

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YOLO  
MOVING CHAPTER 20 OF TITLE 5 TO CHAPTER 4 OF TITLE 12  
OF THE YOLO COUNTY CODE AND MAKING AMENDMENTS TO THE COUNTY CODE  
REGARDING LICENSING OF COMMERCIAL CANNABIS ACTIVITIES**

The Board of Supervisors of the County of Yolo ordains as follows:

**SECTION 1.** The purpose of this Ordinance is to amend the Yolo County Code to update the existing cannabis licensing ordinance to conform its provisions with the Cannabis Land Use Ordinance (“CLUO”), adopted on September 14, 2021. This Ordinance continues the existing cannabis cultivation regulatory program that pre-dated adoption of the CLUO and retains all of the substantive provisions and requirements of that program, with limited additional requirements and minor revisions as needed. This Ordinance also moves the existing cultivation ordinance from Chapter 20 of Title 5, to Chapter 4 of Title 12, and revises the title from “Marijuana Cultivation” to “Cannabis Licensing Ordinance.”

**SECTION 2.** Chapter 20 of Title 5 of the Yolo County Code shall be moved to Chapter 4 of Title 12, which shall read as revised and reflected in Exhibit A.

**Title 12 Business Licenses**

**Chapter 4 CANNABIS LICENSING ORDINANCE.**

**Section 12-04.01 Authority, title, purpose and intent**

- A. Pursuant to its authority granted by Article XI Section 7 of the California Constitution, Sections 65850 et. seq., 25845 and 53069.4 of the California Government Code, Section 11362.83 of the California Health and Safety Code, and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”) (California Business & Professions Code Section 26000 et. seq.), the Board of Supervisors does enact this chapter.
- B. This chapter is known and may be cited as the Cannabis Licensing Ordinance.
- C. It is the purpose and intent of this chapter to regulate commercial cannabis activities in a manner that preserves the public peace, health, safety, and general welfare of the citizens of Yolo County and the environment.
- D. It is also the purpose and intent of this chapter to provide commercial cannabis operators who are compliant with the State regulations, as well as compliant with the Cannabis Land Use Ordinance enacted by Yolo County, an opportunity to apply for a commercial cannabis license under this chapter.
- E. It is also the purpose and intent of this chapter to develop reasonable regulations for personal use cannabis cultivation protected under state law in order to preserve the public peace, health, safety, and general welfare of the citizens of Yolo County and the environment.
- F. Any ambiguity in this chapter should be construed in whatever manner best effectuates this intent.

### **Section 12-04.02 Relationship to other laws**

- A. Except as otherwise specifically provided in this chapter, this chapter incorporates the requirements and procedures set forth in the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”). In the event of any conflict between the provisions of this chapter and the provisions of MAUCRSA or any other applicable state or local law, the more restrictive provision shall control.
- B. All cannabis uses and operations under this chapter shall also be fully compliant with the Cannabis Land Use Ordinance in Article 14 of Chapter 2 of Title 8 of the Yolo County Code.
- C. Pursuant to the Cannabis Land Use Ordinance, and subject to exceptions expressly set forth therein, a Cannabis License cannot be issued until a Cannabis Use Permit is obtained in accordance with the requirements thereof and thereafter maintained in good standing.
- D. Except as expressly stated in this chapter, Cannabis Operations (as defined below) must comply with all other County codes and regulations. Nothing in this chapter shall be construed as permitting a Cannabis Operation to operate at any time in a manner that is in violation of other applicable state and local laws.
- E. The license requirement set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law.
- F. It is intended that the provisions of this chapter will supersede any other provisions of the Yolo County Code found to be in conflict and shall apply regardless of whether the activities existed or occurred prior to the adoption of the Marijuana Cultivation Ordinance, initially codified at Chapter 20 of Title 5 of the Yolo County Code, effective August 23, 2018.

### **Section 12-04.03 Definitions.**

As used in this ordinance the following definitions shall apply:

- A. **General.** Unless otherwise defined in this chapter, the County adopts the State definitions of various terms related to cannabis and cannabis activities as used in this chapter. Other applicable definitions shall be as provided in State law and other sections of County Code, as amended. Future changes to applicable definitions in State law shall take effect locally 90 days after the change takes effect at the State level.
- B. "Abatement Costs" means and includes all costs, expenses, fines, and fees, such as administrative expenses, administrative fines, civil fines, penalties, staff time, variable costs, fixed costs, inspection costs, investigation costs, enforcement costs, abatement costs, litigation fees, litigation costs, hearing costs, attorneys' fees and costs, and all other costs and expenses related to, arising out of, or incurred by the County relating to any nuisance enforcement or abatement action to the fullest extent permitted by law.
- C. "Applicant" means a person or entity applying for a License pursuant to this chapter.
- D. "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 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. For the purpose of this chapter, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.

- E. "Cannabis Good or Cannabis Goods" means Cannabis, including dried flower, and products containing Cannabis, as defined in Section 15000 of Title 4, Div 19 of the California Code of Regulations.
- F. "Cannabis concentrate" means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. For purposes of this division, "cannabis concentrate" includes, but is not limited to, the separated resinous trichomes of cannabis, tinctures, capsules, suppositories, extracts, vape cartridges, inhaled products (e.g., dab, shatter, and wax), and tablets, as defined in subsection (RR).
- G. "Cannabis Operation" means any activity that requires a license issued by Yolo County pursuant to this chapter and the State of California pursuant to the MAUCRSA.
- H. "Cannabis Use Permit" means a conditional use permit issued pursuant to the Cannabis Land Use Ordinance.
- I. "Canopy" means the aggregate area(s) of mature plants at a licensed Premises, except nurseries and processors, that contain mature plants at any given time as follows:
  - 1. Canopy shall be calculated in square feet, as measured by the outermost perimeter of each separate and discrete area(s) of cannabis cultivation at the drip line of the canopy expected at full maturity.
  - 2. Canopy shall not exceed the allowed maximum pursuant to the CLUO and/or any use permit and license issued for the site.
- J. "Discrete area(s) of cultivation" means designated cultivation area(s) identified on a premise map for a licensed premises, which may be noncontiguous and may contain cannabis cultivation at any point in time that includes but is not limited to, interior walls, shelves, greenhouse walls, hoop house walls, garden benches, garden tables, hedgerows, fencing, garden beds or garden plots.
  - 1. Each discrete area(s) of cultivation shall be identified by a physical boundary that includes but is not limited to, interior walls, shelves, greenhouse walls, hoop houses walls, garden benches, shelf or table surface area, hedgerow, fencing, garden beds, garden plots or stakes delineating the perimeter: and
  - 2. If mature plants are being cultivated using a shelving system the surface area of each level shall be included in the total canopy calculation.
- K. "Commercial cannabis activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis or cannabis products as provided for in this chapter.
- L. "Courtesy Notice" means an inspection report or letter of non-compliance that notes the observation of non-compliance and a deadline to correct the non-compliance.

- M. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, storing, trimming of cannabis.
- N. "Cultivation Site" means a location where commercial cannabis is legally planted, grown, harvested, dried, cured, graded, trimmed, or stored, or a location where any combinations of those activities occur.
- O. "Distribution" means the procurement, sale, and transport of cannabis and cannabis products between licensees.
- P. "Dried flower" means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.
- Q. "Enforcing Officer" shall mean any County officer or employee, including his/her designee, with the authority to enforce this Code, its adopted codes or applicable State codes.
- R. "Entity" means any firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group, entity or combination acting as a unit, and the plural as well as the singular.
- S. "Extraction" means a process by which cannabinoids are separated from cannabis plant material through chemical or physical means.
- T. "Final form" refers to cannabis and cannabis products that are packaged and labeled as they will be sold at retail to a consumer.
- U. "Flowering" means that a cannabis plant has formed a mass of pistils measuring greater than one half inch wide at its widest point.
- V. "Greenhouse" means a structure or thermally isolated area of a building that maintains a specialized sunlit environment used for and essential to the cultivation, protection, or maintenance of plants. For the purposes of this chapter, cultivation in a greenhouse (including mixed light) is considered an indoor use.
- W. "Hoop house" means a shade cloth structure that is readily removable and temporary in nature, without any equipment or utilities. The ends may be covered or left open and the material covering the structural members is readily removable and is typically removed and re-affixed frequently. For the purposes of this chapter, cultivation in a hoop house is considered an outdoor use.
- X. "Immature plant" or "immature" means a cannabis plant that has a first true leaf measuring greater than one half inch long from base to tip (if started from seed) or a mass of roots measuring greater than one half inch wide at its widest point (if vegetatively propagated), but which is not flowering.
- Y. "Immature plant area" also known as the "vegging area" is the area designated by the licensee to keep immature plants in order to promote vegetative growth prior to flowering and shall be separate and distinct from the canopy area and on-site nursery. All immature plants housed in the immature plant area shall be no more than 24 inches in height and not flowering at any time they are located in the immature plant area. If immature plants begin to flower while in the immature plant area, they shall be immediately removed from the immature plant area and placed in the canopy area.
- Z. "Infusion" means a process by which cannabis, cannabinoids, or cannabis concentrates are directly incorporated into a product formulation to produce a cannabis product.

- AA. "Ingredient" means any substance that is used in the manufacture of a cannabis product and that is intended to be present in the finished cannabis product.
- BB. "Kief" means the resinous trichomes of cannabis that have been separated from the cannabis plant.
- CC. "Labeling" means any label or other written, printed, or graphic matter upon cannabis or a cannabis product, upon its container or wrapper, or that accompanies any cannabis or cannabis product.
- DD. "License" means a license issued by the County of Yolo pursuant to this chapter to engage in a Cannabis Operation(s) in the unincorporated areas of Yolo County.
- EE. "Licensee" means any person or business entity holding a License under this chapter to engage in Cannabis Operations.
- FF. "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.
- (1) The term "manufacture" includes the following processes:
- (A) Extraction;
  - (B) Infusion;
  - (C) Packaging or repackaging of cannabis products;
  - (D) Labeling or relabeling the packages of cannabis products;
  - (E) Post-processing refinement of cannabis extract ("post-processing"); and
  - (F) Remediation of failed harvest batches or cannabis product batches, other than relabeling to correct cannabinoid content.
- GG. "Manufacturing" or "manufacturing operation" means all aspects of the extraction process, infusion process, post-processing, remediation, and packaging and labeling processes, including processing, preparing, holding, and storing of cannabis products. Manufacturing also includes any processing, preparing, holding, or storing of components and ingredients.
- HH. "Mature plant" or "mature" means a cannabis plant that is flowering.
- II. "Microbusiness" means a licensee that is authorized to engage in Cannabis Operations defined in subdivision (aj) of Section 26001 of the Business and Professions Code.
- JJ. "Mother plant" means a cannabis plant that is grown or maintained for the purpose of generating clones, and that will not be used to produce plant material for sale to a processor or dispensary.
- KK. "Nonmanufactured cannabis good" means final form items that contain only cannabis.
- LL. "Nursery" means a facility or area on a cultivation site that produces only clones, Immature plants, seeds and other agricultural products used specifically for the propagation and cultivation of cannabis.
- MM. "Owner" means any of the following:
1. Any person with an aggregate ownership interest of 20 percent or more in the Person applying for a license, or the Licensee, unless the interest is solely a security, lien, or encumbrance;
  2. The chief executive officer of an entity;
  3. A member of the board of directors of a corporation; and/or

4. An individual who will be participating in the direction, control, or management of the Cannabis Operation.

NN. "Person" means an individual.

OO. "Premises" means the designated structure or structures and land specified in the License application that is owned, leased, or otherwise held under the control of the Applicant or Licensee where the commercial cannabis activity will be or is conducted. The Premises shall be a contiguous area and shall only be occupied by one Licensee.

PP. "Processing" means the trimming, drying, curing, grading, storing, packaging, and labeling of non-manufactured cannabis.

QQ. "Retail area" means a building, room, or other area that is open to the public, upon the licensed retailer or licensed microbusiness premises authorized to engage in retail sales in which cannabis goods are sold or displayed.

RR. "State License" means a license issued by the State under MAUCRSA, or subsequent legislation.

SS. "Tablet" means a solid preparation containing a single serving of THC or other cannabinoid that is intended to be swallowed whole, not formulated to be chewable, dispersible, effervescent, orally disintegrating, used as a suspension, or consumed in a manner other than swallowed whole, and does not contain any added natural or artificial flavor or sweetener.

TT. "Transport" means the physical movement of cannabis or cannabis products from one licensed premises to another licensed premises.

#### **Section 12-04.04 Personal Cultivation and Use**

- A. The personal cultivation of cannabis is limited to no more than six live cannabis plants, regardless of the following:
  1. Whether the cannabis is medical or non-medical;
  2. Whether the cannabis is grown inside the private residence or in an accessory structure thereto or outdoors on the grounds of a residence;
  3. The size or maturity of the plant(s); or
  4. The number of non-medical users, medical users, or primary caregivers residing together in the private residence.
- B. Personal cultivation must comply with section 8-2.1408(CC) and (DD) of the CLUO.
- C. Personal use of cannabis is permitted as described in Sections 113621.1 and 113621.2 of the Health and Safety Code and section 8-2.1408(GG) of the CLUO.
- D. Indoor personal cannabis cultivation sites shall be in full compliance with all other applicable requirements of the County Code, California Building Standards Code, and applicable state laws and local fire district ordinances.
- E. No cultivation is permitted within the common areas of a multi-family dwelling, residential development, mobile home park, or similar residential arrangement. Personal cultivation may only

occur in or on a lot containing a legal residential unit, with landlord's permission pursuant to Section 8-2.1406(F), Personal Use Exemption, of the CLUO.

- F. The cannabis plants and any cannabis produced by the plants shall be kept in a space fully enclosed by security fencing or a structure, and securely locked, using a child resistant lock, in a manner designed to reasonably prevent access to the cannabis by trespassers and children. The plants shall not be visible by normal unaided vision from a public place, as required by Health & Safety Code section 11362.2.
- G. There shall be at least one dwelling on any parcel on which personal cannabis is cultivated. Each person cultivating personal cannabis shall maintain their principal place of residence in a dwelling on the parcel on which the cultivation occurs.
- H. Personal cultivation is restricted to medicinal and adult recreational use only. Sales and non-cultivation activities are prohibited.

#### **Section 12-04.05 Eligibility for County Cannabis License**

- A. It shall be unlawful for any Person to engage in any Cannabis Operation in the unincorporated areas of Yolo County without possessing a valid and current License for such business.
- B. Applicants must also possess a valid State License.
- C. Applicants must have a valid Cannabis Use Permit pursuant to the CLUO and the regulatory transition periods set forth therein. If the Applicant is not the Permittee, the Applicant must have a notarized written consent of the Permittee to apply for a License for the Premises.

#### **Section 12-04.06 License Application requirements**

- A. An Applicant shall do all of the following:
  - 1. Complete any application forms prescribed by the County and pay fees as established by resolution and adopted by the Board of Supervisors, as amended from time to time.
  - 2. Provide a complete copy, including attachments, of the application submitted to the State for the comparable license type.
  - 3. Provide a street address capable of receiving mail and designate that address and a contact for receipt of service of process for notices served pursuant to this chapter.
  - 4. Provide an emergency contact who can be reached on a 24/7 basis and who can provide access to the premises in the event of an emergency.
  - 5. If the Applicant or property owner is an entity, adequate evidence that the individual submitting an application and signing any related County forms or documents has authority to bind the entity.
  - 6. Provide a statement, signed by the Applicant under penalty of perjury, that the information provided in the application is complete, true, and accurate.
  - 7. Provide a complete list of all Owners and, to the extent not included in the list of Owners, every

other Person with a financial interest in the Cannabis Operation and all employees.

8. Each Owner and the Persons owning the property on which the Cannabis Operation will be located must sign a written consent to on-site compliance inspections of the Premises and of all records and documents related to the Cannabis Operation activities by the County pursuant to §12-04.12
9. Each Owner and the Persons owning the property on which the Cannabis Operation will be located must execute an agreement to indemnify and hold harmless the County of Yolo and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by affected property owners or other third parties due to the cultivation of cannabis and for any claims brought by any person for problems, injuries, damages, or liabilities of any kind that may arise out of the cultivation of cannabis in a form prescribed by the County. The indemnification shall apply to any damages, costs of suit, attorneys' fees or other expenses awarded against the County, its agents, officers and employees in connection with any such action. In addition, the agreement shall release the County of Yolo, and its agents, officers, elected officials, and employees from any injuries, damages, or liabilities of any kind arising in connection with cannabis-related activity on the property.
10. Agree to reimburse the County for any court costs and attorneys' fees that the County may be required to pay as a result of any legal challenge related to the County's approval of a License. The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the Licensee of its obligation hereunder.
11. Each Owner must sign a statement under penalty of perjury in a form prescribed by the County certifying that they will abide by the requirements of this chapter and applicable state law.
12. Each Owner must electronically submit to the Department of Justice fingerprint images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a record of state or federal convictions and arrests, and information as to the existence and content of a record of state or federal convictions and arrests for which the Department of Justice establishes that the person is free on bail or on their own recognizance, pending trial or appeal.
13. Provide a surety bond in the amount of ten thousand dollars furnished by a corporate surety authorized to do business in the State. Such bond shall be in favor of the County and shall be approved by the County Counsel. Such bond shall be conditioned upon full and faithful performance by the Licensee of all obligations under this chapter and any License issued hereunder and shall be kept in full force and effect by the Licensee throughout the life of the License and all renewals thereof. The Board of Supervisors may from time to time by resolution establish additional bond requirements as it deems necessary.

In the event that a Licensee violates any of the provisions of this chapter or any County rules or orders, such violation shall permit the County at its option to resort to the bond to cover any Abatement Costs or Administrative Penalties assessed. The bond may also be used to cover costs of site restoration, if required, and not paid by the Licensee.

14. The Applicant must not be delinquent in paying any County taxes, fees, or penalties due on any commercial cannabis activity within the County.
15. Provide a detailed description of the Applicant's security protocols, including compliance with

section 8-2.1408(LL) of the CLUO (following use permit approval) and subdivision (j) of Section 26070 of the California Business and Professions Code, which must be reasonably designed to prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products from the premises. If security guards are proposed in the security protocols, such individuals shall be licensed and registered with the Bureau of Security and Investigative Services (BSIS). These security measures shall be submitted to the County for review and approval prior to the approval of the application.

B. An Applicant shall meet one of the following requirements:

1. Own the property where the Cannabis Operation will operate; or
2. Have entered into a written agreement with the record owner of the property and have obtained the written permission (including notarized signatures) of the record owner(s) consenting to the Cannabis Operation operating on the property.

Evidence of lawful possession of the property consists of properly executed deeds of trust, leases, evidence of ownership of the licensed property, or other written documents acceptable to the County.

The use for which the cannabis license is requested must be approved in the Cannabis Use Permit. A cannabis license shall not be issued for any activity or use not explicitly authorized in the Cannabis Use Permit.

C. Child Support Obligations.

1. Prior to the issuance of a License under this chapter, and at all times while holding a License, all Owners and employees shall be current with their monthly child support obligations. If an Owner or employee has an account with past due child support arrears, that Person must have that balance at zero or have verification from the Department of Child Support Services that they have been in and remain in compliance with a court ordered payment plan in order to remain eligible for a License.
2. Licensees shall provide the Department of Child Support Services a quarterly list of all employees employed by Licensee at any time during the quarter. Reports are due by the 15<sup>th</sup> of the month following the end of the quarter. (March, June, September, and December). The list shall include names, addresses, phone numbers and social security numbers for all employees.
3. If Licensee uses a payroll withholding process, Licensee must comply with any income withholding order for child support for any employee in Licensee's employ. In addition, if the income withholding order is for an owner or part-owner of the business, the business shall also comply with the income withholding order and provide necessary tax information if self-employed for purposes of determining accurate child support orders.

#### **Section 12-04.07 Denial of license**

- A. The County need not accept nor process an application that is incomplete or for which the requisite fees have not been paid.
- B. The County shall deny an application if either the Applicant, or the Premises for which a License is applied, do not qualify for licensure under this chapter.

- C. The County may deny an application for a Licensure or issue a conditional License as provided in §12-04.15.

**Section 12-04.08 License limitations**

- A. Canopy shall not exceed the maximum square footage allowed by the Cannabis Use Permit, or the maximum square footage allowed by the License, whichever is less.
- B. Licensees shall not sublet any portion of the Premises for any purpose.
- C. Licensees shall not commingle cannabis from other Licensees, from unlicensed cultivators, from the Licensee's other Premises, or transfer or receive any cannabis or non-manufactured cannabis products to or from other Licensees, unlicensed cultivators or Licensee's other Premises. Notwithstanding the foregoing, Licensees are allowed to receive Immature plants or seeds from licensed nurseries and to transfer cannabis and non-manufactured cannabis products to licensed processors and distributors, or self-distribute pursuant to Subsection D, below.
- D. Self-Distribution of Cannabis
  - 1. A person or entity who receives a license from the County for self-distribution under this chapter, and who also receives a state self-distribution license as described in 4 C.C.R. §15315, may engage in the activities allowed under the self-distribution license as issued by the County, so long as these activities involve only that cannabis lawfully cultivated pursuant to the licensee's cultivation license.
  - 2. The premises for which the state self-distribution license is obtained shall be located on the same parcel for which a county license has been issued.
  - 3. A licensee engaging in self-distribution activities as provided in this subsection shall provide to the county all transport vehicle information to the full extent that it must be provided to the state under 4 C.C.R. §15312.
  - 4. A licensee engaging in self-distribution activities as provided in this subsection shall comply with all transport personnel requirements of 4 C.C.R. §15313 and with all shipping manifest requirements of 4 C.C.R. §15314.
- E. A License constitutes a revocable privilege. Applicants and Licensees have the burden of proving its qualifications for a License at all times.
- F. An annual License shall be valid for one calendar year, or part thereof, beginning April 1<sup>st</sup> of the year in which it is issued and shall expire on March 31<sup>st</sup> of the following year. A seasonal License shall only be valid upon issuance until December 15<sup>th</sup> of the year in which it was issued.
- G. A License is issued to and covers only the Licensee identified on the License with respect to the Premises identified in the application. The License may be transferred to a successor-in-interest pursuant to section 12.04-10, and does not run with the land.

- H. The provisions of this chapter shall apply after the expiration or revocation of a License until such time as no cannabis in excess of the amount allowed pursuant to Health & Safety Code section 11362.1 (Possession of cannabis by persons 21 years of age or older) or 11362.2 (Personal cultivation) remains on the property. Upon expiration or revocation of a County license, all cannabis and cannabis goods must be removed from the property immediately, including, but not limited to, cannabis being stored on the property unless the County, in its sole discretion and upon a showing of good cause, administratively allows limited storage and related activities pursuant to a written agreement to ensure an orderly wind-down of a Cannabis Operation following revocation. Absent the County choosing to exercise such discretion, no cannabis or cannabis goods shall remain on the property following the expiration or revocation of a County license.
- I. No Person owning, leasing, occupying, or having charge or possession of any property within the County shall cause, or allow such property to be used for a Cannabis Operation or a cannabis related activity prohibited under State law or in violation of this chapter. The property owner shall be responsible and jointly liable for all violations of this chapter and applicable laws on the property.
- J. Premises for each Cannabis Operation is defined at the time the License is issued. Licensees are not authorized to amend, reconfigure or change in any way what constitutes the Premises under the License without first filing a change of location or modification of the License and obtaining approval from the County.

**Section 12-04.09 License requirements**

- A. Licensees shall enroll in and comply with all requirements of any track and trace system required by the County to track the production and disposition of cannabis. Licensees shall obtain and use unique identifiers from an approved source, maintain them in a readable state, comply with all data entry requirements, provide the County with access to its track and trace account and pay any required track and trace fees.
- B. Licensee shall post a copy of the License at the Premises where it can be viewed by County staff.
- C. Licensee shall provide updated employee lists to the County within 10 business days of any change in personnel.
- D. The Director of Yolo County Community Services, or designee, is authorized to establish procedures and guidelines to implement the licensing program contemplated by this chapter.
- E. Licensees shall comply with applicable requirements of the California Cannabis Authority, as requested by County.

**Section 12-04.10 Change in Ownership**

Licenses are non-transferable. Any and all new owners involved in a transfer in ownership of the Cannabis Operation shall apply for a new license as per Section 12-04.06. This requirement does not apply to other changes (e.g., addition of a new partner in an LLC) that do not result in a transfer of Cannabis Operation ownership.

**Section 12-04.11 Notification of loss or diversion**

Licenses shall notify the County and law enforcement authorities within one business day upon discovery of any diversion, theft, loss of, or criminal activity related to Licensee's cannabis.

### **Section 12-04.12 Inspections, investigations and audits**

- A. All Licensees, Applicants, and Permittees shall be subject to inspection, investigation and audit of their Premises and records by the County to determine compliance with applicable laws and regulations, including any license or use permit issued in connection with the Premises.
- B. The County may conduct an inspection, investigation, examination, or audit for any of the following purposes:
  - 1. To determine accuracy and completeness of the application prior to issuing a License;
  - 2. To determine compliance with the License or legal requirements;
  - 3. To respond to a complaint(s) received by the County regarding the Cannabis Operation or License;
  - 4. To inspect incoming or outgoing shipments of cannabis and nonmanufactured cannabis products; or
  - 5. As otherwise may deemed necessary by the County.
- C. Upon request by County, Licensees shall allow County representative(s) to be present during harvests and to observe all harvest activities and associated recordkeeping.
- D. Inspections, investigations, examinations, and audits of Premises occurring pursuant to this chapter shall be conducted at any time between 8:00 a.m. and 8:00 p.m., or as otherwise agreed to by the County and the Licensee or its agents, employees, or representatives. Prior notice of inspection, investigation, or examination is not required and the Owner, occupant, or person in charge of the Premises shall permit the entry and inspection.
- E. No Applicant, Licensee, Permittee or any agent or employee shall interfere with, obstruct, or impede the County's inspection, investigation, or audit. This includes, but is not limited to, the following actions:
  - 1. Denying the County access to the Premises or any locked structures or enclosures on the Premises;
  - 2. Providing false or misleading statements;
  - 3. Providing false, falsified, fraudulent, or misleading documents and records; and
  - 4. Failing to provide records, reports, and other supporting documents.

### **Section 12-04.13 Public nuisance**

A violation of or non-compliance with any provision of this chapter shall be deemed to be a public nuisance. Any Applicant, Licensee, Permittee, or agent thereof, or any other person who causes, whether with or without knowledge or intent, any condition on any premises to violate any provision of this chapter, or permits such violation to continue or remain on the premises, is in violation of this chapter and such violation shall constitute a public nuisance.

#### **Section 12-04.14 Enforcement remedies**

- A. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.
- B. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter shall be guilty of a misdemeanor, except to the extent state law may deem it a felony. No proof of knowledge, intent, or other mental state is required to establish a violation.
- C. The County or the District Attorney, on behalf of the people of the State of California, may, in their discretion, enforce a violation of this chapter by the prosecution of a civil action and/or civil penalties, including an action for injunctive relief without first going through the administrative procedures set forth in this chapter.
- D. The County or the District Attorney, on behalf of the people of the State of California, may also abate a violation of this chapter through the abatement process established by Government Code section 25845, Chapter 5 of Title 1 (Code Enforcement) of the Count Code, or as set forth in this chapter.
- E. Any violation of this chapter is declared to be a misdemeanor except to the extent state law may deem it a felony. Violations of this chapter may, in the discretion of the District Attorney, be prosecuted as infractions or misdemeanors. Any violations of this Chapter may be prosecuted civilly, except such prosecution may be either civil or criminal or both where the violation is determined to be a criminal violation.
- F. Any Person that violates this chapter shall be guilty of a separate offense for each and every day, or portion thereof, on which any violation of any provision of this chapter is committed, continued or permitted by any such Person.
- G. Nothing in this chapter shall be construed as imposing on the Enforcing Officer or the County any duty to issue any notice hereunder, or to abate any unlawful cannabis activity, or to take any other action with regards to any unlawful cannabis activity, and neither the Enforcing Officer nor the County shall be held liable for failure to issue any notice hereunder, or for failure to abate any unlawful cannabis activity, or for failure to take any other action with regard to unlawful cannabis activity.

#### **Section 12-04.15 Grounds for disciplinary action**

The County may impose Administrative Penalties, deny a License application, issue a conditional License, suspend, revoke, place on probation with terms and conditions, or otherwise discipline Licensees and Permittees (collectively referred to as "disciplinary action"), for any of the following reasons:

- A. Failure or inability to comply with one or more provisions of this chapter or any rule or regulation adopted pursuant to this chapter.
- B. Failure or inability to comply with any requirement of the Yolo County Code.
- C. Failure to comply with conditions or provisions of the applicable Cannabis Use Permit.

- D. Failure to comply with any state or local law, ordinance, or regulation including, but not limited to, the payment of taxes.
- E. Failure to provide information required by County.
- F. Failure to conduct past or current Cannabis Operation(s) in a manner that ensures the security of the cannabis and safeguards against diversion for illegal purposes.
- G. Previous violation by an Applicant, Licensee or Owner, or previous violation at the proposed Cultivation Site, of any provision of the Yolo County Code or state law related to a cannabis related activity.
- H. Creating or maintaining a public nuisance where the Licensee or Permittee has failed to comply with reasonable conditions to abate the nuisance.
- I. Failure to allow unannounced inspections of the Premises by County staff or law enforcement at any reasonable time, as required under this chapter, without notice.
- J. Discovery of untrue statement(s) or an omission of a material statement in a License application.
- K. Failure to comply with any state or local law, ordinance, or regulation conferring worker protections or legal rights on the employees of a Licensee.
- L. Failure to maintain safe conditions for inspection by the County.
- M. Failure to enter information or the entry of false, misrepresented or incomplete data or information into the track and trace system.
- N. Failure to enter or the entry of false, misrepresented or incomplete data or information as required to be submitted to the California Cannabis Authority.
- O. Failure to comply with any other requirement specified in law.
- P. Except as otherwise expressly provided in state law, conviction of an Owner or employee of an offense that is substantially related to the qualifications, functions, or duties of a Cannabis Operation. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the County shall include, but not be limited to, the following:
  - 1. A violent felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code.
  - 2. A serious felony conviction, as specified in subdivision (c) of Section 1192.7 of the Penal Code.
  - 3. A felony conviction involving fraud, deceit, or embezzlement.
  - 4. A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor.
  - 5. A felony conviction for drug trafficking.

- Q. Except as provided in subsections (4) and (5) directly above, a prior conviction, where the sentence, including any term of probation, incarceration, or supervised release, is completed, for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is not considered substantially related, and shall not be the sole ground for denial of a license. Conviction for any controlled substance felony subsequent to licensure shall be grounds for revocation of a license or denial of the renewal of a license.
- R. If any of the disqualifying convictions apply to an employee who is not an Owner, the conviction will not constitute a basis for disciplinary action if the Licensee promptly terminates the employment relationship.
- S. An Owner has been subject to fines, penalties, or otherwise been sanctioned for cultivation or production of a controlled substance on public or private lands pursuant to Section 12025 or 12025.1 of the Fish and Game Code.
- T. An Owner has been sanctioned by a licensing authority or a city, county, or city and county for illegal cannabis activities or unauthorized commercial cannabis activities, or has had a cannabis operations license suspended or revoked in any jurisdiction in California in the three years immediately preceding the date the application is filed with the County.
- U. Failure to hold the applicable cannabis license issued by the State of California, or denial, suspension, lapse or revocation of the applicable license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a cannabis business to operate within the County, until the State of California, or its respective department or division, reinstates or issues a State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a cannabis business, such revocation or termination shall also revoke or terminate the ability of a cannabis business to operate within the County of Yolo.
- V. The County may recover the costs of investigation and enforcement of disciplinary action following the procedures set forth in this chapter.
- W. The County may take disciplinary action against a Licensee when the violation was committed by an Owner, the Licensee's officers, directors, agents, independent contractors or employees while acting on behalf of the Licensee or engaged in cannabis-related activity.
- X. Upon the occurrence of three (3) final and conclusive notices of violation ("Notice" or "NOV") of any provision of this chapter within a two (2) year period, all Licenses held by the Licensee or Owner shall be automatically deemed terminated and revoked. For purposes of this section, a NOV is deemed final and conclusive upon the expiration of the time period set forth to appeal the notice in Section 12-04.19 or upon a hearing officer's determination of a violation.
- Y. Upon termination, or revocation of a License, the Licensee shall remain ineligible for a License for a minimum of two (2) years. The County, in its discretion, may extend the ineligibility time period up to, but not in excess of ten (10) years, depending on the egregious nature of the violation(s).

#### **Section 12-04.16 Violations**

All violations observed during an inspection shall be written on a Courtesy Notice and a copy of the notice shall be supplied to the licensee. The violations in subsections A-C are considered to be more serious in nature and may require additional steps of enforcement.

A. Canopy

1. In the event Canopy exceeds the maximum square footage allowed by the License, the Enforcing Officer may issue a Courtesy Notice. If the Licensee fails to abate the over canopy amount identified in a Courtesy Notice within the deadline provided to correct the violation, a NOV may be issued for the violation pursuant to Section 12-04.19, below.
2. The Courtesy Notice shall identify the Licensee, the Premises, the allowed or licensed maximum Canopy, the actual Canopy as measured by the Enforcing Officer, the date the courtesy notice was provided and the Administrative Penalty the Licensee is subject to, as outlined in §12-04-25(A).
3. Issuance of a warning shall not be a requirement prior to enforcement of this section.
4. The Licensee may request the Director of Environmental Health to review the Courtesy Notice. The Director of Environmental Health may conduct an inspection as part of the review. The determination of the Director of Environmental health is final and is not subject to appeal.
5. Depending on the severity or repetition of the violation, the Enforcing Officer has discretion to enforce a canopy violation with a Courtesy Notice or with the Notice of Violation enforcement procedures set forth in Section 12-04.19. A Licensee, Permittee or any other person is not entitled to a Courtesy Notice prior to a notice of violation being issued.

B. Odor. In the event odor has been determined to be a public nuisance, as outlined in Section 8-2.1408(CC)(1-3) of the CLUO, the enforcement officer shall follow Section 8-2.1408(CC) (4-6) as it pertains to disciplinary actions.

C. Track and Trace. If a pattern or history of repeated non-compliances for Track and Trace are observed, the following disciplinary actions may be taken by the enforcing officer:

- a. Upon the occurrence of three repeated violations with Track and Trace within a 12-month period, the Enforcing Officer may note on the Courtesy Notice a final warning is being given and upon the occurrence of a 4th non-compliance of Track and Trace within a 12-month period a Notice of Violation may be issued to the licensee.
- b. If the violation is corrected pursuant to the most recent Courtesy Notice but the same conduct is committed within 60 days of the correction, the violation will be deemed continuing and a Notice of Violation may be issued to the licensee.

**Section 12-04.17 Enforcement Procedures**

A. Notice of Violation

1. In addition to the enforcement provisions provided for in section 12.04-16, above, the County may issue a Notice of Violation (“Notice” or “NOV”) to any Person that is in violation of any provision of this chapter or other applicable statutes or regulations.
2. A Notice of Violation shall be in writing and include the following:

- a. Licensee and the property owner(s), as listed on the application for the cannabis operation license;
- b. If applicable, name(s) listed as designated recipients for Service of Process, as identified on the application and, if different, as named on the Secretary of State Statement of Information;
- c. The address of the violation if known, otherwise the approximate location;
- d. A general description of the violation;
- e. A statement of whether the violation is correctable and, if so, that the violation shall be corrected within 3 calendar days of the date of the Notice of Violation;
- f. The amount of the Administrative Penalty pursuant to section 12-04.25 and, if the violation is correctable, notice that the Administrative Penalty will accrue for each day that the violation continues to exist after the expiration of the three-day time frame in which to correct the violation;
- g. The date of the Notice;
- h. A statement that the violation determination may, within five calendar days after the date the Notice was deemed served pursuant to §12-04.18(A)(3), be appealed by providing the Clerk of the Board of Supervisors with a request in writing for a hearing to appeal the determination of the Enforcing Officer, setting forth the detailed factual and/or legal basis, as applicable, for the appeal, with payment of any applicable appeal fee; and
- i. A statement that unless an appeal hearing is requested within the time prescribed in the Notice, the Enforcing Officer can abate or otherwise correct the nuisance at the expense of the property owner and/or the Licensee. It shall also state that the Abatement Costs and the Administrative Penalty may be made a special assessment added to the county assessment roll and become a lien on the real property where the violation has occurred, on the real property owned by those persons violating this chapter, or be placed on the unsecured roll.

### 3. Service of notices

- a. A Notice issued by the Enforcing Officer shall be served upon the Licensee and the property owner (if different from Licensee) in one of the following manners:
  - i. By delivering it personally; and/or
  - ii. By first class mail, postage pre-paid, or overnight mail addressed to (i) the property owner at the address shown on the last equalized assessment roll or as otherwise known to the Enforcing Officer, and (ii) the street address designated by the Licensee in the application for receipt of service of process; and/or
- b. Date of service shall be deemed to be the date of personal service, or five days after notice is deposited in the United States mail, or one day after notice is delivered to a location or deposited in a box maintained by an overnight delivery service, as applicable.

- c. In the event that, after reasonable effort, the Enforcing Officer is unable to serve the Notice as set forth above, service shall be accomplished by posting a copy of such Notice conspicuously along the frontage of the real property subject to the Notice, or if the property has no frontage, upon any street, highway, or road then upon the portion of the property nearest to a street, highway, or road, or most likely to give actual notice to the Licensee and any person known by the Enforcing Officer to be in possession of the property. Service shall be deemed to have been completed upon posting.
- d. If the Notice is properly and timely served, the failure of any property owner or Licensee to receive such Notice shall not affect the validity of the proceedings conducted herein and shall not affect the validity of service or the validity of any Administrative Penalty imposed pursuant to this chapter upon any Person.

**B. Recordation of notices.**

1. The Enforcing Officer may record a Notice of Violation with the Yolo County Recorder on the property which is the subject of the Notice of Violation upon expiration of the time limit for compliance if the violation has not been cured within the time limit (if not required immediately) set for compliance, or the property owner and/or Licensee fail to provide sufficient evidence to establish reasonable doubt that a violation exists.
2. In those cases where the violation is related to a requirement to secure permits, the recorded notice shall identify the property and shall further set forth the fact that the building, structure or work does not have the required permit(s) and is in violation of County codes and that the property owner has been so notified. This may be done in addition to any other legal remedy that the County may employ.
3. If a notice is recorded, the Enforcing Officer shall serve and record a removal of Notice of Violation when the violation no longer exists or all required work to correct the violation has been completed. The removal of Notice of Violation need not be issued until outstanding Administrative Penalties have been paid or a lien for those administrative penalties has been recorded. A fee shall be paid by the property owner and/or Licensee for processing the removal of Notice of Violation.

**Section 12-04.18 Cannabis Goods After Termination of License.**

- A. In the event a license is terminated for any reason while cannabis goods remain on the premises, the following actions may be taken at the sole cost and expense of the Licensee:
  1. The cannabis goods may be destroyed by the Licensee;
  2. At the Licensee's request, the cannabis goods may be destroyed by the County; or
  3. The Licensee can arrange for the removal of all cannabis goods from the premise by a licensed distributor. The cannabis goods shall be removed from the premises within 14 calendar days of the termination of the license.

**Section 12-04.19 Appeals**

- A. A Notice of Violation may be appealed by providing the Clerk of the Board of Supervisors with a request in writing for a hearing to appeal the determination of the Enforcing Officer.

- B. The appeal must be filed within five calendar days after the date the Notice was deemed served pursuant to §12-04.18(A)(3).
- C. The appeal shall set forth the detailed factual and/or legal basis, as applicable, for the appeal, with payment of any applicable appeal fee. An appeal hearing shall not be granted without payment of an appeal fee.
- D. The County may deny an appeal hearing and summarily dismiss any appeal for failure to file an appeal in the time and manner required under this chapter, failure to provide detailed factual and/or legal basis for the appeal, or for the failure to attend the appeal hearing, and the Notice will become final and conclusive upon the summary dismissal.
- E. Absent timely appeal, the Notice shall be deemed final and conclusive and the Enforcing Officer may take the disciplinary action set forth in the Notice and/or enter upon the property and abate the nuisance by county personnel, or by private contractor under the direction of the Enforcing Officer. The Enforcing Officer may, but need not, apply to a court of competent jurisdiction for a warrant authorizing entry upon the property for purposes of undertaking the work, if necessary in the sole discretion of the Enforcing Officer.

#### **Section 12-04.20 Appeal Hearing**

- A. In order to hear appeals or other hearings brought under this chapter, the Board of Supervisors authorizes the use of a hearing officer appointed pursuant to Yolo County Code §1-5.09.
- B. The hearing officer may continue the appeal hearing from time to time for good cause.
- C. The hearing officer shall consider the matter de novo.
- D. The appellant shall be given an opportunity at the hearing to present and elicit testimony (including by cross-examination) and other evidence regarding whether the violation(s) listed on the Notice constitute a violation of this chapter, and/or to contest the proposed amount of Administrative Penalty. Failure of the appellant to appear and present evidence at the hearing shall be deemed a withdrawal of the request for hearing and shall constitute a failure to exhaust administrative remedies.
- E. The appellant may choose to be represented by an attorney; however, formal rules of evidence or procedure shall not apply, including rules relating to evidence, witnesses and hearsay. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. The hearing officer has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.
- F. The standard of proof shall be by a preponderance of the evidence and the burden of proof to establish the existence of the violation shall be borne by the County. The burden of proof that the violation has been corrected shall be borne by the appellant.
- G. The hearing shall be conducted in the English language. The proponent of any testimony by a witness who does not proficiently speak the English language shall provide an interpreter, at its sole cost, who has been certified as an interpreter by either the State of California or the County of Yolo.

- H. After the hearing, the hearing officer shall render their written decision affirming, reversing or modifying the determination made by the Enforcing Officer about the alleged violation. If the violation is affirmed, the decision shall include a statement that the County is entitled to recover its Abatement Costs and Administrative Penalties. If the hearing officer determines that the violation continues to exist, the decision shall also order that the owner of the property and/or the Licensee, correct the violation within the timeframe required by the hearing officer.
- I. A copy of the decision shall be served on the parties upon whom the Notice was served pursuant to §12-04.18(A)(3) or in the manner agreed upon by the parties. The decision shall be final and conclusive when signed by the hearing officer and served as provided by this subsection.
- J. Payment of Abatement Costs and an Administrative Penalty specified in the hearing officer's decision shall be made to the County within 20 calendar days of the decision, unless timely appealed to the Superior Court in accordance with Government Code section 53069.4, subdivision (b).

**Section 12-04.21 Enforcement of Order**

- A. Any property owner or Licensee may correct the violation or cause it to be corrected at any time prior to commencement of correction by, or at the direction of, the Enforcing Officer. A property owner or Licensee abating unlawful cannabis cultivation hereunder, or correcting some other violation hereunder, shall perform such correction in the presence of the Enforcing Officer unless the Enforcing Officer waives the right to be present. Abatement involving illegal cultivation and/or canopy overage shall not be deemed completed until the unlawful cannabis has been completely removed from the property and destroyed and approval of such has been provided by the Enforcing Officer. Such abatement by any property owner or occupant shall not impair the Enforcing Officer's ability to impose an Administrative Penalty accrued prior to such abatement.
- B. Notwithstanding the foregoing, whenever the Enforcing Officer becomes aware that a property owner or Licensee has failed to abate any unlawful cannabis cultivation and/or canopy overage within two calendar days of the date of service of the decision of the hearing officer requiring such abatement, the Enforcing Officer may enter upon the property and abate the nuisance by county personnel, or by private contractor under the direction of the Enforcing Officer. The Enforcing Officer may, but need not, apply to a court of competent jurisdiction for a warrant authorizing entry upon the property for purposes of undertaking the work, if necessary in their sole discretion.
- C. The property owner and/or Licensee shall be responsible for paying all of the County's Abatement Costs. Each department performing abatement activities shall, upon completion of the activity, report Abatement Costs to the Enforcing Officer.

**Section 12-04.22 Liability for Abatement Costs and/or Administrative Penalties; Interest**

- A. No person or entity owning, leasing, occupying or having charge or possession of any property within the unincorporated area of the County of Yolo shall cause, permit, maintain, conduct or otherwise suffer or allow a public nuisance as defined in this chapter to exist. It shall be the duty of every owner, occupant, and person that controls any land or interest therein within the unincorporated area of the County of Yolo to remove, abate, and prevent the reoccurrence of the public nuisance upon such land. Such duty of an owner shall exist regardless of whether the owner is in actual possession of their real property, and may include an obligation to take action to evict or otherwise remove an occupier who creates a public nuisance upon the owner's property. Nothing in this chapter shall be deemed to authorize or permit any activity that violates any provision of State or federal law.

- B. In any enforcement action brought pursuant to this chapter, whether by administrative proceedings, judicial proceedings, or summary abatement, each person who causes, permits, suffers, or maintains the nuisance to exist shall be personally liable for:
1. All costs incurred by the County, including, but not limited to, Abatement Costs and any and all costs incurred to undertake, or to cause or compel any responsible party to undertake, any abatement action in compliance with the requirements of this chapter, whether those costs are incurred prior to, during, or following enactment of this chapter.
  2. Any Administrative Penalty imposed pursuant to this chapter. In the event that an Administrative Penalty is imposed on two or more persons for the same violation, all such persons shall be jointly and severally liable for the full amount of the Administrative Penalty imposed. Payment of Administrative Penalties does not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the Notice. Payment of the administrative penalty does not bar the County from taking any other enforcement action regarding a violation that is not corrected.
- C. Interest shall accrue on all amounts due under this chapter, from the effective date of the decision to the date paid pursuant to the laws applicable to civil money judgments.
- D. At such time as the information becomes known, the Enforcing Officer shall make a demand for Abatement Costs and/or accrued Administrative Penalty by issuing an invoice to the Licensee and/or the owner of the property subject to enforcement action.
- E. Whenever the amount of Abatement Costs incurred by the County to abate the nuisance, or the amount of any Administrative Penalty imposed pursuant to this chapter has not been satisfied in full within ninety calendar days after service of the invoice, and/or has not been timely appealed to the Superior Court in accordance with Government Code section 53069.4, subdivision (b), or if appealed, such appeal has been dismissed or denied, all or any part of, this obligation may constitute a lien against the real property on which the violation occurred.
- F. In addition to any other remedy, including but not limited to recovering amounts due under this chapter from the bond required by Section 12-04.6, the County may prosecute a civil action through the Office of the County Counsel to collect any Abatement Costs and/or any Administrative Penalty imposed pursuant to this chapter.
- G. Issuance of a warning shall not be a requirement prior to enforcement of any provision of this chapter. Cultivation of cannabis in violation of this chapter and any code violation that exists to facilitate the cultivation of cannabis in violation of this chapter may be subject to the immediate imposition of penalties in accordance with §12-04.25(A). Citations for cannabis related code violations shall be served concurrently with citations for cannabis cultivation in accordance with §12-04.25 et seq. of the County Code.

### **Section 12-04.23 Lien Hearing**

At such time as Abatement Costs and/or Administrative Penalties due and owing have not timely been paid or recovered in full from the bond required by this chapter:

- A. The Enforcing Officer shall prepare and file a written report of Abatement Costs and/or

Administrative Penalties ("Report"), itemized by property, with the Clerk of the Board of Supervisors stating, as applicable:

1. For each abatement carried out, the amount of all accrued Abatement Costs, and/or
  2. For each accrued Administrative Penalty, the amount of delinquent Administrative Penalty.
- B. Upon receipt of the Report, the Clerk of the Board of Supervisors shall serve a written Notice of Hearing on Report of Abatement Costs and/or Administrative Penalties to the Licensee and property owner as listed on the license application.
- C. At the time and date set for the lien hearing, the Board of Supervisors shall review and consider the Report and any protests or objections to it.
- D. At the conclusion of the lien hearing, the Board of Supervisors shall make such modifications to the Report as it deems necessary and thereafter shall adopt a resolution confirming, modifying, or discharging the lien amount. As part of the resolution, the Board of Supervisors may order that all or any part of the Administrative Penalty and the cost to correct the violation pursuant to this chapter, including the Abatement Costs, as confirmed by the Board of Supervisors, be placed upon the county tax roll by the County Auditor as special assessments against the respective parcels of land, or placed on the unsecured roll, pursuant to section 25845 of the Government Code; provided, however, that the costs, including the cost of administration, as finally determined shall not be placed on the tax roll if paid in full prior to entry of said costs on the tax roll.
- E. The liens provided herein shall have no force and effect until recorded with the County Recorder. The Board of Supervisors may cause notices of abatement lien and/or notices of administrative penalty lien to be recorded against the respective parcels of real property pursuant to section 25845 of the Government Code. Upon recordation, the Clerk of the Board of Supervisors shall serve, in the manner set forth in §12-04.18(A)(3), a copy of the recorded notice(s).
- F. Within 30 calendar days following the Board of Supervisors' adoption of a resolution imposing a lien, the Clerk of the Board of Supervisors will file same as a judgment lien in the Yolo County Recorder's Office.
- G. Once recorded, any costs or penalties not specially assessed by the Board of Supervisors pursuant to this section shall have the same force and effect and priority of a judgment lien governed by the provisions of Code of Civil Procedure section 697.340, and may be extended as provided in Code of Civil Procedure sections 683.110 to 683.220, inclusive.
- H. Interest shall accrue on the principal amount of any lien remaining unsatisfied at the rate set forth in Civil Code section 685.010.
- I. Once the County receives full payment for outstanding principal, penalties, and costs, the Clerk of the Board of Supervisors will record a notice of satisfaction. A fee shall be paid by the owner(s) and/or occupant(s) for processing the notice of satisfaction. This notice of satisfaction will cancel the County's lien under this section.
- J. The lien may be foreclosed and the real property sold by the filing of a complaint for foreclosure in a court of competent jurisdiction, and the issuance of a judgment to foreclose. There shall be no right to trial by jury. The County shall be entitled to its attorneys' fees and costs.

**Section 12-04.24 Alternative Hearing Procedure**

If a hearing officer has been appointed in accordance with §12-04.20 of this chapter, the hearing officer is authorized to conduct the lien hearing required under §12-04.23 and shall prepare a recommended decision and resolution for the Board of Supervisors pursuant to Government Code sections 25845 and 27721. The recommended decision and resolution shall include any proposed modifications to the Report. The hearing officer shall promptly submit that recommendation and the administrative record to the Clerk of the Board of Supervisors. The Board of Supervisors may adopt the recommended decision and resolution without further notice of hearing, or may set the matter for a de novo hearing before the Board of Supervisors. In the event that the Board of Supervisors sets the matter for de novo hearing, such hearing shall be held in accordance with the provisions of §12-04.23.

**Section 12-04.25 Administrative penalties**

A. In addition to any other remedies provided by County Code or state law, and all other costs, fees, penalties and expenses which may be assessed or imposed as a result of violation of this chapter, any person who violates any provision of this chapter, including the owner of the real property on which the Premises are located, shall be liable and responsible for, and shall pay to the County “Administrative Penalties,” as set forth below, determined by the Enforcing Officer.

Administrative Penalties Schedule

Violation	First Offense	Second Offense	Third Offense
Exceedance of Allowed or Licensed Cultivation Area	\$20 per square foot	\$30 per square foot	\$50 per square foot
Non-compliance with Standard or Requirement	\$1,000	\$2,500	\$10,000
Unlicensed Commercial Cannabis Activity	\$10,000	\$25,000	\$50,000

1. For cultivation in exceedance of the allowed or licensed canopy, no more than \$20.00 per square foot per day for the first violation; no more than \$30.00 per square foot per day for the second violation within two years; and no more than \$50.00 per square foot per day for the third violation within two years.
2. For each violation of a standard or condition of the license, use permit or County Code, no more than \$1,000 per day for the first violation; no more than \$2,500 per day for a second violation within two years; and no more than \$10,000 per day for each additional violation within two years.
3. For each unlicensed cannabis activity, no more than \$10,000 per day for the first violation; no more than \$25,000 per day for the second violation within two years; and no more than \$50,000 per day for the third violation within two years.
4. In the event that the use or structure in violation may be permitted with an appropriate permit, up to a maximum of 5 times the amount of the standard fee for each required application, approval, review, and permit.

- B. Each act, omission or condition may be cited as a separate violation and each violation that continues, exists or occurs on more than one day may constitute a separate violation on each day.
- C. Administrative Penalties shall begin accruing immediately if a courtesy notice is issued for a canopy violation, pursuant to Section 12-04.16. Administrative Penalties shall begin accruing after the expiration of the three days provided for correction in the Notice of Violation and continue for each day that the violation continues. For unlicensed commercial cultivation, Administrative Penalties shall begin accruing on the day the violation was observed.
- D. The Administrative Penalty may be imposed via the administrative process set forth in this chapter, as provided in Government Code Section 53069.4, or may be imposed by the court if the violation requires court enforcement without an administrative process.
- E. All Administrative Penalties collected pursuant to this section shall be deposited into a special account that shall be expended to fund the activities of the cannabis licensing program in enforcing this chapter.

**Section 12-04.26 Summary abatement**

Notwithstanding any other provision in this chapter, when any unlawful cannabis cultivation constitutes an immediate threat to the public health or safety, and where the procedures set forth in §12-04.18 would not result in abatement of that nuisance within a short enough time period to avoid that threat, the Enforcing Officer may direct any officer or employee of the County to summarily abate the nuisance. The Enforcing Officer shall make reasonable efforts to notify the persons identified in §12-04.18(A)(3) but the formal notice and hearing procedures set forth in this chapter shall not apply. The County may recover its costs for abating that nuisance in the manner set forth in this chapter.

**Section 12-04.27 Non-exclusive remedy**

This chapter is cumulative to all other remedies now or hereafter available to abate or otherwise regulate or prevent public nuisances.

**Section 12-04.28 No vested or non-conforming rights**

Neither this chapter nor any other provision of this code, or action, failure to act, statement, representation, certificate, approval, or license issued by the County or its departments, or their respective representatives, agents, employees, attorneys or assigns, shall create, confer, or convey any vested or nonconforming right or benefit regarding any personal or commercial cannabis activity.

**12-04.29 Limitations on County's liability**

- A. To the fullest extent permitted by law, the County shall not assume any liability whatsoever with respect to approving any License pursuant to this chapter or the operation of any Cannabis Operation approved pursuant to this chapter.
- B. Under no circumstances shall a cause of action for monetary damages be allowed against the County of Yolo or any County employee as a result of a denial or a revocation of a License, or any other disciplinary action.

**SECTION 3. SEVERABILITY**

If any clause, sentence, paragraph, subdivision, section or part of this chapter or the application thereof is for any reason held to be unconstitutional or otherwise invalid by any final court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter; provided that the County Board of Supervisors may, within 60 days of the final court decision affecting this Ordinance, elect to rescind the Code amendments in this Ordinance in their entirety, in which case the provision of the County Code shall revert to the form as they existed prior to the effective date of this Ordinance.

In the event that this ordinance or the CLUO, or any portion thereof, are invalidated for any reason, the cannabis operation licenses issued by the County shall remain in full force and effect pursuant to this Ordinance.

**SECTION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”)**

As set forth in Section 1, this Ordinance conforms the County’s existing commercial cannabis licensing program with the CLUO by making various changes, mostly minor, while preserving all of the key elements of the existing licensing program. This Ordinance does not alter the ministerial nature of the program and will not have a significant effect on the environment and, consequently, it is exempt from CEQA pursuant to Section 15061 of the CEQA Guidelines (common sense exemption).

**SECTION 5.** This ordinance, or a summary thereof including the vote of each Board member, shall be published within fifteen days after the date hereof in a newspaper of general circulation printed and published in the County of Yolo, State of California, and shall become effective sixty days after the date hereof.

**PASSED AND ADOPTED** by the Yolo County Board of Supervisors at its regular meeting on \_\_\_\_\_, 2022, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTENTION:

\_\_\_\_\_  
Angel Barajas, Chair  
Yolo County Board of Supervisors

Attest: Julie Dachtler, Senior Deputy Clerk  
Yolo County Board of Supervisors

\_\_\_\_\_  
Deputy (Seal)

Approved as to form:  
Philip J. Pogledich, County Counsel

By: \_\_\_\_\_