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## Chapter 18.87 - REGULATIONS FOR MEDICAL MARIJUANA CULTIVATION AND GROWING

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### **18.87.010 - Findings and purpose.**

It is the purpose and intent of this chapter pursuant to Government Code Section 25123(d) to regulate the cultivation of medical marijuana in order to preserve the public peace, health, safety, and general welfare of the citizens of Madera County. The provisions of this section are applicable in all areas of the county. The board of supervisors adopts the findings for the need for the medical marijuana cultivation ordinance contained in Resolution No. 2012-049 as though fully set forth.

*(Ord. No. 525RR, § 1 (Exh. A), 3-13-12)*

### **18.87.020 - Relationship to other laws.**

This chapter is not intended to, nor shall it be construed or given effect in a manner that causes it to apply to, any activity that is regulated by federal or state law to the extent that application of this chapter would conflict with such law or would unduly interfere with the achievement of federal or state regulatory purposes. It is the intention of the board that this chapter shall be interpreted to be compatible and consistent with federal, county, and state enactments and in furtherance of the public purposes which those enactments express. It is the intention that the provisions of this chapter will supersede any other provisions of this code found to be in conflict.

*(Ord. No. 525RR, § 1 (Exh. A), 3-13-12)*

### **18.87.030 - Definitions.**

For purposes of this chapter, these words and phrases shall be defined as follows:

"County" means the county of Madera or the unincorporated area of the county of Madera as required by the context.

"Cultivate" or "cultivation" is the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof in any location.

"Marijuana" shall have the same definition as in California Health and Safety Code Section 11018 as it now reads or as amended.

"Medical marijuana" means marijuana used for medical purposes in accordance with California

Health and Safety Code Sections 11362.7 et seq.

"Primary caregiver" shall have the same definition as in California Health and Safety Code Section 11362.7 et seq. as it now reads or as amended.

"Property owner" is the title holder of real property within Madera County.

"Qualified patient" shall have the same definition as California Health and Safety Code Section 1362.7 et seq. as it now reads or as amended.

*(Ord. No. 525RR, § 1 (Exh. A), 3-13-12)*

### **18.87.040 - Medical marijuana cultivation regulations.**

- A. Medical marijuana cultivation is limited to the following areas:
  - 1. One room within a single family dwelling that does not exceed one hundred twenty square feet
  - 2. One detached, outdoor covered or concealed structure not to exceed one hundred twenty square feet
- B. Cultivation is not permitted within commercial or industrial zone districts.
- C. Cultivation may only be conducted by the owner or a tenant with the consent of the owner of the subject property.
- D. Cultivation may not occur within two thousand feet of an institutional use, such as, but not limited to, a church, school, or other public building.
- E. The primary caregiver or qualified patient must reside at the subject property where cultivation occurs.

*(Ord. No. 525RR, § 1 (Exh. A), 3-13-12)*

### **18.87.050 - Prohibited medical marijuana cultivation declared a public nuisance.**

The establishment, maintenance, or operation of any prohibited cultivation of medical marijuana, as defined in this chapter, within the county is declared to be a public nuisance and each person or responsible party is subject to abatement under Chapter 7.20, administrative penalties under Chapter 8.01, and all other applicable laws.

*(Ord. No. 525RR, § 1 (Exh. A), 3-13-12)*

### **18.87.060 - Penalties for violation.**

- A. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and subject to a maximum penalty of six months imprisonment in county jail, or a fine of one thousand dollars. Violators shall be subject to any other enforcement remedies available to the county under any applicable state or federal statute or pursuant to any other lawful power the county may possess.
- B. If a violation is reoccurring at the same location or is repeated by a party which has previous been cited for a violation involving cultivation, each separate occurrence shall constitute a separate violation and shall be subject to all remedies and subject to a fine amount double than the previous offense.
- C. In the event any civil suit or action is brought by the county to enforce the provisions of this chapter, the person responsible for such violation shall be liable to the county for costs of the suit, including, but not limited to, attorney's fees.

*(Ord. No. 525RR, § 1 (Exh. A), 3-13-12)*

