

# Fresno City Council takes up all-out ban on growing pot

<http://www.fresnobee.com/2014/03/18/3829647/fresno-city-council-takes-up-all.html>

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Fresno County sheriff's deputies discovered 100 marijuana plants Feb. 10, 2013, in an outdoor greenhouse and 400 other starter plants in a garage at a house in the 1300 block of South Temperance Avenue, which is in the county. City leaders in Fresno are now talking about an outright ban on marijuana growing.

SPECIAL TO THE BEE — FRESNO COUNTY SHERIFF'S OFFICE

The Fresno City Council may end all legal avenues for the growing of marijuana within city limits.

The council on Thursday will consider a law that would ban marijuana cultivation in the only two places where it's still legal -- indoors and within certain enclosed outdoor structures.

The council nearly two years ago banned marijuana growing everywhere else.

In the past year, according to a staff report, the Police Department investigated 317 marijuana-grow complaints. More than 5,000 pounds of marijuana were seized.

Large indoor grows often cause major damage to structures, the report said. Some growers made dangerous electrical alterations inside homes and at service meters.

"Noxious odors were common both inside and outside the residences," the report said.

Police reported four armed home invasion robberies related to marijuana cultivation. The robbers were after marijuana and money from sales, police said.

"Countless other grows have gone unreported but were later discovered as the result of undercover operations," the report said. "These indoor grows expose the surrounding residents to a higher risk of harm, especially in cases when an innocent home owner is accidentally targeted."

The report said the state provides a limited criminal defense to the cultivation, possession and use of marijuana for medical purposes through the Compassionate Use Act. However, the report said, the act does not address issues such as land-use effects of the cultivation.

The report said the Federal Controlled Substance Act outlaws marijuana grows, and contains no exemption for possession of marijuana for medical purposes.

The report said the city has a "compelling interest in protecting the public health, safety and welfare of its residents and businesses."

Violation of the proposed law could lead to a \$1,000 fine for each plant plus a \$100 fine per plant per day that the plant remains in the ground past the abatement deadline.

Current city law allows cultivation indoors or within an outdoor, fully enclosed and secured structure, approved by special permit.

Fresno County has already passed similar laws.

Council President Steve Brandau and Board of Supervisors Chairman Andreas Borgeas have been trying to get the two governments on the same page regarding the regulation of marijuana growing.

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**IF YOU GO:**

What: Fresno City Council to consider ban on marijuana grows

Where: Fresno City Council Chamber, 2600 E St.

When: Scheduled for 3 p.m. Thursday, March 20; however, council might debate controversial bus rapid transit project before getting to this item.

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