

**Ordinance No. 819**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANDERSON  
AMENDING CHAPTER 17.67 REGULATING RECREATIONAL MARIJUANA ACTIVITIES  
IN THE CITY OF ANDERSON**

**WHEREAS**, on February 20, 2018, the City Council enacted Ordinance No. 815 adding Section 17.67 regulating recreational marijuana activities to the Anderson Municipal Code which did not include violation penalties; and

**WHEREAS**, the City Council now wishes to establish penalties for violation of those adopted regulations.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANDERSON DOES HEREBY ORDAIN THAT CHAPTER 17.67 OF THE ANDERSON MUNICIPAL CODE BE AMENDED BY ADDING A NEW SECTION 17.67.060 – VIOLATIONS AND RENUMBERING THE EXISTING SECTION 17.67.060 – SEVERABILITY TO 17.67.070, AS FOLLOWS:**

**17.67.060 Violations.**

1. In addition to any other remedy allowed by law, any person who violates a provision of this chapter is subject to criminal sanctions, civil actions, and administrative penalties pursuant to chapter 8.29

2. Violations of this chapter are declared to be a public nuisance.

3. Any person who violates a provision of this chapter is liable for civil penalties of not less than \$250 or more than \$25,000 for each day the violation continues.

4. Any person who violates any provision of this chapter is guilty of a misdemeanor.

5. Administrative penalties for violations of this chapter are governed by chapter 8.29 except for the following:

(a) Notwithstanding the provisions of section 8.29, the amount of an administrative penalty to be imposed for a violation of sections 17.67.050 pertaining to the number of plants permitted in a residence or in a residential accessory structure, is an aggregate amount calculated at \$1000 per plant that is in excess of the number of plants allowed.

(b) The imposition of the administrative penalty pursuant to (5)(a) shall be immediate under Government Code Section 53069.4, unless the circumstances in (5)(c) are applicable.

(c) The property owner shall be given a reasonable period of time for the correction or remedy of the violation, but no more than thirty (30) days, if all of the following are true:

- i. A tenant is in possession of the property that is the subject of the administrative action.
- ii. The rental property owner or agent can provide evidence that the rental or lease agreement prohibits the cultivation of cannabis.
- iii. The rental property owner or agent did not know the tenant was illegally cultivating cannabis and no complaint, property inspection, or other information caused the rental owner or agent to have actual notice of the illegal cannabis cultivation.

6. All remedies prescribed under this chapter are cumulative and the election of one or more remedies does not bar the City from the pursuit of any other remedy to enforce this chapter.

**17.67.070 Severability.**


If any section, sentence, clause or phrase of this article is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this article. The Council hereby declares that it would have passed this ordinance and adopted this article and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

This ordinance shall take effect 30 days after its final passage, the welfare of the City of Anderson requiring it.


The City Clerk shall certify to the adoption of this ordinance and shall cause it to be posted and/or published in accordance with the law.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Anderson held on October 16, 2018, and enacted at a regular meeting of the City Council of the City of Anderson held on November 20, 2018, by the following vote:

AYES: Councilmembers Neutze, Hunt, Baugh and Mayor Cornick.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Councilmember Browning.

  
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Norma Cornick, Mayor of the City of Anderson

ATTEST:

  
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Christy White, Deputy City Clerk