

The People of the County of Mendocino ordain as follows:

"THE REPEAL OF MENDOCINO COUNTY CODE CHAPTER 9.36 CANNABIS PERSONAL USE ORDINANCE FOR MENDOCINO COUNTY, AND NEW GUIDELINES FOR MAINTENANCE AND POSSESSION OF MEDICAL MARIJUANA

Section 1 Purpose.

The purpose of this ordinance is to eliminate the effects of increased and uncontrolled production of recreational and medical marijuana by repealing Measure G and establishing guidelines for the maintenance and possession of marijuana for medical purposes only, that are consistent with state law.

Section 2 Findings.

1. On November 6, 1996, the people of the State of California enacted the Compassionate Use Act of 1996 known as Proposition 215, which permits seriously ill residents of the state, who have a doctor's recommendation, to use or possess marijuana for medical purposes without fear of criminal liability. Proposition 215 is codified in Health and Safety Code section 11362.5.
2. On November 7, 2000, the voters of Mendocino County approved an initiative known as Measure G (administratively codified as Mendocino County Code Chapter 9.36), the stated purpose of which was to establish a maximum limit of plants and weight for cultivation and possession of marijuana for personal medical and recreational use in Mendocino County, and prohibit the expenditure of public funds for enforcement of marijuana laws against cultivators and users in possession of quantities below that limit, which was identified by the Measure as twenty-five (25) adult flowering female marijuana plants or the equivalent in dried marijuana.
3. On October 12, 2003, the Governor of the State of California signed SB 420. Codified in sections 11362.7 through 11362.83 of the Health and Safety Code, SB 420 was adopted to address implementation of Proposition 215 and to facilitate the prompt identification of qualified patients and their designated primary caregivers in order to avoid unnecessary arrest and prosecution of these individuals.
4. SB 420 establishes minimum guidelines for the maintenance and possession of medical marijuana. Health and Safety Code section 11362.77(a)-(f) provides that a qualified patient or primary caregiver may possess no more than eight (8) ounces of dried marijuana per qualified patient and that a qualified patient or primary caregiver may also maintain

- no more than six (6) mature or twelve (12) immature plants per qualified patient. If a qualified patient or primary caregiver has a doctor's recommendation that this quantity does not meet the qualified patient's needs, the qualified patient or primary caregiver may possess an amount that is consistent with the qualified patient's needs.
5. Health and Safety Code section 11362.77(c) allows counties and cities to retain or enact medical marijuana guidelines allowing qualified patients or primary caregivers to exceed the state limits.
 6. On August 7, 2007, the Board of Supervisors, in accordance with Health and Safety Code section 11362.77(c) and recognizing the stated purpose of Measure G as it related to medical use only, adopted a policy, which allowed qualified patients or primary caregivers to maintain twenty-five (25) plants and to possess no more than two (2) pounds dried marijuana per qualified patient.
 7. The effect of Measure G has been to increase public safety issues surrounding the uncontrolled production of marijuana either for medical or recreational use, and has jeopardized the health, safety and welfare of the people of Mendocino County.

Section 3 Repeal Of Mendocino County Code Chapter 9.36.

Mendocino County Code Chapter 9.36, Cannabis Personal Use Ordinance for Mendocino County, is hereby repealed.

Section 4 Limits For Possession Of Marijuana For Medical Purposes.

A qualified patient or primary caregiver may possess or maintain for medical purposes only those amounts as set forth in Health and Safety Code section 11362.77(a)-(f) and as amended by State or Federal legislation.

Section 5 Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance.