

ORDINANCE NO. SCC 2016-02

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
ENACTING CHAPTER 8.05 OF THE SHASTA COUNTY CODE,
REGARDING BUTANE RESTRICTIONS**

The Board of Supervisors of the County of Shasta ordains as follows:

SECTION I.

Chapter 8.05 of the Shasta County Code is enacted to read in its entirety as follows:

Chapter 8.05

BUTANE RESALE ORDINANCE

Sections:

8.05.010	Authority and Title
8.05.020	Findings and Purpose
8.05.030	Definitions
8.05.040	Unlawful Sale, Purchase and Handling of Butane
8.05.050	Tracking of Butane Sales
8.05.060	Penalties, Strict Liability, and Nuisance
8.05.070	Cumulative Remedy

Section 8.05.010 Authority and Title

Under the authority granted in Article XI, Section 7 of the California Constitution and Government Code Section 25132, the County of Shasta, by and through its Board of Supervisors of the County of Shasta, does enact this Chapter of the Shasta County Code, which shall be known as the Butane Resale Ordinance.

Section 8.050.020 Findings and Purpose

- A. The northern region of our State has experienced a recent increase in explosions caused from the manufacture of concentrated cannabis or honey oil (also known as hash oil) in clandestine labs using five times refined ("5x") butane and higher. These incidents have caused considerable property damage, personal injury and even incidents of death to those participating in the manufacturing process, and to innocent bystanders.
- B. Use of 5x refined butane and higher is done to dissolve the tetrahydrocannabinol (THC) resin, which concentrates into a liquid/oil form as a result of the butane's stripping process. The stripping of the THC through use of refined butane causes flammable butane vapors to accumulate low to the ground and remain exposed to ignition sources. Studies suggest that 99.5 percent of the extracted THC butane mixture will volatilize into the immediate area and find an ignition source if 5x refined butane and higher is used.

- C. A honey oil lab using 5x refined butane and higher presents a serious hazard for first responders as the gas has no odor and can only be detected by a combustible gas instrument. Such conditions present grave risk of loss where devices such as a TASER are capable of igniting the gas resulting in an explosion.
- D. The resale of 5x refined butane and higher occurs at levels sufficient to aid the manufacture of honey oil. Such sales and possession of butane should be regulated to prevent the use of such butane in the manufacture of honey oil where such activity presents grave dangers to the people in the unincorporated area of the County of Shasta and the first responders therein.

Section 8.05.030 Definitions:

For the purpose of this chapter the following definitions apply:

"Butane" means five times refined ("5x") or higher of any of the following: iso-butane, n-butane, and butane.

"Canister" means a single container in which butane is stored or collected or from which butane is dispensed.

"Code" means the Shasta County Code.

"Customer" means any person who is sold or acquires during a transaction products from any Reseller.

"Day" means calendar day.

"Package" means butane offered for sale at quantities of two or more.

"Person" means a corporation, partnership, or association as well as a natural person.

"Reseller" means any business, company, corporation, person, employee or associate that sells, offers to sell, or distributes products to any customer in the unincorporated area of the County of Shasta. It does not include any wholesaler engaged in a wholesale transaction.

"Sell" means to furnish, give away, exchange, transfer, deliver, surrender, distribute or supply, whether for monetary gain or other consideration.

"Transaction" means a purchase, sale, trade, loan, pledge, investment, gift, transfer, transmission, delivery, deposit, withdrawal, payment, exchange of currency, extension of credit, purchase or sale of any monetary instrument, or an electronic, magnetic or manual transfer between accounts or any other acquisition or disposition of property by whatever means affected.

"Wholesaler" means a person whose business is the selling of goods in gross to Resellers for purposes of resale.

Section 8.05.040 Unlawful sale, purchase, and handling of butane

A. It is unlawful for any reseller to sell, offer to sell, or distribute to a customer in the unincorporated area of the County of Shasta any number of butane canisters that exceed a combined total storage quantity of 600 ml of butane during a single transaction.

B. It is unlawful for any person that is not a reseller or wholesaler to have in their possession, custody or control in the unincorporated area of the County of Shasta any number of butane canisters that exceed a combined total storage quantity of 600 ml of butane at any one time.

C. It is unlawful for any customer to purchase or acquire per calendar month in the unincorporated area of the County any number of butane canisters that exceed a combined total storage quantity of 600 ml of butane, whether sold individually or by the package.

Section 8.05.050 Tracking of Butane Sales

A. For every sale of butane, every Reseller shall prepare a bill of sale that identifies the date of sale, quantity of butane purchased, and the customer's identification. The customer's identification as used herein shall mean a person's first and last name as verified from a valid driver's license or other official and valid state-issued identification that contains a photograph of the customer and a residential or mailing address. Reseller shall retain a copy of the bill of sale in readable form for a period of two years.

B. It shall be unlawful for any reseller to sell butane to any customer without complying with Section 8.05.050(A) of this Code.

Section 8.05.060 Penalties, strict liability, and nuisance.

A. Any person violating any provision of this Chapter of the Shasta County Code shall be guilty of a misdemeanor. A separate violation shall exist for every single butane canister sold or possessed in violation of this Chapter.

B. This chapter is a regulatory provision necessary for the protection of the public health, welfare and safety. In any criminal prosecution for a violation of this chapter, it is not necessary to prove knowledge or criminal intent.

C. A violation of any provision of this chapter constitutes a public nuisance. This Chapter is cumulative to all other remedies now or hereafter available to abate or otherwise regulate or prevent public nuisances or to enforce the provisions of the Shasta County Code.

SECTION II.

The County finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment). Each exemption stands as a separate and independent basis for determining that this ordinance is not subject to CEQA.

SECTION III.

If any provisions of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION IV.

All former ordinances and resolutions, or parts thereof, conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

SECTION V.

This ordinance shall take effect and be in full force and effect 30 days after its passage. The Clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 23rd day of February, 2016 by the Board of Supervisors of the County of Shasta by the following vote:

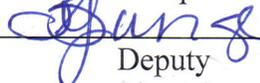
AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:



PAM GIACOMINI, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By:  _____
Deputy