

The South Lake Tahoe Medical Marijuana Ordinance

The People of the City of South Lake Tahoe, California, do enact as follows:

Section A. Purpose and Finding

Whereas the City of South Lake Tahoe City Council has passed a cultivation ordinance that threatens the health and safety of patients with \$1,000 per day fines, shut off of electrical power, publicly publishing the names of bona fide patients who are growing and authorizes unconstitutional entry into private homes without search warrants.

Whereas the City Council requires patients and landlords to provide public documents that they are growing marijuana, when such acts are still in direct violation of federal law, thereby compelling patients to waive their Fifth Amendment right not to incriminate themselves and denying the patients and caregivers access to the immunity laws.

Whereas the City Council has demonstrated a pattern and practice of opposing rights of medical marijuana patients, already granted to them by state law.

Whereas the City Council has shut down all but one dispensary and opposes the licensing of any new dispensaries.

And whereas the voters of South Lake Tahoe voted heavily in favor of full legalization, with 58% voting "yes" and only 42% voting "no" on Prop. 19, the 2012 initiative to legalize pot.

It is the Finding of The People of the City of South Lake Tahoe that the City Council has failed to uphold the will of the voters, protect the health and safety of bona fide patients, and to deal effectively with the marijuana odor issue.

Section B. Orders

(1) Odor from the cultivation of marijuana is hereby deemed a serious problem within our city and any complaint of odor issues should be investigated and acted upon.

(2) Any property or dwelling which is found to be emitting marijuana cultivation odors should be tagged on the front door or gate, with a notice that odor has been detected, and the city requests appropriate actions be taken within 72 hours to remove or sufficiently suppress the odor, such as the purchase of a charcoal filter unit specifically designed to remove odors from cannabis gardens.

(3) Any property or dwelling which is found to be emitting marijuana cultivation odors 72 hours after being tagged can be fined up to \$50 per day until the odor is removed. Odor from the smoking of marijuana shall not be cause for any action.

(4) Adults 21 years and older, who are bona fide medical marijuana patients, may produce up to 6 mature outdoor flowering plants, or up to 12 mature indoor flowering plants per person; or a total number of plants cultivated per household not to exceed 12 mature flowering plants outdoors or 24 plants indoors. The cultivation shall take place in an indoor or outdoor space or area not visible from a public street or sidewalk.

(5) No taxes, fees, laws, rules, regulations, zones, local city or county zoning requirements may be adopted or enacted to defeat, deny, or prohibit the purposes of this Act, or to defeat, deny, or prohibit adult medical marijuana patients, 21 or older or from engaging in the activities authorized and protected by this Act, unless passed by the state or local voters.

(6) Nothing in this section shall prevent a property owner from prohibiting marijuana cultivation on their property or conduct that damages their property, so long as that is clearly stated in their rental agreement or lease.

(7) This Act repeals, preempts and nullifies any and all conflicting local regulations, but allows for a greater number of plants than authorized by this measure, if a physician has written a letter or recommendation that states that these limits are insufficient for their patient.

(8) No special regulations, taxes, permits or fees shall be enacted or imposed upon growing or providing marijuana for qualifying patients or their caregivers.

(9) Elected, appointed, hired employees, officers, and officials of the City of South Lake Tahoe shall not directly or indirectly cooperate with or assist federal, state, or county officers or officials, volunteers, or employees who eradicate marijuana, act for seizure or forfeiture, or

demand entry without a warrant or to defeat any liberally construed purpose of this Act, nor may any state or local agency contract to eradicate marijuana that is being grown, manufactured or stored under the provisions of this Act. Knock and talk shall be the first act taken by the above officers/employees. Violation of this clause shall be a misdemeanor, punishable by fine and up to one year in prison.

(10) The City of South Lake Tahoe is ordered to protect and defend all provisions of this Act from any and all challenges or litigation, whether by persons, officials, cities, counties, the state or federal governments.

(11) South Lake Tahoe City Police are hereby enjoined from arresting anyone age 21 or older for any marijuana related offense, which is protected by this Act.

(12) This Act shall become effective immediately upon passage and may be applied retroactively to protect patients or caregivers from civil or criminal prosecution.

(13) Patients and caregivers shall have the right to transfer their marijuana to other patients or collectives and be paid a remuneration for their out of pocket expenses, and salaries for their time.

(14) The City of South Lake Tahoe shall require that all dispensary owners and operators prove they have been legal residents of South Lake Tahoe for at least one year, prior to starting or operating a dispensary. The City shall also have the power to regulate or even ban any signage by dispensaries and to ban the location of any dispensary within 1,000 feet of a public school. However, the City of South Lake Tahoe is hereby enjoined from limiting the creation and operation of any new medical marijuana collectives, dispensaries or delivery services operating within the City for six months after the passage of this ordinance.

(15) Dispensaries, cooperatives and collectives operating within the City of South Lake Tahoe shall not be required to obtain business licenses, since officials have abused licensing requirements to unfairly restrict or ban medical marijuana distribution.

(16) Patients shall be allowed to medicate within the premises of dispensaries, cooperatives or collectives or any location in which smoking is permitted.

(17) As authorized by 11362.5 and 11362.7 of California's Health and Safety code, operators and patient members of dispensaries, cooperatives and collectives operating within the City of South Lake Tahoe shall be

authorized to dispense medical cannabis to patients with physician recommendation letters, regardless of what state or country bona fide patients are from.

Section C. Severability

If any of the provisions of this Act, or any part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.