

NOTICE AND ORDER TO ABATE UNLAWFUL MARIJUANA CULTIVATION

PURSUANT TO LAKE COUNTY CODE, CHAPTER 21, Article 72 ET. SEQ.

A. CASE NUMBER: 17-00439 ASSESSORS PARCEL NUMBER: 002-511-10
OWNER(S) NAME: ARN, MYRA & WILLIAMS WINGRAVE
SITE ADDRESS: 2814 MADREJE WAY CLEARLAKE OAKS
MAILING ADDRESS: 2814 MADREJE WAY CLEARLAKE OAKS, CA 95423

B. CONDITION CAUSING NUISANCE: Cultivation of marijuana in violation of Section 21-72.5 of the Lake County Code. Specifically, you are in violation of the following provision(s) of the Regulations for the Cultivation of Medical Marijuana:

- ☐ Cultivation of marijuana on vacant land is prohibited. Must contain permitted, habitable residence.
- ☒ Outdoor cultivation on parcel of 1-acre or smaller and/or located within Community Growth Boundary prohibited.
- ☐ Outdoor cultivation of more than 6 mature or 12 immature marijuana plants on a parcel larger than 1 acre prohibited.
- ☐ Outdoor cultivation of more than 48 mature or 72 immature marijuana plants on a parcel of 20 or more acres, zoned "A", by a collective or cooperative is prohibited.
- ☐ Outdoor cultivation within 1,000 feet of a public or private school, public park with playground equipment, drug or alcohol rehabilitation facility, child care facility or nursery school, church or youth-oriented facility.
- ☐ Outdoor cultivation of marijuana located within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool.
- ☐ Outdoor cultivation within 75 feet of any property line or within 150 feet of any off-site residence, as measured from the edge of the fence of the cultivation area is prohibited.
- ☐ Outdoor cultivation must be screened from public view and views of adjacent parcels with a fully enclosed solid fence of a minimum of six (6) but not more than eight (8) feet in height, with locked gates.
- ☐ Indoor cultivation in excess of 100 square feet.
- ☐ Tenants and lessees must have property owner's written approval with notarized signature in order to cultivate.

On 8/29/17 your property was found by Enforcement Officials to contain 6+ marijuana plants. This constitutes a public nuisance in accordance with Chapter 21, Article 72, Section 72.7 of the Lake County Code.

C. ORDER IS GIVEN TO COMPLETE ABATEMENT OF SAID NUISANCE WITHIN 5 BUSINESS DAYS (9/5/17) AND CORRECT THE NUISANCE CONDITIONS DESCRIBED ABOVE BY REMOVING PROHIBITED MARIJUANA PLANTS. A MAXIMUM OF ~~10~~ 2 PLANTS ARE ALLOWED.

W. Marshall # 10125
LAKE COUNTY SHERIFF'S OFFICE Code Ent.
STATE OF CALIFORNIA, COUNTY OF LAKE

DATED: 8/29/17

SEE REVERSE SIDE

White: Office Yellow: Owner Pink: Posted

ATTACHMENT 1, PAGE 1 of 2

D. AS TO ANY EXISTING MEDICAL MARIJUANA CULTIVATION SITES LOCATED WITHIN THE UNINCORPORATED AREA OF THE COUNTY OF LAKE WHICH ARE OPERATING CONTRARY TO OR IN EXCESS OF THE ABOVE LIMITS, THEY ARE HEREBY DECLARED TO BE UNLAWFUL AND A PUBLIC NUISANCE PURSUANT TO CHAPTER 21, ARTICLE 72, SECTION 72.7 OF THE LAKE COUNTY CODE, AND A VIOLATION OF THE REGULATIONS FOR THE CULTIVATION OF MEDICAL MARIJUANA IS DECLARED.

E. YOU ARE HEREBY NOTIFIED THAT IF YOU WISH TO SHOW ANY CAUSE WHY MARIJUANA BEING CULTIVATED IS NOT A VIOLATION OF CHAPTER 21, ARTICLE 72 OF THE LAKE COUNTY CODE AND THEREFORE SHOULD NOT BE ABATED AS A PUBLIC NUISANCE BY THE ENFORCEMENT OFFICIAL, YOU MUST REQUEST A PUBLIC HEARING BEFORE THE LAKE COUNTY BOARD OF SUPERVISORS PURSUANT TO SECTION 72.9(d) OF SAID LAKE COUNTY CODE BY COMPLETING A MARIJUANA NUISANCE ABATEMENT HEARING REQUEST FORM. SAID FORM IS AVAILABLE AT THE COMMUNITY DEVELOPMENT DEPARTMENT (LOCATED AT 255 N. FORBES STREET, LAKEPORT) AND MUST BE FILED WITHIN 5 BUSINESS DAYS OF SERVICE OF THE NOTICE AND ORDER TO ABATE UNLAWFUL MARIJUANA CULTIVATION. IF YOU FAIL TO REQUEST A HEARING, ALL RIGHTS TO APPEAL ANY ACTION OF THE COUNTY TO ABATE THE NUISANCE WILL BE WAIVED.

F. IF YOU FAIL TO CORRECT THE NUISANCE CONDITIONS BY THE DATE SPECIFIED IN SECTION C OF THIS NOTICE AND ORDER OR ANY SUBSEQUENT TIME EXTENSION GRANTED BY THE ENFORCEMENT OFFICIAL, AND/OR FAIL TO SUCCESSFULLY SHOW CAUSE WHY SUCH CONDITION SHOULD NOT BE ABATED AS SPECIFIED IN SECTION E OF THIS NOTICE, THE ENFORCEMENT OFFICIAL MAY ABATE THE PUBLIC NUISANCE. THE COSTS OF SUCH ABATEMENT ACTION MAY BE MADE A SPECIAL ASSESSMENT AGAINST THE PREMISE; MAY BE PAID THROUGH A CODE ENFORCEMENT DEBT REDUCTION AGREEMENT; OR ALTERNATIVELY MAY BE REFERRED TO A DEBT COLLECTION AGENCY.

Lake County Code, Chapter 21:

72.7 Nuisance Declared; Misdemeanor Violation; Enforcement Authority

(a) *The cultivation of marijuana plants in excess of the amounts specified by this Article for individuals and collective or cooperative organizations, either indoors, outdoors, or combination thereof on any premises is hereby declared to be unlawful. Any violation of this ordinance shall constitute a public nuisance and shall be subject to abatement as provided by all applicable provisions of law. Any person who violates a provision of this Article is subject to criminal sanctions, civil actions, and administrative penalties.*

(b) *Any person, firm, partnership, association, corporation or other entity whether as principal agent, employee or otherwise, who owns or is a tenant upon the property upon which medical marijuana is cultivated, except as provided for in Sections 72.5 and 72.6, or owns the medical marijuana that is cultivated at the premises or otherwise violates any of the provisions of this ordinance can be charged with a misdemeanor or infraction at the discretion of the district attorney.*

(c) *If charged as a misdemeanor, the violation shall be punishable by a fine not to exceed One thousand Dollars (\$1,000.00) or by imprisonment in the county jail for a term not exceeding six months or by both such fine and imprisonment. If charged as an infraction, the violation shall be punishable by a fine not exceeding One Hundred Dollars (\$100.00) for the first violation, Two Hundred Dollars (\$200.00) for the second violation within one year, and Five Hundred Dollars (\$500.00) for each additional violation within one year. Such person, firm, partnership, association, corporation or other entity may be charged with a separate offense for each and every day, or portion of a day, that a violation exists.*

(d) *All remedies prescribed under this chapter shall be cumulative and the election of one or more remedies shall not bar the county from the pursuit of any other remedy for the purpose of abating or otherwise regulating or preventing public nuisances.*

(e) *Primary responsibility for enforcement of this ordinance shall vest with the Sheriff of the County of Lake and his sworn officers. All other county officials with authority to enforce the County Code shall also have the authority to enforce this ordinance.*

(f) *Nothing herein shall confer on any person the right to maintain a public or private nuisance. Except for actions arising out of this chapter, no provision of this chapter shall be deemed a defense or immunity to any action brought against any person by the District Attorney, the State of California, the United States, or any other person.*

72.9

Abatement procedures. Notwithstanding section 72.9(a) of this Article, whenever an Enforcement Official determines that a violation of this Chapter exists that results in a public nuisance, he or she shall direct in writing that the public nuisance be abated within five (5) business days. If the condition(s) continue beyond five (5) business days and are not abated by the property owner or tenant, the Enforcement Official shall be authorized to abate the nuisance.

(a) *Notice and Order to Abate Unlawful Marijuana Cultivation. Whenever an enforcement official determines that a public nuisance as described in this Article exists on any property within the unincorporated area of Lake County he or she is authorized to notify the owner and/or occupant(s) of the premises through issuance of a "Notice and Order to Abate Unlawful Marijuana Cultivation".*

72.10

Enforcement.

(a) *Whenever the Enforcement Official becomes aware that an owner or occupant has failed to abate any unlawful marijuana cultivation within five (5) business days of the date of service of the Notice to Abate Unlawful Marijuana Cultivation, unless timely appealed, or of the date of the decision of the Board of Supervisors requiring such abatement, the Enforcement Official may take one or more of the following actions:*

1. *Enter upon the property and abate the nuisance by County, State or Federal personnel. The Enforcement Official may apply to a court of competent jurisdiction for a warrant authorizing entry upon the property for purposes of undertaking the work, if necessary.*

2. *Request that the County Counsel commence a civil action to redress, enjoin, and abate the public nuisance.*