**DRAFT Ordinance Language for Regulation of Industrial Hemp Cultivation**

**(Rev. 7/9/2020)**

Definitions of terms used.

“List of Low-Odor Varieties” means a list, maintained by the Agricultural Commissioner, of certified hemp varieties found to be low in odor.

 “Sensitive site” means any occupied property within a:

1. Residential zone within a city
2. Unincorporated area designated “Urban,” “Existing Community” or “Existing Community-Urban Reserve” in the General Plan,

or a:

1. School K-12
2. Licensed daycare center
3. College or university building
4. Hospital or medical facility

Regulatory Language.

1. Odor Mitigation
	1. Except as exempted below, no flowering hemp shall be grown within ½ mile of any sensitive site.
	2. Within 1 mile of any sensitive site, hemp must be harvested within 30 days of receipt of the first Laboratory Test Result indicating “PASSED AS CALIFORNIA INDUSTRIAL HEMP.” Within 15 days of the completion of harvest, remaining hemp debris must be tilled under or moved beyond 1 mile from any sensitive site.
	3. The following are exempt from the above restrictions:
		1. Any planting of five acres or less grown by an established agricultural research institution registered with the Agricultural Commissioner and at least ½ mile from any other planting within ½ mile of a sensitive site
		2. Any planting from certified seed on the List of Low-Odor Varieties
2. Pollen Control
	1. Hemp plants producing pollen may only be grown by a registered seed breeder in an enclosed greenhouse unless they are more than 3 miles from any registered hemp planting.
	2. All other registrants must regularly patrol hemp fields and destroy all male plants within five days of discovery.

Signs Required.

1. All parcels used for the cultivation of industrial hemp shall have onsite signs indicating that “Industrial Hemp” is being cultivated on site. The signs shall:
2. state “Industrial hemp,” and
3. state “NO TRESPASSING” in English and Spanish, that
4. measure at least three feet wide by three feet high, with letters and symbols not less than three inches in height that sharply contrast with their immediate background, that
5. except for locations affecting a traffic sight triangle where there are no traffic controls on either street at an intersection, are posted at the corners of the parcel and at all usual points of entry to the parcel. When a parcel is adjacent to a public right-of-way signs shall be posted at intervals of not more than 1/3 of a mile along the border.
6. Signs may also include information such as:
7. An owner applied number, or
8. “Not Marijuana,” or
9. “No THC,” or “Less than 0.3% THC,” or
10. “No Effects if Smoked.”

 Transportation of Hemp.

1. Any person transporting industrial hemp in a vehicle shall have in their possession a copy of the certificate of registration issued by the county agricultural commissioner and a certificate of analysis demonstrating that the industrial hemp has met the 0.3 % maximum level permitted by law.

 Site Security.

1. Each registrant shall submit a site security plan to the Agricultural Commissioner that may include measures such as Owner Applied Numbers, fencing, locking gates when no employees are present, security personnel on site or other security measures.

Abatement and Penalties.

1. Any industrial hemp planted in violation of this ordinance is a public nuisance, and the Agricultural Commissioner may abate or order the violator to abate it. The Agricultural Commissioner may enter property and structures where industrial hemp may be grown to inspect for compliance with this ordinance and abate such nuisances.
2. Any person or entity that violates any provision of this ordinance is guilty of a misdemeanor.

Severability.

1. If any provision or any part of any provision of this ordinance or the application thereof to any person, property or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or parts of a provision or applications of the ordinance which can be given effect without the invalid provision, provision part or application, and, to this end, the provisions and the parts of the provisions of the ordinance are hereby declared to be severable.

Authority.

1. The California Constitution, Article 11, Section 7, and Section 65850 of the Government Code provide that the Board of Supervisors may adopt an ordinance under the County’s police power and authority to regulate land use.

Effective Date.

This ordinance shall become effective \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Other Options and Measures**

“Odor-Controlled Greenhouse” means an enclosed structure operated in accordance with an odor control plan (OCP) approved by the Agricultural Commissioner:

1. The OCP must be certified by a Certified Industrial Hygienist or Professional Engineer.
2. The Agricultural Commissioner may deny or withdraw approval of an OCP if the operator fails to make all records relating to the OCP available to the Agricultural Commissioner upon demand within a reasonable time.

Odor Mitigation - Harvest Discipline Countywide

1. Odor Mitigation
	1. Hemp must be harvested within 30 days of receipt of the first Laboratory Test Result indicating “PASSED AS CALIFORNIA INDUSTRIAL HEMP.” Within 15 days of the completion of harvest, remaining hemp debris must be tilled under or removed from the field unless it is more than 1 mile from any sensitive site.

Odor Mitigation - Hemp-free Period

1. Odor Mitigation
	1. No flowering hemp shall be grown from November 1 to March 31, within 1 mile of any sensitive site. Hemp debris must be tilled or moved more than 1 mile from any sensitive site prior to November 1.

Alternative Setback Distances

1. Odor Mitigation
	1. Except as exempted below, no flowering hemp shall be grown within 1 mile from any sensitive site.

or

1. Odor Mitigation
	1. No flowering hemp shall be grown within 600 feet of any sensitive site.
	2. Except as exempted below, no flowering hemp shall be grown from 600 feet to (¼ mile, ½ mile, 1 mile) from any sensitive site.

or

1. Odor Mitigation
2. No flowering hemp shall be grown within ¼ mile of any sensitive site.
3. Except as exempted below, no flowering hemp shall be grown from ¼ mile to (½ mile, 1 mile) from any sensitive site.

or

1. Odor Mitigation
2. No flowering hemp shall be grown within 1 mile of any sensitive site.

Optional Setback Exemptions

1. Odor Mitigation
2. The following are exempt from the above restrictions:
3. Any planting of five acres or less in an Odor-Controlled Greenhouse which is at least ½ mile from any other planting within ½ mile of a sensitive site
4. Any planting of ten acres or less upon express written consent of each resident of a sensitive site and at least ½ mile from any other planting within ½ mile of a sensitive site
	* + 1. Written consent is valid only for the period of registration and new written consent must be obtained upon renewal of registration

Nuisance Claims

1. Nuisance Claims
	1. Odor from a registered industrial hemp cultivation site is not a nuisance if the industrial hemp cultivation site is operated in accordance with this chapter and state industrial hemp laws.

Option Light Management

* 1. No outdoor grow lights are permitted between the hours of 10:00 PM and 6:00 AM within ½ mile of any sensitive site unless the glare is not visible from any neighboring property or the lights are within an enclosed structure with:
		1. Fully or partially shielded directional lighting preventing visibility of glare from any neighboring property; or
		2. Fitted with blackout screening for the walls and roof, preventing visibility of glare from any neighboring property.

Additional Options for Sensitive Sites

“Sensitive site” means any occupied:

1. Hotel, motel, inn, hostel, or other temporary residential unit within city boundaries.

“Sensitive site” means any:

1. Area within city boundaries.