YREKA CITY COUNCIL

AGENDA

May 5, 2016 – 6:30 P.M.

Yreka City Council Chamber 701 Fourth Street, Yreka, CA

The full agenda packet can be found on the City's website www.ci.yreka.ca.us/council

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS: This is the time for public comments. Council may ask questions but may take no action during the public comment section of the meeting, except to direct staff to prepare a report or place an item on a future agenda. If you are here to make comments on a specific agenda item, you may speak at that time. If not, this is the time. Please limit your remarks to 5 minutes.

SPEAKERS: Please speak from the podium. State your name and mailing address so that City Staff can respond to you in regard to your comments, or provide you with information, if appropriate. You are not required to state your name and address if you do not desire to do so.

1. Discussion/Possible Action - Consent Calendar: All matters listed under the consent calendar are considered routine and will be enacted by one motion unless any member of the Council wishes to remove an item for discussion or a member of the audience wishes to comment on an item. The City Manager recommends approval of the following consent calendar items:
    a. Approval of Minutes of the meeting held April 21, 2016.
    b. Approval/ratification of payments issued from April 22 through May 5, 2016.
    c. Adopt Resolution approving requests associated with the Siskiyou County Law Enforcement and Veterans Memorial Association event to be held on Saturday July 9, 2016 known as the "Hot Rods for Heroes" car and motorcycle show.

2. Workshop: Discussion/Direction to Staff: Regulation of Marijuana Cultivation.

3. Discussion/Direction to Staff: Limiting the Sale of City of Yreka Water – Councilmember Freeman.

4. Discussion/Direction to Staff: Yreka Police Building – Councilmember Simmen and Mayor Mercier.

5. City Treasurer's Report: Discussion/Possible Action – Acceptance of:
    a) Cash Balances Report – March 2016
    b) Quarterly Treasurer's Investment Report – 3rd Quarter Fiscal Year 2015/2016
    c) Budget of Revenue and Expenditures with Year to Date Actuals through March 2016
    d) Quarterly Fiscal Performance Report – 2nd Quarter Fiscal Year 2015/2016

City Manager Report

a. Update on house moving (New Courthouse Project)
b. Discussion/Possible Direction to Staff: City Legislative Activities

Council Statements and Requests: Members of the Council may make brief announcements, reports, or request staff to report to Council on any matter at a subsequent meeting.

CLOSED SESSION:

1. Conference with Legal Counsel - Anticipated Litigation
   Initiation of litigation pursuant to Subdivision (c) of Section 54956.9 of the Government Code: (Number of cases to be discussed – 1 - The names of the parties are not disclosed, as it is believed that that to do so would jeopardize the City's ability to serve process or to conclude existing settlement negotiations to the City's advantage).

RETURN TO OPEN SESSION: Announcement of any action taken by the City Council in Closed Session required by the Ralph M. Brown Act. (Government Code Section 54950 et. seq.)

Adjournment.

In compliance with the requirements of the Brown Act, notice of this meeting has been posted in a public accessible place, 72 hours in advance of the meeting.

All documents produced by the City which are related to an open session agenda item and distributed to the City Council are made available for public inspection in the City Clerk's Office during normal business hours.

In compliance with the Americans with Disabilities Act, those requiring accommodations for this meeting should notify the City Clerk 48 hours prior to the meeting at (530) 841-2324 or by notifying the Clerk at casson@ci.yreka.ca.us.

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF YREKA HELD IN SAID CITY ON APRIL 21, 2016

On the 21st. day of April 2016, the City Council of the City of Yreka met in the City Council Chambers of said City in regular session, and upon roll call, the following were present: Deborah Baird, Bryan Foster, John Mercier and David Simmen Absent - Joan Smith Freeman.

Mayor Mercier announced that the Closed Session has been pulled from the agenda.

Consent Calendar: Mayor Mercier announced that all matters listed under the consent calendar are considered routine and will be enacted by one motion unless any member of the Council wishes to remove an item for discussion or a member of the audience wishes to comment on an item:

a. Approval of Minutes of the meeting held April 7, 2016.
b. Acceptance of Treasurer's Report and Budget to Actual for the month of February 2016.
c. Approval/ratification of payments issued from April 8, through April 21, 2016.
d. Adopt Resolution approving requests associated with the Special Event of Scott Valley Bank known as the Annual Scott Valley Bank Summer Concerts in the Park.
e. Adopt Resolution authorizing the County of Siskiyou to submit a Payment Program Regional Application on behalf of the County of Siskiyou as Lead Agency and the City of Yreka as one of the participating agencies.
f. Adopt Resolution approving the destruction of certain City Records – Yreka Police Department - 2004.
g. Adopt Resolution approving the destruction of certain City Records – Yreka Police Department - 2005.
h. Adopt Resolution approving requests associated with Special Event known as the Chris Lopez Classic to be held at Upper Greenhorn Park on June 18, 2016.
i. Approve Agreement for Services between the City of Yreka and David Toms Backflow Testing and Certification and authorize the City Manager to execute the agreement.
j. Authorize the City Manager to exercise the optional contract extension with Aiello Goodrich and Teuscher in the agreement dated August 13, 2013 for audit services.

Councilmember Simmen requested item 1e be pulled for discussion.

Following Council discussion, Councilmember Simmen moved to approve items a-d and f-j on the consent calendar as submitted.

Councilmember Baird seconded the motion, and upon roll call, the following voted YEA: Baird, Foster, Mercier and Simmen. Mayor Mercier thereupon declared the motion carried.

Adopt Resolution authorizing the County of Siskiyou to submit a Payment Program Regional Application on behalf of the County of Siskiyou as Lead Agency and the City of Yreka as one of the participating agencies.

Following Council discussion, Councilmember Simmen moved to adopt the Resolution as submitted.

Councilmember Foster seconded the motion, and upon roll call, the following voted YEA: Baird, Foster, Mercier and Simmen.

Mayor Mercier thereupon declared the motion carried.

Approve Increasing the Support to Madrone Hospice to $75,000 per year for operation of the Senior Programs.

City Manager Steve Baker reported that Madrone Hospice took over the operation of the Senior Center and related services from the City in 2010. At that time, the City contributed the use of the Community Center, allocated $75,000 per year, and turned over the senior buses. Having Madrone handle senior services has worked out very well during this time period.

Over the past few years as the city has endured financial difficulties, Madrone lowered the level of city support requested at staff's request. The funding for 2015/16 was $67,500.

The California Department of Aging allocates funds for senior programs on a four-year cycle. Madrone is currently looking at their budget for this next cycle and is requesting $75,000 in support. The application is due prior to the beginning of the 2016-18 budget cycle and this is why this request is on the agenda at this time.

Staff is recommending that the Council increase the funding allocation for senior programs to $75,000 per year. As noted in the request, even with this level of funding and the funding from the state, continuing to provide the same level of services will be an on-going challenge.

Beyond Madrone providing the services, there are some other challenges. One is that the buses are aging and will need to be replaced at some point. Madrone currently rotates the two smaller buses that are used most of the time to lengthen the life of the buses. Staff has been talking to the Local Transportation Commission for long term planning for replacing these buses. So far no funding has been identified (or the relevant funding source has no funds). In addition, the building and equipment are aging and will require increased capital replacement/repair costs (currently, we are doing roof repairs and evaluating tree vs. building/sidewalk conflicts). While the City started a replacement reserve with the some of the funds saved from the lower costs, these funds have already been expended. The proposed allocation to senior programs is $75,000. There are additional costs related to the building and equipment that are the City's responsibility.

Terrie Berentsen, Executive Director of Madrone Hospice Inc., addressed the Council to give the annual report on the Senior Nutrition and Transportation Programs, and to answer any questions regarding the services provided by Madrone Hospice.
Following Council discussion, Councilmember Simmen moved to approve the funding request in the amount of $75,000 as submitted.

Councilmember Baird seconded the motion, and upon roll call, the following voted YEA:

Baird, Foster, Mercier and Simmen.

Mayor Mercier thereupon declared the motion carried.

Adopt Resolution #2016-16 approving requests associated with Yreka Chamber of Commerce Special Events to be held on November 26, and December 2, 2016 known as the Holiday Parade & Festival and the Night of Lights.

Following Council discussion, Councilmember Foster moved to adopt the Resolution as submitted.

Councilmember Simmen seconded the motion, and upon roll call, the following voted YEA: Baird, Foster, Mercier and Simmen.

Mayor Mercier thereupon declared the motion carried.

Adopt Resolution # 2016-24 approving requests associated with Yreka Chamber of Commerce Special Event known as the "Saturday Farmers Market"

Following Council discussion, Councilmember Baird moved to adopt the Resolution as submitted.

Councilmember Simmen seconded the motion, and upon roll call, the following voted YEA: Baird, Foster, Mercier and Simmen.

Mayor Mercier thereupon declared the motion carried.

Adopt Resolution # 2016-25 approving requests associated with the Yreka Chamber of Commerce Special Event known as the Yreka Community Certified Farmers Market

Following Council discussion, Councilmember Simmen moved to adopt the Resolution as submitted.

Councilmember Foster seconded the motion, and upon roll call, the following voted YEA: Baird, Foster, Mercier and Simmen.

Mayor Mercier thereupon declared the motion carried.

Reject all bids for the Yreka Police Department Building Remodel Project.

City Manager Baker reported that bids were opened for the Yreka Police Department Remodel Project on March 29, 2016, and all bids were determined to be higher than the available project budget, with the lowest bid coming in at $2,215,150.00. The City's estimate of construction cost was $1,350,000.00

Staff is recommending that the Council reject all bids at this time as we believe it may be possible to reduce the cost of remodeling and will work with the architect to adjust the scope of the work.

Following Council discussion, Councilmember Foster moved to reject all bids submitted for the Yreka Police Department Building Remodel Project.

Councilmember Simmen seconded the motion, and upon roll call, the following voted YEA: Baird, Foster, Mercier and Simmen.

Mayor Mercier thereupon declared the motion carried.

Adopt Resolution authorizing the closure of a portion of Fourth Street from Butte Street to South Street during construction of the new Courthouse.

City Manager Baker reported that as part of the new Courthouse construction project, Fourth Street will need to be closed between Butte and South streets. The Council has previously had presentations on the courthouse project and the parking around the courthouse. Formally closing Fourth Street was inadvertently left off those agenda items.

There will be temporary closures or partial closures of other streets as construction proceeds and these will be handled through the City's normal encroachment permit process. The construction is expected to last approximately 2 years.

Following Council discussion, Councilmember Simmen moved to adopt the Resolution as submitted.

Councilmember Baird seconded the motion, and upon roll call, the following voted YEA: Baird, Foster, Mercier and Simmen.

Mayor Mercier thereupon declared the motion carried.

Approval of the 4/21/2016 City of Yreka Investment Policy for the Fiscal Years Ending 2017 and 2018.

Finance Director Rhetta Hogan presented the Council with proposed changes to the Investment Policy stating that the City's Investment Policy sets forth guidelines for investment for the City's excess cash, and this policy was last updated in July of 2008. The Investment and Audit Committee has discussed and reviewed the policy incorporating best practices from the California Debt and Investment Advisory Committee and modernizing language for ease of understanding investment policies.

Following Council discussion, Councilmember Simmen moved to approve the Investment Policy for the Fiscal Years ending 2017 and 2018.

Councilmember Baird seconded the motion, and upon roll call, the following voted YEA:

Baird, Foster, Mercier and Simmen.

Mayor Mercier thereupon declared the motion carried.

Authorize the City Manager to approve the agreement(s) to use Multi-Bank Securities, Inc. (MBS) as a broker/dealer to conduct investment activities within the City's approved investment policy.

Finance Director Hogan reported that the City invests funds that are not needed to meet current operating and capital requirements and to earn a reasonable rate of return, while at the same time, operating within the adopted investment policy. At present, the City mainly invests in the Local Agency Investment Fund known as LAIF, where the current yield has been between .28% and .47% over the past year.

Finance Director Hogan further reported that there are additional investment options available to the City that can earn a higher rate of return, and staff recommends working with a broker-dealer. A broker-dealer can facilitate the identification of higher rate of return investment opportunities and the development of a laddered portfolio, while at the same time, operating within the City's approved investment policy. Staff recommends working with Multi-Bank Securities, Inc. known as MBS. MBS is an investment broker that serves the needs of municipalities throughout the United States. On March 7, the Investment and Audit Committee met to discuss and review the proposal from MBS Securities and is recommending that the City Council authorize the City Manager to enter into the agreement to use Multi-Bank Securities, Inc., as a broker/dealer to conduct investment activities within the City's approved Investment Policy.

Following Council discussion, Councilmember Simmen moved to authorize the City Manager to execute the agreements with Multi-Bank Securities, Inc.

Councilmember Foster seconded the motion, and upon roll call, the following voted YEA: Baird, Foster, Mercier and Simmen.

Mayor Mercier thereupon declared the motion carried.

Appoint a Budgetary Review ad hoc committee

Finance Director Hogan reported that City staff has begun preparation of the City's bi-annual budget for fiscal years ending June 30, 2017 and 2018. Staff is recommending City Council input through a budget ad hoc committee to address concerns and issues arising from the budgetary review process.

Following Council discussion, Councilmember Foster moved to appoint Councilmembers Simmen & Baird to a budgetary review ad hoc committee, and to authorize the committee to appoint a member at large from the public.

Councilmember Simmen seconded the motion, and upon roll call, the following voted YEA:

Baird, Foster, Mercier and Simmen.

Mayor Mercier thereupon declared the motion carried.

Authorize the City Manager to enter into an Agreement as outlined in the proposal dated April 7, 2016 from PACE Engineering to update the City of Yreka's Water and Wastewater Utility Rate Study.

Finance Director Hogan reported that the State issued a Conservation Order letter to the City of Yreka on December 22, 2015, which stated in part that the City was ordered to pursue a rate study in compliance with California Proposition 218, with the foal of encouraging conservation as well as discouraging waste or overuse of water. The rate study shall be completed by February 2016 with a goal of implementing the new rate structure no later than the end of April 2016.

At the time staff believed we could use the existing rate study with minor updating to provide backup to the rate increase to be considered by the Council. However, the City Attorney has advised that since the City has not completed a rate study recently and given that the five year window has passed since the Prop 218 process in 2008, it appears now that the City is legally required to go through the entire rate adjustment procedure again.

Following Council discussion, Councilmember Baird moved to authorize the City Manager to enter into an Agreement with PACE Engineering to update the City of Yreka's Water and Wastewater Utility Rate Study.

Councilmember Simmen seconded the motion, and upon roll call, the following voted YEA: Baird, Foster, Mercier and Simmen.

Mayor Mercier thereupon declared the motion carried.

Mayor Mercier stated that he would like to take this time to note the passing of Yreka Volunteer Firefighter Rick Bettis, who gave 46 years of dedicated service to Fire Department and our community.

ADJOURNMENT There being no further business before the Council, the meeting was adjourned.

Attest:

_____
John Mercier, Mayor
Minutes approved by Council
Motion May 5, 2016

_____
Elizabeth E. Casson, City Clerk

Accounts Payable

Computer Check Proof List by Vendor

User: lysandra
Printed: 04/28/2016 - 9:35AM
Batch: 00008.04.2016

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 1527	ACME COMPUTER			Check Sequence: 1	ACH Enabled: False
FPA-89963	INV FPA-89963	3,480.00	05/06/2016	01-050-0000-525-000	
FPA-90126	INV FPA-90126	3,480.00	05/06/2016	01-050-0000-525-000	
	Check Total:	6,960.00			
Vendor: 4301	AT&T CALNET			Check Sequence: 2	ACH Enabled: False
7917967	INV 7917967	29.02	05/06/2016	01-200-0000-517-000	
7959518	INV 7959519INV 7959518	19.92	05/06/2016	01-300-0000-517-000	
7959519	INV 7959519	19.27	05/06/2016	80-560-0000-517-000	
7959520	INV 7959520	36.91	05/06/2016	01-020-0000-517-000	
7959521	INV 7959521	19.27	05/06/2016	70-510-0000-517-000	
7974800	INV 7974800	99.57	05/06/2016	01-210-0000-517-000	
	Check Total:	223.96			
Vendor: 1041	RON BLACK			Check Sequence: 3	ACH Enabled: False
05/06/16	MAY 2016	682.00	05/06/2016	01-200-0000-521-004	
	Check Total:	682.00			
Vendor: 2223	CALPO HOM & DONG ARCHITECTS INC			Check Sequence: 4	ACH Enabled: False
10-CHD03415	INV 10-CHD03415	4,040.32	05/06/2016	11-200-0911-525-000	
	Check Total:	4,040.32			
Vendor: 2377	CAMPORA INC			Check Sequence: 5	ACH Enabled: False
255469	INV 255469	442.31	05/06/2016	01-210-0000-518-002	
	Check Total:	442.31			
Vendor: 1077	COMPUTER LOGISTICS CORPORATION			Check Sequence: 6	ACH Enabled: False
67142	INV 67142 - WEBROOT ANTIVIRUS	351.00	05/06/2016	01-200-0000-517-000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	351.00			
Vendor: 1584	D & J MAINTENANCE			Check Sequence: 7	ACH Enabled: False
12030-IN	INV 12030-IN - FUEL DISPENSER INSP AND	174.72	05/06/2016	01-350-0000-520-100	
	Check Total:	174.72			
Vendor: 1092	DASH MEDICAL GLOVES INC			Check Sequence: 8	ACH Enabled: False
INV0990516	INV 0990516 - GLOVES	231.88	05/06/2016	01-200-0000-416-000	
	Check Total:	231.88			
Vendor: UB*00233	ROBERT ERICSSON OR NORTHERN CREDI			Check Sequence: 9	ACH Enabled: False
	Refund Check	247.44	05/06/2016	70-000-0000-950-000	
	Check Total:	247.44			
Vendor: 1916	G & G HARDWARE (POLICE)			Check Sequence: 10	ACH Enabled: False
204914	INV 204914 - KENNEL STUFF	25.78	05/06/2016	01-230-0000-416-000	
205133	INV 205133 - KEYS & OIL	19.31	05/06/2016	01-200-0000-516-000	
	Check Total:	45.09			
Vendor: 1911	G & G HARDWARE (PUBLIC WORKS)			Check Sequence: 11	ACH Enabled: False
05/06/16	ADJUSTMENT CREDIT PER STATEMENT T(	-86.55	05/06/2016	01-400-0000-416-000	
203597	INV 203597 - HALOGEN BULB REPLACEMI	10.74	05/06/2016	01-200-0000-521-000	
203732	INV 203732 - FASTENERS FOR MINER ST. P.	9.22	05/06/2016	01-400-0000-421-000	
203740	INV 203740 - FASTENERS FOR MINER ST. P.	0.97	05/06/2016	01-400-0000-421-000	
203847	INV 203847 - LED BULB REPLACEMENT FC	27.94	05/06/2016	01-200-0000-521-000	
203878	INV 203878 - WEEDEATER LINE FOR PARK!	36.54	05/06/2016	01-400-0000-416-000	
203981	INV 203981 - RUBBER HOSE WASHERS (2) I	8.37	05/06/2016	01-400-0000-416-000	
204117	INV 204117 - ELBOWS-MISC., SEAL TAPE, &	24.05	05/06/2016	01-400-0000-416-000	
204133	INV 204133 - FASTENERS & CLAMPS FOR S	13.16	05/06/2016	24-320-0000-450-001	
204146	INV 204146 - FASTENERS FOR STREET SIGI	1.59	05/06/2016	24-320-0000-450-001	
204149	INV 204149 - ELBOWS & ADAPTERS USED	9.09	05/06/2016	01-400-0000-416-018	
204187	INV 204187 - UTILITY BLADES FOR COMM	2.68	05/06/2016	01-480-0000-521-000	
204292	INV 204292 - ADAPTER FOR NEW WATER M	0.85	05/06/2016	71-500-0000-450-001	
204301	INV 204301 - CEMENT FOR NEW WATER MI	6.44	05/06/2016	71-500-0000-450-001	
204484	INV 204484 - PIPE SEALANT & BLACK ELB	13.51	05/06/2016	01-200-0000-521-000	
204485	INV 204485 - PLASTIC SIGN & GLUE WELD	8.36	05/06/2016	01-400-0000-416-000	
204494	INV 204494 - NIPPLES & UNIONS FOR YPD	12.44	05/06/2016	01-200-0000-521-000	
204510	INV 204510 - NIPPLES & COUPLINGS FOR Y	4.60	05/06/2016	01-200-0000-521-000	
204552	INV 204552 - PAINT BRUSH & TRAY LINER	3.31	05/06/2016	01-400-0000-416-000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
204553	INV 204553 - OPEN REEL RULER 1/2"X100' I	19.34	05/06/2016	20-312-0000-420-000	
204553	INV 204553 - CLAY PICK W/FG HANDLE FO	39.76	05/06/2016	80-550-0000-416-000	
204561	INV 204561 - SPLICE TERMINALS RUBBER	25.75	05/06/2016	20-312-0000-420-000	
204685	INV 204685 - FASTENERS & SCREWDRIVEF	12.66	05/06/2016	01-400-0000-416-017	
204693	INV 204693 - ROOF COATING FOR YPD RO(	37.61	05/06/2016	01-200-0000-521-000	
204705	INV 204705 - SINGLE CUT KEYS (2) FOR PE	5.35	05/06/2016	20-313-0000-416-000	
204710	INV 204710 - FAUCET SUPPLY REPAIR PART	1.08	05/06/2016	01-400-0000-416-000	
204715	INV 204715 - FASTENERS FOR WATERLINE	18.81	05/06/2016	70-500-0000-420-010	
204746	INV 204746 - PAINT LINERS FOR MINER ST	11.55	05/06/2016	01-400-0000-416-000	
204798	INV 204798 - 3-WIRE PLUG EXTENSION CO	5.36	05/06/2016	01-370-0000-521-000	
204841	INV 204841 - CHROME FLUSH LEVER, FAU	17.47	05/06/2016	01-400-0000-421-000	
204883	INV 204883 - TOILET BOLT SET & WAX RIN	9.65	05/06/2016	01-400-0000-421-000	
204909	INV 204909 - BATTERIES, TAPE, BUSHINGS	35.41	05/06/2016	01-400-0000-416-018	
205080	INV 205080 - WORKWEAR SAFETY T-SHIRT	53.72	05/06/2016	20-313-0000-450-000	
205157	INV 205157 - NETTING & HEX PLUGS FOR I	112.82	05/06/2016	01-400-0000-416-000	
205168	INV 205168 - SCHEDULE 40 PIPE, COUPLER	23.24	05/06/2016	20-313-0000-450-000	
205169	INV 205169 - COUPLER & CEMENT FOR GR	12.34	05/06/2016	01-400-0000-416-018	
	Check Total:	549.23			
Vendor: 1915	G & G HARDWARE (VEHICLE MAINT)			Check Sequence: 12	ACH Enabled: False
203697	INV 203697 - TARP HOOK AND WIRE ROPE	20.55	05/06/2016	01-350-0000-520-000	
204447	INV 204447 - 32W T8 LFL BULBS	10.74	05/06/2016	01-350-0000-520-000	
204520	INV 204520 - SPRAY PAINT #344	10.73	05/06/2016	01-350-0000-520-000	
	Check Total:	42.02			
Vendor: 2374	KARA GARDNER			Check Sequence: 13	ACH Enabled: False
01/15/16	INV 01/15/16 - SART EXAM	500.00	05/06/2016	01-200-0000-526-003	
	Check Total:	500.00			
Vendor: 7091	GREAT NORTHERN CORPORATION			Check Sequence: 14	ACH Enabled: False
190210-0316	INV 190210-0316	227.50	05/06/2016	65-620-0000-525-000	
	Check Total:	227.50			
Vendor: 1706	THE HARTFORD			Check Sequence: 15	ACH Enabled: False
12955644 2019	ACCT 12955644 5/16-5/19	1,148.00	05/06/2016	70-500-0000-530-009	
12955644 2019	ACCT 12955644 5/16-5/19	866.00	05/06/2016	80-550-0000-530-009	
	Check Total:	2,014.00			
Vendor: 2142	DOHN HENION			Check Sequence: 16	ACH Enabled: False

Invoice No		Description	Amount	Payment Date	Acct Number	Reference
05/06/16		MAY 2016 (1)	1,250.00	05/06/2016	01-040-0000-525-001	
		Check Total:	1,250.00			
Vendor:	UB*00236	JAMES OR JOSEPHINE KELLEY			Check Sequence: 17	ACH Enabled: False
		Refund Check	40.40	05/06/2016	70-000-0000-950-000	
		Check Total:	40.40			
Vendor:	1187	LIEBERT CASSIDY & WHITMORE			Check Sequence: 18	ACH Enabled: False
05/06/16		WEBINAR 04/14/16	60.00	05/06/2016	01-030-0000-513-000	
		Check Total:	60.00			
Vendor:	1400	MADRONE HOSPICE			Check Sequence: 19	ACH Enabled: False
05/06/16		MAY 2016	5,625.00	05/06/2016	01-090-0000-560-004	
		Check Total:	5,625.00			
Vendor:	2365	MARK CRAWFORD LOGGING INC			Check Sequence: 20	ACH Enabled: False
2/2016		INV 2/2016 - ROUGH CUT TIMBER FOR ADI	125.00	05/06/2016	01-400-0000-416-000	
		Check Total:	125.00			
Vendor:	2353	MICHAEL BAKER INTERNATIONAL INC			Check Sequence: 21	ACH Enabled: False
939054		INV 939054 - GENERAL SERVICES	6,201.25	05/06/2016	01-060-0000-526-000	
		Check Total:	6,201.25			
Vendor:	1214	MUNIMETRIX SYSTEMS CORPORATION			Check Sequence: 22	ACH Enabled: False
1605007		INV 1605007	499.00	05/06/2016	01-020-0000-515-002	
		Check Total:	499.00			
Vendor:	1253	PERFECTION CLEANING INC			Check Sequence: 23	ACH Enabled: False
05/06/16		APRIL 2016	425.00	05/06/2016	01-210-0000-526-001	
05/06/16		APRIL 2016	425.00	05/06/2016	01-080-0000-526-001	
05/06/16		APRIL 2016	680.00	05/06/2016	01-200-0000-526-001	
05/06/16		APRIL 2016	400.00	05/06/2016	01-400-0000-426-003	
		Check Total:	1,930.00			
Vendor:	1630	PERSONNEL PREFERENCE			Check Sequence: 24	ACH Enabled: False
69882		INV 69882	23.25	05/06/2016	01-030-0000-525-000	
69882		INV 69882	197.63	05/06/2016	70-510-0000-525-000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
69882	INV 69882	197.63	05/06/2016	20-390-1026-525-000	
69882	INV 69882	162.75	05/06/2016	81-550-6010-525-000	
69882	INV 69882	69.75	05/06/2016	60-310-6036-525-000	
69882	INV 69882	232.50	05/06/2016	60-400-6029-525-000	
69882	INV 69882	46.49	05/06/2016	80-560-0000-525-000	
	Check Total:	930.00			
Vendor: 17014	QUILL CORPORATION			Check Sequence: 25	ACH Enabled: False
5112174	INV 5112174 - OFFICE MISC	291.68	05/06/2016	01-200-0000-515-000	
5160371	INV 5160371 - DVD'S	48.35	05/06/2016	01-200-0000-515-000	
	Check Total:	340.03			
Vendor: UB*00235	R & D PROPERTIES			Check Sequence: 26	ACH Enabled: False
	Refund Check	44.77	05/06/2016	70-000-0000-950-000	
	Check Total:	44.77			
Vendor: UB*00237	SARAH RAFFAELLY OR CITY OF YREKA			Check Sequence: 27	ACH Enabled: False
	Refund Check	16.46	05/06/2016	70-000-0000-950-000	
	Check Total:	16.46			
Vendor: 2378	JIM RAGSDALE			Check Sequence: 28	ACH Enabled: False
RFND FEE	RFND ADOPTION FEE	40.00	05/06/2016	01-230-0000-870-300	
	Check Total:	40.00			
Vendor: 2216	RAY MORGAN COMPANY			Check Sequence: 29	ACH Enabled: False
1168953	INV 1168953	16.01	05/06/2016	70-520-0000-515-000	
1168953	INV 1168953	15.06	05/06/2016	01-300-0000-515-000	
1168953	INV 1168953	2.86	05/06/2016	01-060-0000-515-000	
1168953	INV 1168953	8.57	05/06/2016	01-030-0000-515-000	
1168953	INV 1168953	8.78	05/06/2016	01-030-0000-515-000	
1168953	INV 1168953	4.34	05/06/2016	01-020-0000-515-000	
1168953	INV 1168953	31.51	05/06/2016	70-030-0000-515-000	
1168953	INV 1168953	2.17	05/06/2016	01-020-0000-515-000	
	Check Total:	89.30			
Vendor: 1275	SACRAMENTO REGIONAL PUBLIC			Check Sequence: 30	ACH Enabled: False
TRNG 5/16-19	TRNG 5/16-19 COOKE	113.00	05/06/2016	01-200-6506-513-004	

Invoice No		Description	Amount	Payment Date	Acct Number	Reference
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Vendor:	1283	SC ECONOMIC DEVELOPMENT COUNCIL			Check Sequence: 31	ACH Enabled: False
05/06/16		MAY 2016	3,333.33	05/06/2016	01-090-0000-560-001	
		Check Total:	3,333.33			
Vendor:	1303	SHASTA FOREST PRODUCTS			Check Sequence: 32	ACH Enabled: False
55824-IN		INV 55824-IN - PAC BELL MIX DIRT FOR MI	1,806.00	05/06/2016	01-400-0000-416-008	
		Check Total:	1,806.00			
Vendor:	UB*00238	PAUL/SHARON TAYLOR OR CITY OF YREK			Check Sequence: 33	ACH Enabled: False
		Refund Check	45.95	05/06/2016	70-000-0000-950-000	
		Check Total:	45.95			
Vendor:	UB*00234	ANTHONY OR MANDEE TUTTLE			Check Sequence: 34	ACH Enabled: False
		Refund Check	107.41	05/06/2016	70-000-0000-950-000	
		Check Total:	107.41			
Vendor:	21027	UNITED PARCEL SERVICE			Check Sequence: 35	ACH Enabled: False
84V993116		INV 84V993116 - SHIPPING COST FOR MATI	91.10	05/06/2016	70-510-0000-420-000	
84V993116		INV 84V993116 - SHIPPING COST FOR A PAI	5.68	05/06/2016	01-420-0000-416-000	
84V993176		INV 84V993176 - SHIPPING FOR TONER OR	6.00	05/06/2016	01-370-0000-516-000	
84V993176		INV 84V993176 - SHIPPING FOR TONER OR	6.00	05/06/2016	70-510-0000-515-000	
84V993176		INV 84V993176 - SHIPPING FOR TONER OR	5.99	05/06/2016	80-560-0000-515-000	
		Check Total:	114.77			
Vendor:	25090	USPS			Check Sequence: 36	ACH Enabled: False
05/06/16		MAY 2016	1,400.00	05/06/2016	70-030-0000-515-001	
		Check Total:	1,400.00			
Vendor:	23008	WAL-MART COMMUNITY			Check Sequence: 37	ACH Enabled: False
002536		INV 002536 - LAMINATOR	21.47	05/06/2016	01-200-0000-515-000	
009208		INV 009208 - KENNEL STUFF	36.89	05/06/2016	01-230-0000-416-000	
		Check Total:	58.36			
Vendor:	1374	YREKA CHAMBER OF COMMERCE			Check Sequence: 38	ACH Enabled: False
05/06/16		MAY 2016	4,750.00	05/06/2016	01-090-0000-560-000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	4,750.00			
Vendor: 25120	YREKA TRANSFER			Check Sequence: 39	ACH Enabled: False
005821 4/16	ACCT 005821 4/16	82.00	05/06/2016	01-210-0000-518-004	
024631 4/16	ACCT 024631 4/16	102.00	05/06/2016	01-200-0000-518-004	
054217 4/16	ACCT 054217 4/16	129.00	05/06/2016	01-480-0000-518-004	
78350 4/16	ACCT 78350 4/16	60.00	05/06/2016	80-560-0000-518-004	
78350 4/16	ACCT 78350 3/16 LATE FEE	5.00	05/06/2016	80-560-0000-518-004	
	Check Total:	378.00			
	Total for Check Run:	46,029.50			
	Total of Number of Checks:	39			

CITY OF YREKA
CITY COUNCIL AGENDA MEMORANDUM

To:	Yreka City Council
Prepared by:	Steven W. Baker, City Manager
Agenda title:	Discussion/Possible Action: Adopt Resolution approving requests associated with the Siskiyou County Law Enforcement and Veterans Memorial Association event to be held on July 9, 2016 known as the "Hot Rod for Heroes" Car and Motorcycle Show.
Meeting date:	May 5, 2016

Discussion: Mark Dean has submitted the attached request on behalf of the Siskiyou County Law Enforcement and Veterans Memorial Association to hold a car and motorcycle show in Miner Street Park on July 9, 2016.

Fiscal Impact: Unknown. We do ask the event sponsor to clean the areas after the event, however, the Public Works crew typically has to provide additional cleanup after a large event such as this. The amount of time spent by public works on this additional cleanup varies.

Requested Action: That the Council adopt the Resolution as submitted.

Approved by: _____
Steven Baker, City Manager

CITY OF YREKA
RECEIVED
APR 18 2016
CITY CLERK

SISKIYOU COUNTY LAW ENFORCEMENT & VETERANS MEMORIAL ASSOCIATION

SISKIYOU COUNTY VETERANS COMMISSION

Mailing Address; 628 French Street Yreka, CA 96097

Attn; Steve Baker, Yreka City Manager

RE; Miner Street Park rental request for the third annual "Hot Rods for Heroes" car & motorcycle show in Miner Street Park 7/9/16 sponsored by Siskiyou County Law Enforcement & Veterans Memorial Association and the Siskiyou County Veterans Commission.

From; Mark Dean, President of Siskiyou Law Enforcement & Veterans Memorial Association & Commissioner of Siskiyou County Veterans Commission

The Siskiyou County Veterans Commission in conjunction with the Siskiyou County Law Enforcement & Veterans Memorial Association, a non profit organization [CA#2848760] is requesting City of Yreka authorization to hold our third annual "Hot Rods for Heroes" car & bike show in Miner Street Park on July 9th from 7am until 3pm. This event, as we have done in years past, will be held in the grass covered area adjacent to the baseball field taking all due cautions regarding the parking of cars on that area. Actual event time will be from 8am until 2pm. Karl Greiner and Joe Schettino [SCVC Co-Commissioner], both of Yreka, along with myself will be overseeing this event once again and have some 80 years of combined experience with such events. Be advised that 100% of all proceeds of this event will be going to the continued maintenance & development of the Yreka Veterans Cemetery section of Evergreen Cemetery which is operated by members of the SCVMA & SCVC.

Event Timeline;

0700- Parking cones will be placed over all all sprinklers in the car show area. Three to five folding tables will be erected for registration, 50/50 raffle, event t shirt sales, PA/music system as well as hot dog, water & soda sales. Vehicle regisration directional signage will be posted on barricades on Miner & West Streets.

0800- The back gate located by the tennis courts will be opened & vehicular entries will be directed by volunteers to their parking locations for the days event. Registration will commence, $20 donation reguested on show day & shirt, 50/50 raffle tickets & shirt sales will also begin.

0900- Hot dog & soda/water sales will commence.

1300- Hot Rods for Heroes car & bike show winners will be announced. Trophies presented & other sales will begin to be finalized. Entries & participants will begin to leave the park area under supervision of volunteers.

1400- Conclusion of event. Commence clean up & securing of the area.

1500-Event concluded & park secured.

General Information; approximately 50 to 100 entries are anticipated with estimated foot traffic of some 200 individuals. Event insurance, meeting the requirements of the City of Yreka, are being finalized currently by Churchill Insurance of Yreka, under the direction of Tres Churchill, & will be secured immediately upon City Council approval of this annual event.

Submitted By; Mark Dean 628 French St., Yreka 842-6294

RESOLUTION NO. 2016-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YREKA APPROVING REQUESTS ASSOCIATED WITH THE SISKIYOU COUNTY LAW ENFORCEMENT AND VETERANS MEMORIAL ASSOCIATION EVENT TO BE HELD ON SATURDAY JULY 9, 2016 KNOWN AS THE **"HOT RODS FOR HEROES" CAR AND MOTORCYCLE SHOW**

WHEREAS, the city, a municipal corporation, is the owner of certain lands within the City of Yreka which are operated by the City as public municipal facilities, and,

WHEREAS, the Siskiyou County Law Enforcement and Veterans Memorial Association (hereafter also referred to as "event sponsor") desires to sponsor the "Hot Rods for Heroes" Car and Motorcycle Show; and,

WHEREAS due to the proposed plan submitted for the event, the event sponsor has demonstrated that the following provisions of the Yreka Municipal Code [YMC] are not adversely implicated by this event:

Vehicle controls- YMC Chapter 10.73
Business license-YMC Section 5.04
Sound Amplifying Devices-YMC Chapter 9.28
Temporary Signs-YMC Section 13.16.020.D

WHEREAS, a permissive business license may be granted by the City Council for an event of this nature if the applicant demonstrates good moral character and, that issuance of the license will not be detrimental to the public peace, public health or public morals of the city, which tax is subject to an exemption if the applicant demonstrates that the activity is for charitable purposes or for exhibition on historical subjects whenever the receipts from the activity are to be appropriated for any benevolent purpose within the limits of the city.

WHEREAS, the event sponsor has demonstrated to the City its eligibility under YMC 5.04.160, and that the event will not disrupt traffic within the City beyond practical solution; will not interfere with access to fire stations and fire hydrants; the location of the special event will not cause undue hardship to adjacent businesses or residents; the event will not require the diversion of so many public employees that allowing the event would unreasonably deny service to the remainder of the city; and,

Whereas, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) that this action is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment; and

WHEREAS, the City Council has determined it would be in the best interests of the City to approve and authorize the action outlined in this Resolution; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YREKA DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The Council hereby finds and determines that the foregoing recitals are true and correct.

Section 2. The Council directs as follows:

a. A permit is hereby granted to event sponsor for the use of Miner Street Park for a car and motorcycle show on July 9, 2016; subject to the terms and conditions as set forth hereafter.

b. The event sponsor is hereby issued a business license for this event and is exempt from the business license tax. This exemption from the tax shall not apply to vendors at the event unless each vendor can separately demonstrate eligibility for exemption. The event sponsor may add vendors to their event and the City will work with the event sponsor to facilitate issuance of the daily business licenses for the event. Event sponsor will be responsible and hold harmless the City for acts of the vendors.

c. The event sponsor shall provide the City with proof of general liability insurance of not less than $1,000,000 and a separate endorsement naming the City of Yreka as additionally insured specific to the event dates and location, at least 1 week prior to the event. Event sponsor will be responsible and hold harmless the City for acts of the volunteers and vendors.

d. The event sponsor is responsible to furnish, place and remove all necessary barricades, furnish place and remove extra garbage cans and dispose of garbage, provide emergency access, cleanup all areas used including but not limited to the park, parking lot, and surrounding streets.

e. The event sponsor shall comply with all other City of Yreka ordinances; and, the event sponsor shall comply with such further conditions and requirements as may be set by the City Manager, Director of Public Works, and Chief of Police.

f. The event sponsor shall not place any paint on the street pavement, curb, gutter, and sidewalk. Any markings on the street pavement, curb, gutter, and sidewalk shall be of a temporary nature and shall be removed by the event sponsor at the end of the event.

g. The event sponsor shall be charged for any services required by the Public Works Department in connection with this event. The Director of Public Works is directed prepare a Use and Encroachment Agreement to be signed by the Event Sponsor setting forth the terms of use in accordance with this Resolution.

Section 3. It is further resolved, If any section, subsection, part, clause, sentence or phrase of this Resolution or the application thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, the validity of the remaining portions of this Resolution, the application thereof, shall not be effected thereby but shall remain in full force and effect, it being the intention of the City Council to adopt each and every section, subsection, part, clause, sentence phrase regardless of whether any other section, subsection, part, clause, sentence or phrase or the application thereof is held to be invalid or unconstitutional.

Section 4. The City Manager, the Chief of Police, Director of Public Works, and all other proper officers and officials of the City are hereby authorized and directed to execute such other agreements, documents and certificates, and to perform such other acts and deeds, as may be necessary or convenient to affect the purposes of this Resolution and the transactions herein authorized.

Section 5. The City Clerk of the City shall forward a copy of this Resolution to the event sponsor, the Chief of Police, and the Director of Public Works. This resolution shall take effect immediately upon its passage.

Passed and adopted this 5th day of May 2016, by the following vote:

AYES:
NAYS:
ABSENT:

_____
John Mercier, Mayor

Attest:_____
Elizabeth E. Casson, City Clerk

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CITY OF YREKA
CITY COUNCIL AGENDA MEMORANDUM

To:	Yreka City Council
Prepared by:	Steve Baker, City Manager
Agenda title:	Workshop: Discussion/Direction to Staff: Regulation of Marijuana Cultivation.
Meeting date:	May 5, 2016

Discussion: The City Council has discussed the regulation of medical marijuana a number of times over the last six months as new legislation passed by the State of California, among other things, clarified the City's ability to regulate marijuana.

The new legislation sets up a state regulatory structure that will be and timelines for creating various regulations and licensing requirements. These are expected to evolve over the next two years.

In addition, the Siskiyou County adopted more restrictive regulations regarding the cultivation of medical marijuana in the unincorporated areas of the County. These actions are the subject of a referendum on the June 2016 ballot and therefore have not yet gone into effect. If the County's proposed regulations that ban outdoor cultivation are upheld by the voters, there could be greater probability that outdoor marijuana grows could occur in the City limits.

There are also various initiatives proposed for the November 2016 ballot that if enough signatures are received and the initiative(s) approved by California voter, would allow the recreational use of marijuana.

In short, the landscape for regulating marijuana has changed and will change in the future, perhaps dramatically.

Staff believes that the most critical need at this point is to determine the City's regulation of marijuana cultivation. Staff previously drafted alternative ordinances to regulate indoor and outdoor cultivation of marijuana; however, when state law was changed to eliminate a deadline for initiating local regulation of marijuana cultivation, consideration of those ordinances was tabled. The Council subsequently held a workshop about marijuana regulation in general.

The major decisions that need to be made regarding cultivation are:

1. Whether to allow outdoor cultivation, and if allowed, what limits on the number of plants or square footage of cultivation.
2. Whether to allow indoor cultivation, and if allowed, what limits on the number of plants or square footage of cultivation.

Approved by: _____
Steven Baker, City Manager

3. The regulatory structure, including appeals and penalties for violating the limits set for items 1 or 2 above.

One other issue that is on the horizon is distribution of medical marijuana. Deliveries are allowed unless they are expressly prohibited by local ordinance. The City may adopt such an ordinance with the exception that be cannot prohibit a delivery service from passing through Yreka to a delivery location outside its boundaries.

The format for this agenda item is a workshop, followed by Council discussion. Staff is requesting that City Council, after the workshop, provide broad direction on the development of an ordinance that would regulate cultivation in the city limits. Using the existing draft ordinances as a template, Council may also want to address any specific concerns with the language in those ordinances

Previous draft ordinances are attached. The draft ordinance for growing inside a house has been modified to incorporate new information. The ordinance adopted by the County that is subject to the referendum vote in June is also attached.

Recommendation: That the City Council hold a workshop to obtain further public comment, then discuss and provide direction to staff on the development of an ordinance regarding marijuana cultivation.

Prohibiting Outdoor

ORDINANCE NO. Draft 1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YREKA ENACTING CHAPTER 9.26 ENTITLED "MARIJUANA CULTIVATION" TO PROHIBIT OUTDOOR CULTIVATION OF MARIJUANA, REGULATE THE STRUCTURES WITHIN WHICH MARIJUANA MAY BE CULTIVATED, ESTABLISH A REGISTRATION PROCESS AND FINDING THE ADOPTION OF THIS ORDINANCE TO BE EXEMPT FROM CEQA

THE CITY COUNCIL OF THE CITY OF YREKA FINDS AND ORDAINS AS FOLLOWS:

Section 1. Enactment.

Chapter 9.26 of Title 9 of the City of Yreka Municipal Code is hereby enacted and added as a codified ordinance to read as follows:

CHAPTER 9.26

MARIJUANA CULTIVATION

Sections

9.26.100 Authority
9.26.110 Purpose & Intent
9.26.120 Findings
9.26.130 Scope
9.26.140 Responsibilities
9.26.150 Private Right of Action
9.26.200 Definitions
9.26.300 Cultivation Restrictions
9.26.310 Cultivation Requirements
9.26.320 Dwellings
9.26.330 Fencing
9.26.340 Registration Requirements
9.26.400 Conditions Creating Public Nuisance
9.26.500 Enforcement Authority
9.26.510 Right of Entry/Inspection
9.26.520 Violations

9.26.530 Remedies
9.26.540 Notice and Order to Abate
9.26.550 Violation Penalties
9.26.560 Enforcement Costs
9.26.570. Record of Abatement Cost-Hearing and Proceedings
9.26.575. Nuisance Abatement Lien.
9.26.600 Relief and Reconsideration
9.26.610 Decision- Time Limitation for Judicial Filing

ARTICLE I
GENERAL PROVISIONS

9.26.100 Authority

Pursuant to authority granted by Article XI Section 7 of the California Constitution, Section 372 of the California Penal Code, California Code of Civil Procedure § 731 and California Civil Code §3491 the City Council of the City of Yreka does hereby enact this Chapter.

9.26.110 Purpose & Intent

The purpose and intent in adopting this Chapter is to acknowledge State law as it relates to medical Marijuana and to reduce conditions that create public nuisances through enacting these regulations including without limitation, restrictions as to location of Cultivation, the Defined Area in which Marijuana Plants may be Cultivated, and the use of screening and security structures, to more effectively control the adverse impacts associated with Marijuana Cultivation as stated herein, while considering the desires of Qualified Patients Qualified Patients and Primary Caregivers, in furtherance of the public necessity, health, safety, convenience, and general welfare within the City's jurisdictional limits. Nothing in this Chapter shall be construed to authorize any use, possession, Cultivation, or distribution of Marijuana for non-medical purposes or that is in violation of state or federal law.

9.26.120 Findings

A. The Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., classifies Marijuana as a Schedule I Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision.

B. The Federal Controlled Substances Act makes it unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, Marijuana. The Federal Controlled Substances Act contains no exemption for the

Cultivation, manufacture, distribution, dispensation, or possession of Marijuana for medical purposes or for any medical necessity.

C. In 1996, the voters of the State of California approved Proposition 215, "The Compassionate Use Act," (codified as Health and Safety Code Section 11362.5) which was intended to decriminalize Cultivation and possession of medical Marijuana to ensure that the seriously ill, or the patient's primary caregiver, for the patient's personal use, and to create a limited defense to the crimes of possessing or cultivating Marijuana. The Act further provided that nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of Marijuana for non-medical purposes. Possession and cultivation is limited to instances when the patient has an express recommendation or approval of a physician.

D. The State enacted SB 420 in 2004 (known as the "Medical Marijuana Program Act," codified as Health and Safety Code Section 11362.7 through 11362.83) to clarify the scope of The Compassionate Use Act of 1996 by creating the Medical Marijuana Identification Card program, creating reasonable regulations for cultivating, processing, transporting and administering Marijuana, as well as limiting the amount Marijuana a qualified individual may possess. The Medical Marijuana Program Act (codified as Health and Safety Code Section 11362.775) defines a "primary caregiver" as an individual who is designated by a qualified patient or by a person with an identification card, and who has consistently assumed responsibility for the housing, health, or safety of that patient or person and is further defined in the California Supreme Court decision *People v. Mentch* (2008) 45 Cal. 4th 274.

E. In *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal.4th 729 the California Supreme Court unanimously ruled that the CUA and the MMP did not preempt a local agency's own ordinances, to regulate the use of its land, including the authority to provide that facilities for the distribution of medical marijuana will not be permitted to operate within its borders. The court held that the CUA and the MMP: "...remove state-level criminal and civil sanctions from specified medical marijuana activities, but they do not establish a comprehensive state system of legalized medical marijuana; or grant a 'right' of convenient access to marijuana for medicinal use; or override the zoning, licensing, and police powers of local jurisdictions; or mandate local accommodation of medical marijuana cooperatives, collectives, or dispensaries." This ruling has been applied to a city's right to prohibit the cultivation of Marijuana by numerous appellate court decisions.

F. In 2015 the State of California enacted AB 243, AB 266, and SB 643 create a comprehensive state regulatory and licensing system governing the cultivation, testing, and distribution of medical marijuana, as well as physician recommendations for medical marijuana. It created the Bureau of Medical Marijuana Regulation within the Department of Consumer Affairs.

It has have primary responsibility for administering and enforcing the MMRSA. That scheme also provided for the protection of a local government agency's police powers in Business and Professions Code §§ 19315(a), 19316(a) and 19316(c). Thus all local remedies for any violation of this ordinance have been retained including the following enforcement actions: 1) Administrative citations; 2) Administrative abatement proceedings; 3) License revocation; 4) Civil action for injunctive relief and 5) Criminal enforcement following the failure to abate a public nuisance.

G. The strong distinctive odor of Marijuana plants creates an attractive nuisance, alerting persons to the location of the valuable plants, and has resulted in burglary, robbery and armed robbery.

H. The strong and distinctive odor of Marijuana plants creates a need to ensure that smells that disrupt the use of adjacent properties are minimized, much in the same way that many Cities have ordinances currently in place to minimize the smells associated with raising livestock.

I. Children (minors under the age of 18) are particularly vulnerable to the effects of Marijuana use and the presence of Marijuana plants is an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children (including schools, parks, and other similar locations).

J. The unregulated Cultivation of Marijuana in the incorporated area of the City of Yreka can adversely affect the health, safety, and well being of the City, its residents and environment. Comprehensive civil regulation of premises used for Marijuana Cultivation is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated Marijuana Cultivation, and that are especially significant if the amount of Marijuana cultivated on a single premises is not regulated and substantial amounts of Marijuana are thereby allowed to be concentrated in one place.

K. The unregulated indoor Cultivation of substantial amounts of Marijuana within a residence presents potential health and safety risks to those living in the residence, especially to children, including, but not limited to, increased risk of fire from grow light systems, exposure to fertilizers, pesticides, anti-fungus/mold agents, and exposure to potential property crimes targeting the residence.

L. Comprehensive restriction of premises used for Marijuana Cultivation is proper and necessary to address the risks and adverse impacts as stated herein, that are especially significant if the amount of Marijuana cultivated on a single premises is not regulated and substantial amounts of Marijuana are thereby allowed to be concentrated in one place.

M. Outdoor Marijuana Cultivation is creating devastating impacts to California's surface and groundwater resources and environmental damage. The State Water Resources Control Board, the Central Valley Regional

Water Quality Control Board and the Department of Fish and Wildlife have seen a dramatic increase in the number of Marijuana gardens, and corresponding increases in impacts to water supply and water quality, including the discharge of sediments, pesticides, fertilizers, petroleum hydrocarbons, trash and human waste. The sources of these impacts result from unpermitted and unregulated timber clearing, road development, stream diversion for irrigation, land grading, erosion of disturbed surfaces and stream banks, and temporary human occupancy without proper sanitary facilities.

N. The immunities from certain prosecution provided to Qualified Patients and their Primary Caregivers under State law to cultivate Marijuana plants for medical purposes does not confer the right to create or maintain a public nuisance. By adopting the regulations contained in this Chapter, the City will achieve a significant reduction in the complaints of odor and the risks of fire, crime and pollution caused or threatened by the unregulated Cultivation of Marijuana in the City of Yreka.

0. Nothing in this Chapter shall be construed to allow the use of Marijuana for non-medical purposes, or allow any activity relating to the Cultivation, distribution, or consumption of Marijuana that is otherwise illegal under State law. No provision of this Chapter shall be deemed a defense or immunity to any action brought against any person by the City of Yreka, the Yreka City Attorney, the Siskiyou District Attorney, the Attorney General of State of California, or the United States of America.

P. The unregulated indoor Cultivation of Marijuana has potential adverse effects to the structural integrity of the building, and the use of high wattage grow lights and excessive use of electricity increases the risk of fire, which presents a clear and present danger to the building and its occupants.

R. The Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the Cultivation or other concentration of Marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.

S. The Planning Commission of the City of Yreka, after due notice, at the public hearing of January 20, 2016, reviewed the proposed Ordinance and accompanying documents, considered testimony regarding the proposed Ordinance, and voted _____-_____-_____ to recommend [approval/denial] of the Ordinance to the City Council.

U. All legal prerequisites for the adoption of this Ordinance have occurred.

V. The above recitals are all true and correct.

9.26.130 Scope

The provisions of this Chapter shall apply generally to all property throughout the incorporated area of the City of Yreka, as from time to time, annexed and expanded.

9.26.140 Responsibilities

A. Regardless of whether an owner is in actual possession of his or her real property, it is the duty of every owner of real property within the incorporated area of City of Yreka to prevent a public nuisance from arising on, or from existing upon, his or her real property.

B. No person or entity shall cause, permit, maintain, conduct or otherwise allow a public nuisance as defined in this Chapter to exist upon any property within their control and shall not cause a public nuisance to exist upon any other property within the incorporated limits of the City of Yreka. It shall be the duty of every owner, occupant, and person that controls any land or interest therein within the incorporated area of the City of Yreka to remove, abate and prevent the reoccurrence of any public nuisance upon such land.

9.26.150 Private Right of Action

Nothing contained in this Chapter shall be construed to prohibit the right of any person or public or private entity damaged by any violation of this Chapter to institute a civil proceeding for injunctive relief against such violation, for money damages, for compensatory damages, for injunctive relief, and for the cost of suit and reasonable attorney's and expert witness' fees, or for whatever other or additional relief the court deems appropriate. The remedies available under this Chapter shall be in addition to, and shall not in any way restrict other rights or remedies available under law.

ARTICLE 2
DEFINITIONS

9.26.200 Definitions

Except where the context otherwise requires, the following definitions shall govern the construction of this Chapter:

A. Building Official" means any person employed by the City of Yreka that has been delegated or assigned building inspection duties or building plan approval.

B. "City Manager" means the City Manager of the City of Yreka, California or his or her designee.

C. "Commercial cannabis activity" shall have the meaning set forth in Business and Professions Code section 19300.5(k).

D. "Code" means the City of Yreka Municipal Code.

E. "Code Enforcement Officer" means any person employed by the City of Yreka that has been delegated or assigned code enforcement responsibilities.

F. "Costs of Enforcement" or "Enforcement Costs" means the total cost incurred by the City in connection with a public nuisance including, but not limited to:

1. Any cost incurred in removing or remedying a public nuisance;

2. The actual expenses and costs of the city in preparation of notice and order, reconsideration, appeal and termination fees for administrative services rendered by the City in connection with the inspection, notification, prosecution and abatement procedures authorized by this code:

a. Notice and order, appeal and termination fees in such amounts as are determined from time to time by resolution of the city council;

b. Notice and order, appeal and termination fees based on services rendered by the City from the time of the initial complaint intake for the purpose of documenting a violation of this code until the violation is corrected;

c. The notice and order, appeal and termination fees are not intended to be a penalty imposed for violation of this code or other laws;

d. Specifications and contracts;

e. Any attorney's fees expended in the abatement of the nuisance, through inspection warrant, civil action or otherwise;

f. The cost of printings and mailings required under this code;

g. All costs or expenses to which the city may be entitled pursuant to Health and Safety Code Section 510 and other statutory entitlement;

h. All costs and expenses for which the city may be liable under state law arising from or related to the nuisance.

3. Any cost incurred by the City in collecting the costs enumerated in subsections 1 and 2 of this definition.

G. "City" means the City of Yreka.

H. "Chapter" or Ordinance means this ordinance.

I. "Cultivation" means the planting, growing, harvesting, drying, processing, or storage of one or more Marijuana plants or any part thereof in any location, indoor or outdoor, including from within a fully enclosed and secure building.

J. "Defined Area of Cultivation" means a single, indoor, area wherein all portions of Cultivation are within the Dwelling completely screening the Cultivation from public view. Cultivation of Marijuana is limited to an area that is less than 50 square feet of floor area, irrespective of how many Qualified Patients or Primary Caregivers live on the Parcel.

K. "Dwelling" means a building intended for human habitation that has been legally established, permitted and certified as a single-family or multi-family dwelling.

L. "Enforcement Official" means the Code Enforcement Officer, City Attorney or the City Police, or the authorized officers or designees of either, each of whom is independently authorized to enforce this Chapter.

M. "Indoors" means within a fully enclosed structure, with a solid roof, floor, and walls. The structure must be securable against unauthorized entry and constructed of solid materials such as 3/8" or thicker plywood, glass, or equivalent materials. Shade-cloth covered and plastic sheeting covered, regardless of gauge, or similar products do not satisfy this requirement. A structure without a solid floor does not satisfy this requirement; no Marijuana shall be Cultivated in the soil beneath the Dwelling or Accessory Structure. The indoor area must have a valid Certificate of Occupancy issued to it.

N. "Marijuana" means all parts of the plant Cannabis sativa L. or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination including marijuana infused in foodstuff or any other ingestible or consumable product containing marijuana. The term "marijuana" shall also include "medical marijuana" as such phrase is used in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state of California or subject to the provisions of California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).

O. “Marijuana Cultivation Facility” means any business, facility, use, establishment, property, or location where the cultivation of marijuana occurs.

P. "Marijuana Plant" means any mature or immature Marijuana plant including the stalks of the plant, or any Marijuana seedling, that is capable of producing Marijuana. A "mature" Marijuana plant is one whose sex can be determined by visual inspection.

Q. "Medical Marijuana" is Marijuana used for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of acquired immune deficiency syndrome ("AIDS"), anorexia, arthritis, cancer, chronic pain, glaucoma, migraine, spasticity, or any other serious medical condition for which

marijuana is deemed to provide relief as defined in subsection (h) of Health and Safety Code § 11362.7.

R. "Medical Marijuana Dispensary" means any business, facility, use, establishment, property, or location, whether fixed or mobile, where Medical Marijuana is sold, made available to, delivered to and/or distributed by or to three or more people. A "Medical Marijuana Dispensary" does not include the following uses, as long as the location of such uses are otherwise regulated by this Code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code § 11362.5 and following.

A. "Outdoors" means any location that is not "indoors" within a fully enclosed and secure structure as defined herein.

B. "Parcel" means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (commencing with Section 66410 of the Government Code) and also means parcels that are described, recorded and kept in official City records specifically including documents and maps used by the Siskiyou County Assessor's Office, the Siskiyou County Tax Collector's Office and the Siskiyou County Recorder's Office.

C. "Primary Caregiver" shall have the same meaning as "primary caregiver" as defined in the California Health and Safety Code, commencing with Section 11362.7(d), and as further defined in the California Supreme Court decision People v. Mentch (2008) 45 Ca1.4th 274.

D. "Public View" shall mean as viewed at ground level, without the use of a ladder or similar device, from any place the general public has a lawful right to be including the public right of way, a public way or neighboring premises.

E. "Qualified Patient" shall have the same meaning as "qualified patient" as defined in the California Health and Safety Code, commencing with Section 11362.7(f) as amended or supplanted.

F. "Residence" shall have the same meaning as "Dwelling".

G. "Police" or "Police Department" means the City of Yreka Police Department or the authorized representatives thereof.

ARTICLE 3
RESTRICTIONS AND REQUIREMENTS

9.26.300 Cultivation Restrictions

A. It is unlawful and a public nuisance for any person owning, leasing, renting, occupying, or having charge or possession of any Parcel within any zoning district in the City to cause or allow such Parcel or premises to be used for the Outdoor Cultivation of Marijuana Plants.

B. No person may own, establish, open, operate, conduct, or manage a Medical Marijuana Dispensary, Marijuana Cultivation Facility or Commercial Cannabis Activity in the city, or be the lessor of property where a Marijuana Cultivation Facility and/or Commercial Cannabis Activity is located. No person may participate as an employee, contractor, agent, volunteer, or in any manner or capacity in any Medical Marijuana Dispensary, Marijuana Cultivation Facility and/or Commercial Cannabis Activity in the city.

C. Residential Structure Cultivation. It is unlawful and a public nuisance for any person to cultivate medical Marijuana inside any Residence or other structure, including Accessory Structures, without a medical Marijuana Cultivation registration issued by the City. Any such registration issued, is not intended as, nor shall it be deemed, a local permit, license or other authorization under California Bus. & Prof. Code § 19320(a), and is not intended as, nor shall it be deemed Yreka's consent to any Cultivation within the city under California Bus. & Prof. Code § 19320(a) for a state cultivation license under the MMRSA (Bus. & Prof. Code § 19300, et seq.).

D. No person and/or entity may deliver or transport Medical Marijuana from any fixed or mobile location, either inside or outside the city, to any person in the city, except that a person may deliver or transport Medical Marijuana to a Qualified Patient or person with an identification card, as those terms are defined in Health and Safety Code section 11362.7, for whom he or she is the Primary Caregiver within the meaning of Health and Safety Code sections 11362.5 and 11362.7(d).

E. Marijuana Cultivation Facilities are prohibited in all zones in the city and shall not be established or operated anywhere in the city. This prohibition shall not apply to a Qualified Patient, as defined by Health and Safety Code section 11362.7(f), who cultivates Medical Marijuana, either by himself or herself or with assistance from his or her Primary Caregiver, as defined by Health and Safety Code sections 11362.5(e) and 11362.7(d), Indoors, and Cultivated within a Defined Area of Cultivation.

F. Commercial Cannabis Activities are prohibited in all zones in the city and shall not be established or operated anywhere in the city. This provision shall not apply to the exceptions to the prohibition of "Medical marijuana

distribution facility" under Yreka Municipal Code Chapter 9.25, §9.25.010(1) through (5) inclusive.

G. Medical Marijuana Dispensaries are prohibited in all zones in the city and shall not be established or operated anywhere in the city.

H. All persons and entities engaging in the Cultivation of Marijuana shall:

1. Have a legal water source on the Parcel;
2. Not engage in unlawful or unpermitted surface drawing of water for such Cultivation; and
3. Not permit illegal discharges of water from the parcel.

I. Marijuana Cultivation shall not adversely affect the environment or the public health, safety, or general welfare by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, or vibration, by the use or storage of plant or animal poisons, or hazardous materials, processes, products or wastes, or by any other way.

J. Applicants seeking authorization to Cultivate Marijuana on Parcels where active Code Enforcement violations of any provision of the City of Yreka Municipal Code exist shall first correct Code violations prior to Cultivating Marijuana.

K. Nothing contained in this section shall be deemed to permit or authorize any use or activity which is otherwise prohibited by any state or federal law.

9.26.310 Cultivation Requirements

A. Cultivation may only occur on a Parcel improved with an occupied, legally established, Dwelling in conformance with this Chapter. The Cultivation shall be contained within the Defined Area of Cultivation in one, single, residential Dwelling affixed to the real property that:

1. Meets the definition of "Indoor;"
2. That is located on the same Parcel and within the Dwelling of a Qualified Patient(s) or a Primary Caregiver(s); and
3. That complies with all of the provisions of the City of Yreka Code relating to occupied structures including, but not limited to, the City's Building and Construction Code in Title 11, and construction codes in Title 12 of the City of Yreka Municipal Code. Where the provisions of this Chapter are more restrictive than other portions of the City of Yreka Code the provisions of this Chapter shall govern.

9.26.320 Dwellings

A. Dwellings used for the Cultivation of Marijuana shall meet all of the following criteria:

1. The Dwelling and the Indoor area used for the Cultivation of Marijuana, regardless of size, shall be legally constructed with all applicable development permits including, but not limited to, grading, structural, electrical, mechanical and plumbing approved by the applicable authorities prior to any Cultivation activity. The conversion of any existing accessory structure, or portion thereof, for Cultivation shall be subject to these same permit requirements and must be inspected for compliance by the applicable authorities prior to any Cultivation.
2. The Indoor area used for the used for the Cultivation of Marijuana shall be equipped with permanently installed and permitted electricity, and shall not be served by temporary extension cords. Electrical wiring conductors shall be sized based on the currently adopted California Electrical Code with anticipated loads identified.
3. The Indoor area used for the Cultivation of Marijuana shall be equipped with a permanently installed and permitted odor control filtration and ventilation system adequate to prevent an odor, humidity, or mold problem within the structure, on the Parcel, or on adjacent parcels. Where Marijuana is Cultivated the Residence or Accessory Structure's order control system shall be sufficient to ensure that no Marijuana related orders emanate to the Outdoors.
4. Indoor grow lights shall not exceed one thousand two hundred (1,200) watts and shall comply with the California Building, Electrical and Fire Codes as adopted by the City.

9.26.340 Registration Requirements

A. The Cultivation of Marijuana in any quantity upon any premises without first registering the Cultivation and paying the required fee is hereby declared to be unlawful and a public nuisance and may be abated in accordance with this Chapter.

B. The Registration Application shall be prescribed by City of Yreka Building Official (CYBO) and shall at a minimum contain the following:

1. The person(s) owning, leasing, occupying, or having charge or possession of any premises have submitted the required annual registration for the premises to CYBO, and provided all of the following current information and documentation to CYBO:
    a. The name of each person, owning, leasing, occupying, or having charge or possession of the premises;
    b. The name of each qualified patient or primary caregiver who participates in the Cultivation, either directly or by providing reimbursement for Marijuana or the services provided in conjunction with the provision of that Marijuana;
    c. A copy of the current valid medical recommendation or State-issued medical Marijuana card for each qualified patient identified as

required above, and for each qualified patient for whom any person identified as required above is the primary caregiver;

d. The total area to be used for the Cultivation of Marijuana plants on the Parcel; and

e. Such other information and documentation as the CYBO determines is necessary to ensure compliance with State law and this Chapter.

2. The registration shall contain a statement in substantially the following form: By submitting this registration, the property owner and the cultivator, if different, will allow and hereby consents to Code Enforcement Officer(s) entering the property, at a reasonable time, to inspect for compliance with this Chapter.

3. The registration shall contain a statement, under penalty of perjury, that the information is true and accurate.

C. Where the registration application is deemed complete, and no violations or conditions are identified to prohibit Marijuana Cultivation, a registration number shall be provided to the applicants. The registration number shall be kept with the Cultivation and shall be presented to the inspecting Code Enforcement Officer upon request.

D. This information and documentation shall be received in confidence, and shall be used or disclosed only for purposes of administration or enforcement of this Chapter or State law, or as otherwise required by law, including but not limited to the Public Records Act.

E. The City Council shall, by Resolution, establish a fee for such annual registration in accordance with all applicable legal requirements.

F. Every registration under this Chapter shall be valid for no more than one calendar year and shall expire on December 31st of that year. An expired registration shall be renewed in the same manner as an initial registration hereunder. In the event that the registration of any premises for any calendar year is submitted after March 1st of that year, the registrant shall pay a late registration penalty equal to fifty percent (50%) of the applicable registration fee. The City Manager may waive the late registration penalty if the failure to timely register was due to reasonable cause and not due to willful neglect.

G. If the person(s) cultivating Marijuana on any legal parcel is/are not the legal owner(s) of the parcel, such person(s) shall submit a notarized letter from the legal owner(s) consenting to the Cultivation of Marijuana on the parcel. Notwithstanding the foregoing, the owner of a Parcel where the cultivator has not obtained a notarized letter shall still be responsible for any nuisance that has been determined to exist upon their property. The City shall prescribe forms for such letters.

H. No person(s) shall have any vested rights to any authorization, right, or interest under this Ordinance, regardless of whether such person(s)

Cultivated Marijuana prior to the adoption of this Ordinance. Nothing in this Chapter shall be construed to confer a right to Cultivate Marijuana prior to the actual approval of a registration application by the City.

ARTICLE 4

PUBLIC NUISANCE

9.26.400 Conditions Creating Public Nuisance

A public nuisance shall be deemed to exist when any of the following conditions or circumstances is present:

A. Any person owning, leasing, occupying or having charge or possession of any Parcel within the City's incorporated area to cause or allow such Parcel to be used for the Cultivation of Marijuana in violation of the provisions contained herein or any provisions set forth in Division 10 of the California Health and Safety Code.

B. The Cultivation of Marijuana on a Parcel that does not have an occupied legally established Dwelling in conformance with this Chapter.

C. The Cultivation of Marijuana on a Parcel by anyone other than a Qualified Patient or a Primary Caregiver. A physician's recommendation shall be kept onsite at all times and shall be posted in plain view for inspection. Where multiple people are cultivating, each physician recommendation shall be posted.

D. Marijuana plants in public view.

E. The Cultivation of Marijuana in excess of the Defined Area of Cultivation.

F. The improper use, storage and/or disposal (per the manufacturer's instructions and/or any law that governs same) of chemicals, fertilizers, gas products (CO2, butane, etc.) or any other products or equipment associated with the Cultivation of Marijuana.

G. Any violation of this Chapter, any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence.

ARTICLE 5

ENFORCEMENT

9.26.500 Enforcement Authority

The Code Enforcement Official that has been assigned responsibility for administration of Code Enforcement services is hereby designated to enforce this Chapter.

9.26.510 Right of Entry/Inspection

To enforce the provision of this Code, any Code Enforcement Officer may at a reasonable time request inspection of any parcel suspected of cultivating Marijuana. If the person owning or occupying the Parcel refuses the request for an inspection, the Code Enforcement Officer shall have recourse to every

remedy provided by law to secure entry, including obtaining an inspection warrant.

9.26.520 Violations

A. It is unlawful and a violation of this Chapter for any person to permit a public nuisance to exist upon real property in which such person has an ownership or possessory interest.

B. It shall be unlawful and a violation of this Chapter to do anything in contrary to the requirements and provisions set forth in this Chapter.

C. Each person violating this Chapter shall be guilty of a separate offense for each and every day, or portion thereof, which any violation of any provision of this Chapter is committed, continued, or permitted by any such person. Any violation, which persists for more than one day, is deemed a continuing violation.

9.26.530 Remedies

A. Any violation of this Chapter shall be deemed a public nuisance and is subject to any enforcement process authorized by law or as outlined in this Code.

B. Nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the City of Yreka or any other governmental entity to enforce City ordinances, to abate any and all nuisances, or employ any remedy available at law or equity.

C. Issuance of a warning shall not be a requirement prior to using any enforcement provision of this Code. Violations are not tiered and are subject to enforcement without warning.

D. A civil action to foreclose a lien, the special assessment procedure, and a personal action against the owner and all other responsible persons shall not be mutually exclusive and the City shall be free to use all methods simultaneously as long as the City does not receive multiple payments for Enforcement Costs.

9.26.540 Notice and Order to Abate

A. Upon making a determination that a public nuisance exists, the Enforcement Official shall notify the owner and/or the alleged violator that a public nuisance exists upon such owner's property. As to an owner, the Notice and Order to Abate shall be delivered by personal service or by Certified, Return Receipt mail, with postage prepaid, addressed to the owner as such owner's name and address appears on the last equalized assessment roll or to such other address as the owner directs. As to an alleged violator whom the Enforcement Official has determined directly or indirectly contributed to the condition creating the nuisance, the Notice and Order to Abate shall be delivered by personal service or by Certified, Return Receipt mail, with postage prepaid, to the last known address of the alleged violator. In addition, the Notice and Order to Abate shall be

delivered by first class mail, with postage prepaid, addressed to the owner and/or alleged violator at the same addresses. A copy shall also be posted on the property. The Enforcement Official shall complete a proof of service.

B. The Notice and Order to Abate shall describe the use or condition which constitutes the public nuisance; and shall order that the uses or conditions constituting the nuisance be abated by demolition, securing, removal, cleanup, repair or other means within a reasonable time certain as determined necessary for such abatement by the Code Enforcement Official based upon the nature and complexity of the abatement process, normally being three (3) days, or less, from the date such notice is mailed and/or posted.

9.26.550 Violation Penalties

A. Criminal Penalties.

Any responsible party, whether owner, lessee, sublessor, sublessee or occupant of any premises who violates the provisions of this code shall be guilty of a misdemeanor for each day such violation continues.

B. Administrative Penalties.

1. Any person who violates this Chapter shall be guilty of a separate offense for each and every day, or portion thereof, the violation is committed, permitted or continued. The city attorney may pursue any lawful civil remedy and administrative penalties brought to enforce any provisions of this Chapter.

2. In addition to the actual abatement and/or Enforcement Costs incurred by the City any person who has been issued a Notice and Order to Abate Public Nuisance shall be assessed an Administrative Penalty payable to the City as follows:

   a. A penalty of $1,000.00 for each violation of this Code per day as set forth in the Notice and Order to Abate.

   b. A penalty of $2,000.00 for each violation of this Code per day when a second violation of this Code occurs within eighteen (18) months of a previously issued Notice and Order to Abate.

   c. A penalty of $3,000.00 for each violation of this Code per day for each subsequent violation of this Code beyond the second when the violation occurs within thirty-six (36) months of the original Notice and Order to Abate.

3. For the purpose of calculating the daily Administrative Penalty, each offense of any Section of this Chapter shall be charged as a separate violation; in addition, each cubic foot of area under cultivation that exceeds the maximum Defined Area in violation of this Chapter shall be charged as a separate violation.

4. The Administrative Penalty, pursuant to this Section, shall be assessed immediately upon the issuance of a Notice and Order to Abate Public Nuisance and shall continue to accrue until the date compliance with the Order has been met and verified by the Code Enforcement Officer. In the event a Request for Reconsideration has been properly filed with the City, the Request for Reconsideration shall have no affect on the Administrative Penalty and said Penalty shall continue to accrue during the pendency of the determination. At the conclusion of the hearing the City of City of Yreka Council is authorized to modify or waive the Administrative Penalty for cause and shall make express findings into the record for such modification or waiver.

C. Obstruction a Crime.

Any person who obstructs, impedes or interferes with any representative, officer, employee, contractor or authorized representative of the city council or with any representative of a city department or with any person who owns or holds any estate or interest in a building which has been ordered to be abated pursuant to the provisions of this Chapter when any of the aforementioned individuals are engaged in the work of abating any nuisance as required by the provisions of this Chapter, or in performing any necessary act preliminary to or incidental to such work authorized or directed pursuant to this Chapter lawfully engaged in proceedings involving the abatement of a nuisance is guilty of a misdemeanor.

9.26.560 Enforcement Costs

A. All costs and penalties associated with the enforcement of this Chapter are the joint and several responsibility of the owner, lessee, renter, occupier and person having charge or possession of any Parcel(s) on which a nuisance has been found to exist and such costs shall be paid within 30 days of the date of demand thereof.

B. Where costs and penalties go unpaid beyond 30 days, the Enforcement Official shall take action to confirm the costs and record a lien against the Parcel and will attach as a lien until paid. Costs or expenses for which the City may be reimbursed shall begin to accrue at the time the City first receives a complaint regarding a problem on the property. Any lien recorded pursuant to Government Code §38773.5 it shall not include administrative penalties assessed and shall be limited to the Enforcement Costs. However, upon entry of a second or subsequent civil or criminal action within a two year period finding an owner of a Parcel or a person described in paragraph (3) of subdivision (d) of Government Code §38772 is responsible for the condition that may be abated in accordance with this Chapter, the Court may order that person to pay treble the Enforcement Costs.

C. An additional fee which shall be set by resolution of the city council shall be imposed on the owner of the Parcel at the conclusion of any matter in which a notice and order has been issued. This termination fee shall be calculated to recover the cost of closing the file, removing or placing liens, and other

associated administrative costs. Costs shall be assessed at the conclusion of the abatement; provided, however, in the case of abatement by any method which takes more than six months, costs may be assessed at any time after six months, but in no event more than two times a year.

D. Enforcement Costs and expenses may be recovered even if the nuisance is corrected voluntarily, subsequent to the issuance of an abatement order. No fees shall be due and owing if it is administratively determined that no nuisance exists. All fees shall be a personal obligation of the owner and a lien upon the Parcel and are due and payable within thirty days of issuance of the notice and order or closing of the file respectively. Any fee not paid within that time shall be payable to the City.

E. The City Manager/designee shall keep an account of the costs (including incidental expenses) of abating such nuisance on each separate lot or parcel of land where the work is done and shall render an itemized billing to the property owner, which shall be due and payable within thirty days. If the owner refuses or neglects to pay the bill, an itemized report in writing shall be made to the planning commission showing the cost of abatement and the demolishing or repairing of said buildings or structures, including any salvage value relating thereto; provided, that before said report is submitted to the planning commission, a copy of the same shall be mailed together with a notice of the time when said report shall be heard by the planning commission for confirmation.

F. The planning commission shall set the matter for hearing to determine the correctness or reasonableness, or both, of such costs, and shall serve notice thereof.

G. Proof of said service shall be made by declaration under penalty of perjury filed with the city clerk.

9.26.570. Record of Abatement Cost—Hearing and Proceedings.

At the time and place fixed for receiving and considering the report, the planning commission shall hear and pass upon the reports of such costs of abatement, together with any objections or protests raised by any of the persons liable to be assessed for the cost of abating the nuisance.

Thereupon, the planning commission may make such revision, correction or modification in the report, as it may deem just, after which, by motion, the report, as submitted or as revised, corrected or modified, shall be confirmed. The hearing may be continued from time to time. The decision of the planning commission on all protests and objections, which may be made, shall be final and conclusive.

9.26.575. Nuisance Abatement Lien.

A. If the nuisance abatement and related Enforcement Costs are not paid within five days after the planning commission confirms the costs of abatement, the city shall notify the owner of record of the parcel of land on which the

nuisance is maintained, based on the last equalized assessment roll or the supplemental roll, whichever is more current, that a nuisance abatement lien will be recorded. The notice shall specify the amount of the lien, the name of the city, the date of the abatement order, the street address, the legal description and the assessors parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel. The notice shall be served in the same manner as a summons in a civil action in accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. If the owner of record after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten days and publication thereof in a newspaper of general circulation published in Siskiyou County pursuant to Section 6062 of the Government Code. Such notice of lien for recordation shall be in the form substantially as follows:

NOTICE OF LIEN

(Claim of City of Yreka)

Pursuant to the authority vested by the provisions of Chapter 9.26 of the City of Yreka Municipal Code, the city manager (or his designee) of the City of Yreka did on or about (insert date), cause the premises hereinafter described [insert description of abatement action taken] to abate a public nuisance on said real property; and the Planning Commission of the City of Yreka did on (insert date), assess the cost of such abatement action taken; and the same has not been paid nor any part thereof; and that said City of Yreka does hereby claim a lien on premises in the amount of said assessment, to wit: the sum of $ (insert amount); and the same shall be a lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Yreka, County of Siskiyou, State of California, and particularly described as follows:

(Insert description)

DATED: (insert date).

City Manager of the City of Yreka, California
(ACKNOWLEDGEMENT)

C. The planning commission may order a refund of all or part of the assessment paid pursuant to this code if it finds that all or part of the assessment was erroneously levied. An assessment or part thereof shall not be refunded unless a claim is filed with a city clerk within six months after the assessment became due and payable. The claim shall be verified by the person who paid the assessment, or the legal representative of such person.

B. After notice is given in accordance with subsection A of this section, the

notice of lien shall be recorded in the Siskiyou County recorders office and shall thereafter constitute a lien on the real property for the expense of the abatement, the related administrative costs together with interest thereon.

C. In the event the lien is discharged, released or satisfied, either through payment or foreclosure, notice of the discharge containing the same information as the notice of lien shall be recorded in the Siskiyou County recorder's office.

D. The City may enforce the nuisance abatement lien by an action for a money judgment.

ARTICLE 6

REQUESTS FOR RELIEF OR RECONSIDERATION AND UNIFORM HEARINGS AND PROCEDURES

9.26.600 Relief and Reconsideration.

A. Requests for Relief. Any person or entity unable to comply with the requirements of this Ordinance, or any person affected by any City decision, action, or determination related to this Ordinance, may submit to the City a written request for relief setting forth in detail the facts supporting the request. The City Manager shall designate a City officer or employee with managerial authority who will consider the matter without a hearing and decide whether to grant relief. The City Manager's designee may request additional information. The City Manager's designee may decide the matter within fifteen (15) business days from the receipt of the request, or, if additional information is requested and received within fifteen (15) business days from the receipt of the request, then fifteen (15) business days from the date the City receives all additional requested information.

B. Requests for Reconsideration.

1. Within 30 days after the date of mailing of written notice of any City decision granting or denying relief under paragraph A of this Section, or within 30 days after the date the request for relief is deemed denied, any person or entity affected by the requirements, decision, action or determination that was the subject of the request for relief may submit to the City Manager a written request for reconsideration. The City Manager shall personally consider all requests for reconsideration. The request for reconsideration must set forth in detail the facts supporting the request.

2. The City Manager may act on the request for reconsideration with or without a hearing in any manner the City Manager deems reasonable and shall thereafter issue a final written determination concerning the request for reconsideration. Whenever the City Manager does not upon

the request for reconsideration within fifteen (15) business days of receipt of the request for reconsideration, the request shall be deemed denied on the first day following that time period. Notice of any decision will be mailed to the person or entity requesting relief. The decision, action or determination shall remain in effect during the period of review by the City Manager.

3. The City Manager's decision shall become final and binding at the time the City Manager acts on the request or fails to act within the time specified by this paragraph (B). If the City Manager acts on the request for reconsideration, notice of the City Manager's action will be mailed to the person or entity requesting reconsideration within five (5) business days of the action.

4. Any person or entity affected by a decision, action or determination related to this Ordinance who wishes to appeal or challenge the decision, action or determination must request reconsideration using the process specified in this paragraph B. This requirement is jurisdictional. The failure to seek reconsideration shall be deemed a failure of the person or entity subject to the decision, action or determination to exhaust administrative remedies.

9.26.610 Decision – Time Limitation for Judicial Filing

All final administrative orders made pursuant to the procedures set forth in this subsection shall be subject to review only as provided in California Code of Civil Procedure Sections 1094.5 and 1094.6. Should any court of competent jurisdiction determine that the city must provide an appeal of any final administrative order in a manner other than set forth in Sections 1094.5 and 1094.6, then it is the intent of the city council that the administrative penalty process remain as provided herein and to provide that any appeal which is timely requested follow the procedures set forth in Government Code Section 53069.4. Otherwise, all objections to such decision shall be deemed waived.

Section 2. **Classification**. This ordinance is of a general and permanent nature and is classified as a codified ordinance.

Section 3. **Inconsistency.**

Any provisions of the Yreka Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

Section 5. **CEQA Exemption.**

The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the

activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment. In addition, the ordinance is exempt from environmental review pursuant to the general rule of the California Environmental Quality Act, which exempts minor alterations to land use limitations that do not result in changes in land use or density pursuant to CEQA Guidelines Section 15305. Finally this Ordinance is exempt because it is an urgency Ordinance necessary to protect the City from a current and immediate threat to the public health, safety and welfare. Based on the information contained in the staff report and accompanying attachments and exhibits, the City Council hereby finds:

1. The proposed project will not result in a significant adverse effect on the environment and will support the public health, safety, and welfare

2. The Ordinance and its provisions are consistent with the goals and policies of the General Plan.

3. The Ordinance provides regulations for Marijuana Cultivation and this minor alteration to land use limitations that do not result in changes in land use or density pursuant to CEQA Guidelines Section 15305.

4. This is an urgency Ordinance necessary to protect the City from a current and immediate threat to the public health, safety and welfare.

Section 6. Publication of Codification.

Section 1 of this Ordinance shall require publication in the codification of the Yreka Municipal Code. The City Clerk is directed to post a Notice of Exemption.

Section 7. Implementation.

The City Council hereby authorizes and directs the City Manager to take any action and sign any documents necessary to implement this Ordinance.

Section 6. Execution.

The Mayor and City Clerk are authorized to subscribe this ordinance where indicated below to evidence its approval by the City Council.

Section 7. Effective Date; Publication.

At least five (5) days prior to its adoption and within fifteen (15) days after its adoption, a summary of this ordinance, in a form approved by the City Attorney, shall be published once in a newspaper of general

circulation printed and published in the County of Siskiyou. This ordinance shall be effective thirty-one (31) days from and after its adoption.

Passed duly and regularly passed and adopted by the City Council of the City of Yreka this day of , 2016, after a first reading at a regular meeting before the City Council on the day of , 2016, on the following polled vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
JOHN MERCIER, Mayor
City of Yreka, California

ATTEST:

_____
Liz Casson, City Clerk
City of Yreka, California

APPROVED AS TO FORM:

_____
DOHN R. HENION
City Attorney

Prohibiting all Cultivation

ORDINANCE NO. Draft # 2

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YREKA ENACTING CHAPTER 9.26 ENTITLED "MARIJUANA CULTIVATION PROHIBITED" PROHIBITING THE CULTIVATION OF MARIJUANA WITHIN THE CITY OF YREKA, AND FINDING THE ADOPTION OF THIS ORDINANCE TO BE EXEMPT FROM CEQA

THE CITY COUNCIL OF THE CITY OF YREKA FINDS AND ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Yreka, by four-fifths vote, makes the following urgency findings and declares the following:

A. Chapter 9.26 of the City of Yreka Code is intended to implement state law by providing a means for regulating the Cultivation of medical Marijuana in a manner that is consistent with state law and which balances the needs of medical patients and their caregivers and promotes the health, safety, and welfare of the residents and businesses within the incorporated area of the City of Yreka, as from time to time annexed and expanded.

B. The Cultivation of Marijuana outdoors, where it is often readily observable by neighbors and the general public, increases the risk of trespassing and burglary, and acts of violence in connection with the commission of such crimes or the occupants' attempts to prevent such crimes. Outdoor Cultivation further makes the premises more prone to act as an attractive nuisance for children, and increases the likelihood of offensive odors traveling off the premises. Additionally, experience in the City of Yreka, and elsewhere, demonstrates that outdoor Cultivation of Marijuana is often associated with violations of local, state, and federal environmental laws and pesticide regulations, threatening harm to local waterways and groundwater quality, and endangering the public health and safety.

C. The indoor Cultivation of Marijuana within a Residence or Accessory Structure used or intended for human occupancy presents potential health and safety risks to those living in the Residence or otherwise occupying the structure, especially to children, including, but not limited to, increased risk of fire from grow light systems, exposure to fertilizers, pesticides, anti-fungus/mold agents, and exposure to potential property crimes.

D. Prohibiting the Cultivation of Marijuana outdoors and within a Residence or Accessory Structure is proper and necessary to avoid the aforementioned harms, and to protect the health, safety, and welfare of the residents and businesses within the incorporated area of the City of Yreka.

E. The City Council has heard substantial evidence that because Yreka lacks a Marijuana Cultivation ordinance, it has become an attractive location for out-of-city and out-of state for-profit cultivators to come to for the purpose of large-scale Marijuana grows. Recently many counties and cities in Northern California have adopted restrictive or prohibitive Marijuana Cultivation ordinances, making Yreka an attractive option for Marijuana cultivators. The Council finds that immediate action, in the form of urgency ordinance is necessary to curb the potential influx of large-scale Marijuana Cultivation into the City.

F. The City Council has previously found that a statewide water shortage emergency exists, under the authority of Executive Order B-29-15; California Code of Regulations, Title 23, Sections 863, 864, 865 and 868; the State mandated that all urban water suppliers implement water waste control measures; as well as State Urban Water Supplier Conservation Tiers requiring City water users to decrease their water usage by thirty-two (32) percent; and pursuant to its authority under Water Code Section 350, 356 and 375, the City of Yreka prohibited the wastage of water and ordered that the water conservation measures and water use restrictions are necessary and appropriate to prevent the waste of water and to protect the health and safety of water users.

G. Because Yreka residents have not yet decreased water usage to the mandated levels and are presently 17.7% over their allowed water consumption limit, the State Water Resources Board has served a Conservation Order on the City mandating the City to identify areas of potential water usage. This Chapter on Marijuana Cultivation is one area where water may be conserved by restricting the area of Cultivation resulting in less water being used as compared to a larger area Cultivations.

H. Adoption of this Ordinance under urgency is necessary for the immediate preservation of the public peace, health, and safety, as set forth in Government Code section 25123, subdivision (d), in order to prevent further Cultivation of Marijuana outdoors and to restrict Cultivation within Residences or Accessory Structures used or intended for human occupancy in the City of Yreka, which would threaten significant impacts on the public peace, health, and safety if permitted to occur.

I. The Medical Marijuana Regulation and Safety Act provides that the State of California will be the sole licensing authority for the commercial Cultivation of medical Marijuana unless a city adopts a land use regulation or ordinance regulating or prohibiting the Cultivation of Marijuana under the principles of permissive zoning. Yreka has no such land use ordinance and the State of California has mandated that any land use regulation or ordinance must take effect before March 1, 2016. Since due process requires proper notice, hearing and recommendation by the Planning Commission before the City Council consider a zoning ordinance; this Ordinance could not become effective prior to March 1, 2016 if the usual 30-day post-adoption time period for it to become effective were applied. As Yreka's health and safety requires that the dangerous conditions that arise from the Cultivation of Marijuana should be mitigated through local land use controls and that local right will be lost if not exercised before March 1, 2016, the adoption and effectiveness of

this ordinance is urgent and necessary for the immediate preservation of the public peace, health, and safety.

Section 2. Effective Date.

This ordinance shall take effect immediately upon its passage, and after its passage shall be published according to law with the names of the members voting for and against the same, once in a local newspaper of general circulation in the City of Yreka, State of California.

Section 3. Enactment.

Chapter 9.26 of Title 9 of the City of Yreka Municipal Code is hereby enacted and added as a codified ordinance to read as follows:

CHAPTER 9.26

MARIJUANA CULTIVATION PROHIBITED

Sections

9.26.100 Authority
9.26.110 Purpose and Intent
9.26.110 Findings
9.26.130 Scope
9.26.140 Responsibilities
9.26.150 Private Right of Action
9.26.200 Definitions
9.26.300 Cultivation Prohibited
9.26.400 Public Nuisance
9.26.500 Enforcement Authority
9.26.510 Right of Entry/Inspection
9.26.520 Violations
9.26.530 Remedies
9.26.540 Notice and Order to Abate
9.26.550 Violation Penalties
9.26.560 Enforcement Costs
9.26.570 Record of Abatement Cost-Hearing and Proceedings
9.26.575 Nuisance Abatement Lien
9.26.600 Relief and Reconsideration
9.26.610 Decision - Time Limitation for Judicial Filing
9.26.620 Severability

ARTICLE I
GENERAL PROVISIONS

9.26.100 Authority

Pursuant to authority granted by Article XI Section 7 of the California Constitution, Section 372 of the California Penal Code, California Code of Civil Procedure § 731 and California Civil Code §3491 the City Council of the City of Yreka does hereby enact this Chapter.

9.26.110 Purpose & Intent

The purpose and intent in adopting this Chapter is to acknowledge State law as it relates to medical Marijuana and to reduce conditions that create public nuisances through enacting these regulations including without limitation, the prohibition of Marijuana Cultivation in order to effectively control the adverse impacts associated with Marijuana Cultivation as stated herein, while considering the desires of Qualified Patients Qualified Patients and Primary Caregivers, in furtherance of the public necessity, health, safety, convenience, and general welfare within the City's jurisdictional limits. While in 1996, the voters of the State of California approved Proposition 215 (codified as Health & Safety Code Section 11362.5 et seq. and entitled "The Compassionate Use Act of 1996" referred to herein as the "CUA"). In 2003, the California Legislature adopted SB 420, the Medical Marijuana Program ("MMP"), codified as Health and Safety Code Section 11362.7 et seq., which permits qualified patients and their primary caregivers to associate collectively or cooperatively to cultivate marijuana for medical purposes without being subject to criminal prosecution under the California Penal Code. Yreka presently permits Marijuana dispensaries certain locations. Neither the CUA nor the MMP require or impose an affirmative duty or mandate upon a local government to allow, authorize, or sanction the establishment of facilities that cultivate or process medical marijuana within its jurisdiction. Nothing in this Chapter shall be construed to authorize any use, possession, Cultivation, or distribution of Marijuana for non-medical purposes or that is in violation of state or federal law.

9.26.120 Findings

A. The Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., classifies Marijuana as a Schedule I Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision.

B. The Federal Controlled Substances Act makes it unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, Marijuana. The

Federal Controlled Substances Act contains no exemption for the Cultivation, manufacture, distribution, dispensation, or possession of Marijuana for medical purposes.

C. In 1996, the voters of the State of California approved Proposition 215, "The Compassionate Use Act," (codified as Health and Safety Code Section 11362.5) which was intended to decriminalize Cultivation and possession of medical Marijuana by a seriously ill patient, or the patient's primary caregiver, for the patient's personal use, and to create a limited defense to the crimes of possessing or cultivating Marijuana. The Act further provided that nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of Marijuana for non-medical purposes.

D. In May 2013, the California Supreme Court issued its decision in City of *Riverside v. Inland Empire Patients Health and Wellness Center, Inc.*, et al., holding that cities have the authority to ban medical marijuana land uses.

E. Under the Federal Controlled Substances Act, codified in 21 U.S.C. Section 801 et seq., the use, possession, and cultivation of marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need.

F. On October 9, 2015, Governor Jerry Brown signed the "Medical Marijuana Regulation and Safety Act" ("Act"), which is comprised of the state legislative bills known as AB 243, AB 266, and SB 643, into law. The Act becomes effective January 1, 2016 and contains provisions that govern the cultivating, processing, transporting, testing, and distributing of medical cannabis to qualified patients. The Act also contains new statutory provisions that:

- Allow local governments to enact ordinances expressing their intent to prohibit the cultivation of marijuana and their intent not to administer a conditional permit program pursuant to Health & Safety Code Section 11362.777 for the cultivation of marijuana (Health & Safety Code § 11362.777(c)(4))
- Expressly provide that the Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances, or enforcement of local permit or licensing requirements regarding marijuana (Business & Professions Code § 19315(a)); and
- Expressly provide that the Act does not limit the authority or remedies of a local government under any provision of law regarding marijuana, including but not limited to a local government's right to make and enforce within its limits all police regulations not in conflict with general laws (Business & Professions Code § 19316(c)).

G. The City's geographic and climatic conditions provide conditions that are favorable to Outdoor Marijuana Cultivation, thus growers can achieve a high per-plant yield. The Federal Drug Enforcement Administration reports that various types of Marijuana plants under various planting conditions may yield averages of 236 grams, or about one-half (1/2) pound, to 846 grams, or nearly two (2) pounds.

H. The strong distinctive odor of Marijuana plants creates an attractive nuisance, alerting persons to the location of the valuable plants, and has resulted in burglary, robbery and armed robbery.

I. The strong and distinctive odor of Marijuana plants creates a need to ensure that smells that disrupt the use of adjacent properties are minimized, much in the same way that many Cities have ordinances currently in place to minimize the smells associated with raising livestock.

J. Children (minors under the age of 18) are particularly vulnerable to the effects of Marijuana use and the presence of Marijuana plants is an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children (including schools, parks, and other similar locations).

K. The unregulated Cultivation of Marijuana in the incorporated area of the City of Yreka can adversely affect the health, safety, and well being of the City, its residents and environment. Comprehensive civil regulation of premises used for Marijuana Cultivation is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated Marijuana Cultivation, and that are especially significant if the amount of Marijuana cultivated on a single premises is not regulated and substantial amounts of Marijuana are thereby allowed to be concentrated in one place.

L. The indoor Cultivation of substantial amounts of Marijuana within a residence presents potential health and safety risks to those living in the residence, especially to children, including, but not limited to, increased risk of fire from grow light systems, exposure to fertilizers, pesticides, anti-fungus/mold agents, and exposure to potential property crimes targeting the residence.

M. Comprehensive restriction of premises used for Marijuana Cultivation is proper and necessary to address the risks and adverse impacts as stated herein, that are especially significant if the amount of Marijuana cultivated on a single premises is not regulated and substantial amounts of Marijuana are thereby allowed to be concentrated in one place.

N. Outdoor Marijuana Cultivation is creating devastating impacts to California's surface and groundwater resources and environmental damage. The State Water Resources Control Board, the Central Valley Regional Water Quality Control Board and the Department of Fish and Wildlife have seen a dramatic increase in the number of Marijuana gardens, and

corresponding increases in impacts to water supply and water quality, including the discharge of sediments, pesticides, fertilizers, petroleum hydrocarbons, trash and human waste. The sources of these impacts result from unpermitted and unregulated timber clearing, road development, stream diversion for irrigation, land grading, erosion of disturbed surfaces and stream banks, and temporary human occupancy without proper sanitary facilities.

O. The immunities from certain prosecution provided to Qualified Patients and their Primary Caregivers under State law to cultivate Marijuana plants for medical purposes does not confer the right to create or maintain a public nuisance. By adopting the regulations contained in this Chapter, the City will achieve a significant reduction in the complaints of odor and the risks of fire, crime and pollution caused or threatened by the unregulated Cultivation of Marijuana in the City of Yreka.

P. Nothing in this Chapter shall be construed to allow the use of Marijuana for non-medical purposes, or allow any activity relating to the Cultivation, distribution, or consumption of Marijuana that is otherwise illegal under State law. No provision of this Chapter shall be deemed a defense or immunity to any action brought against any person by the City of Yreka, the Yreka City Attorney, the Siskiyou District Attorney, the Attorney General of State of California, or the United States of America.

Q. The indoor Cultivation of Marijuana has potential adverse effects to the structural integrity of the building, and the use of high wattage grow lights and excessive use of electricity increases the risk of fire, which presents a clear and present danger to the building and its occupants.

R. The Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the Cultivation or other concentration of Marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.

S. Based on the findings above, the potential establishment of the cultivation, and processing of medical Marijuana in the City without an express ban on such activities poses a current and immediate threat to the public health, safety, and welfare in the City due to the negative impacts of such activities as described above;

T. The issuance or approval of business licenses, subdivisions, use permits, variances, building permits, or any other applicable entitlement for Marijuana Cultivation and processing will result in the aforementioned threat to public health, safety, and welfare; and

U. It is in the interest of the City, its residents, and its lawfully permitted businesses that City adopts this Ordinance to expressly prohibit the establishment and operation of Marijuana Cultivation, processing, delivery, and dispensary activities as well as the issuance of any use permit,

variance, building permit, or any other entitlement, license, or permit for any such activity, except where the City is preempted by federal or state law from enacting a prohibition on any such activity or a prohibition on the issuance of any use permit, variance, building permit, or any other entitlement, license, or permit for any such activity

V. The California Constitution, Article XI, section 7, provides cities with broad authority to determine, for purposes of health, safety, and welfare, the appropriate uses of land within a city's boundaries.

W. The Planning Commission of the City of Yreka, after due notice, at the public hearing of January 20, 2016, reviewed the proposed Ordinance and accompanying documents, considered testimony regarding the proposed Ordinance, and voted - - to recommend [approval/denial] of the Ordinance to the City Council.

X. U. All legal prerequisites for the adoption of this Ordinance have occurred.

Y. V. The above recitals are all true and correct and are incorporated in the substantive portion of this Ordinance.

9.26.130 Scope

The provisions of this Chapter shall apply generally to all property throughout the incorporated area of the City of Yreka, as from time to time, annexed and expanded.

9.26.140 Responsibilities

A. Regardless of whether an owner is in actual possession of his or her real property, it is the duty of every owner of real property within the incorporated area of City of Yreka to prevent a public nuisance from arising on, or from existing upon, his or her real property.

B. No person or entity shall cause, permit, maintain, conduct or otherwise allow a public nuisance as defined in this Chapter to exist upon any property within their control and shall not cause a public nuisance to exist upon any other property within the incorporated limits of the City of Yreka. It shall be the duty of every owner, occupant, and person that controls any land or interest therein within the incorporated area of the City of Yreka to remove, abate and prevent the reoccurrence of any public nuisance upon such land.

9.26.150 Private Right of Action

Nothing contained in this Chapter shall be construed to prohibit the right of any person or public or private entity damaged by any violation of this Chapter to institute a civil proceeding for injunctive relief against such violation, for money damages, for compensatory damages, for injunctive relief, and for the cost of suit and reasonable attorney's and expert witness' fees, or for whatever other or additional relief the court deems appropriate. The remedies available

under this Chapter shall be in addition to, and shall not in any way restrict other rights or remedies available under law.

ARTICLE 2
DEFINITIONS

9.26.200 Definitions

Except where the context otherwise requires, the following definitions shall govern the construction of this Chapter:

A. "Accessory Structure" means a separate and permitted or unpermitted structure located on the same parcel as the Residence.

B. "Building Official" means any person employed by the City of Yreka that has been delegated or assigned building inspection duties or building plan approval.

C. "City Manager" means the City Manager of the City of Yreka, California or his or her designee.

D. "Code" means the City of Yreka Municipal Code.

E. "Code Enforcement Officer" means any person employed by the City of Yreka that has been delegated or assigned code enforcement responsibilities.

F. "Costs of Enforcement" or "Enforcement Costs" means the total cost incurred by the City in connection with a public nuisance including, but not limited to:

1. Any cost incurred in removing or remedying a public nuisance;

2. The actual expenses and costs of the city in preparation of notice and order, reconsideration, appeal and termination fees for administrative services rendered by the City in connection with the inspection, notification, prosecution and abatement procedures authorized by this code:

a. Notice and order, appeal and termination fees in such amounts as are determined from time to time by resolution of the city council;

b. Notice and order, appeal and termination fees based on services rendered by the City from the time of the initial complaint intake for the purpose of documenting a violation of this code until the violation is corrected;

c. The notice and order, appeal and termination fees are not intended to be a penalty imposed for violation of this code or other laws;

d. Specifications and contracts;

e. Any attorney's fees expended in the abatement of the nuisance, through inspection warrant, civil action or otherwise;

f. The cost of printings and mailings required under this code;

g. All costs or expenses to which the city may be entitled pursuant to Health and Safety Code Section 510 and other statutory entitlement;

h. All costs and expenses for which the city may be liable under state law arising from or related to the nuisance.

3. Any cost incurred by the City in collecting the costs enumerated in subsections 1 and 2 of this definition.

G. "City" means the City of Yreka.

H. "Chapter" or Ordinance means this ordinance.

I. "Cultivation" means the planting, growing, harvesting, drying, processing, or storage of one or more Marijuana plants or any part thereof in any location, indoor or outdoor, including from within a fully enclosed and secure building.

J. "Dwelling" means a building intended for human habitation that has been legally established, permitted and certified as a single-family or multi-family dwelling.

K. "Enforcement Official" means the Code Enforcement Officer, City Attorney or the City Police, or the authorized officers or designees of either, each of whom is independently authorized to enforce this Chapter.

L. "Indoors" means within a fully enclosed structure, with a solid roof, floor, and walls. The structure must be securable against unauthorized entry and constructed of solid materials such as 3/8" or thicker plywood, glass, or equivalent materials. Shade-cloth covered and plastic sheeting covered, regardless of gauge, or similar products do not satisfy this requirement. A structure without a solid floor does not satisfy this requirement; no Marijuana shall be Cultivated in the soil beneath the Dwelling or Accessory Structure.

M. "Marijuana" means all parts of the plant Cannabis sativa L. or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination including marijuana infused in foodstuff or any other ingestible or consumable product containing marijuana. The term "marijuana" shall also include "medical marijuana" as such phrase is used in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state of California or subject to the provisions of California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996)

or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).

N. "Marijuana plant" means any mature or immature Marijuana plant including the stalks of the plant, or any Marijuana seedling, that is capable of producing Marijuana. A "mature" Marijuana plant is one whose sex can be determined by visual inspection.

O. "Marijuana Processing" means any method used to prepare marijuana or its byproducts for commercial retail and/or wholesale, including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create marijuana related products and concentrates.

P. "Outdoors" means any location that is not "indoors" within a fully enclosed and secure structure as defined herein.

Q. "Parcel" means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (commencing with Section 66410 of the Government Code) and also means parcels that are described, recorded and kept in official City records specifically including documents and maps used by the Siskiyou County Assessor's Office, the Siskiyou County Tax Collector's Office and the Siskiyou County Recorder's Office.

R. "Residence" shall have the same meaning as "Dwelling".

S. "Police" or "Police Department" means the City of Yreka Police Department or the authorized representatives thereof.

ARTICLE 3
RESTRICTIONS AND REQUIREMENTS

9.26.300 Cultivation Prohibited.

It is unlawful and a public nuisance for any person owning, leasing, renting, occupying, or having charge or possession of any Parcel within any zoning district in the City to cause or allow such Parcel or premises to be used for the Cultivation of Marijuana Plants whether Outdoors, Inside or in an Accessory Structure except where the City is preempted by federal or state law from enacting a prohibition on any such activity. No use permit, variance, building permit, or any other entitlement, license, or permit, whether administrative or discretionary, shall be approved or issued for the activities of marijuana cultivation, marijuana processing, marijuana delivery, or the establishment or operation of a marijuana dispensary in the City, and no person shall otherwise establish or conduct such activities in the City, except where the City is preempted by federal or state law from enacting a prohibition on any such activity for which the use permit, variance, building permit, or any other entitlement, license, or permit is sought.

ARTICLE 4

PUBLIC NUISANCE

9.26.400 Public Nuisance

Any violation of this Chapter is hereby declared to be a public nuisance.

ARTICLE 5

ENFORCEMENT

9.26.500 Enforcement Authority

The Code Enforcement Official that has been assigned responsibility for administration of Code Enforcement services is hereby designated to enforce this Chapter.

9.26.510 Right of Entry/Inspection

To enforce the provision of this Code, any Code Enforcement Officer may at a reasonable time request inspection of any parcel suspected of cultivating Marijuana. If the person owning or occupying the Parcel refuses the request for an inspection, the Code Enforcement Officer shall have recourse to every remedy provided by law to secure entry, including obtaining an inspection warrant.

9.26.520 Violations

A. It is unlawful and a violation of this Chapter for any person to permit a public nuisance to exist upon real property in which such person has an ownership or possessory interest.

B. It shall be unlawful and a violation of this Chapter to do anything in contrary to the requirements and provisions set forth in this Chapter.

C. Each person violating this Chapter shall be guilty of a separate offense for each and every day, or portion thereof, which any violation of any provision of this Chapter is committed, continued, or permitted by any such person. Any violation, which persists for more than one day, is deemed a continuing violation.

9.26.530 Remedies

A. Any violation of this Chapter shall be deemed a public nuisance and is subject to any enforcement process authorized by law or as outlined in this Code.

B. Nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the City of Yreka or any other governmental entity to enforce City ordinances, to abate any and all nuisances, or employ any remedy available at law or equity.

C. Issuance of a warning shall not be a requirement prior to using any enforcement provision of this Code. Violations are not tiered and are subject to enforcement without warning.

D. A civil action to foreclose a lien, the special assessment procedure, and a personal action against the owner and all other responsible persons shall not be mutually exclusive and the City shall be free to use all methods simultaneously as long as the City does not receive multiple payments for Enforcement Costs.

9.26.540 Notice and Order to Abate

A. Upon making a determination that a public nuisance exists, the Enforcement Official shall notify the owner and/or the alleged violator that a public nuisance exists upon such owner's property. As to an owner, the Notice and Order to Abate shall be delivered by personal service or by Certified, Return Receipt mail, with postage prepaid, addressed to the owner as such owner's name and address appears on the last equalized assessment roll or to such other address as the owner directs. As to an alleged violator whom the Enforcement Official has determined directly or indirectly contributed to the condition creating the nuisance, the Notice and Order to Abate shall be delivered by personal service or by Certified, Return Receipt mail, with postage prepaid, to the last known address of the alleged violator. In addition, the Notice and Order to Abate shall be delivered by first class mail, with postage prepaid, addressed to the owner and/or alleged violator at the same addresses. A copy shall also be posted on the property. The Enforcement Official shall complete a proof of service.

B. The Notice and Order to Abate shall describe the use or condition which constitutes the public nuisance; and shall order that the uses or conditions constituting the nuisance be abated by demolition, securing, removal, cleanup, repair or other means within a reasonable time certain as determined necessary for such abatement by the Code Enforcement Official based upon the nature and complexity of the abatement process, normally being three (3) days, or less, from the date such notice is mailed and/or posted.

9.26.550 Violation Penalties

A. Criminal Penalties.

Any responsible party, whether owner, lessee, sublessor, sublessee or occupant of any premises who violates the provisions of this code shall be guilty of a misdemeanor for each day such violation continues.

B. Administrative Penalties.

1. Any person who violates this Chapter shall be guilty of a separate offense for each and every day, or portion thereof, the violation is committed, permitted or continued. The city attorney may pursue any lawful civil remedy and administrative penalties brought to enforce any provisions of this Chapter.

2. In addition to the actual abatement and/or Enforcement Costs incurred by the City any person who has been issued a Notice and Order to Abate

Public Nuisance shall be assessed an Administrative Penalty payable to the City as follows:

a. A penalty of $1,000.00 for each violation of this Code per day as set forth in the Notice and Order to Abate.

b. A penalty of $2,000.00 for each violation of this Code per day when a second violation of this Code occurs within eighteen (18) months of a previously issued Notice and Order to Abate.

c. A penalty of $3,000.00 for each violation of this Code per day for each subsequent violation of this Code beyond the second when the violation occurs within thirty-six (36) months of the original Notice and Order to Abate.

3. For the purpose of calculating the daily Administrative Penalty, each offense of any Section of this Chapter shall be charged as a separate violation; in addition, each cubic foot of area under cultivation that exceeds the maximum Defined Area in violation of this Chapter shall be charged as a separate violation.

4. The Administrative Penalty, pursuant to this Section, shall be assessed immediately upon the issuance of a Notice and Order to Abate Public Nuisance and shall continue to accrue until the date compliance with the Order has been met and verified by the Code Enforcement Officer. In the event a Request for Reconsideration has been properly filed with the City, the Request for Reconsideration shall have no affect on the Administrative Penalty and said Penalty shall continue to accrue during the pendency of the determination. At the conclusion of the hearing the City of City of Yreka Council is authorized to modify or waive the Administrative Penalty for cause and shall make express findings into the record for such modification or waiver.

C. Obstruction a Crime.

Any person who obstructs, impedes or interferes with any representative, officer, employee, contractor or authorized representative of the city council or with any representative of a city department or with any person who owns or holds any estate or interest in a building or Parcel which has been ordered to be abated pursuant to the provisions of this Chapter when any of the aforementioned individuals are engaged in the work of abating any nuisance as required by the provisions of this Chapter, or in performing any necessary act preliminary to or incidental to such work authorized or directed pursuant to this Chapter lawfully engaged in proceedings involving the abatement of a nuisance is guilty of a misdemeanor.

9.26.560 Enforcement Costs

A. All costs and penalties associated with the enforcement of this Chapter are the joint and several responsibility of the owner, lessee, renter, occupier and person having charge or possession of any Parcel(s) on which a

nuisance has been found to exist and such costs shall be paid within 30 days of the date of demand thereof.

B. Where costs and penalties go unpaid beyond 30 days, the Enforcement Official shall take action to confirm the costs and record a lien against the Parcel and will attach as a lien until paid. Costs or expenses for which the City may be reimbursed shall begin to accrue at the time the City first receives a complaint regarding a problem on the property. Any lien recorded pursuant to Government Code §38773.5 it shall not include administrative penalties assessed and shall be limited to the Enforcement Costs. However, upon entry of a second or subsequent civil or criminal action within a two year period finding an owner of a Parcel or a person described in paragraph (3) of subdivision (d) of Government Code §38772 is responsible for the condition that may be abated in accordance with this Chapter, the Court may order that person to pay treble the Enforcement Costs.

C. An additional fee which shall be set by resolution of the city council shall be imposed on the owner of the Parcel at the conclusion of any matter in which a notice and order has been issued. This termination fee shall be calculated to recover the cost of closing the file, removing or placing liens, and other associated administrative costs. Costs shall be assessed at the conclusion of the abatement; provided, however, in the case of abatement by any method which takes more than six months, costs may be assessed at any time after six months, but in no event more than two times a year.

D. Enforcement Costs and expenses may be recovered even if the nuisance is corrected voluntarily, subsequent to the issuance of an abatement order. No fees shall be due and owing if it is administratively determined that no nuisance exists. All fees shall be a personal obligation of the owner and a lien upon the Parcel and are due and payable within thirty days of issuance of the notice and order or closing of the file respectively. Any fee not paid within that time shall be payable to the City.

E. The City Manager/designee shall keep an account of the costs (including incidental expenses) of abating such nuisance on each separate lot or parcel of land where the work is done and shall render an itemized billing to the property owner, which shall be due and payable within thirty days. If the owner refuses or neglects to pay the bill, an itemized report in writing shall be made to the planning commission showing the cost of abatement and the demolishing or repairing of said buildings, structures and/or Marijuana eradication, including any salvage value relating thereto; provided, that before said report is submitted to the planning commission, a copy of the same shall be mailed together with a notice of the time when said report shall be heard by the planning commission for confirmation.

F. The planning commission shall set the matter for hearing to determine the correctness or reasonableness, or both, of such costs, and shall serve notice thereof.

G. Proof of said service shall be made by declaration under penalty of perjury

filed with the city clerk.

9.26.570. Record of Abatement Cost—Hearing and Proceedings.

At the time and place fixed for receiving and considering the report, the planning commission shall hear and pass upon the reports of such costs of abatement, together with any objections or protests raised by any of the persons liable to be assessed for the cost of abating the nuisance.

Thereupon, the planning commission may make such revision, correction or modification in the report, as it may deem just, after which, by motion, the report, as submitted or as revised, corrected or modified, shall be confirmed. The hearing may be continued from time to time. The decision of the planning commission on all protests and objections, that may be made, shall be final and conclusive.

9.26.575. Nuisance Abatement Lien.

A. If the nuisance abatement and related Enforcement Costs are not paid within five days after the planning commission confirms the costs of abatement, the city shall notify the owner of record of the parcel of land on which the nuisance is maintained, based on the last equalized assessment roll or the supplemental roll, whichever is more current, that a nuisance abatement lien will be recorded. The notice shall specify the amount of the lien, the name of the city, the date of the abatement order, the street address, the legal description and the assessors parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel. The notice shall be served in the same manner as a summons in a civil action in accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. If the owner of record after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten days and publication thereof in a newspaper of general circulation published in Siskiyou County pursuant to Section 6062 of the Government Code. Such notice of lien for recordation shall be in the form substantially as follows:

NOTICE OF LIEN

(Claim of City of Yreka)

Pursuant to the authority vested by the provisions of Chapter 9.26 of the City of Yreka Municipal Code, the city manager (or his designee) of the City of Yreka did on or about (insert date), cause the premises hereinafter described [insert description of abatement action taken] to abate a public nuisance on said real property; and the Planning Commission of the City of Yreka did on (insert date), assess the cost of such abatement action taken; and the same has not been paid nor any part thereof; and that said City of Yreka does hereby claim a lien on premises in the amount of said assessment, to wit: the sum of $ (insert amount); and the same shall be a lien

upon said real property until the same has been paid in full and discharged of record.

The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Yreka, County of Siskiyou, State of California, and particularly described as follows:

(Insert description)

DATED: (insert date).

City Manager of the City of Yreka, California
(ACKNOWLEDGEMENT)

B. The planning commission may order a refund of all or part of the assessment paid pursuant to this code if it finds that all or part of the assessment was erroneously levied. An assessment or part thereof shall not be refunded unless a claim is filed with a city clerk within six months after the assessment became due and payable. The claim shall be verified by the person who paid the assessment, or the legal representative of such person.

C. After notice is given in accordance with subsection A of this section, the notice of lien shall be recorded in the Siskiyou County recorders office and shall thereafter constitute a lien on the real property for the expense of the abatement, the related administrative costs together with interest thereon.

D. In the event the lien is discharged, released or satisfied, either through payment or foreclosure, notice of the discharge containing the same information as the notice of lien shall be recorded in the Siskiyou County recorder's office.

E. The City may enforce the nuisance abatement lien by an action for a money judgment.

ARTICLE 6

REQUESTS FOR RELIEF OR RECONSIDERATION AND UNIFORM HEARINGS AND PROCEDURES

9.26.600 Relief and Reconsideration.

A. Requests for Relief. Any person or entity unable to comply with the requirements of this Ordinance, or any person affected by any City decision, action, or determination related to this Ordinance, may submit to the City a written request for relief setting forth in detail the facts supporting the request. The City Manager shall designate a City officer or employee with managerial authority who will consider the matter without a hearing and decide whether to grant relief. The City Manager's designee may request additional information. The City Manager's designee may decide the matter within fifteen (15) business days from the receipt of the

request, or, if additional information is requested and received within fifteen (15) business days from the receipt of the request, then fifteen (15) business days from the date the City receives all additional requested information.

B. Requests for Reconsideration.

1. Within 30 days after the date of mailing of written notice of any City decision granting or denying relief under paragraph A of this Section, or within 30 days after the date the request for relief is deemed denied, any person or entity affected by the requirements, decision, action or determination that was the subject of the request for relief may submit to the City Manager a written request for reconsideration. The City Manager shall personally consider all requests for reconsideration. The request for reconsideration must set forth in detail the facts supporting the request.

2. The City Manager may act on the request for reconsideration with or without a hearing in any manner the City Manager deems reasonable and shall thereafter issue a final written determination concerning the request for reconsideration. Whenever the City Manager does not act upon the request for reconsideration within fifteen (15) business days of receipt of the request for reconsideration, the request shall be deemed denied on the first day following that time period. Notice of any decision will be mailed to the person or entity requesting relief. The decision, action or determination shall remain in effect during the period of review by the City Manager.

3. The City Manager's decision shall become final and binding at the time the City Manager acts on the request or fails to act within the time specified by this paragraph (B). If the City Manager acts on the request for reconsideration, notice of the City Manager's action will be mailed to the person or entity requesting reconsideration within five (5) business days of the action.

4. Any person or entity affected by a decision, action or determination related to this Ordinance who wishes to appeal or challenge the decision, action or determination must request reconsideration using the process specified in this paragraph B. This requirement is jurisdictional. The failure to seek reconsideration shall be deemed a failure of the person or entity subject to the decision, action or determination to exhaust administrative remedies.

9.26.610 Decision – Time Limitation for Judicial Filing

All final administrative orders made pursuant to the procedures set forth in this subsection shall be subject to review only as provided in California Code

of Civil Procedure Sections 1094.5 and 1094.6. Should any court of competent jurisdiction determine that the city must provide an appeal of any final administrative order in a manner other than set forth in Sections 1094.5 and 1094.6, then it is the intent of the city council that the administrative penalty process remain as provided herein and to provide that any appeal which is timely requested follow the procedures set forth in Government Code Section 53069.4. Otherwise, all objections to such decision shall be deemed waived.

9.26.620 Severability

If any section, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed this ordinance and adopted this Chapter and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases were to be declared invalid or unconstitutional.

Section 4. Inconsistency.

Any provisions of the Yreka Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed for the purposes of the enforcement of this Chapter.

Section 5. CEQA Exemption.

The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment. In addition, the ordinance is exempt from environmental review pursuant to the general rule of the California Environmental Quality Act, which exempts minor alterations to land use limitations that do not result in changes in land use or density pursuant to CEQA Guidelines Section 15305. Finally this Ordinance is exempt because it is an urgency Ordinance necessary to protect the City from a current and immediate threat to the public health, safety and welfare. Based on the information contained in the staff report and accompanying attachments and exhibits, the City Council hereby finds:

1. The proposed project will not result in a significant adverse effect on the environment and will support the public health, safety, and welfare

2. The Ordinance and its provisions are consistent with the goals and policies of the General Plan.

3. The Ordinance provides regulations for Marijuana Cultivation and this minor alteration to land use limitations that do not result in changes in land use or density pursuant to CEQA Guidelines Section 15305.

4. This is an urgency Ordinance necessary to protect the City from a current and immediate threat to the public health, safety and welfare.

Section 6. Publication of Codification.

Section 3 of this Ordinance shall require publication in the codification of the Yreka Municipal Code. The City Clerk is directed to post a Notice of Exemption

Section 7. Implementation.

The City Council hereby authorizes and directs the City Manager to take any action and sign any documents necessary to implement this Ordinance.

Section 8. Execution.

The Mayor and City Clerk are authorized to subscribe this ordinance where indicated below to evidence its approval by the City Council.

Introduced at a regular meeting of the City Council held ~~February 4, 2016, and adopted as an ordinance of the City of Yreka at a regular meeting of the City Council held on February 18, 2016 by the following vote:~~

AYES:
NOES:
ABSENT:

John Mercier, Mayor

APPROVED AS TO FORM

Attest:

Dohn Henion, City Attorney

Elizabeth E. Casson, City Clerk

Prohibiting Indoor Cultivation

ORDINANCE NO. Draft #3

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YREKA ENACTING CHAPTER 9.26 ENTITLED "MARIJUANA CULTIVATION" TO PROHIBIT INDOORS CULTIVATION OF MARIJUANA, REGULATE OUTDOORS MARIJUANA CULTIVATION ESTABLISH A REGISTRATION PROCESS AND FINDING THE ADOPTION OF THIS ORDINANCE TO BE EXEMPT FROM CEQA

THE CITY COUNCIL OF THE CITY OF YREKA FINDS AND ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Yreka, by four-fifths vote, makes the following urgency findings and declares the following:

A. Chapter 9.26 of the City of Yreka Code is intended to implement state law by providing a means for regulating the Cultivation of medical Marijuana in a manner that is consistent with state law and which balances the needs of medical patients and their caregivers and promotes the health, safety, and welfare of the residents and businesses within the incorporated area of the City of Yreka, as from time to time annexed and expanded.

B. The Cultivation of Marijuana outdoors, where it is often readily observable by neighbors and the general public, increases the risk of trespassing and burglary, and acts of violence in connection with the commission of such crimes or the occupants' attempts to prevent such crimes. Outdoor Cultivation further makes the premises more prone to act as an attractive nuisance for children~~, and increases the likelihood of offensive odors traveling off the premises. Additionally~~.~~,~~ ~~experience in the City of Yreka, and elsewhere, demonstrates that outdoor Cultivation of Marijuana is often associated with violations of local, state, and federal environmental laws and pesticide regulations, threatening harm to local waterways and groundwater quality, and endangering the public health and safety.~~

C. The indoor Cultivation of Marijuana within a Residence or Accessory Structure used or intended for human occupancy presents potential health and safety risks to those living in the Residence or otherwise occupying the structure, especially to children, including, but not limited to, increased risk of fire from grow light systems, exposure to fertilizers, pesticides, anti-fungus/mold agents, and exposure to potential property crimes.

D. Prohibiting the Cultivation of Marijuana ~~outdoors and restricting it~~ within a Residence or Accessory Structure ~~used~~ is proper and necessary to avoid the

aforementioned harms~~,~~ and to protect the health, safety, and welfare of the residents and businesses within the incorporated area of the City of Yreka.

E. The City Council has heard substantial evidence that because Yreka lacks a Marijuana Cultivation ordinance, it has become an attractive location for out-of-city and out-of state for-profit cultivators to come to for the purpose of large-scale Marijuana grows. Recently many counties and cities in Northern California have adopted restrictive or prohibitive Marijuana Cultivation ordinances, making Yreka an attractive option for Marijuana cultivators. The Council finds that immediate action, in the form of urgency ordinance is necessary to curb the potential influx of large-scale Marijuana Cultivation into the City.

F. The City Council has previously found that a statewide water shortage emergency exists, under the authority of Executive Order B-29-15; California Code of Regulations, Title 23, Sections 863, 864, 865 and 868; the State mandated that all urban water suppliers implement water waste control measures; as well as State Urban Water Supplier Conservation Tiers requiring City water users to decrease their water usage by thirty-two (32) percent; and pursuant to its authority under Water Code Section 350, 356 and 375, the City of Yreka prohibited the wastage of water and ordered that the water conservation measures and water use restrictions are necessary and appropriate to prevent the waste of water and to protect the health and safety of water users.

G. Because Yreka residents have not yet decreased water usage to the mandated levels and are presently 17.7% over their allowed water consumption limit, the State Water Resources Board has served a Conservation Order on the City mandating the City to identify areas of potential water usage. This Chapter on Marijuana Cultivation is one area where water may be conserved by restricting the area of Cultivation resulting in less water being used as compared to a larger area Cultivations.

H. Adoption of this Ordinance under urgency is necessary for the immediate preservation of the public peace, health, and safety, as set forth in Government Code section 25123, subdivision (d), in order to prevent further Cultivation of Marijuana ~~outdoors and to restrict Cultivation~~ within Residences or Accessory Structures used or intended for human occupancy in the City of Yreka, which would threaten significant impacts on the public peace, health, and safety if permitted to occur.

I. The Medical Marijuana Regulation and Safety Act provides that the State of California will be the sole licensing authority for the commercial Cultivation of medical Marijuana unless a city adopts a land use regulation or ordinance regulating or prohibiting the Cultivation of Marijuana under the principles of permissive zoning. Yreka has no such land use ordinance and the State of California has mandated that any land use regulation or ordinance must take effect before March 1, 2016. Since due process requires proper notice, hearing and recommendation by the Planning Commission before the City Council consider a zoning ordinance; this Ordinance could not become effective prior to March 1, 2016 if the usual 30-day post-adoption time period for it to become effective were applied. As Yreka's health and safety requires that the dangerous conditions that arise from the Cultivation of

Marijuana should be mitigated through local land use controls and that local right will be lost if not exercised before March 1, 2016, the adoption and effectiveness of this ordinance is urgent and necessary for the immediate preservation of the public peace, health, and safety.

~~J. Adoption of this ordinance immediately will further ensure that the prohibition of outdoor Marijuana Cultivation becomes effective early enough in the outdoor growing season to allow any Marijuana plants previously planted outdoors to be transplanted to a permitted indoor structure by the grower, without undue hardship to medical patients and their caregivers eligible to cultivate Marijuana in accordance with applicable law.~~

Section 2. Effective Date.

This ordinance shall take effect immediately upon its passage, and after its passage shall be published according to law with the names of the members voting for and against the same, once in a local newspaper of general circulation in the City of Yreka, State of California.

Section 3. Enactment.

Chapter 9.26 of Title 9 of the City of Yreka Municipal Code is hereby enacted and added as a codified ordinance to read as follows:

CHAPTER 9.26

MARIJUANA CULTIVATION

Sections

9.26.100 Authority
9.26.110 Purpose & Intent
9.26.120 Findings
9.26.130 Scope
9.26.140 Responsibilities
9.26.150 Private Right of Action
9.26.200 Definitions
9.26.300 Cultivation Restrictions
9.26.310 Cultivation Requirements
9.26.320 Cultivation Inside Dwellings and Accessory Structures Prohibited
~~**Dwellings and Accessory Structures**~~
9.26.330 Fencing
9.26.340 Registration Requirements
9.26.400 Conditions Creating Public Nuisance
9.26.500 Enforcement Authority
9.26.510 Right of Entry/Inspection

9.26.520 Violations
9.26.530 Remedies
9.26.540 Notice and Order to Abate
9.26.550 Violation Penalties
9.26.560 Enforcement Costs
9.26.570. Record of Abatement Cost-Hearing and Proceedings
9.26.575. Nuisance Abatement Lien.
9.26.600 Relief and Reconsideration
9.26.610 Decision- Time Limitation for Judicial Filing
9.26.620 Severability

ARTICLE I
GENERAL PROVISIONS

9.26.100 Authority.

Pursuant to authority granted by Article XI Section 7 of the California Constitution, Section 372 of the California Penal Code, California Code of Civil Procedure § 731 and California Civil Code §3491 the City Council of the City of Yreka does hereby enact this Chapter.

9.26.110 Purpose & Intent.

The purpose and intent in adopting this Chapter is to acknowledge State law as it relates to medical Marijuana and to reduce conditions that create public nuisances through enacting these regulations including without limitation, restrictions as to location of Cultivation, the Defined Area in which Marijuana Plants may be Cultivated, and the use of screening and security structures, to more effectively control the adverse impacts associated with Marijuana Cultivation as stated herein, while considering the desires of Qualified Patients Qualified Patients and Primary Caregivers, in furtherance of the public necessity, health, safety, convenience, and general welfare within the City's jurisdictional limits. Nothing in this Chapter shall be construed to authorize any use, possession, Cultivation, or distribution of Marijuana for non-medical purposes or that is in violation of state or federal law.

9.26.120 Findings.

A. The Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., classifies Marijuana as a Schedule I Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision.

B. The Federal Controlled Substances Act makes it unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, Marijuana. The

Federal Controlled Substances Act contains no exemption for the Cultivation, manufacture, distribution, dispensation, or possession of Marijuana for medical purposes.

C. In 1996, the voters of the State of California approved Proposition 215, "The Compassionate Use Act," (codified as Health and Safety Code Section 11362.5) which was intended to decriminalize Cultivation and possession of medical Marijuana by a seriously ill patient, or the patient's primary caregiver, for the patient's personal use, and to create a limited defense to the crimes of possessing or cultivating Marijuana. The Act further provided that nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of Marijuana for non-medical purposes.

D. The State enacted SB 420 in 2004 (known as the "Medical Marijuana Program Act," codified as Health and Safety Code Section 11362.7 et seq.) to expand and clarify the scope of The Compassionate Use Act of 1996 by creating the Medical Marijuana Identification Card program, creating reasonable regulations for cultivating, processing, transporting and administering Marijuana, as well as limiting the amount Marijuana a qualified individual may possess. The Medical Marijuana Program Act defines a "primary caregiver" as an individual who is designated by a qualified patient or by a person with an identification card, and who has consistently assumed responsibility for the housing, health, or safety of that patient or person and is further defined in the California Supreme Court decision *People v. Mentch* (2008) 45 Cal. 4th 274.

E. The City's geographic and climatic conditions provide conditions that are favorable to O~~o~~utdoor Marijuana Cultivation, thus growers can achieve a high per-plant yield. The Federal Drug Enforcement Administration reports that various types of Marijuana plants under various planting conditions may yield averages of 236 grams, or about one-half (1/2) pound, to 846 grams, or nearly two (2) pounds.

~~F. The strong distinctive odor of Marijuana plants creates an attractive nuisance, alerting persons to the location of the valuable plants, and has resulted in burglary, robbery and armed robbery.~~

~~G. The strong and distinctive odor of Marijuana plants creates a need to ensure that smells that disrupt the use of adjacent properties are minimized, much in the same way that many Cities have ordinances currently in place to minimize the smells associated with raising livestock.~~

~~H.~~F. Children (minors under the age of 18) are particularly vulnerable to the effects of Marijuana use and the presence of Marijuana plants is an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children (including schools, parks, and other similar locations).

~~I.~~G. The unregulated Cultivation of Marijuana in the incorporated area of the City of Yreka can adversely affect the health, safety, and well being of the City, its residents and environment. Comprehensive civil regulation of premises used for Marijuana Cultivation is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated Marijuana Cultivation, and that are especially significant if the amount of Marijuana cultivated on a single premises is not regulated and substantial amounts of Marijuana are thereby allowed to be concentrated in one place.

K. The indoor Cultivation of substantial amounts of Marijuana within a R~~r~~esidence presents potential health and safety risks to those living in the R~~r~~esidence, especially to children, including, but not limited to, increased risk of fire from grow light systems, exposure to fertilizers, pesticides, anti-fungus/mold agents, and exposure to potential property crimes targeting the R~~r~~esidence.

L. Comprehensive restriction of P~~p~~remises used for Marijuana Cultivation is proper and necessary to address the risks and adverse impacts as stated herein, that are especially significant if the amount of Marijuana cultivated on a single premises is not regulated and substantial amounts of Marijuana are thereby allowed to be concentrated in one place.

M. Unrestricted Outdoor Marijuana Cultivation is creating devastating impacts to California's surface and groundwater resources and environmental damage. The State Water Resources Control Board, the Central Valley Regional Water Quality Control Board and the Department of Fish and Wildlife have seen a dramatic increase in the number of Marijuana gardens, and corresponding increases in impacts to water supply and water quality, including the discharge of sediments, pesticides, fertilizers, petroleum hydrocarbons, trash and human waste. The sources of these impacts result from unpermitted and unregulated timber clearing, road development, stream diversion for irrigation, land grading, erosion of disturbed surfaces and stream banks, and temporary human occupancy without proper sanitary facilities.

N. The immunities from certain prosecution provided to Qualified Patients and their Primary Caregivers under State law to cultivate Marijuana plants for medical purposes does not confer the right to create or maintain a public nuisance. By adopting the regulations contained in this Chapter, the City will achieve a significant reduction in ~~the complaints of odor and~~ the risks of fire, crime and pollution caused or threatened by the unregulated Cultivation of Marijuana in the City of Yreka.

0. Nothing in this Chapter shall be construed to allow the use of Marijuana for non-medical purposes, or allow any activity relating to the Cultivation, distribution, or consumption of Marijuana that is otherwise illegal under State law. No provision of this Chapter shall be deemed a defense or immunity to any action brought against any person by the City of Yreka,

the Yreka City Attorney, the Siskiyou District Attorney, the Attorney General of State of California, or the United States of America.

P. In *Browne v. City of Tehama*, 213 Cal. App. 4th 704 (2013), the California Court of Appeal stated that "Neither the Compassionate Use Act nor the Medical Marijuana Program grants . . . anyone . . . an unfettered right to cultivate Marijuana for medical purposes. Accordingly, the regulation of Cultivation of medical Marijuana does not conflict with either statute." Similarly, in City of *Riverside v. Inland Empire Patients Health & Wellness Center, Inc.*, 56 Cal. 4th 729 (2013), the California Supreme Court concurred that "Nothing in the CUA or the MMP expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land ..." Additionally, in *Maral v. City of Live Oak* (2013), 221 Cal. App. 4th 975, 983, review denied 2014 Cal. LEXIS 2402 (March 26, 2014), the same Court of Appeal held that "there is no right-and certainly no constitutional right-to cultivate medical Marijuana ..." The Court in Live Oak affirmed the ability of a local governmental entity to prohibit the Cultivation of Marijuana under its land use authority.

Q. The indoor Cultivation of Marijuana has potential adverse effects to the structural integrity of the building, and the use of high wattage grow lights and excessive use of electricity increases the risk of fire, which presents a clear and present danger to the building and its occupants.

R. The Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the Cultivation or other concentration of Marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.

S. The California Constitution, Article XI, section 7, provides cities with broad authority to determine, for purposes of health, safety, and welfare, the appropriate uses of land within a city's boundaries.

T. The Planning Commission of the City of Yreka, after due notice, at the public hearing of January 20, 2016, reviewed the proposed Ordinance and accompanying documents, considered testimony regarding the proposed Ordinance, and voted _____-_____-_____ to recommend [approval/denial] of the Ordinance to the City Council.

U. All legal prerequisites for the adoption of this Ordinance have occurred.

V. The above recitals are all true and correct.

9.26.130 Scope.

The provisions of this Chapter shall apply generally to all property throughout the incorporated area of the City of Yreka, as from time to time, annexed and expanded.

9.26.140 Responsibilities.

A. Regardless of whether an owner is in actual possession of his or her real property, it is the duty of every owner of real property within the incorporated area of City of Yreka to prevent a public nuisance from arising on, or from existing upon, his or her real property.

B. No person or entity shall cause, permit, maintain, conduct or otherwise allow a public nuisance as defined in this Chapter to exist upon any property within their control and shall not cause a public nuisance to exist upon any other property within the incorporated limits of the City of Yreka. It shall be the duty of every owner, occupant, and person that controls any land or interest therein within the incorporated area of the City of Yreka to remove, abate and prevent the reoccurrence of any public nuisance upon such land.

9.26.150 Private Right of Action.

Nothing contained in this Chapter shall be construed to prohibit the right of any person or public or private entity damaged by any violation of this Chapter to institute a civil proceeding for injunctive relief against such violation, for money damages, for compensatory damages, for injunctive relief, and for the cost of suit and reasonable attorney's and expert witness' fees, or for whatever other or additional relief the court deems appropriate. The remedies available under this Chapter shall be in addition to, and shall not in any way restrict other rights or remedies available under law.

ARTICLE 2
DEFINITIONS

9.26.200 Definitions.

Except where the context otherwise requires, the following definitions shall govern the construction of this Chapter:

A. "Accessory Structure" means a separate and permitted or unpermitted building located on the same parcel as the residence.

B. "Building Official" means any person employed by the City of Yreka that has been delegated or assigned building inspection duties or building plan approval.

C. "City Manager" means the City Manager of the City of Yreka, California or his or her designee.

D. "Code" means the City of Yreka Municipal Code.

E. "Code Enforcement Officer" means any person employed by the City of Yreka that has been delegated or assigned code enforcement responsibilities.

F. "Costs of Enforcement" or "Enforcement Costs" means the total cost incurred by the City in connection with a public nuisance including, but not limited to:

1. Any cost incurred in removing or remedying a public nuisance;

2. The actual expenses and costs of the city in preparation of notice and order, reconsideration, appeal and termination fees for administrative services rendered by the City in connection with the inspection, notification, prosecution and abatement procedures authorized by this code:

a. Notice and order, appeal and termination fees in such amounts as are determined from time to time by resolution of the city council;

b. Notice and order, appeal and termination fees based on services rendered by the City from the time of the initial complaint intake for the purpose of documenting a violation of this code until the violation is corrected;

c. The notice and order, appeal and termination fees are not intended to be a penalty imposed for violation of this code or other laws;

d. Specifications and contracts;

e. Any attorney's fees expended in the abatement of the nuisance, through inspection warrant, civil action or otherwise;

f. The cost of printings and mailings required under this code;

g. All costs or expenses to which the city may be entitled pursuant to Health and Safety Code Section 510 and other statutory entitlement;

h. All costs and expenses for which the city may be liable under state law arising from or related to the nuisance.

3. Any cost incurred by the City in collecting the costs enumerated in subsections 1 and 2 of this definition.

G. "City" means the City of Yreka.

H. "Chapter" or Ordinance means this ordinance.

I. "Cultivation" means the planting, growing, harvesting, drying, processing, or storage of one or more Marijuana plants or any part thereof in any location, indoor or outdoor, including from within a fully enclosed and secure building.

J. "Defined Area of Cultivation" means a single, Outdoor~~indoor~~, area wherein all portions of Cultivation are ~~within either an Accessory Structure or the Dwelling~~ completely screened~~ing~~ ~~the Cultivation~~ from public view. Cultivation of Marijuana is limited to an area where the canopy of the growing Marijuana~~that~~ is less than 10~~5~~0 square feet~~ of floor area~~, irrespective of how many Qualified Patients or Primary Caregivers live on the Parcel.

K. "Dwelling" means a building intended for human habitation that has been legally established, permitted and certified as a single-family or multi-family dwelling.

L. "Enforcement Official" means the Code Enforcement Officer, City Attorney or the City Police, or the authorized officers or designees of either, each of whom is independently authorized to enforce this Chapter.

M. "Fence" means a solid wall or a barrier connected by boards, masonry, rails, panels, or any other materials typically utilized for residential fences (subject to the approval of the City's Building Official) for the purpose of enclosing, securing, and screening space from public view. The term "Fence" does not include retaining walls.

N. "Indoors" means within a fully enclosed structure, with a solid roof, floor, and walls. The structure must be securable against unauthorized entry and constructed of solid materials such as 3/8" or thicker plywood, glass, or equivalent materials. Shade-cloth covered and plastic sheeting covered, regardless of gauge, or similar products do not satisfy this requirement. A structure without a solid floor does not satisfy this requirement; no Marijuana shall be Cultivated in the soil beneath the Dwelling or Accessory Structure.

O. "Marijuana" means all parts of the plant Cannabis sativa L. or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination including marijuana infused in foodstuff or any other ingestible or consumable product containing marijuana. The term "marijuana" shall also include "medical marijuana" as such phrase is used in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state of California or subject to the provisions of California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).

P. "Marijuana plant" means any mature or immature Marijuana plant including the stalks of the plant, or any Marijuana seedling, that is capable of producing Marijuana. A "mature" Marijuana plant is one whose sex can be determined by visual inspection.

Q. "Outdoors" means any location that is not "indoors" within a fully enclosed and secure structure as defined herein.

R. "Parcel" means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (commencing with Section 66410 of the Government Code) and also means parcels that are described, recorded and kept in official City records specifically including documents and maps used by the Siskiyou County Assessor's Office, the Siskiyou County Tax Collector's Office and the Siskiyou County Recorder's Office.

S. "Primary Caregiver" shall have the same meaning as "primary caregiver" as defined in the California Health and Safety Code, commencing with Section 11362.7(d), and as further defined in the California Supreme Court decision People v. Mentch (2008) 45 Cal.4th 274.

T. "Public View" shall mean as viewed at ground level, without the use of a ladder or similar device, from any place the general public has a lawful right to be including the public right of way, a public way or neighboring premises.

U. "Qualified Patient" shall have the same meaning as "qualified patient" as defined in the California Health and Safety Code, commencing with Section 11362.7(f) as amended or supplanted.

V. "Residence" shall have the same meaning as "Dwelling".

W. "Police" or "Police Department" means the City of Yreka Police Department or the authorized representatives thereof.

ARTICLE 3
RESTRICTIONS AND REQUIREMENTS

9.26.300 Cultivation Restrictions.

A. It is unlawful and a public nuisance for any person owning, leasing, renting, occupying, or having charge or possession of any Parcel within any zoning district in the City to cause or allow such Parcel or premises to be used for the ~~Outdoor~~ Cultivation of Marijuana Plants except as permitted in this Chapter.

~~C. Residential Structure Cultivation. It is unlawful and a public nuisance for any person to cultivate medical Marijuana inside any Residence or other structure, including Accessory Structures,~~ B. Cultivation of ~~without a medical~~ Marijuana Outside is prohibited without proper ~~Cultivation~~ registration issued by the City.

C~~D~~. All persons and entities engaging in the Cultivation of Marijuana shall:

1. Have a legal water source on the Parcel;
2. Not engage in unlawful or unpermitted surface drawing of water for such Cultivation; and
3. Not permit illegal discharges of water from the parcel.

D~~E~~. Marijuana Cultivation shall not adversely affect the environment or the public health, safety, or general welfare by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, or vibration, by the use or storage of plant or animal poisons, or hazardous materials, processes, products or wastes, or by any other way.

~~F. Applicants seeking authorization to Cultivate Marijuana on Parcels where active Code Enforcement violations of any provision of the City of Yreka Municipal Code exist shall first correct Code violations prior to Cultivating Marijuana.~~

9.26.310 Cultivation Requirements.

A. Cultivation may only occur on a Parcel improved with an occupied, legally established, Dwelling in conformance with this Chapter. Any Marijuana~~The~~ Cultivation shall be Outside, contained within the Defined Area of Cultivation, and located and ~~in one, single, residential Accessory Structure or Dwelling~~ affixed to the real property that:

~~1. Meets the definition of "Indoor;"~~

1. ~~That is located on~~Is on the same Parcel as the Dwelling of a qualified patient(s) or a primary caregiver(s); and
2. Within the Defined Area of Cultivation.
3. The Defined Area of Cultivation shall be screened from view by a solid Fence as described herein in Sections 9.26.330 and 9.26.200(M). Such

Fencing shall not be built or placed within any mandatory setback required by the City of Yreka Municipal Code.

4. The Defined Area of Cultivation shall not have any covering or canopy over Cultivated Marijuana.

5. All Marijuana Cultivation shall strictly comply with the water conservation standards set forth in the Yreka Municipal Code at Chapter 12.12, entitled "Water Efficiency" and Chapter 11.38, entitled "Efficient Landscaping Ordinance." Drip irrigation is encouraged.

6. The Defined Area of Cultivation, if supplied with electricity, shall be equipped with permanently installed and permitted electricity, and shall not be served by temporary extension cords. Electrical wiring conductors shall be sized based on the currently adopted California Electrical Code with anticipated loads identified.

7. Any illumination of the Defined Area of Cultivation by artificial growth inducing lights is prohibited. Gas products (including, without limitation, CO2, butane, propane, and natural gas), or generators shall not be used within the Defined Area of Cultivation of Marijuana.

~~2.~~8. Structures that are exempt from Building Permits by City of Yreka Municipal Code, Chapter 11, shall not be used for the Cultivation of Marijuana.

~~3.~~9. A~~That~~ll improvements within the Defined Area of Cultivation as well as the fencing shall comply~~ies~~ with all of the provisions of the City of Yreka Code~~ relating to accessory structures including~~, including but not limited to, the City's Building and Construction Code in Title 11, and construction codes in Title 12 of the City of Yreka Municipal Code. Where the provisions of this Chapter are more restrictive than other portions of the City of Yreka Code the provisions of this Chapter shall govern.

9.26.320 Cultivation Inside Dwellings and Accessory Structures Prohibited.

Residential Structure and Accessory Structures Cultivation Prohibited. It is unlawful and a public nuisance for any person to Cultivate medical Marijuana inside any Residence or other structure, including Accessory Structures. ~~A. Dwellings and Accessory Structures used for the Cultivation of Marijuana shall meet all of the following criteria:~~

~~1. The Dwelling and/or any Accessory Structure used for the Cultivation of Marijuana, regardless of size, shall be legally constructed with all applicable development permits including, but not limited to, grading, structural, electrical, mechanical and plumbing approved by the applicable authorities prior to any Cultivation activity. The conversion of any existing accessory structure, or portion thereof, for Cultivation shall be subject to these same permit requirements and must be inspected for compliance by the applicable authorities prior to any Cultivation.~~

~~2. The Accessory Structure shall not be built or placed within any mandatory setback required by the City of Yreka Municipal Code.~~

~~3. The Dwelling and/or any Accessory Structure used for the Cultivation of Marijuana shall be equipped with permanently installed and permitted electricity, and shall not be served by temporary extension cords. Electrical wiring conductors shall be sized based on the currently adopted California Electrical Code with anticipated loads identified.~~

~~4. The Dwelling and/or any Accessory Structure used for the Cultivation of Marijuana shall be equipped with a permanently installed and permitted odor control filtration and ventilation system adequate to prevent an odor, humidity, or mold problem within the structure, on the Parcel, or on adjacent parcels. Where Marijuana is Cultivated the Residence or Accessory Structure's order control system shall be sufficient to ensure that no Marijuana related orders emanate to the Outdoors.~~

~~5. If the Accessory Structure is a greenhouse, the panels shall be of glass or polycarbonate and should be opaque for security and visual screening purposes. Where the greenhouse panels are not obscure, the greenhouse shall be screened from view by a solid Fence as described herein in Sections 9.26.330 and 9.26.200(M).~~

~~6. Indoor grow lights shall not exceed one thousand two hundred (1,200 W) watts and shall comply with the California Building, Electrical and Fire Codes as adopted by the City. Gas products (including, without limitation, CO2, butane, propane, and natural gas), or generators shall not be used within any detached structure used for the cultivation of medical marijuana.~~

~~B. Structures that are exempt from Building Permits by City of Yreka Municipal Code, Chapter 11, shall not be used for the Cultivation of Marijuana.~~

9.26.330 Fencing.

A. ~~Accessory structures~~Marijuana Cultivation ~~that are~~is required to be surrounded by a solid fence ~~shall have a fence~~ that is at least six (6) feet but not greater than (8) feet in height with a locking gate and shall conform to the following:

1. Fencing materials shall be in compliance with Section 9.26.200(M);
2. Location of fence shall meet zoning setback and height requirements;
3. Fences over seven (7) feet in height will require proof of an approved building permit; and
4. The fence and gate must be adequately secure to prevent unauthorized entry and keep the area out of reach of minors.

Exception: Topography, natural vegetation, bushes or hedgerows alone may constitute an adequate fence for the purposes of this Section, but shall be subject to the approval of City of Yreka Building Official (CYBO).

9.26.340 Registration Requirements.

A. The Cultivation of Marijuana in any quantity upon any premises without first registering the Cultivation and paying the required fee is hereby declared to be unlawful and a public nuisance and may be abated in accordance with this Chapter.

B. The Registration Application shall be prescribed by City of Yreka Building Official (CYBO) and shall at a minimum contain the following:

1. The person(s) owning, leasing, occupying, or having charge or possession of any premises have submitted the required annual registration for the premises to CYBO, and provided all of the following current information and documentation to CYBO:

    a. The name of each person, owning, leasing, occupying, or having charge or possession of the premises;

    b. The name of each qualified patient or primary caregiver who participates in the Cultivation, either directly or by providing reimbursement for Marijuana or the services provided in conjunction with the provision of that Marijuana;

    c. A copy of the current valid medical recommendation or State-issued medical Marijuana card for each qualified patient identified as required above, and for each qualified patient for whom any person identified as required above is the primary caregiver;

    d. The total area to be used for the Cultivation of Marijuana plants on the Parcel; and

    e. Such other information and documentation as the CYBO determines is necessary to ensure compliance with State law and this Chapter.

2. The registration shall contain a statement in substantially the following form: By submitting this registration, the property owner and the cultivator, if different, will allow and hereby consents to Code Enforcement Officer(s) entering the property, at a reasonable time, to inspect for compliance with this Chapter.

3. The registration shall contain a statement, under penalty of perjury, that the information is true and accurate.

C. Where the registration application is deemed complete, and no violations or conditions are identified to prohibit Marijuana Cultivation, a registration number shall be provided to the applicants. The registration number shall be kept with the Cultivation and shall be presented to the inspecting Code Enforcement Officer upon request.

D. This information and documentation shall be received in confidence, and shall be used or disclosed only for purposes of administration or enforcement of this Chapter or State law, or as otherwise required by law, including but not limited to the Public Records Act.

E. The City Council shall, by Resolution, establish a fee for such annual registration in accordance with all applicable legal requirements.

F. Every registration under this Chapter shall be valid for no more than one calendar year and shall expire on December 31st of that year. An expired registration shall be renewed in the same manner as an initial registration hereunder. In the event that the registration of any premises for any calendar year is submitted after March 1st of that year, the registrant shall pay a late registration penalty equal to fifty percent (50%) of the applicable registration fee. The City Manager may waive the late registration penalty if the failure to timely register was due to reasonable cause and not due to willful neglect.

G. If the person(s) cultivating Marijuana on any legal parcel is/are not the legal owner(s) of the parcel, such person(s) shall submit a notarized letter from the legal owner(s) consenting to the Cultivation of Marijuana on the parcel. Notwithstanding the foregoing, the owner of a Parcel where the cultivator has not obtained a notarized letter shall still be responsible for any nuisance that has been determined to exist upon their property. The City shall prescribe forms for such letters.

H. No person(s) shall have any vested rights to any authorization, right, or interest under this Ordinance, regardless of whether such person(s) Cultivated Marijuana prior to the adoption of this Ordinance. Nothing in this Chapter shall be construed to confer a right to Cultivate Marijuana prior to the actual approval of a registration application by the City.

ARTICLE 4

PUBLIC NUISANCE

9.26.400 Conditions Creating Public Nuisance.

A public nuisance shall be deemed to exist when any of the following conditions or circumstances is present:

A. Any person owning, leasing, occupying or having charge or possession of any Parcel within the City's incorporated area to cause or allow such Parcel to be used for the Cultivation of Marijuana in violation of the provisions contained herein or any provisions set forth in Division 10 of the California Health and Safety Code.

B. The Cultivation of Marijuana and/or on a Parcel that does not have an occupied legally established Dwelling in conformance with this Chapter.

C. The Cultivation of Marijuana on a Parcel by anyone other than a qualified patient or a primary caregiver. A physician's recommendation shall be kept onsite at all times and shall be posted in plain view for inspection. Where multiple people are cultivating, each physician recommendation shall be posted.

D. Marijuana plants in public view as defined in Section 9.26.200 of this Chapter.

E. The Cultivation of Marijuana in excess of the Defined Area of Cultivation.

F. The improper use, storage and/or disposal (per the manufacturer's instructions and/or any law that governs same) of chemicals, fertilizers, gas products (CO2, butane, etc.) or any other products or equipment associated with the Cultivation of Marijuana.

G. Any violation of this Chapter, any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence.

ARTICLE 5

ENFORCEMENT

9.26.500 Enforcement Authority.

The Code Enforcement Official that has been assigned responsibility for administration of Code Enforcement services is hereby designated to enforce this Chapter.

9.26.510 Right of Entry/Inspection.

To enforce the provision of this Code, any Code Enforcement Officer may at a reasonable time request inspection of any parcel suspected of cultivating Marijuana. If the person owning or occupying the Parcel refuses the request for an inspection, the Code Enforcement Officer shall have recourse to every remedy provided by law to secure entry, including obtaining an inspection warrant.

9.26.520 Violations.

A. It is unlawful and a violation of this Chapter for any person to permit a public nuisance to exist upon real property in which such person has an ownership or possessory interest.

B. It shall be unlawful and a violation of this Chapter to do anything in contrary to the requirements and provisions set forth in this Chapter.

C. Each person violating this Chapter shall be guilty of a separate offense for each and every day, or portion thereof, which any violation of any provision of this Chapter is committed, continued, or permitted by any such person. Any violation, which persists for more than one day, is deemed a continuing violation.

9.26.530 Remedies.

A. Any violation of this Chapter shall be deemed a public nuisance and is subject to any enforcement process authorized by law or as outlined in this Code.

B. Nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the City of Yreka or any other governmental entity to enforce City ordinances, to abate any and all nuisances, or employ any remedy available at law or equity.

C. Issuance of a warning shall not be a requirement prior to using any enforcement provision of this Code. Violations are not tiered and are subject to enforcement without warning.

D. A civil action to foreclose a lien, the special assessment procedure, and a personal action against the owner and all other responsible persons shall not be mutually exclusive and the City shall be free to use all methods simultaneously as long as the City does not receive multiple payments for Enforcement Costs.

9.26.540 Notice and Order to Abate.

A. Upon making a determination that a public nuisance exists, the Enforcement Official shall notify the owner and/or the alleged violator that a public nuisance exists upon such owner's property. As to an owner, the Notice and Order to Abate shall be delivered by personal service or by Certified, Return Receipt mail, with postage prepaid, addressed to the owner as such owner's name and address appears on the last equalized assessment roll or to such other address as the owner directs. As to an alleged violator whom the Enforcement Official has determined directly or indirectly contributed to the condition creating the nuisance, the Notice and Order to Abate shall be delivered by personal service or by Certified, Return Receipt mail, with postage prepaid, to the last known address of the alleged violator. In addition, the Notice and Order to Abate shall be delivered by first class mail, with postage prepaid, addressed to the owner and/or alleged violator at the same addresses. A copy shall also be posted on the property. The Enforcement Official shall complete a proof of service.

B. The Notice and Order to Abate shall describe the use or condition which constitutes the public nuisance; and shall order that the uses or conditions constituting the nuisance be abated by demolition, securing, removal, cleanup, repair or other means within a reasonable time certain as determined necessary for such abatement by the Code Enforcement Official based upon the nature and complexity of the abatement process, normally being three (3) days, or less, from the date such notice is mailed and/or posted.

9.26.550 Violation Penalties.~~y~~

A. Criminal Penalties.

Any responsible party, whether owner, lessee, sublessor, sublessee or occupant of any premises who violates the provisions of this code shall be guilty of a misdemeanor for each day such violation continues.

B. Administrative Penalties.

1. Any person who violates this Chapter shall be guilty of a separate offense for each and every day, or portion thereof, the violation is committed, permitted or continued. The city attorney may pursue any lawful civil

remedy and administrative penalties brought to enforce any provisions of this Chapter.

2. In addition to the actual abatement and/or Enforcement Costs incurred by the City any person who has been issued a Notice and Order to Abate Public Nuisance shall be assessed an Administrative Penalty payable to the City as follows:

   a. A penalty of $1,000.00 for each violation of this Code per day as set forth in the Notice and Order to Abate.

   b. A penalty of $2,000.00 for each violation of this Code per day when a second violation of this Code occurs within eighteen (18) months of a previously issued Notice and Order to Abate.

   c. A penalty of $3,000.00 for each violation of this Code per day for each subsequent violation of this Code beyond the second when the violation occurs within thirty-six (36) months of the original Notice and Order to Abate.

3. For the purpose of calculating the daily Administrative Penalty, each offense of any Section of this Chapter shall be charged as a separate violation; in addition, each cubic foot of area under cultivation that exceeds the maximum Defined Area in violation of this Chapter shall be charged as a separate violation.

4. The Administrative Penalty, pursuant to this Section, shall be assessed immediately upon the issuance of a Notice and Order to Abate Public Nuisance and shall continue to accrue until the date compliance with the Order has been met and verified by the Code Enforcement Officer. In the event a Request for Reconsideration has been properly filed with the City, the Request for Reconsideration shall have no affect on the Administrative Penalty and said Penalty shall continue to accrue during the pendency of the determination. At the conclusion of the hearing the City of City of Yreka Council is authorized to modify or waive the Administrative Penalty for cause and shall make express findings into the record for such modification or waiver.

C. Obstruction a Crime.

Any person who obstructs, impedes or interferes with any representative, officer, employee, contractor or authorized representative of the city council or with any representative of a city department or with any person who owns or holds any estate or interest in a building or Parcel which has been ordered to be abated pursuant to the provisions of this Chapter when any of the aforementioned individuals are engaged in the work of abating any nuisance as required by the provisions of this Chapter, or in performing any necessary act preliminary to or incidental to such work authorized or directed pursuant to this Chapter lawfully engaged in proceedings involving the abatement of a nuisance is guilty of a misdemeanor.

9.26.560 Enforcement Costs.

A. All costs and penalties associated with the enforcement of this Chapter are the joint and several responsibility of the owner, lessee, renter, occupier and person having charge or possession of any Parcel(s) on which a nuisance has been found to exist and such costs shall be paid within 30 days of the date of demand thereof.

B. Where costs and penalties go unpaid beyond 30 days, the Enforcement Official shall take action to confirm the costs and record a lien against the Parcel and will attach as a lien until paid. Costs or expenses for which the City may be reimbursed shall begin to accrue at the time the City first receives a complaint regarding a problem on the property. Any lien recorded pursuant to Government Code §38773.5 shall not include administrative penalties assessed and shall be limited to the Enforcement Costs. However, upon entry of a second or subsequent civil or criminal action within a two year period finding an owner of a Parcel or a person described in paragraph (3) of subdivision (d) of Government Code §38772 is responsible for the condition that may be abated in accordance with this Chapter, the Court may order that person to pay treble the Enforcement Costs.

C. An additional fee which shall be set by resolution of the city council shall be imposed on the owner of the Parcel at the conclusion of any matter in which a notice and order has been issued. This termination fee shall be calculated to recover the cost of closing the file, removing or placing liens, and other associated administrative costs. Costs shall be assessed at the conclusion of the abatement; provided, however, in the case of abatement by any method which takes more than six months, costs may be assessed at any time after six months, but in no event more than two times a year.

D. Enforcement Costs and expenses may be recovered even if the nuisance is corrected voluntarily, subsequent to the issuance of an abatement order. No fees shall be due and owing if it is administratively determined that no nuisance exists. All fees shall be a personal obligation of the owner and a lien upon the Parcel and are due and payable within thirty days of issuance of the notice and order or closing of the file respectively. Any fee not paid within that time shall be payable to the City.

E. The City Manager/designee shall keep an account of the costs (including incidental expenses) of abating such nuisance on each separate lot or parcel of land where the work is done and shall render an itemized billing to the property owner, which shall be due and payable within thirty days. If the owner refuses or neglects to pay the bill, an itemized report in writing shall be made to the planning commission showing the cost of abatement and the demolishing or repairing of said buildings, structures and/or Marijuana eradication, including any salvage value relating thereto; provided, that before said report is submitted to the planning commission, a copy of the same shall be mailed together with a notice of the time when said report shall be heard by the planning commission for confirmation.

F. The planning commission shall set the matter for hearing to determine the correctness or reasonableness, or both, of such costs, and shall serve notice

806 thereof.

807 G. Proof of said service shall be made by declaration under penalty of perjury
808 filed with the city clerk.
809

9.26.570. Record of Abatement Cost—Hearing and Proceedings.

At the time and place fixed for receiving and considering the report, the planning commission shall hear and pass upon the reports of such costs of abatement, together with any objections or protests raised by any of the persons liable to be assessed for the cost of abating the nuisance.

Thereupon, the planning commission may make such revision, correction or modification in the report, as it may deem just, after which, by motion, the report, as submitted or as revised, corrected or modified, shall be confirmed. The hearing may be continued from time to time. The decision of the planning commission on all protests and objections, which may be made, shall be final and conclusive.

9.26.575. Nuisance Abatement Lien.

A. If the nuisance abatement and related Enforcement Costs are not paid within five days after the planning commission confirms the costs of abatement, the city shall notify the owner of record of the parcel of land on which the nuisance is maintained, based on the last equalized assessment roll or the supplemental roll, whichever is more current, that a nuisance abatement lien will be recorded. The notice shall specify the amount of the lien, the name of the city, the date of the abatement order, the street address, the legal description and the assessors parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel. The notice shall be served in the same manner as a summons in a civil action in accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. If the owner of record after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten days and publication thereof in a newspaper of general circulation published in Siskiyou County pursuant to Section 6062 of the Government Code. Such notice of lien for recordation shall be in the form substantially as follows:

NOTICE OF LIEN

(Claim of City of Yreka)

Pursuant to the authority vested by the provisions of Chapter 9.26 of the City of Yreka Municipal Code, the city manager (or his designee) of the City of Yreka did on or about (insert date), cause the premises hereinafter described [insert description of abatement action taken] to abate a public nuisance on said real property; and the Planning Commission of the City of Yreka did on (insert date), assess the cost of such abatement action taken; and the same has not been paid nor any part thereof; and that said City of Yreka does hereby claim a lien on premises in the amount of said assessment, to wit: the sum of $ (insert amount); and the same shall be a lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Yreka, County of Siskiyou, State of California, and particularly described as follows:

(Insert description)

DATED: (insert date).

City Manager of the City of Yreka, California
(ACKNOWLEDGEMENT)

B. The planning commission may order a refund of all or part of the assessment paid pursuant to this code if it finds that all or part of the assessment was erroneously levied. An assessment or part thereof shall not be refunded unless a claim is filed with a city clerk within six months after the assessment became due and payable. The claim shall be verified by the person who paid the assessment, or the legal representative of such person.

C. After notice is given in accordance with subsection A of this section, the notice of lien shall be recorded in the Siskiyou County recorders office and shall thereafter constitute a lien on the real property for the expense of the abatement, the related administrative costs together with interest thereon.

D. In the event the lien is discharged, released or satisfied, either through payment or foreclosure, notice of the discharge containing the same information as the notice of lien shall be recorded in the Siskiyou County recorder's office.

E. The City may enforce the nuisance abatement lien by an action for a money judgment.

ARTICLE 6

REQUESTS FOR RELIEF OR RECONSIDERATION AND UNIFORM HEARINGS AND PROCEDURES

9.26.600 Relief and Reconsideration.

A. Requests for Relief. Any person or entity unable to comply with the requirements of this Ordinance, or any person affected by any City decision, action, or determination related to this Ordinance, may submit to the City a written request for relief setting forth in detail the facts supporting the request. The City Manager shall designate a City officer or employee with managerial authority who will consider the matter without a hearing and decide whether to grant relief. The City Manager's designee may request additional information. The City Manager's designee may decide the matter within fifteen (15) business days from the receipt of the request, or, if additional information is requested and received within fifteen (15) business days from the receipt of the request, then fifteen (15) business days from the date the City receives all additional requested

information.

B. Requests for Reconsideration.

1. Within 30 days after the date of mailing of written notice of any City decision granting or denying relief under paragraph A of this Section, or within 30 days after the date the request for relief is deemed denied, any person or entity affected by the requirements, decision, action or determination that was the subject of the request for relief may submit to the City Manager a written request for reconsideration. The City Manager shall personally consider all requests for reconsideration. The request for reconsideration must set forth in detail the facts supporting the request.

2. The City Manager may act on the request for reconsideration with or without a hearing in any manner the City Manager deems reasonable and shall thereafter issue a final written determination concerning the request for reconsideration. Whenever the City Manager does not act upon the request for reconsideration within fifteen (15) business days of receipt of the request for reconsideration, the request shall be deemed denied on the first day following that time period. Notice of any decision will be mailed to the person or entity requesting relief. The decision, action or determination shall remain in effect during the period of review by the City Manager.

3. The City Manager's decision shall become final and binding at the time the City Manager acts on the request or fails to act within the time specified by this paragraph (B). If the City Manager acts on the request for reconsideration, notice of the City Manager's action will be mailed to the person or entity requesting reconsideration within five (5) business days of the action.

4. Any person or entity affected by a decision, action or determination related to this Ordinance who wishes to appeal or challenge the decision, action or determination must request reconsideration using the process specified in this paragraph B. This requirement is jurisdictional. The failure to seek reconsideration shall be deemed a failure of the person or entity subject to the decision, action or determination to exhaust administrative remedies.

9.26.610 Decision – Time Limitation for Judicial Filing.

All final administrative orders made pursuant to the procedures set forth in this subsection shall be subject to review only as provided in California Code of Civil Procedure Sections 1094.5 and 1094.6. Should any court of competent jurisdiction determine that the city must provide an appeal of any final administrative order in a manner other than set forth in Sections 1094.5 and 1094.6, then it is the intent of the city council that the administrative penalty

process remain as provided herein and to provide that any appeal which is timely requested follow the procedures set forth in Government Code Section 53069.4. Otherwise, all objections to such decision shall be deemed waived.

9.26.690 Severability.

If any section, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed this ordinance and adopted this Chapter and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases were to be declared invalid or unconstitutional.

Section 4. Inconsistency.

Any provisions of the Yreka Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed for the purposes of this Chapter.

Section 5. CEQA Exemption.

The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment. In addition, the ordinance is exempt from environmental review pursuant to the general rule of the California Environmental Quality Act, which exempts minor alterations to land use limitations that do not result in changes in land use or density pursuant to CEQA Guidelines Section 15305. Finally this Ordinance is exempt because it is an urgency Ordinance necessary to protect the City from a current and immediate threat to the public health, safety and welfare. Based on the information contained in the staff report and accompanying attachments and exhibits, the City Council hereby finds:

1. The proposed project will not result in a significant adverse effect on the environment and will support the public health, safety, and welfare

2. The Ordinance and its provisions are consistent with the goals and policies of the General Plan.

3. The Ordinance provides regulations for Marijuana Cultivation and this minor alteration to land use limitations that do not result in changes in land use or density pursuant to CEQA Guidelines Section 15305.

4. This is an urgency Ordinance necessary to protect the City from a current and immediate threat to the public health, safety and welfare.

Section 6. Publication of Codification.

Section 3 of this Ordinance shall require publication in the codification of the Yreka Municipal Code. The City Clerk is directed to post a Notice of Exemption

Section 7. Implementation.

The City Council hereby authorizes and directs the City Manager to take any action and sign any documents necessary to implement this Ordinance.

Section 8. Execution.

The Mayor and City Clerk are authorized to subscribe this ordinance where indicated below to evidence its approval by the City Council.

Introduced at a regular meeting of the City Council held ~~February 4~~, 2016, and adopted as an ordinance of the City of Yreka at a regular meeting of the City Council held on February 18, 2016 by the following vote:

AYES:

NOES:

ABSENT:

John Mercier, Mayor

APPROVED AS TO FORM

Attest:

Dohn Henion, City Attorney

Elizabeth E. Casson, City Clerk

A Resolution of the Siskiyou County Board of Supervisors Calling a Special Election on Tuesday, June 7, 2016, and Submitting to County Voters a Ballot Measure Related to Ordinance 15-18 Regarding Code Enforcement Procedures for the Cultivation of Medical Marijuana

WHEREAS, on December 8, 2015. The Siskiyou County Board of Supervisors adopted Ordinance 2015-18, relating to the procedures used to enforce the Siskiyou County Medical Marijuana Cultivation Ordinance; and

WHEREAS, on January 7, 2016, the County Clerk received a referendum petition to overturn ordinance 15-18; and

WHEREAS, on February 2, 2016, the County Clerk certified that sufficient signatures of qualified electors had been submitted to subject Ordinance 15-18 to a referendum; and

WHEREAS, the Board of Supervisors has reconsidered Ordinance 15-18 and has determined to submit the ordinance to the voters;

NOW, THEREFORE, BE IT RESOLVED by the Siskiyou County Board of Supervisors as follows:

Section 1. There is called and ordered to be held in the County of Siskiyou, California, on Tuesday, June 7, 2016, a Special Election for the purpose of submitting a ballot measure to the County voters.

Section 2. The question to be submitted to the voters with respect to the ballot measure shall be printed on the election ballot with the title and in the form set forth as follows:

Approval of Ordinance 15-18 Establishing Procedures Related to Code Enforcement for the Cultivation of Medical Marijuana.	**YES**	
Shall Ordinance 15-18 which establishes new procedures for code enforcement related to the cultivation of medical marijuana be adopted?	**NO**	

Section 3. The following constitutes the synopsis of the measure to be voted on for purposes of meeting the publication requirements of Election Code Section 12111:

MEASURE TO BE VOTED ON
APPROVAL OF ORDINANCE 15-18
CODE ENFORCEMENT OF MEDICAL MARIJUANA CULTIVATION

Currently, the Siskiyou County Code provides a process where violations of the Medical Marijuana Cultivation Ordinance are referred to the Siskiyou County Planning

SISKIYOU COUNTY
RESOLUTION
No. 16-50

Commission. This measure provides an enforcement process that is specific to illegal marijuana cultivation, starting with a notice to abate a violation within five days, unless there is an immediate threat to public health or safety. A hearing may be demanded on the notice of violation, which shall be conducted by the Board of Supervisors or its designated hearing officer or hearing body. If a violation is found to exist, a person shall have five days to commence abatement of the violation, unless it presents an immediate threat to public health or safety. If abatement is not commenced within the time required, the County may undertake the abatement. The County's cost of abatement may be assessed against the property as allowed by the California Government Code.

This measure requires a license from Siskiyou County to cultivate marijuana, and the licensing requirements must be at least as strict as those of the State of California, as required by state law. This measure prohibits mobile delivery of marijuana.

This measure provides for civil administrative penalties for violations for the medical marijuana cultivation ordinance. The penalties are up to $500 per day for the first violation and up to $1,000 per day for each subsequent violation.

Section 4. The full text of the measure submitted to the voters is attached as Exhibit A and hereby incorporated in this Resolution as if fully set forth herein. The full text of the measure is not required to be printed in the Sample Ballot and Voters Pamphlet. However, the full text of the measure shall be made available at the Office of the Siskiyou County Clerk.

The Siskiyou County Code currently exempts any plant under twelve inches in height from the definition of "marijuana plant." This measure deletes the exemption for plants less than twelve inches and makes all marijuana plants subject to being counted toward the applicable numerical plant limits for a given parcel.

Current law allows a person to cultivate marijuana on a parcel while building a permanent residence, as long as that person satisfies other requirements of County law. This measure would require the presence of an occupied, legally established residence on a parcel in order to legally cultivate marijuana.

Section 5. The County Clerk/Registrar of Voters is directed to consolidate this election with the normally scheduled election on June 7, 2016.

Section 6. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding county elections.

Section 7. Arguments in favor or against the proposed measure are permissible and shall be filed with the Siskiyou County Clerk/Registrar in accordance with Elections Code Section 9282.

Section 8. Passage of this measure requires 50% plus 1 votes.

Section 9. The Siskiyou County Clerk/Registrar of Voters shall give the appropriate notices for the election and shall conduct the election pursuant to appropriate provisions of state law.

Section 10. The County Counsel shall prepare an impartial analysis of the measure in accordance with Elections Code Section 9280 and file it with the Siskiyou County Clerk/Registrar of Voters.

PASSED AND ADOPTED by the Board of Supervisors of the County of Siskiyou at a regular meeting of said Board, held the 16th day of February, 2016, by the following vote of said Board:

AYES: Supervisors Bennett, Kobseff, Valenzuela, Criss and Haupt

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Grace Bennett, Chair

ATTEST:
COLLEEN SETZER, COUNTY CLERK

By: Wendy Wright
Deputy

EXHIBIT A

ORDINANCE NO. 15-18

AN ORDINANCE OF THE COUNTY OF SISKIYOU
AMENDING CHAPTER 14 OF TITLE 10
OF THE SISKIYOU COUNTY CODE
REGARDING CULTIVATION OF MEDICAL MARIJUANA

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

SECTION I: Section 10-14.010 is hereby amended to read as follows:

"Sec. 10-14.010. – Authority, title, and findings.

Pursuant to the authority granted by Article XI, section 7 of the California Constitution, and Health and Safety Code section 11362.83, the Board of Supervisors does enact this chapter, which shall be known and may be cited as the "Siskiyou County Medical Marijuana Cultivation Ordinance."

The Board of Supervisors finds and declares the following:

(a) In 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code section 11362.5, and entitled "The Compassionate Use Act of 1996").

(b) The intent of the proposition was to enable persons who are in need of marijuana for medical purposes to use it without fear of criminal prosecution under limited, specified circumstances. The proposition further provides that

"nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes." The ballot arguments supporting Proposition 215 expressly acknowledged that "Proposition 215 does not allow unlimited quantities of marijuana to be grown anywhere."

(c) In 2004, the Legislature enacted Senate Bill 420 (codified as California Health and Safety Code sections 11362.7 et seq., and referred to as the "Medical Marijuana Program") to clarify the scope of Proposition 215, and to provide qualifying patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical purposes with a limited defense to certain specified state criminal statutes. Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amended the Medical Marijuana Program to expressly recognize the authority of counties and cities to "[a]dopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective" and to civilly and criminally enforce such ordinances.

(d) Health and Safety Code section 11362.83, both as originally enacted, and as amended by Assembly Bill 1300, further recognize that counties and cities may also adopt and enforce any other ordinances that are consistent with the Medical Marijuana Program.

(e) Local land use authority over marijuana cultivation was upheld by the California Court of Appeal in Browne v. County of Tehama (2013) 213 Cal. App. 4th 704. The Court specifically held that "[n]either the Compassionate Use Act nor the Medical Marijuana Program grants . . . anyone . . . an

unfettered right to cultivate marijuana for medical purposes. Accordingly, the regulation of cultivation of medical marijuana does not conflict with either statute." Similarly, in City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. (2013) 56 Cal. 4th 729, the California Supreme Court concurred that "[n]othing in the CUA or the MMP expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land . . ."

(f) The federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., classifies marijuana as a Schedule I Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision. The Federal Controlled Substances Act makes it unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana. The Federal Controlled Substances Act contains no exemption for the cultivation, manufacture, distribution, dispensation, or possession of marijuana for medical purposes.

(g) The county's unique geographic and climatic conditions, which include dense forested areas receiving substantial precipitation, along with the sparse population in many areas of the county, provide conditions that are favorable to marijuana cultivation. Marijuana growers can achieve a high per-plant yield because of the county's favorable growing conditions. The federal Drug Enforcement Administration reports that various types of marijuana plants

under various planting conditions may yield averages of two hundred thirty-six grams, or about one-half pound, to eight hundred forty-six grams, or nearly two pounds. Based on law enforcement seizures, yields in Siskiyou County have tended to be at the higher end of this range. The "street value" of a single cannabis plant is substantial. Pound prices for domestically produced high-grade cannabis sold illegally within Northern California can reach two thousand dollars to five thousand dollars. A single marijuana plant cultivated within the county can thus yield four thousand dollars or more in salable marijuana.

(h) Comprehensive regulation of premises used for marijuana cultivation is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated marijuana cultivation, and that are especially significant if the amount of marijuana cultivated on a single premises is not regulated and substantial amounts of marijuana are thereby allowed to be concentrated in one place.

(i) As recognized by the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.

(j) It is the purpose and intent of this Chapter to implement state law by providing a means for regulating the cultivation of medical marijuana in a manner that is consistent with state law and which balances the needs of medical patients and their caregivers and promotes the health, safety, and welfare of the residents and businesses within the unincorporated territory of the County of Siskiyou. This chapter is intended to be consistent with Proposition 215, Senate Bill 420, and the Medical Marijuana Regulation and Safety Act of 2015 (A.B. 243, A.B. 266, and S.B. 643) and towards that end, is not intended to prohibit persons from exercising any right otherwise granted by state law. Rather, the intent and purpose of this chapter is to establish reasonable regulations upon the manner in which marijuana may be cultivated, including restrictions on the amount of marijuana that may be cultivated in any location or premises, in order to protect the public health, safety, and welfare in Siskiyou County.

(k) A.B. 243 expressly provides that the exemption of certain persons from state laws regulating the cultivation of marijuana or related activities does not limit or prevent a county from regulating or banning marijuana cultivation, storage, manufacture, transport, provision, or other activity by such persons.

(l) The limited immunity from specified state marijuana laws provided by the Compassionate Use Act and Medical Marijuana Program does not confer the right to create or maintain a public nuisance. By adopting the regulations contained in this chapter, the county will achieve a significant reduction in the

aforementioned harms caused or threatened by the cultivation of marijuana in the unincorporated area of Siskiyou County.

(m)Attempts to use the general enforcement provisions of this Code to address illegal cultivation of marijuana have been ineffective and procedures specific to marijuana are necessary to address flagrant and pervasive illegal cultivation. The provisions contained in this chapter that are specific to enforcement of the Medical Marijuana Cultivation Ordinance are intended to address these concerns and more effectively address the harms caused by noncompliant marijuana cultivation, while still accommodating the needs of medical patients and their caregivers.

(n) While code enforcement in Siskiyou County has historically been complaint-driven, that has never been a precondition to the enforcement of this chapter. Further, the board of supervisors recognizes that persons affected by code violations are frequently reluctant to file complaints, for fear of retaliation. Consequently, for purposes of clarity, no provision of this code shall be construed to require a formal or informal complaint as a condition to enforcement of this chapter, or to prevent the enforcing officer from undertaking such enforcement on his or her own initiative.

(o) Nothing in this ordinance shall be construed to allow the use of marijuana for non-medical purposes, or allow any activity relating to the cultivation, distribution, or consumption of marijuana that is otherwise illegal under state or federal law. No provision of this chapter shall be deemed a defense or immunity to any action brought against any person by the Siskiyou County

District Attorney, the Attorney General of State of California, or the United States of America.

SECTION II: Section 10-14.015 of Chapter 14 of Title 10 is hereby added to read as follows:

"**Section 10-14.015. – Local Licensing.** Effective January 1, 2016, no person may engage in marijuana cultivation unless such person has been issued a license to do so by the County of Siskiyou. In accordance with Health and Safety Code section 11362.777, the requirements for such a local license shall be no less stringent than the requirements of the California Department of Food and Agriculture. The County shall not issue any license allowing mobile delivery of marijuana, and mobile delivery of marijuana is hereby prohibited as provided in Business and Professions Code section 19340.

SECTION III: Section10-14.090 of Chapter 14 of Title 10 is hereby added to read as follows:

"**Section 10-14.090. - Enforcement.** Notwithstanding any other provision of this Code, this section may be used to enforce the provisions of this Chapter.

(a) **Abatement—Initiation of proceedings.** The board of supervisors on its own motion or an enforcing officer may invoke the provisions of this chapter in lieu of or in addition to instituting civil enforcement proceedings or a criminal prosecution as to any violation of this Chapter that has occurred or is occurring or as to any other related nuisance.

(b) **Notice.** Every notice to abate a violation of this Chapter or imposing an associated administrative fine or penalty shall be served upon the owner or the person in possession of the site at which the nuisance exists. If the owner or possessor cannot be personally served, the notice shall be posted at the site and mailed by certified or registered mail to the address of the owner(s) of the site, as determined from the latest

equalized assessment roll.

Except as to an act or condition that constitutes an immediate threat to public health or safety, every abatement notice issued under this section shall permit the owner or possessor of the site upon which the nuisance exists at least five calendar days in which to voluntarily abate the nuisance. Every notice of abatement issued under this section shall state:

(1) The act or condition which constitutes the nuisance;

(2) Any provision of this Chapter deemed to have been violated by the commission of the act or the existence of that condition;

(3) The maximum amount of time for voluntary abatement of the nuisance;

(4) The name, address and telephone number of the person who caused the notice to be served;

(5) The amount and basis for any administrative fine or penalty to be imposed and an admonishment that the County may seek recovery of its costs of investigation, enforcement, and abatement pursuant to Chapter 5 of Title 1; and

(6) The time within which the owner or possessor of the site may request a hearing before the board of supervisors or any person or body authorized to hear the matter on its behalf, and that if so requested, a hearing will be held as provided in subsection (d).

The failure of any person to receive a notice given pursuant to this subsection (b) shall not constitute grounds for any court to invalidate any subsequent action by the county or any of its officers, agents or employees to abate the nuisance.

(c) **Demand for hearing.** If the owner or possessor of the site demands a hearing within the time set forth in the abatement notice, the board of supervisors or the person or body authorized to hear the matter on behalf of the board shall set the matter for hearing to be held pursuant to subsection (d). If no demand for a hearing is made within the time provided in the abatement notice, the board of supervisors or the

person or body authorized to act on its behalf may set the matter for hearing to be held pursuant to subsection (d) whenever a hearing is deemed necessary to substantiate the need for abatement by the county or the public interest will be served. The board of supervisors or the person or body authorized to act on its behalf may dispense with a public hearing and elect to proceed under the provisions of subsection (e) if it determines that a sufficient factual basis exists to warrant abatement by the county.

(d) **Hearing procedures.**

(1) The enforcing officer with jurisdiction to cause the abatement of the alleged nuisance shall first describe the acts or conditions constituting a nuisance and the basis for any administrative fine or penalty to be imposed, and shall then present evidence specifically addressing the grounds set out in the notice of abatement. Thereafter, the objector may present evidence to refute the enforcing officer's allegations.

(2) A hearing held under this subsection shall be conducted pursuant to rules of procedure adopted or approved by the board of supervisors. Formal rules of evidence or procedure applicable in judicial actions and proceedings shall not apply in any proceeding subject to this chapter except to the extent that the board of supervisors otherwise provides by rule of procedure. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.

(3) At the conclusion of the hearing, the board of supervisors or the person or body authorized to act on its behalf shall determine, based on the evidence before it:

(A) Whether the acts or conditions specified in the notice of abatement

exists;

(B) Whether those acts or conditions constitute a nuisance;

(C) If a nuisance is determined to exist, whether it should be abated by the county;

(D) If a nuisance is determined to exist, or to have existed when the notice of violation was given, whether a fine or penalty shall be imposed, and the amount thereof; and

(E) If a nuisance is determined to exist, any civil administrative penalty that will be assessed pursuant to Section 10-14.100.

(4) If the board or person or body authorized to act on its behalf finds that the alleged nuisance does exist and should be abated, abatement of the nuisance shall be ordered. An order to abate a nuisance is final immediately, unless the order or a provision of this code expressly provides otherwise.

(e) **Abatement by owner or county.** A copy of the written findings of fact and order of abatement shall be served personally or by mail upon all persons upon whom the notice of abatement was served. The order may direct that any occupancy, use or activity cease immediately if its existence or continuation is found to be an immediate threat to health or safety. Otherwise, abatement shall be commenced by the owner within five calendar days of the service of the findings of fact and the order, or any longer period provided in the order, and shall continue with reasonable diligence until complete. If the work is not commenced and completed in that manner, the enforcing officer or other designated county officer or employee shall proceed to abate the nuisance. The cost of abatement, including but not limited to the costs of inspection, actual work done, and the abatement proceedings, shall constitute the cost of the abatement within the meaning of Government Code

Section 25845 and may be specially assessed against the parcel of land upon which the abatement occurs as provided in that section. The cost of abatement may also be recovered in a civil action brought by the county to abate any existing nuisance or to enjoin any pending or threatened violation of this code.

(f) **Nonexclusive remedy.** This section is an alternative to and does not supersede any other provision of law that authorizes a nuisance to be abated or enjoined.

SECTION IV: Section 10-14.100 of Chapter 10 of Title 14 is hereby added to read as follows:

"**Administrative civil penalties.** In addition to any other remedies provided by this Code or State Law, there is hereby imposed the following civil penalty for each violation of this chapter, as imposed by the Enforcing officer:

"(a) Up to five hundred dollars ($500.00) per day for the first violation; and up to one thousand dollars ($1,000.00) per day for each subsequent violation of this chapter for each day that the violation exists after the date of mailing of the notice of violation through to its abatement by whatever means.

"(b) The Enforcing officer shall have the sole and exclusive discretion to impose the civil penalties set forth in this Section. The Enforcing officer shall not impose a penalty set forth in this Section, unless the Enforcing officer's department has established a written policy setting forth how civil penalties are determined. Such policy may take into account the facts and circumstances of the violation including, but not limited to, whether or not the violation poses a threat to human health, safety or to the environment; the seriousness or gravity of the violation; the length of time the violation has existed; the culpability of the person in violation or the willfulness of the violation; the sophistication of the persons creating or causing the violation; the extent of the violation and its effect

on adjoining properties; attempts, if any, to comply with the applicable ordinances; and any other information which might be relevant to the determination of penalty to be imposed by this Section.

"(c) The charges imposed by this Section shall not apply if the property owner establishes all of the following:

(i) That, at the time he or she acquired the property, a violation of this Code already existed on the property;

(ii) The property owner did not have actual or constructive notice of the existence of that violation; and

(iii) Within thirty (30) days after the mailing of notice of the existence of that violation, the property owner initiates and pursues, with due diligence, good faith efforts, as determined solely by the Enforcing officer, to meet the requirements of this Code.

"(d) In the event a property owner, in the opinion of the Director, abates the nuisance in a timely manner after the Notice and Order to Abate has been issued, the Director has the authority to waive or reduce the amount of penalties owed, if in his or her opinion such a reduction is warranted."

SECTION V: Section 10-14.020, subsection (m), is hereby amended to read as follows:

"'Marijuana plant' means any mature plant or immature plant of Cannabis sativa, Cannabis indica or a hybrid of the two, unless otherwise specifically provided herein. The term "marijuana plant" does not include seeds.

SECTION VI: Section 10-14.030, subsection (c), subdivision (1), is hereby amended to read as follows:

"The cultivation and/or harvest of marijuana, in any amount or quantity, either indoors or outdoors, upon any premises is hereby declared to be unlawful and a public nuisance that may be abated in accordance with this Chapter, Chapter 5, Title 1, and/or any other remedies available at law or equity, unless all of the following conditions are satisfied:

(1) There is an occupied, legally established residence on the premises that is connected to an approved sewer system or to a Siskiyou County inspected and approved wastewater disposal system .

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

SECTION VIII: This ordinance shall become effective 30 days after its passage and shall, within 15 days of adoption, be published once in a newspaper of general circulation, printed and published in the County of Siskiyou.

A Resolution of the Siskiyou County Board of Supervisors Calling a Special Election on Tuesday, June 7, 2016, and Submitting to County Voters a Ballot Measure Related to Ordinance 15-19 Regarding Cultivation of Medical Marijuana

WHEREAS, on December 8, 2015. The Siskiyou County Board of Supervisors adopted Ordinance 15-19, relating to the cultivation of medical marijuana; and

WHEREAS, on January 7, 2016, the County Clerk received a referendum petition to overturn ordinance 15-19; and

WHEREAS, on February 2, 2016, the County Clerk certified that sufficient signatures of qualified electors had been submitted to subject Ordinance 15-19 to a referendum; and

WHEREAS, the Board of Supervisors has reconsidered Ordinance 15-19 and has determined to submit the ordinance to the voters;

NOW, THEREFORE, BE IT RESOLVED by the Siskiyou County Board of Supervisors as follows:

Section 1. There is called and ordered to be held in the County of Siskiyou, California, on Tuesday, June 7, 2016, a Special Election for the purpose of submitting a ballot measure to the County voters.

Section 2. The question to be submitted to the voters with respect to the ballot measure shall be printed on the election ballot with the title and in the form set forth as follows:

Approval of Ordinance 15-19 Regarding the Cultivation of Medical Marijuana. Shall Ordinance 15-19 which establishes new limits, conditions, and restrictions related to the cultivation of medical marijuana be adopted?	YES	
	NO	

Section 3. The following constitutes the synopsis of the measure to be voted on for purposes of meeting the publication requirements of Election Code Section 12111:

MEASURE TO BE VOTED ON
APPROVAL OF ORDINANCE 15-19
CODE ENFORCEMENT OF MEDICAL MARIJUANA CULTIVATION

Currently, the Siskiyou County Code limits the number of marijuana plants that may be grown on a parcel by parcel size, from a maximum of six (6) mature plants on parcels less than one acre in size, to a maximum of twenty four (24) mature plants on parcels that are twenty (20) acres or larger. This measure would prohibit cultivation of more than twelve (12) plants on any parcel.

SISKIYOU COUNTY
RESOLUTION
No. 16-51

Current law permits marijuana cultivation outdoors up to the number of marijuana plants allowed based on parcel size. This measure prohibits outdoor cultivation of marijuana.

This measure requires marijuana cultivation to be conducted indoors in an uninhabited residential accessory structure or greenhouse built to specified standards to provide security, control odors, reduce fire danger, and control light pollution, among other things.

Section 4. The full text of the measure submitted to the voters is attached as Exhibit A and hereby incorporated in this Resolution as if fully set forth herein. The full text of the measure is not required to be printed in the Sample Ballot and Voters Pamphlet. However, the full text of the measure shall be made available at the Office of the Siskiyou County Clerk.

The Siskiyou County Code currently exempts any plat under twelve inches in height from the definition of "marijuana plant." This measure deletes the exemption for plants less than twelve inches and makes all marijuana plants subject to being counted toward the applicable numerical plant limits for a given parcel.

Current law allows a person to cultivate marijuana on a parcel while building a permanent residence, as long as that person satisfies other requirements of County law. This measure would require the presence of an occupied, legally established residence on a parcel in order to legally cultivate marijuana.

Section 5. The County Clerk/Registrar of Voters is directed to consolidate this election with the normally scheduled election on June 7, 2016.

Section 6. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding county elections.

Section 7. Arguments in favor or against the proposed measure are permissible and shall be filed with the Siskiyou County Clerk/Registrar in accordance with Elections Code Section 9282.

Section 8. Passage of this measure requires 50% plus 1 votes.

Section 9. The Siskiyou County Clerk/Registrar of Voters shall give the appropriate notices for the election and shall conduct the election pursuant to appropriate provisions of state law.

Section 10. The County Counsel shall prepare an impartial analysis of the measure in accordance with Elections Code Section 9280 and file it with the Siskiyou County Clerk/Registrar of Voters.

PASSED AND ADOPTED by the Board of Supervisors of the County of Siskiyou at a regular meeting of said Board, held the 16th day of February, 2016, by the following vote of said Board:

AYES: Supervisors Bennett, Kobseff, Valenzuela, Criss and Haupt

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Grace Bennett, Chair

ATTEST:
COLLEEN SETZER, COUNTY CLERK

By: _____
Deputy

EXHIBIT A

ORDINANCE NO. 15-19

AN ORDINANCE OF THE COUNTY OF SISKIYOU
AMENDING CHAPTER 14 OF TITLE 10
OF THE SISKIYOU COUNTY CODE
REGARDING CULTIVATION OF MEDICAL MARIJUANA

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

SECTION I: Section 10-14.010 of Chapter 14 of Title 10 is hereby amended to read as follows:

"Sec. 10-14.020. - Definitions.

Except where the context otherwise requires, the following definitions shall govern the construction of this chapter:

(a) "Church" means a building, together with its accessory buildings and uses, maintained and controlled by a body organized to conduct religious worship and used primarily for religious worship and related activities.

(b) "Collective" means qualified patients, persons with valid identification cards, and the designated primary caregivers of qualified patients who associate by agreement in order to cooperatively cultivate marijuana for medical purposes. The term "collective" shall include "cooperative" unless the context clearly indicates otherwise.

(c) "County Building Official" means the Deputy Director of Building for the Siskiyou County Community Development Department.

(d) "Cultivation" means the planting and growing of one (1) or more marijuana plant(s) or any part thereof.

(e) "Director" means the Director of the Siskiyou County Community Development Department.

(f) "Department" means the Siskiyou County Community Development Department.

(g) "Enforcing officer" means the Director of the Siskiyou County Community Development Department or the Sheriff, or the authorized deputies or designees of either, each of whom is independently authorized to enforce this chapter.

(h) "Fence" means a barrier constructed of any materials or combination of materials of sufficient strength and dimension to prevent unauthorized entry. The term "fence" does not include bushes, hedgerows, plastic sheeting, cloth material (tarpaulins), or retaining walls.

(i) "Greenhouse" means, for purposes of this Chapter, an accessory structure to a residence located on the same premises, legally established with all required permits approved, constructed primarily of translucent glass or glass-like material (or other similar material approved by the County Building Official), completely enclosed with one or more secure locking doors as the only means of ingress and egress, where plants are grown.

(j) "Harvest" means the drying, processing, or storage of marijuana.

(k) "Indoor" or "indoors" means within a fully enclosed and secure accessory structure to a residence located on the same premises that complies with all requirements of

the Siskiyou County Code with all required permits approved, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as two-inch by four-inch or thicker studs overlain with three-eighths-inch or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

(l) "Legally established residence" means a structure designed, approved, and maintained for permanent human habitation pursuant to Title 24 or Title 25 of the California Code of Regulations or constructed prior to adoption of the California Building Standards Code by the County of Siskiyou. "Legally established residence" does not include a structure that has been deemed substandard by the County Building Official or his/her authorized agents.

(m) "Legal parcel" means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code).

(n)"Marijuana plant" means any mature plant or immature plant, of Cannabis sativa, Cannabis indica or a hybrid of the two, unless otherwise specifically provided herein. The term "marijuana plant" does not include seeds.

(o) "Outdoors" means any location that is not "indoors" within a fully enclosed and secure structure or greenhouse as defined herein.

(p) "Premises" means a single, legal parcel of property. Where contiguous legal parcels are under common ownership or control, such contiguous legal parcels shall be counted as a single "premises" for purposes of this chapter.

(q) "Primary caregiver" shall have the meaning set forth in Health and Safety Code sections 11362.5 and 11362.7.

(r) "Public library" means a public facility in which literary, musical, artistic, or reference materials are kept for reading, reference or lending.

(s) "Public park" means land that is publicly owned or controlled for the purpose of providing recreation and/or open space for public use.

(t) "Qualified patient" shall have the meaning set forth in Health and Safety Code sections 11362.5 and 11362.7.

(u) "School" mean a place for systematic instruction in any branch or branches of knowledge, including public, parochial and nonprofit elementary or secondary schools, attendance at which satisfies the requirements of the Compulsory Education Law (Education Code Section 48200 et seq.).

(v) "Youth oriented facility" means elementary school, middle school, high school, public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors. This shall not include a child care center.

SECTION II: Section 10-14.030 is hereby amended to read as follows:

"Nuisance Declared.

"(a) The cultivation of marijuana on any premises in violation of this Chapter is hereby declared to be unlawful and a public nuisance that is subject to abatement in accordance with this Chapter, Chapter 5 of Title 1, and/or any other remedy available at law or equity.

(b) Cultivation is prohibited on any parcel unless there is an occupied, legally established residence on the premises that is connected to an approved sewer system or to a Siskiyou County inspected and approved wastewater disposal system.

(c) Cultivation within a residence or any other structure used or intended for human occupancy is prohibited.

(d) Outdoor cultivation on any premises is prohibited.

(e) Cultivation may only occur on a premises within a detached residential accessory structure affixed to the real property that:

(1) meets the definition of "indoor";

(2) is located on the same premises as the residence of a qualified patient(s) or a primary caregiver(s); and

(3) complies with all of the provisions of the Siskiyou County Code relating to accessory structures. Where the provisions of this Chapter are more restrictive than other provisions of the Siskiyou County Code, this Chapter shall govern.

(f) Accessory structures used for cultivation shall meet all of the following criteria:

(1) The accessory structure shall be legally constructed with all applicable permits, including, but not limited to, structural, electrical, mechanical, and plumbing approved by the applicable authorities prior to any cultivation activity. The conversion of any existing accessory structure, or

portion thereof, for cultivation shall be subject to these same permit requirements and must be inspected for compliance by the applicable authorities prior to any cultivation.

(2) The accessory structure shall not be located in the front yard setback area of the parcel and shall maintain a minimum building setback of twelve feet from all side and rear property lines. Distance shall be measured in a straight line from either (A) the nearest exterior wall of the indoor cultivation structure or (B) the nearest fence surrounding the greenhouse cultivation structure, as applicable, to the nearest property line.

(3) The maximum electrical panel for the cultivation area shall be fifty amps. Except for temporary use in case of emergency power loss, the use of generators to supply power to any system or activity associated with cultivation is prohibited.

(4) Light systems associated with indoor cultivation shall not exceed two thousand watts total and shall be shielded, including adequate coverings on windows, so as to confine light and glare to the interior of the structure. Lighting systems shall conform to all applicable building and electrical codes. Grow light systems within a greenhouse are prohibited.

(5) The accessory structure shall be equipped with odor control filtration and ventilation system(s) adequate to prevent an odor, humidity, or mold problems on the premises or adjacent parcels.

(6) The accessory structure shall have locking doors and a working security system which shall consist of a standard audible residential alarm of at least ninety dBA, but not exceeding one hundred ten dBA.

(7) If the accessory structure is a greenhouse, for security and visual screening purposes, it shall additionally be surrounded by a secure solid minimum six-foot high fence located within ten feet of the greenhouse, and equipped with a lockable gate.

(g) Cultivation of more than twelve marijuana plants on any premises is prohibited. The foregoing limitation shall be imposed regardless of the number of qualified patients or primary caregivers residing at the premises or participating directly or indirectly in the cultivation. Further, this limitation shall be imposed notwithstanding any assertion that the person(s) cultivating marijuana are the primary caregiver(s) for qualified patients or that such person(s) are collectively or cooperatively cultivating marijuana.

(h). Cultivation of marijuana is prohibited on any premises located within the following areas:

(1) Within one thousand feet of a school, public park, public library, church, or youth-oriented facility. Distance shall be measured in a straight line from either (A) the nearest exterior wall of the indoor cultivation structure or (B) the nearest fence surrounding the greenhouse cultivation structure or from the nearest exterior wall of the greenhouse cultivation structure, whichever is closer, as applicable, to the nearest property line of the nearest school, public park, public library, church, or youth-oriented facility.

(2) In any location where the marijuana plants would be visible from any public right-of-way or publicly traveled private roads at any stage of their growth.

(i) All persons and entities engaging in the cultivation of marijuana shall:

(1) have a legal water source on the premises;

(2) not engage in unlawful or unpermitted surface drawing of water for such cultivation; and/or

(3) not permit illegal discharges of water from the premises.

(j) Marijuana cultivation shall not adversely affect the environment or the public health, safety, or general welfare by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, or vibration, by the use or storage of plant or animal poisons, or hazardous materials, processes, products or wastes, or by any other way.

(k) No person owning, leasing, occupying, or having charge or possession of any parcel or premises within the county shall cause, allow, suffer, or permit such premises to be used for the cultivation of marijuana in violation of the Siskiyou County Code.

(l) Unless the person(s) cultivating marijuana on any parcel is/are the sole legal owner(s) of the parcel, such person(s) shall obtain a notarized letter(s) from all of the legal owner(s) indicating that all of the legal owner(s):

(1) has/have reviewed and understand(s) Title 14 of Chapter 10 of the Siskiyou County Code related to medical marijuana cultivation;, and

(2) consent(s) to the cultivation of marijuana on the parcel.

A copy of the notarized letter(s) must be kept available to immediately present to enforcing officers and law enforcement officers upon request. The department may prescribe forms for such letters. Cultivation in the absence of such notarized written consent is prohibited.

(m) The name and contact information of each qualified patient and primary caregiver residing on the premises where medical marijuana cultivation is located shall be immediately available at the premises and provided to enforcing officers and law enforcement officers upon request.

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

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

CITY OF YREKA
CITY COUNCIL AGENDA MEMORANDUM

To:	Yreka City Council
Prepared by:	Steve Baker, City Manager
Agenda title:	Discussion/Direction to Staff: Limiting the Sale of City of Yreka Water
Meeting date:	May 5, 2016

Discussion: Councilmember Joan Smith Freeman has requested the placement of an agenda item regarding Limiting the Sale of City of Yreka Water.

This agenda item is more specifically to discuss restriction on the bulk sale of water.

Approved by: _____
Steven Baker, City Manager

CITY OF YREKA
CITY COUNCIL AGENDA MEMORANDUM

To:	Yreka City Council
Prepared by:	Steve Baker, City Manager
Agenda title:	Discussion/Direction to Staff: Yreka Police Building
Meeting date:	May 5, 2016

Discussion:
Councilmember David Simmen, on behalf of himself and Mayor Mercier, requested that there be a discussion of the Yreka Police Building.

As requested, staff may also be providing input on this project during the discussion.

Approved by: _____
Steven Baker, City Manager

CITY OF YREKA
TREASURER'S REPORT TO THE CITY COUNCIL
Mar-2016

Fund Type	Fund	Fund Description	Previous Balance	Receipts / Debits	Disbursements / Credits	Cash Balance by Fund		
General-Unrestricted	01	**General Operating**	$ 2,687,529.57	$ 419,617.74	$ 455,517.42	$ 2,651,629.89		
General-Designated	01	**Comm Art**	2,772.56	-	-	2,772.56		
General-Designated	01	**Fire Museum**	3,322.35	-	-	3,322.35		
General-Designated	01	**Planning Deposits**	-	-	-	0.00		
General-Designated	01	**Sidewalk in Lieu**	36,228.46	-	-	36,228.46		
General-Designated	01	**Parkland Trust**	300.00	-	-	300.00		
General-Designated	01	**Police Asset Forfeit**	6,803.63	-	-	6,803.63		
General-Designated	01	**Parking Fees**	63,011.04	-	-	63,011.04		
General-Designated	01	**Campbell Tract Redemption**	48,020.34	-	-	48,020.34		
General-Designated	01	**Baker Tract/Lucas**	-	-	-	0.00		
General-Designated	02	**Gifts Donations**	5,825.62	1,034.18	56.00	6,803.80		
General-Designated	02	**K-9 Unit**	11,585.13	-	-	11,585.13		
General-Designated	02	**YPD Donated - Hitson**	5,677.69	-	-	5,677.69		
General-Designated	02	**YPD Donated - Travellers**	2,117.38	-	-	2,117.38		
General-Designated	02	**YPD Donated - Teen Fund**	3,091.59	-	-	3,091.59		
General-Designated	02	**Greenhorn Park Redevelopment**	-	-	-	0.00		
General-Designated	03	**YVFD Volunter Fund**	60,165.87	4,528.73	-	64,694.60		
General-Restricted	04	**Crandell Cash**	104,894.52	2,244.98	-	107,139.50		
General-Designated	08	**Grant Projects Reserve**	679,356.01	7,974.59	15,949.18	671,381.42		
General-Designated	08	**PERS Pension Liability Reserve**	(153,640.35)	7,974.59	-	(145,665.76)		
General-Designated	09	**Reserves for Cap. Outlay**	483,112.32	-	-	483,112.32		
General-Designated	10	**Capital Outlay**	76,910.18	-	5,394.12	71,516.06		**General - All**
General-Designated	11	**Capital Building Project - YPD**	1,756,921.39	772.80	333.08	1,757,361.11	$	5,850,903.11
Spec. Rev. -Streets	20	**Road and Street Funds including HUTA**	62,393.15	36,451.85	50,033.10	48,811.90		
Spec. Rev. -Streets	21	**Local Transportation**	221,230.63	-	-	221,230.63		**Streets**
Spec. Rev. -Streets	24	**Fines - Traffic Safety**	118,931.13	3,926.29	2,206.85	120,650.57	$	390,693.10
Special Revenue	30	**Fire Assessment Spec. Rev**	197,359.05	20,824.51	11,605.77	206,577.79		
Special Revenue	31	**Landfill Access Fee - Debt Service**	11,431.76	19,675.07	576.15	30,530.68		**Special Revenues**
Special Revenue	32	**Developer Impact Fees**	250,499.00	135.46	-	250,634.46	$	487,742.93
Special Grants	60	**Spec Grants Capital Outlay**	(291,350.78)	-	53,336.28	(344,687.06)		**Special Grants**
Special Grants	65	**Community Development Grants**	311,089.11	1,358.18	1,500.69	310,946.60	$	(33,740.46)
Water Enterprise	70	**Water Operating**	(217,561.56)	176,830.52	122,573.62	(163,304.66)		
Water Enterprise	71	**Water Capital Projects**	1,327,524.21	-	1,351.81	1,326,172.40		
Water Enterprise	72	**Water Debt Servicing**	429,623.32	-	-	429,623.32		
Water Enterprise	72	**USDA COPS 2010**	200,000.00	-	-	200,000.00		**Water Enterprise**
Water Enterprise	74	**Water Reserves**	6,223,891.25	36,655.53	-	6,260,546.78	$	8,053,037.84
Sewer Enterprise	80	**Sewer Operating**	76,523.50	207,607.39	155,968.90	128,161.99		
Sewer Enterprise	81	**Sewer Capital Outlay**	929,982.58	-	1,981.12	928,001.46		
Sewer Enterprise	82	**Sewer Debt Servicing**	83,065.59	-	-	83,065.59		
Sewer Enterprise	82	**USDA COPS 2003**	100,000.00	-	-	100,000.00		**Enterprise-Sewer**
Sewer Enterprise	84	**Sewer Reserves**	2,335,629.56	51,254.02	-	2,386,883.58	$	3,626,112.62
Agency	90	**Agency - Cash**	(52,062.67)	411,365.88	370,166.56	(10,863.35)		**Agency- Payroll**
							$	(10,863.35)
		COLUMN TOTALS	$18,202,204.13	$ 1,410,232.31	$ 1,248,550.65	$ 18,363,885.79	$	18,363,885.79
						-		

BANK RECAPITULATION	**PER BANK**	**Market Value**	**PER LEDGER**
L.A.I.F. 0.506%	17,532,206.49	17,532,206.49	
Petty Cash Drawers	1,200.00		
YVFD Petty Cash	100.00		
TriCounties YVFD DDA	64,694.60		
Scott Valley Bank - 01015102	750,179.61		
TOTAL PER BANK	18,348,380.70		
ADJUSTMENTS			
Less Outstanding Checks SVB	(7,348.23)		
Less Outstanding Checks TCB	(100.00)		
SVB DDA Interest 1/29 GL 2/1	(38.45)		
OS CC GL 3/30 SVB 4/1	828.38		
OS CC GL 3/31 SVB 4/1	1,881.90		
PERS ACH Draft 3/30 G/L 4/1	18,759.23		
TASC ACH Draft 3/30 G/L 4/1	1,017.27		
PERS Annuitant Health Adj.	504.87		
Miscellaneous Write-off TASC	0.12		
TOTAL PER LEDGER	**18,363,885.79**		**18,363,885.79**
			-

Rhetta Hogan, City Treasurer

John Mercier, City Mayor

QUARTERLY TREASURER'S INVESTMENT REPORT

March 31, 2016

Settlement Date	Investment	Account Number	Par Amount	Book Value	Market Value	Interest Rate	Maturity Date	Market Value %
Government Bonds								
None								
Certificates of Deposit								
None								
Cash and Equivalents								
3/31/2016	LOCAL AGENCY INVESTMENT FUND ***	98-47-996	$17,532,206.49	$17,532,206.49	$17,532,206.49	0.5060	NONE	100.00%
3/31/2016	SCOTT VALLEY BANK-CHECKING	0001015102	$750,179.61	$750,179.61	$750,179.61	0.0700	NONE	100.00%
3/31/2016	TRI-COUNTIES BANK (YVFD)	176010540	$64,694.60	$64,694.60	$64,694.60	0.0200	NONE	100.00%
3/31/2016	PETTY CASH ON HAND - CITY DEPARTMENTS		$1,200.00	$1,200.00	$1,200.00		NONE	100.00%
3/31/2016	PETTY CASH ON HAND - YVFD		$100.00	$100.00	$100.00		NONE	100.00%
	TOTAL CASH AND INVESTMENTS		$18,348,380.70	$18,348,380.70	$18,348,380.70			

*** See supplemental data on LAIF Investment maturity, investment portfolio mix and yield

The instruments of investments used this quarter are in direct relationship with the City's investment policy. It is the opinion of the Treasurer that the next six (6) months expenditures will be met.

Shella Rhetta Hogan, Treasurer

Approved by motion of the Yreka City Council at its meeting held May 5, 2016.

John Mercier, Mayor

JOHN CHIANG
TREASURER
STATE OF CALIFORNIA

PMIA Performance Report

Date	Daily Yield*	Quarter to Date Yield	Average Maturity (in days)
04/07/16	0.52	0.52	153
04/08/16	0.52	0.52	153
04/09/16	0.52	0.52	153
04/10/16	0.52	0.52	153
04/11/16	0.52	0.52	151
04/12/16	0.52	0.52	151
04/13/16	0.52	0.52	150
04/14/16	0.52	0.52	149
04/15/16	0.52	0.52	149
04/16/16	0.52	0.52	149
04/17/16	0.52	0.52	149
04/18/16	0.52	0.52	148
04/19/16	0.52	0.52	149
04/20/16	0.52	0.52	153

*Daily yield does not reflect capital gains or losses

LAIF Performance Report

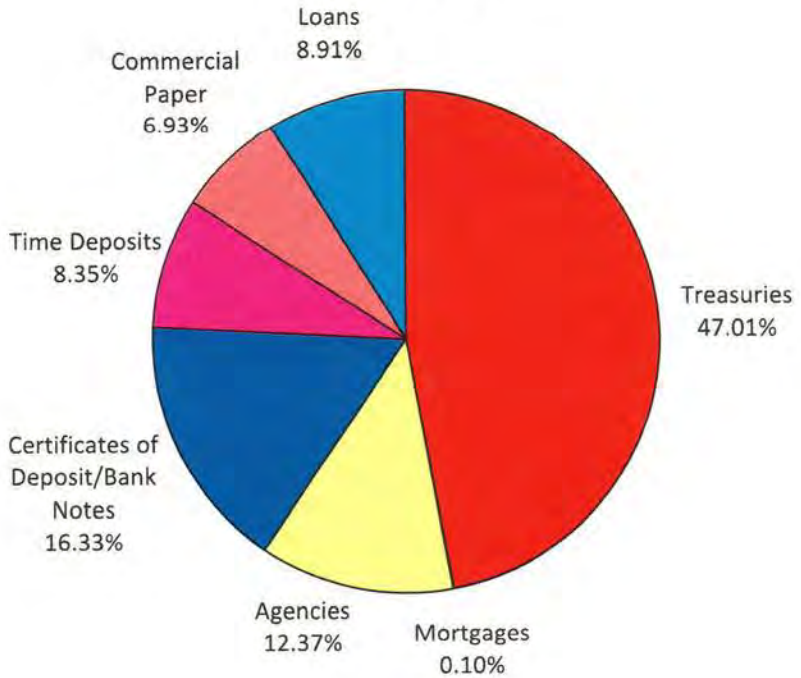
Quarter Ending 03/31/16

Apportionment Rate:	0.46%
Earnings Ratio:	0.00001268659292168
Fair Value Factor:	1.00022106
Daily:	0.51%
Quarter to Date:	0.47%
Average Life:	146

PMIA Average Monthly Effective Yields

MAR 2016	**0.506%**
FEB 2016	0.467%
JAN 2016	0.446%

Pooled Money Investment Account
Portfolio Composition
3/31/16
$67.7 billion



2015-2016 Operating Budget of Revenue and Expenditures
with Actual Results
March 31, 2016

Fund Analysis		REVENUE			EXPENSE			Excess of Rev over Exp.-Surplus/ (Deficit)		Based on Operating Budget			
Major Grp	Fund	Adopted	Operating Budget	Year to Date	Adopted	Operating Budget	Year to Date	Operating Budget	Net Actual Year to Date	Beginning Working Capital	Operating Budget Net Increase / (Decrease)	Ending Working Capital	Current Cash Balance
Investment in LAIF	00	-	-	-	-		-	-	-	-	-	-	
General Operating	01	4,914,225.50	4,550,003.13	2,798,875.89	4,898,493.61	5,057,583.80	3,462,883.07	(507,580.67)	(664,007.18)	3,486,120.48	(507,580.67)	2,978,539.81	2,812,088.27
General Operating Fund		4,914,225.50	4,550,003.13	2,798,875.89	4,898,493.61	5,057,583.80	3,462,883.07	(507,580.67)	(664,007.18)	3,486,120.48	(507,580.67)	2,978,539.81	2,812,088.27
Gifts Donations	02	500.00	500.00	5,927.41	700.00	700.00	4,501.18	(200.00)	1,426.23	27,849.36	(200.00)	27,649.36	29,275.59
YVFD Volunter Fund	03	11,000.00	11,000.00	3,479.58	11,000.00	11,000.00	(3,391.89)	-	6,871.47	57,823.13	-	57,823.13	64,694.60
Trusts -Crandell-Stewart	04	6,000.00	(524,777.63)	(519,975.53)	17,000.00	17,000.00	12,368.06	(541,777.63)	(532,343.59)	629,229.77	(541,777.63)	87,452.14	107,139.50
General Fund Reserves	08	(146,030.50)	(146,030.50)	(146,373.03)	(142,568.75)	(139,565.57)	(72,203.11)	(6,464.93)	(74,169.92)	599,885.58	(6,464.93)	593,420.65	525,715.66
Reserves for Cap. Outlay	09	100,000.00	100,000.00	100,000.00	180,958.35	180,958.35	180,958.35	(80,958.35)	(80,958.35)	564,070.67	(80,958.35)	483,112.32	483,112.32
Capital Outlay	10	75,500.00	75,500.00	138,422.73	75,500.00	75,500.00	66,906.67	-	71,516.06	-	-	-	71,516.06
Construction Fund	11	-	900,000.00	905,000.00	-	1,835,354.76	92,511.41	(935,354.76)	812,488.59	945,372.52	(935,354.76)	10,017.76	1,757,361.11
Agency Trust - Cash	90	-	-	-	-	-	3,218.61	-	(3,218.61)	-	-	-	(10,863.35)
General Fund - Restricted or Designated		46,969.50	416,191.87	486,481.16	142,589.60	1,980,947.54	284,869.28	(1,564,755.67)	201,611.88	2,824,231.03	(1,564,755.67)	1,259,475.36	3,027,951.49
Total General Fund		**4,961,195.00**	**4,966,195.00**	**3,285,357.05**	**5,041,083.21**	**7,038,531.34**	**3,747,752.35**	**(2,072,336.34)**	**(462,395.30)**	**6,310,351.51**	**(2,072,336.34)**	**4,238,015.17**	**5,840,039.76**
Gas Tax & Traffic Cong.	20	406,897.27	406,897.27	300,477.62	624,708.87	637,945.22	249,119.19	(231,047.95)	51,358.43	0.10	(231,047.95)	(231,047.85)	48,811.90
Local Transportation	21	200,000.00	233,457.00	(39,474.88)	218,828.00	260,657.00	78,828.00	(27,200.00)	(118,302.88)	339,533.51	(27,200.00)	312,333.51	221,230.63
Fines - Traffic Safety	24	76,208.95	76,208.95	68,629.78	76,208.95	78,289.67	34,307.86	(2,080.72)	34,321.92	86,328.65	(2,080.72)	84,247.93	120,650.57
Road, Street & Transit - Restricted		683,106.22	716,563.22	329,632.52	919,745.82	976,891.89	362,255.05	(260,328.67)	(32,622.53)	425,862.26	(260,328.67)	165,533.59	390,693.10
Total Road, Streets and Transit		***683,106.22***	***716,563.22***	***329,632.52***	***919,745.82***	***976,891.89***	***362,255.05***	***(260,328.67)***	***(32,622.53)***	***425,862.26***	***(260,328.67)***	***165,533.59***	***390,693.10***
Fire Assessment Spec. Rev	30	230,750.00	230,750.00	186,634.42	129,727.69	130,549.57	97,476.32	100,200.43	89,158.10	130,603.78	100,200.43	230,804.21	206,577.79
Landfill Access Fee - Debt Service	31	218,000.00	218,000.00	177,751.16	181,224.71	182,166.03	179,889.13	35,833.97	(2,137.97)	54,346.52	35,833.97	90,180.49	30,530.68
Developer Impact Fees	32	16,000.00	16,000.00	7,364.25	-	-	-	16,000.00	7,364.25	243,270.21	16,000.00	259,270.21	250,634.46
Special Revenue - Restricted		464,750.00	464,750.00	371,749.83	310,952.40	312,715.60	277,365.45	152,034.40	94,384.38	428,220.51	152,034.40	580,254.91	487,742.93
Total Special Revenue		**464,750.00**	**464,750.00**	**371,749.83**	**310,952.40**	**312,715.60**	**277,365.45**	**152,034.40**	**94,384.38**	**428,220.51**	**152,034.40**	**580,254.91**	**487,742.93**
Spec Grants Capital Outlay	60	2,267,393.35	2,865,301.35	2,701,092.08	2,267,393.35	2,780,692.04	2,400,543.57	84,609.31	300,548.51	161,947.96	84,609.31	246,557.27	(344,687.06)
Community Development Grants	65	5,700.00	5,700.00	6,196.15	-	10,750.00	4,171.31	(5,050.00)	2,024.84	299,175.97	(5,050.00)	294,125.97	310,946.60
Special Grants - Capital Projects		2,273,093.35	2,871,001.35	2,707,288.23	2,267,393.35	2,791,442.04	2,404,714.88	79,559.31	302,573.35	461,123.93	79,559.31	540,683.24	(33,740.46)
Special Grants - Operating & Capital Projects		***2,273,093.35***	***2,871,001.35***	***2,707,288.23***	***2,267,393.35***	***2,791,442.04***	***2,404,714.88***	***79,559.31***	***302,573.35***	***461,123.93***	***79,559.31***	***540,683.24***	***(33,740.46)***
Water Operating	70	1,590,366.41	1,590,366.41	918,050.04	1,590,366.41	1,637,425.43	981,355.66	(47,059.02)	(63,305.62)	-	(47,059.02)	(47,059.02)	(163,304.66)
Water Capital Projects	71	428,000.00	1,723,000.00	1,733,856.00	428,000.00	1,723,000.00	407,683.60	-	1,326,172.40	-	-	-	1,326,172.40
Water Debt Servicing	72	263,236.00	263,236.00	263,236.00	144,236.00	144,236.00	36,393.75	119,000.00	226,842.25	521,781.07	119,000.00	640,781.07	629,623.32
Water Reserves	74	476,897.59	(818,102.41)	(832,694.42)	-	-	-	(818,102.41)	(832,694.42)	5,587,286.97	(818,102.41)	4,769,184.56	6,260,546.78
Water Enterprise		2,758,500.00	2,758,500.00	2,082,447.62	2,162,602.41	3,504,661.43	1,425,433.01	(746,161.43)	657,014.61	6,109,068.04	(746,161.43)	5,362,906.61	8,053,037.84
Sewer Operating	80	1,632,426.18	1,632,426.18	1,091,217.65	1,632,426.18	1,638,710.76	830,308.90	(6,284.58)	260,908.75	-	(6,284.58)	(6,284.58)	128,161.99
Sewer Capital Outlay	81	5,428.00	217,428.00	1,242,800.25	5,428.00	365,572.47	374,500.72	(148,144.47)	868,299.53	-	(148,144.47)	(148,144.47)	928,001.46
Sewer Debt Servicing	82	278,605.72	278,605.72	(765,839.03)	284,033.72	284,033.72	66,389.00	(5,428.00)	(832,228.03)	100,000.00	(5,428.00)	94,572.00	183,065.59
Sewer Reserves	84	450,540.10	450,540.10	467,722.72	-	-	-	450,540.10	467,722.72	3,153,168.83	450,540.10	3,603,708.93	2,386,883.58
Sewer Enterprise Fund		2,367,000.00	2,579,000.00	2,035,901.59	1,921,887.90	2,288,316.95	1,271,198.62	290,683.05	764,702.97	3,253,168.83	290,683.05	3,543,851.88	3,626,112.62
Total Enterprise Funds		***5,125,500.00***	***5,337,500.00***	***4,118,349.21***	***4,084,490.31***	***5,792,978.38***	***2,696,631.63***	***(455,478.38)***	***1,421,717.58***	***9,362,236.87***	***(455,478.38)***	***8,906,758.49***	***11,679,150.46***
All Funds Combined		**13,507,644.57**	**14,356,009.57**	**10,812,376.84**	**12,623,665.09**	**16,912,559.25**	**9,488,719.36**	**(2,556,549.68)**	**1,323,657.48**	**16,987,795.08**	**(2,556,549.68)**	**14,431,245.40**	**18,363,885.79**

Approval:_____John Mercier, City Mayor

4/28/2016 6:12 PM

City of Yreka Financial Statement Groupings
Summary FY 15-16 YTD Fiscal Performance
as of March 31, 2016

ACCOUNT	DESCRIPTION	Adopted Bdgt	Revised Operating Bdgt	Current Period	Favorable or (Unfavorable)
1. GENERAL FUNDS					
Revenue					
801	REVENUE: PROP TAXES	961,500.00	961,500.00	633,624.79	-327,875.21
807	MVLF IN LIEU	540,000.00	540,000.00	322,952.63	-217,047.37
810	SALES TAX	1,800,000.00	1,800,000.00	1,082,080.37	-717,919.63
813	REVENUE: TOT TAXES	625,000.00	625,000.00	464,813.41	-160,186.59
814	REVENUE: FRANCHISE FEES	265,000.00	265,000.00	195,805.57	-69,194.43
815	REVENUE - LICENSES AND PERMITS	157,550.00	157,550.00	151,841.55	-5,708.45
825	REVENUE - FINES & FORFEITURES	6,500.00	6,500.00	21,878.77	15,378.77
830	REVENUE - USE OF MONEY & PROPERTY	18,300.00	18,300.00	89,235.87	70,935.87
850	REVENUE - INTERGOVERNMENTAL	126,000.00	131,000.00	70,731.68	-60,268.32
870	REVENUE - USER FEES AND CHARGES	66,345.00	66,345.00	33,868.01	-32,476.99
880	ICA ALLOCATION	325,000.00	325,000.00	180,000.00	-145,000.00
882	REVENUE - OTHER	70,000.00	70,000.00	38,524.40	-31,475.60
898	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00
1. GENERAL FUNDS	**Revenue Totals**	**4,961,195.00**	**4,966,195.00**	**3,285,357.05**	**-1,680,837.95**
Expense					
100	MAYOR, COUNCIL, CITY MANAGER, CLERK	318,794.84	358,561.47	168,251.99	190,309.48
110	EXP. GENERAL GOVERNMENT	530,927.50	535,102.57	443,684.45	91,418.12
200	PUBLIC SAFETY - POLICE	2,403,734.82	2,533,944.51	1,753,403.36	780,541.15
210	PUBLIC SAFETY - FIRE	314,985.68	315,129.43	168,788.38	146,341.05

ACCOUNT	DESCRIPTION	Adopted Bdgt	Revised Operating Bdgt	Current Period	Favorable or (Unfavorable)
220	PLANNING AND DEVELOPMENT	450,124.93	416,799.46	316,626.01	100,173.45
300	PUBLIC WORKS - ENGINEERING AND ADMIN	83,488.66	77,252.47	25,055.62	52,196.85
350	PUBLIC WORKS - MECHANICAL MAINTENANCE	203,712.76	215,685.01	127,195.20	88,489.81
370	PUBLIC WORKS - SERVICE CENTER (ELIM)	0.00	0.00	16,013.08	-16,013.08
400	CULTURAL & REC - PARKS AND REC	392,749.45	408,137.09	276,084.91	132,052.18
645	CAPITAL OUTLAY	35,500.00	1,870,854.76	145,584.78	1,725,269.98
760	INTERFUND TRANSFERS	307,064.57	307,064.57	307,064.57	0.00
1. GENERAL FUNDS	Expense Totals	5,041,083.21	7,038,531.34	3,747,752.35	3,290,778.99
1. GENERAL FUNDS	Net Position Change	-79,888.21	-2,072,336.34	-462,395.30	1,609,941.04

ACCOUNT	DESCRIPTION	Adopted Bdgt	Revised Operating Bdgt	Current Period	Favorable or (Unfavorable)
Summary for 'Auditor Fund' = 1. GENERAL FUNDS (915 detail records)					
2. STREETS FUNDS					
Revenue					
825	REVENUE - FINES & FORFEITURES	25,000.00	25,000.00	17,286.40	-7,713.60
830	REVENUE - USE OF MONEY & PROPERTY	0.00	0.00	626.70	626.70
850	REVENUE - INTERGOVERNMENTAL	432,000.00	465,457.00	75,681.78	-389,775.22
870	REVENUE - USER FEES AND CHARGES	0.00	0.00	9,931.42	9,931.42
882	REVENUE - OTHER	0.00	0.00	0.00	0.00
898	INTERFUND TRANSFERS	226,106.22	226,106.22	226,106.22	0.00
2. STREETS FUNDS	**Revenue Totals**	**683,106.22**	**716,563.22**	**329,632.52**	**-386,930.70**
Expense					
300	PUBLIC WORKS - ENGINEERING AND ADMIN	70,953.16	65,343.35	17,145.41	48,197.94
310	PUBLIC WORKS - STREET MAINTENANCE	198,591.54	203,671.15	55,840.07	147,831.08
311	PUBLIC WORKS - STREET SWEEPING	73,877.27	77,440.12	44,778.97	32,661.15
312	PUBLIC WORKS - STREET LIGHTING	118,336.80	121,920.46	41,039.21	80,881.25
313	PUBLIC WORKS - WEED CONTROL STREETS	9,549.67	10,210.95	4,239.25	5,971.70
314	PUBLIC WORKS - PUBLIC PARKING LOTS	1,020.00	1,020.00	570.00	450.00
320	PUBLIC WORKS - TRAFFIC SAFETY	76,208.95	78,289.67	34,307.86	43,981.81
340	TRANSPORTATION	200,000.00	181,829.00	0.00	181,829.00
390	PUBLIC WORKS - STORM DRAINS	109,380.43	115,339.19	68,519.80	46,819.39
645	CAPITAL OUTLAY	43,000.00	43,000.00	16,986.48	26,013.52
760	INTERFUND TRANSFERS	18,828.00	78,828.00	78,828.00	0.00
2. STREETS FUNDS	**Expense Totals**	**919,745.82**	**976,891.89**	**362,255.05**	**614,636.84**
2. STREETS FUNDS	**Net Position Change**	**-236,639.60**	**-260,328.67**	**-32,622.53**	**227,706.14**

ACCOUNT	DESCRIPTION	Adopted Bdgt	Revised Operating Bdgt	Current Period	Favorable or (Unfavorable)
Summary for 'Auditor Fund' = 2. STREETS FUNDS (284 detail records)					
3. SPECIAL REVENUE FUNDS					
Revenue					
811	OTHER TAXES	230,000.00	230,000.00	186,381.03	-43,618.97
815	REVENUE - LICENSES AND PERMITS	16,000.00	16,000.00	6,948.58	-9,051.42
830	REVENUE - USE OF MONEY & PROPERTY	750.00	750.00	669.06	-80.94
870	REVENUE - USER FEES AND CHARGES	218,000.00	218,000.00	177,751.16	-40,248.84
3. SPECIAL REVENUE FUNDS	**Revenue Totals**	**464,750.00**	**464,750.00**	**371,749.83**	**-93,000.17**
Expense					
100	COLLECTION EXPENSE	12,436.42	14,199.62	9,728.45	4,471.17
210	PUBLIC SAFETY - FIRE	0.00	0.00	0.00	0.00
645	CAPITAL OUTLAY	0.00	0.00	0.00	0.00
740	PRINCIPAL ON LT DEBT	187,878.34	187,878.34	158,629.21	29,249.13
745	INTEREST ON LT DEBT	110,637.64	110,637.64	109,007.79	1,629.85
3. SPECIAL REVENUE FUNDS	**Expense Totals**	**310,952.40**	**312,715.60**	**277,365.45**	**35,350.15**
3. SPECIAL REVENUE FUNDS	**Net Position Change**	**153,797.60**	**152,034.40**	**94,384.38**	**-57,650.02**

ACCOUNT	DESCRIPTION	Adopted Bdgt	Revised Operating Bdgt	Current Period	Favorable or (Unfavorable)
Summary for 'Auditor Fund' = 3. SPECIAL REVENUE FUNDS (51 detail records)					
4. CAPITAL & CDBG GRANTS					
Revenue					
830	REVENUE - USE OF MONEY & PROPERTY	5,700.00	5,700.00	6,196.15	496.15
850	REVENUE - INTERGOVERNMENTAL	2,167,607.00	2,705,515.00	2,541,305.73	-164,209.27
898	INTERFUND TRANSFERS	99,786.35	159,786.35	159,786.35	0.00
4. CAPITAL & CDBG GRANTS	**Revenue Totals**	**2,273,093.35**	**2,871,001.35**	**2,707,288.23**	**-163,713.12**
Expense					
200	PUBLIC SAFETY - POLICE	0.00	21,888.00	21,888.00	0.00
300	PUBLIC WORKS - ENGINEERING AND ADMIN	13,358.35	18,299.04	4,598.60	13,700.44
310	PUBLIC WORKS - STREET MAINTENANCE	6,570.00	3,285.00	4,193.84	-908.84
390	PUBLIC WORKS - STORM DRAINS	2,920.00	2,920.00	0.00	2,920.00
600	COMMUNITY DEVELOPMENT	0.00	10,750.00	4,171.31	6,578.69
645	CAPITAL OUTLAY	2,244,545.00	2,734,300.00	2,369,863.13	364,436.87
4. CAPITAL & CDBG GRANTS	**Expense Totals**	**2,267,393.35**	**2,791,442.04**	**2,404,714.88**	**386,727.16**
4. CAPITAL & CDBG GRANTS	**Net Position Change**	**5,700.00**	**79,559.31**	**302,573.35**	**223,014.04**

ACCOUNT	DESCRIPTION	Adopted Bdgt	Revised Operating Bdgt	Current Period	Favorable or (Unfavorable)
Summary for 'Auditor Fund' = 4. CAPITAL & CDBG GRANTS (210 detail records)					
5. WATER FUNDS					
Revenue					
830	REVENUE - USE OF MONEY & PROPERTY	15,000.00	15,000.00	13,170.36	-1,829.64
870	REVENUE - USER FEES AND CHARGES	2,743,500.00	2,743,500.00	2,058,421.26	-685,078.74
882	REVENUE - OTHER	0.00	0.00	10,856.00	10,856.00
898	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00
5. WATER FUNDS	**Revenue Totals**	**2,758,500.00**	**2,758,500.00**	**2,082,447.62**	**-676,052.38**
Expense					
100	COLLECTION EXPENSE	124,620.88	132,386.87	99,440.19	32,946.68
300	ENGINEERING	100,864.88	105,567.20	20,294.39	85,272.81
500	WATER DISTRIBUTION EXPENSE	356,685.30	374,639.58	176,053.11	198,586.47
510	WATER TREATMENT AND CONSERVATION	575,195.35	591,831.78	410,034.73	181,797.05
510	COST OF POWER AND WATER	268,000.00	268,000.00	185,533.24	82,466.76
645	CAPITAL OUTLAY	428,000.00	1,723,000.00	401,814.10	1,321,185.90
690	CAPITALIZATION OF ASSETS	0.00	0.00	5,869.50	-5,869.50
745	INTEREST ON LT DEBT	144,236.00	144,236.00	36,393.75	107,842.25
760	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00
799	ICA EXPENSE	165,000.00	165,000.00	90,000.00	75,000.00
5. WATER FUNDS	**Expense Totals**	**2,162,602.41**	**3,504,661.43**	**1,425,433.01**	**2,079,228.42**
5. WATER FUNDS	**Net Position Change**	**595,897.59**	**-746,161.43**	**657,014.61**	**1,403,176.04**

ACCOUNT	DESCRIPTION	Adopted Bdgt	Revised Operating Bdgt	Current Period	Favorable or (Unfavorable)
Summary for 'Auditor Fund' = 5. WATER FUNDS (239 detail records)					
6. SEWER FUNDS					
Revenue					
830	REVENUE - USE OF MONEY & PROPERTY	3,500.00	3,500.00	5,106.67	1,606.67
850	REVENUE - INTERGOVERNMENTAL	0.00	212,000.00	192,927.50	-19,072.50
870	REVENUE - USER FEES AND CHARGES	2,363,500.00	2,363,500.00	1,836,586.34	-526,913.66
882	REVENUE - OTHER	0.00	0.00	1,281.08	1,281.08
898	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00
6. SEWER FUNDS	Revenue Totals	2,367,000.00	2,579,000.00	2,035,901.59	-543,098.41
Expense					
100	COLLECTION EXPENSE	91,803.90	99,275.11	70,910.93	28,364.18
300	ENGINEERING	69,215.70	75,687.59	28,353.64	47,333.95
510	COST OF POWER AND WATER	227,000.00	227,000.00	134,649.18	92,350.82
550	WASTEWATER COLLECTION EXPENSE	362,450.41	374,551.50	115,773.66	258,777.84
560	WASTEWATER TREATMENT EXPENSE	721,956.17	702,196.56	390,621.49	311,575.07
645	CAPITAL OUTLAY	5,428.00	365,572.47	368,631.22	-3,058.75
690	CAPITALIZATION OF ASSETS	0.00	0.00	5,869.50	-5,869.50
740	PRINCIPAL ON LT DEBT	72,000.00	72,000.00	0.00	72,000.00
745	INTEREST ON LT DEBT	212,033.72	212,033.72	66,389.00	145,644.72
760	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00
799	ICA EXPENSE	160,000.00	160,000.00	90,000.00	70,000.00
6. SEWER FUNDS	Expense Totals	1,921,887.90	2,288,316.95	1,271,198.62	1,017,118.33
6. SEWER FUNDS	Net Position Change	445,112.10	290,683.05	764,702.97	474,019.92

ACCOUNT	DESCRIPTION	Adopted Bdgt	Revised Operating Bdgt	Current Period	Favorable or (Unfavorable)
Summary for 'Auditor Fund' = 6. SEWER FUNDS (231 detail records)					
Grand Total		-883,979.48	2,556,549.68	-1,323,657.48	-3,880,207.16