

South Tahoe pot cultivation ordinance ready for council

By Kathryn Reed

On the same day the South Lake Tahoe City Council is expected to vote on a medical marijuana cultivation ordinance, residents will elect three new council members and all of California will decide if pot should be legalized via Proposition 19.

Before Nov. 2, the City Council will have a public hearing on Oct. 19 regarding the local ordinance.

Also at the Oct. 19 meeting the agenda is likely to contain an extension on the moratorium to limit the number of pot clubs to the three existing ones. The original one-year moratorium was passed in November 2009. It will require a super majority or four-fifths vote to keep it going. Two years is the maximum for a moratorium like this.



Officials on Sept. 29 work on South Tahoe's draft pot cultivation ordinance.

Photo/Kathryn Reed

It's not entirely clear what would happen to the collectives if the moratorium were not extended because all three have city business licenses, which was not the case a year ago. It could also mean more collectives would seek to be part of the community.

The 12-person committee recently convened to come up with a cultivation ordinance specifically for the collectives – since growing in other manner would be illegal – met Sept. 29 to finalize the plan that will be presented to the council in October.

The members include two city councilmen, a rep from each collective, a property manager, city manager, assistant city manager, city attorney, building inspector, police chief, and fire marshal.

Not much was changed in the draft pot ordinance even though the meeting went on for nearly two hours.

One of the most talked about issues was Lukins Brothers Water Company's inability to put out a house fire.

Ray Zachau, fire marshal, said the issue to fight a fire if one of the 900 residences off Highway 89 is in flames is a concern that goes beyond the cause. The lack of water pressure in this area was exacerbated and brought to public's conscience during the 2007 Angora Fire. Former City Manager Dave Jinkens spent years trying to rectify the issue to no avail.

Current City Manager Tony O'Rourke on Wednesday said it would be discriminatory to not allow grow operations in houses supplied by Lukins Brothers water.

"The No. 1 cause of residential fires everywhere is kitchen fires. Are we going to prevent kitchens in Lukins?" O'Rourke said.

He said the capability to put out a fire is not a reason to ban a grow-house when there are plenty of day-to-day causes that ignite fires.

On the flip-side, O'Rourke used the example of Monday's fire on Wildwood Avenue as a reason to make sure the cultivation ordinance works. That house had a grow operation. (Renter Kevin Christensen was at the meeting to dispute his two plants under a 600-watt bulb were the cause of the fire that is likely to render the house a total loss. He said an outside uncovered electrical outlet was the cause, which contradicts the fire marshal.)

Part of the application for a grow permit will require the homeowner's consent – and that person's validated signature. Background checks will be done on want-to-be growers.

"If I can see something from the street that indicates it's a grow operation, then it's a violation," O'Rourke said.

The goal is to write a document that will stand up in court if it were challenged. O'Rourke believes this has been done by using existing standards like electrical, building, and health and safety regulations and not writing something from scratch.

Minor tweaks will be made to the draft ordinance from this latest meeting. Some of which include adding attics are not permissible grow areas and reworking the violation language. The revisions are expected to be completed by Oct. 4 and then available at city offices at Lake Tahoe Airport.

Councilman Bruce Grego unsuccessfully sought stricter penalties for people who violate the ordinance.

"I want to bury them," he said.

City Attorney Patrick Enright explained to the councilman, who is also an attorney, city ordinances per state law are misdemeanors and the maximum fine is \$1,000. Grego had thrown

out the number \$10,000.

Councilman Bill Crawford weighed-in that being able to revoke a business license for people operating in the industrial area should solve the problem.

Several people at the table noted that if city officials find substantial violations at a residence to make the structure a public safety hazard, the electric company could pull the meter.