing Officer, the unpaid amounts may be collected under Section 8.44.130. Interest will accrue on all amounts due under this section from the date of the decision and order to the date paid under the laws applicable to civil money judgments.

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B. Administrative Penalty. Any timely written request for a hearing to contest an administrative penalty imposed under Section 8.44.140 may be set for hearing by the Issuing Department, Administrative Hearing Officer, or Office of County Hearing Officer, if one is created. The hearing officer designated to hear the matter may combine the hearing with any hearing to contest the costs of abatement imposed under Section 8.44.120 involving the same property. The hearing must be set within 60 calendar days following a request for a hearing under subsection 8.44.140.H., or at the date a hearing is scheduled to contest costs of abatement, whichever is later. At the hearing, the Owner(s) and/or the Occupants and the County may provide evidence regarding the justification and reasonableness of the administrative penalty. Following the hearing, the Administrative Hearing Officer or the Office of County Hearing Officer may assess an administrative penalty by a written order with findings. The decision of the Administrative Hearing Officer or the Office of County Hearing Officer is final and is not subject to additional administrative review. Any order of the Administrative Hearing Officer or the Office of County Hearing Officer will become effective upon issuance and must be served by first class mail. Service is deemed effective on the date deposited with the United States Postal Service. Payment of the administrative penalty specified in the order must be made to the County within 20 calendar days of service of the order, unless timely appealed to the Superior Court under Government Code section 53069.4, subdivision (b). Interest will accrue on all amounts due under this section from the date of the order requiring payment of such penalty to the date paid under the laws applicable to civil money judgments.

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8.44.160 Hearing Procedures.

The Administrative Hearing Officer, or the Hearing Officer, may establish procedures for the conduct of the hearings under this Chapter. Any hearing under this Chapter may be continued by the Administrative Hearing Officer, or the Hearing Officer, if good cause is shown. If any Owner(s) and/or Occupant(s) served with a notice of violation and order to abate Unpermitted Commercial Cannabis Activity has requested a hearing under this Chapter, but fails to appear and present evidence at the hearing, the Administrative Hearing Officer or Hearing Officer may base the decision solely upon the evidence submitted by the Enforcement Officer.

8.44.170 Subsequent Violation Costs.

Upon a second or subsequent civil or criminal judgment for violation of this Chapter within a two-year period, a violator is liable to the County for three times the costs of abatement under Government Code section 25845.5.

8.44.180 Non-exclusive Remedies and Penalties.

All remedies and penalties for the abatement of public nuisances provided for in this Chapter are cumulative and not exclusive. Enforcement remedies may be concurrent or consecutive. Conviction and punishment of, or enforcement against, any Person does not relieve such Person from the responsibility of correcting, removing, or abating a violation, or prevent the correction, removal, or abatement by the County. Each day, or any portion thereof, during which any violation of this Chapter is committed, continued, or permitted by any Person, is a separate and distinct offense.

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Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
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January 6, 2022

TO: Supervisor Holly J. Mitchell, Chair
Supervisor Hilda L. Solis
Supervisor Sheila Kuehl
Supervisor Janice Hahn
Supervisor Kathryn Barger

FROM: Amy J. Bodek, AICP
Director of Regional Planning

REPORT ON RECOMMENDATIONS FOR POTENTIAL ZONING REGULATIONS FOR INDUSTRIAL HEMP (ITEM NO. 10, AGENDA OF JULY 13, 2021)

On July 13, 2021 the County of Los Angeles (County) Board of Supervisors (Board) directed the Department of Regional Planning (DRP) to conduct a study and provide recommendations on a future ordinance to regulate industrial hemp, and report back to the Board in 180 days. The directive was one of several taken in response to the proliferation of illegal large-scale commercial cannabis cultivation operations, or "grows" in the unincorporated areas of the Antelope Valley. The development of an ordinance regulating industrial hemp will allow the County to clarify permitted activities and reduce negative impacts to quality of life and public safety.

This report provides recommendations on potential zoning regulations for industrial hemp for your Board to consider. For your reference, an overview of federal and state regulations on industrial hemp, and a comparison of zoning regulations for industrial hemp in other jurisdictions are included as Attachments 1 and 2.

INTRODUCTION

Industrial hemp is defined by the California Health and Safety Code as an agricultural product, whether growing or not, that is limited "to types of the plant *Cannabis sativa L.* and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol (THC) concentration of no more than 0.3 percent on a

dry weight basis." Federal regulations classify crops and products containing more than 0.3 percent dry weight of THC as cannabis.

Industrial hemp is used in the manufacture of food, fuel, building materials, apparel, and furnishings. In Los Angeles County, most industrial hemp is grown for the extraction of cannabidiol (CBD) oil and its derivatives from the plant for use in tinctures, creams, cooking and fresh-pressed oils, and hemp seed.

According to the County Department of Agricultural Commissioner/Weights and Measures, which registers industrial hemp cultivation facilities, there are two registered industrial hemp facilities and seven pending applications for sites within unincorporated Los Angeles County. All nine of these sites are located within the Fifth Supervisorial District.

RECOMMENDATIONS

There are various types of commercial operations that support hemp production, including cultivation, manufacturing, distribution, and laboratory testing. To establish these activities within unincorporated Los Angeles County, approvals are required at the federal, state, and local levels.

If the Board directs DRP to regulate industrial hemp, it is recommended that a combination of operational and development standards be implemented to permit its cultivation and manufacturing within unincorporated Los Angeles County. Regulations for the distribution and retail sale of industrial hemp are not included in this report, as these products do not contain THC and can therefore be distributed in commercial and industrial zones where other general retail products are permitted under existing zoning regulations. In addition, regulations for laboratory testing for industrial hemp are not included, as laboratories in general are permitted under existing in zoning regulations.

Staff recommends the following zoning regulations for industrial hemp:

- Permit industrial hemp cultivation in agricultural zones with a Conditional Use Permit, and prohibit in all other zones. A minimum lot size of one to five acres is recommended for cultivation to minimize potential impacts.
- Permit industrial hemp manufacturing in industrial zones with a Conditional Use Permit, and prohibit in all other zones.
- Require a minimum buffer of 500 feet from specific sensitive uses for industrial hemp cultivation and manufacturing.
- Require activities for industrial hemp cultivation and manufacturing to be conducted within fully enclosed structures, and require appropriate operational standards, such as adequate air filtration systems to reduce odor and wastewater capture systems to handle the impacts from the use of pesticides.

Industrial Hemp Cultivation

Staff recommends permitting the cultivation of industrial hemp in agricultural zones A-1 and A-2, with a Conditional Use Permit. The A-1 and A-2 zones permit the growing of crops, including field, tree, bush, berry, and row.

In addition, based on an analysis of the number of parcels by size in the A-1 and A-2 zones, as shown in *Attachment 3*, staff recommends that industrial hemp cultivation be limited to parcels that are a minimum of one to five acres in size.

Industrial Hemp Manufacturing

According to the County's Department of Agricultural Commissioner/Weights and Measures, most industrial hemp-related operations in Los Angeles County is related to manufacturing, specifically the extraction of CBD oil and its derivatives.

Staff recommends permitting the manufacture of industrial hemp in all industrial zones, with a Conditional Use Permit. The M-1 (Light Manufacturing), M-1.5 (Restricted Heavy Manufacturing), M-2 (Heavy Manufacturing), and M-2.5 (Aircraft, Heavy Industrial) zones permit the growing of crops, including field, tree, bush, berry, and row. These zones also allow the assembly, manufacture, packaging, and storage of finished or prepared materials, including onsite manufacture of raw natural or synthesized materials.

Regulations and Operational Standards to Mitigate the Impacts of Industrial Hemp

Potential impacts from industrial hemp cultivation and manufacturing include noise, odor, drainage, and safety. The extraction of CBD oil and its derivatives in industrial hemp manufacturing, in particular, requires the use of carbon dioxide or volatile substances, depending on the various substances the manufacturer extracts from industrial hemp. The handling and storage of these processing compounds can be dangerous and has resulted in explosions, fires, property damage, and loss of life. These impacts can be mitigated through the Conditional Use Permit.

To protect sensitive uses from potential impacts, staff also recommends that industrial hemp cultivation and manufacturing be required to maintain a buffer. To be consistent with the Green Zones Ordinance, approved by the Board on December 21, 2021, which defines sensitive uses as residential dwelling units, schools, parks, daycare centers, hospitals, licensed care facilities and shelters, staff recommends a 500-foot buffer to provide a suitable setback distance from sensitive uses.

Furthermore, staff recommends that all activities for industrial hemp cultivation and manufacturing occur within a fully enclosed structure to reduce potential odor and noise impacts. Staff also recommends operational standards, such as requiring an air filtration system for cultivation and manufacturing facilities to minimize any potential odors, and wastewater capture systems to handle any pesticides and chemicals used for cultivation. An

enclosed structure also improves safety by limiting industrial hemp cultivation and manufacture activities to a controlled environment.

If you have any questions, please contact Bruce Durbin or Larry L. Jaramillo of the Ordinance Studies Section at (213) 974-6432, and bdurbin@planning.lacounty.gov or ljaramillo@planning.lacounty.gov.

AJB:CC:BD:LJ

Attachments:
1. Federal and State Regulations
2. Zoning Regulations in Other Jurisdictions
3. Number of Parcels in Unincorporated Los Angeles County in A-1 and A-2 Zones, by Lot Size

c: Executive Office, Board of Supervisors
Assessor
Chief Executive Office
County Counsel
Department of Consumer and Business Affairs
Public Works

S_AP_01_06_2022_MBS_INDUSTRIAL_HEMP

Attachment 1: Federal and State Regulations

Federal Laws

Prior to 2018, *Cannabis sativa L*. with delta-9 THC levels greater than 0.3% fell within the definition of marijuana under the Controlled Substances Act (CSA) and classified it as a Schedule I controlled substance. Many aspects of domestic production of what is now defined as hemp were limited to persons registered under the CSA to do so. Under the Agricultural Act of 2014 (2014 Farm Bill), state departments of agriculture and institutions of higher education were permitted to produce hemp as part of a pilot program for research purposes. The authority for hemp production provided in the 2014 Farm Bill was extended by the 2018 Farm Bill.

The 2018 Farm Bill authorized the production of hemp and removed hemp from the definition of marijuana in the CSA. It also directed the United States Department of Agriculture (USDA) to issue regulations and guidance to implement a program to create a consistent regulatory framework for the production of hemp.

Seed used to grow hemp may yield a crop that contains THC that exceeds 0.3%, which exceeds the federal limit. Crops exceeding the limit are categorized as cannabis and would need to be destroyed unless proper state and local licensing were issued for the growing of cannabis.

State Laws

The California Industrial Hemp Farming Act (Senate Bill 566, Chapter 398, Statutes of 2013) was signed into law authorizing the commercial production of industrial hemp in California. The Act became effective on January 1, 2017, due to a provision in the Adult Use of Marijuana Act (Proposition 64, November 2016). As directed by this Act, California Department of Food and Agriculture (CDFA) is developing a program to administer this relatively new law. The first step of this process is to establish an Industrial Hemp Advisory Board. With assistance from this Board, CDFA will further develop the registration process, fee structure, regulations, and other administrative details as necessary to provide for the commercial production of industrial hemp. The international importation of plants and seeds is restricted under federal law and regulated by the USDA.

According to the USDA, hemp growers are not subject to cultivation regulations outlined in the Domestic Hemp Production Program, as mandated in the 2018 Farm Bill, if a state has a USDA-approved regulatory plan or is in the process of developing a regulatory plan. Hemp cultivators in states that do not have a pending or approved regulatory plan may apply for a USDA hemp production license. However, California's state regulatory plan is currently pending USDA's review and approval. Regardless of any federal regulations, all hemp cultivators in California must comply with existing state laws and regulations as well as any local restrictions that may apply.

California Food and Agricultural Code Section 81006(e)(11) requires registrants to provide an original copy of the laboratory test report to each person transporting hemp, including hemp fiber, oil, cake, seed, or any component of the seed. Additionally, the California Department of Motor Vehicles and law enforcement may have additional requirements that may apply to the transport of hemp.

Attachment 2: Zoning Regulations in Other Jurisdictions

Jurisdiction	Allowed Zones	Setbacks
Glenn County	*Cultivation* • Foothill Agricultural / Forestry • Exclusive Agricultural • Agricultural Preserve • Farmland Security • Agricultural Transitional	*Outdoor Cultivation* • 200 ft from property lines • 1,000 ft from sensitive receptors • 200 ft from any residence *Indoor Cultivation* • 50 ft from property lines • 500 ft from sensitive receptors • 100 ft from any residence
Imperial County	*Cultivation, testing, and processing* • Medium Agricultural • Heavy Agricultural • Gateway Industrial Specific Plan Area • Agricultural Related Light Industrial • Agricultural Related Medium Industrial *Manufacturing* • Light Industrial • Medium Industrial • Agricultural Related Light Industrial • Agricultural Related Medium Industrial • Medium Industrial • Heavy Industrial	*Information not available*
Kern County	*Cultivation* • Agricultural	*Information not available*
Kings County	*Cultivation* • General Agricultural Zone Districts • Agricultural Zone Districts	○ ½ mile from sensitive receptors including: • Schools • Daycare Facilities • Residential Zoned areas ○ 200 ft from property lines ○ 700 ft from property line of any parcel containing a residence
Riverside County	*Previously approved hemp cultivation* • Agricultural • Residential • Citrus/Vineyard • Wine Country • Controlled Development Areas • Mineral Resource Areas *New Outdoor Cultivation* • Agricultural zones on lots between 10 to 20 acres and adjoining residential and wine country zones *New Indoor Cultivation* • General Commercial • Industrial • Agricultural *Non-volatile Hemp Manufacturing* • Agricultural • Manufacturing	*Indoor Cultivation shall be 1,000 ft from:* • Child Day Care Center • K-12 school • Public Park • Youth Center *Outdoor Cultivation* • 100 ft from property lines • 25 ft from public right-of-ways • 50 ft from riparian vegetation of any watercourse *Manufacturing shall be 1,000 feet from:* • Child Day Care Center • K-12 school • Public Park • Youth Center *Non-volatile Manufacturing* • 25 ft from property lines
Sacramento County	*Outdoor Cultivation* • Agricultural zones with a minimum parcel size of 40 acres *Indoor cultivation and processing* • Industrial *Cultivation for research purposes* • Agricultural	Outdoor Cultivation must be: • 200 ft from all property lines • 600 ft from any residence • 1,320 ft from parcels with sensitive uses • 1,320 ft from parcels not zoned General Agriculture • 1,320 ft from any incorporated boundaries
San Luis Obispo County	*Cultivation* • Agricultural • Rural Land	*Information not available*

	Distribution • Rural Residential •	
Shasta County	*Indoor cultivation* • Agricultural • Unclassified Districts *Manufacturing* • General Industrial • Light Industrial	*Information not available*
Sonoma County	*Outdoor Cultivation* • Agricultural • Residential	• 600 ft from residences and businesses • 200 ft from property lines
Stanislaus County	*Cultivation* • General Agricultural	• 50 ft from property lines • 100 ft from all County-maintained roads • 200 ft from residences • 1,000 ft from schools
Ventura County	*Manufacturing (Crop Production)* • Industrial zones *Cultivation* • Coastal Zones	*Information not available*

Glenn County

Glenn County permits industrial hemp operations, including the cultivation, manufacturing, and distribution of hemp. A Conditional Use Permit (CUP) is required to permit hemp in certain zones. The County also allows, subject to specific regulations, cultivation, outdoor storage, and hemp nurseries in agricultural zones with an administrative permit. Hemp testing is allowed with a site plan review in industrial zones, while the distribution of hemp is permitted in agricultural zones.

All parcels used for cultivation are required to have onsite signage indicating that hemp is being cultivated onsite. The wording on the sign must be clearly visible and readable to a person with normal vision from a distance of 25 feet. Signs must be posted at the corners of the parcel and at all usual points of entry to the parcel, including each road, footpath, walkway, or aisle that enters the cultivation area.

Imperial County

Imperial County permits industrial hemp operations, including the cultivation, harvesting, testing, and light manufacturing of hemp. A CUP is required for all hemp operations.

Kern County

Kern County permits the cultivation of industrial hemp. In addition to complying with applicable state and local laws, hemp cultivation must be conducted in accordance with the County's required setbacks, building permits, land conversion, grading, electricity, water usage, water quality, wildlife, woodland and riparian habitat and species protection, and agricultural discharges.

Kings County

Kings County regulates the cultivation of industrial hemp through the County's health and safety code. Hemp cultivation must be located in the general agricultural zone districts, with a minimum of a one-half mile setback from any sensitive receptor. A one-half mile

setback is also required from municipal jurisdictional boundaries unless that municipality permits hemp processing and cultivation, in which case, a setback shall not be required. A minimum 200-foot setback is required from any adjacent parcel containing non-hemp agricultural cultivation not owned by the operator. A 700-foot setback is required from any parcel boundary line containing a residence not owned by the operator.

Hemp cultivation by established agricultural research institutions for research or educational purposes is limited to a total of one acre per permit holder. Seed that is bred under research conditions may only be planted and cultivated by established agricultural research institutions for research or educational purposes. The processing of hemp onsite is prohibited. Each parcel permitted for hemp cultivation is required to be surrounded by a physical barrier that includes, but is not limited to, fencing, an irrigation ditch, or similar impediment to access, the adequacy of which is reviewed and approved by the Department of Agriculture Measurement Standards.

Riverside County
Riverside County permits industrial hemp operations, including cultivation, manufacturing, and processing. Outdoor cultivation is permitted within Agricultural, Controlled Development Area, Rural Residential, and Residential Agricultural zones. Indoor cultivation is allowed in commercial, industrial, and specific agricultural zones with an approved site plan. Industrial hemp manufacturing facilities are permitted on agricultural and industrial zones.

All hemp cultivation must be a minimum of 1,000 feet from any child day care center, K-12 school, public park, or youth center. Industrial hemp is prohibited from being cultivated on a premise that is legally allowed to cultivate or process cannabis. When an indoor industrial hemp cultivation facility is located adjacent to a residentially zoned lot, a minimum 25-foot setback is required from all lot lines.

Sacramento County
Sacramento County permits outdoor hemp cultivation in agricultural zones with a minimum parcel size of 40 acres. Outdoor cultivation must be a minimum of 200 feet from the property line of the lot on which the cultivation is established. Cultivation must be 600 feet from any residential structure, including accessory dwelling units. A 1,320-foot buffer is required from any parcel containing a sensitive receptor. Cultivation must also be 1,320 feet from any property that is not zoned General Agricultural, or from any adjacent city boundary line.

Indoor hemp cultivation is permitted in industrial zones. All methods used in the processing of hemp must be non-volatile. Operators are required to mitigate odors so that they are not detected from outside of the building(s) used for cultivation. Hemp cultivation by an established agricultural research institution for research or educational purposes are limited to a maximum cultivation area of one acre.

San Luis Obispo County
San Luis Obispo County permits industrial hemp cultivation, both indoor and outdoor, in agricultural zones. Indoor cultivation is also permitted in Residential Rural zones. Outdoor hemp cultivation is limited to sites with 400 acres or larger, while indoor hemp cultivation requires five acres or more. Outdoor cultivation is required to be a minimum of 2,000 feet from adjacent property lines and one mile from Urban Reserve Lines and Village Reserve Lines. Indoor hemp cultivation in a fully enclosed permitted building or greenhouse is required to be set back 100 feet from any existing offsite residences of separate ownership. All industrial hemp cultivation is also required to be 100 feet from the upland extent of riparian vegetation of any watercourse and 100 feet from any wetland.

Shasta County
Shasta County permits indoor industrial hemp cultivation, manufacturing, and commercial and research industrial hemp activities. Indoor cultivation is permitted in agricultural zones and is limited to nursery stock and micro-greens. Outdoor cultivation and processing of hemp is prohibited. Onsite signage indicating that hemp is being cultivated or processed onsite is required. Industrial hemp manufacturing is permitted within a fully enclosed building in the General and Light Industrial zones.

Sonoma County
Sonoma County permits industrial hemp cultivation within the unincorporated areas to promote agricultural diversification while protecting the environment. Industrial hemp cultivation must be set back 600 feet from residences and businesses on neighboring parcels, and 200 feet from property lines. If industrial hemp is removed or destroyed prior to harvest for any purpose, the operator must submit a destruction plan to the Department of Agriculture/Weights and Measures.

Stanislaus County
Stanislaus County regulates the cultivation of hemp. Outdoor cultivation is limited to a minimum of 10 acres of land, not to exceed a maximum of 40 acres, in the general agricultural zone. A minimum 50-foot setback is required from the property line of any adjoining parcel under a different ownership. A 100-foot setback is required from all county-maintained roads, while a 200-foot buffer is required from any dwelling unit. Hemp cultivation must be a minimum of 1,000 feet from any school, pre-school, or daycare center. Onsite signage indicating that hemp is being cultivated is also required.

Ventura County
Ventura County regulates industrial hemp cultivation and related activities, such as the drying, curing, trimming, storage, and transportation of hemp. To mitigate odor, hemp cultivation is prohibited within 1,200 feet of any sensitive site, including residential zones, schools, hospitals, or any unincorporated area designated “Urban,” “Existing Community,” or “Existing Community –Urban Reserve” in the Ventura County General Plan. Flowering hemp may not be grown within one-quarter mile of any sensitive site.

Attachment 3

Table 2: Number of Parcels in Unincorporated Los Angeles County in A-1 and A-2 Zones, by Lot Size

Lot Size	A-1 (Light Agricultural) zone	A-2 (Heavy Agricultural) zone	Total Lots
5,000 to 9,999 square feet (sf)	22,735 parcels	1,807 parcels	24,542 parcels
10,000 sf to 0.49 acre (ac)	4,447 parcels	1,101 parcels	5,548 parcels
0.50 ac to 0.99 ac	5,899 parcels	2,472 parcels	8,371 parcels
1 ac to 4.99 ac	9,239 parcels	40,695 parcels	49,934 parcels
5 ac to 9.99 ac	1,433 parcels	10,041 parcels	11,474 parcels
10 ac and above	1,364 parcels	10,840 parcels	12,204 parcels

Table 3: Number of Hemp Cultivation Facilities NOT Within Proposed Buffers

Within Buffer Distance	Registered Sites *(out of 9 total)*	Pending Applications *(out of 14 total)*	Inactive Applications *(out of 4 total)*
300 feet	2	8	1
500 feet	1	8	1
1,000 feet	0	4	0