

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN,
STATE OF CALIFORNIA

ORDINANCE NO. 4591

**URGENCY ORDINANCE PURSUANT TO GOVERNMENT CODE SECTION 25123(d)
TO TEMPORARILY SUSPEND THE ISSUANCE OF NEW INDUSTRIAL HEMP
PRODUCTION LICENSES AND INDOOR NURSERY PRODUCTION OF
INDUSTRIAL HEMP**

The Board of Supervisors of the County of San Joaquin ordains as follows:

Section 1. The Agricultural Commissioner's approval of new Industrial Hemp Production Licenses issued pursuant to Title 6, Division 1, Chapter 4, Section 6-1303 and the allowance of indoor nursery production of industrial hemp allowed pursuant to Section 6-1305 is hereby suspended until this Urgency Ordinance is rescinded by the Board of Supervisors.

Section 2. This Ordinance is an urgency measure to protect the public peace, health, and safety, adopted pursuant to Section 25123(d) of the Government Code of the State of California, and is effective immediately.

Section 3. The Board of Supervisors of the County of San Joaquin makes the following findings in support of the immediate adoption and application of this urgency ordinance.

- A. There is a current and immediate threat to the public peace, health and safety from an organized group based on the following conditions:
 - 1. Cultivation of cannabis under the guise of industrial hemp has resulted in violent criminal activity on cultivation sites including but not limited to:
 - (a) Suspects coming onto the properties licensed for industrial hemp with guns;
 - (b) A suspect shooting at a security guard on a property licensed for industrial hemp;
 - (c) A security guard at a property licensed for industrial hemp confronting suspects at gunpoint; and
 - (d) Suspects trying to steal plants from properties licensed for industrial hemp.
 - 2. Unpermitted greenhouse/hoop house structures erected on properties licensed for industrial hemp and cultivation practices that include, but are not limited to:
 - (a) Unsafe use of generators and string lights to promote growth within greenhouse/hoop house structures;

- (b) Improper storage of fuel and other accelerants;
 - (c) Off-label use and misapplication of chemicals/pesticides;
 - (d) Make-shift dwelling structures directly abutting greenhouse structures;
 - (e) Possible contamination of groundwater from improperly used and stored chemicals; and,
 - (f) Possible misappropriation of water from canal and/or irrigation ditches.
3. The current activities exploiting cultivation sites licensed for industrial hemp to undertake illegal activities require resource intensive and dangerous responses to the cultivation sites by the Agricultural Commissioner, Sheriff's Office, Community Development Department, Environmental Health Department, and possibly other County Departments to protect property occupants, neighbors, the community, and the environment.
 4. Unless a moratorium is adopted to suspend new industrial hemp production licenses, then a proliferation of new licenses operating under the currently active model may overwhelm the existing Agricultural Commissioner and the Sheriff's Office resources.
 5. Additionally, unless a moratorium is adopted to suspend indoor nursery production of industrial hemp, then cultivation sites licensed for industrial hemp may be exploited for illegal cannabis cultivation.

This finding can be made because the Board of Supervisors, in adopting this urgency ordinance, has determined that the existing Title 6, Division 1, Chapter 4 of the Ordinance Code is insufficient to prevent the threats to public peace, health, and safety described herein and such threats can only be prevented by an urgency ordinance to temporarily suspend the issuance of new industrial hemp production licenses issued pursuant to Ordinance Code Section 6-1303 and the indoor nursery production of industrial hemp allowed pursuant to Section 6-1305 to allow for the Agricultural Commissioner and the Sheriff's Office to amend Title 6, Division 1, Chapter 4 of the Ordinance Code to address these threats.

Section 4. Prior to the expiration of fifteen (15) days from the passage thereof, this Ordinance shall be published one (1) in The Record, a newspaper of general circulation which is published in the County of San Joaquin, State of California, with the names of members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of San Joaquin, State of California, on this 14th of December 2021 to wit:

AYES: **Villapudua, Miller, Winn, Rickman, Patti**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

Tom Patti

TOM PATTI

Chairman, Board of Supervisors
County of San Joaquin
State of California

ATTEST: RACHÉL DeBORD
Clerk of the Board of Supervisors
County of San Joaquin
State of California

Rachél DeBord

