

AN ORDINANCE OF THE COUNTY OF BUTTE ADDING ARTICLE VI, ENTITLED
"BAN ON THE ESTABLISHMENT AND OPERATION OF NEEDLE EXCHANGE OR
DISTRIBUTION PROGRAMS" TO CHAPTER 15 ENTITLED
"OFFENSES-MISCELLANEOUS," OF THE BUTTE COUNTY CODE

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

Section 1. Article VI of Chapter 15 is added to the Butte County Code as follows:

ARTICLE VI. - BAN ON THE ESTABLISHMENT AND OPERATION OF NEEDLE EXCHANGE OR DISTRIBUTION PROGRAMS

15-170 Purpose and intent.

The Board of Supervisors recognize that the establishment and operation of needle exchange or distribution programs will increase improperly disposed needles which pose a serious risk to the public health, safety and welfare, given the potential for personal bodily injury, property damage, and contaminated waterways in the event of high-water levels. It is the purpose and intent of this Article to ban the establishment, operation, engagement, use, and/or participation in needle exchange or distribution programs within the unincorporated areas of the County of Butte to protect the public health, safety, and general welfare of its residents.

15-171 Findings.

The following findings are hereby made:

1 (1) The improper collection and disposal of used
2 hypodermic needles and syringes is inimical to, and presents an
3 imminent threat to, the health, property, safety and welfare of
4 the public; and

5 (2) A collection of needles and syringes near levees and
6 river bottoms presents a threat to the health, property,
7 waterways, safety and welfare of the public in the event of
8 high-water levels; and

9 (3) Pursuant to the County of Butte's police power, as
10 granted by Article XI, section 7 of the California Constitution,
11 the Board of Supervisors of the County of Butte has the
12 authority to enact and enforce ordinances and regulations for
13 the public peace, health and welfare of the County and its
14 residents; and

15 (4) Absent a local regulation, a needle exchange or
16 distribution program may be operated in virtually any location
17 within the County; and

18 (5) The operation of needle exchange or distribution
19 programs carries the risk of negatively impacting the goals of
20 the County's General Plan including, but not limited to,
21 decreasing the risk of exposure to hazardous materials and
22 hazardous waste.

23 **15-172 Definition.**

24 "Needle exchange or distribution program" means any and all
25 needle and syringe exchange or distribution programs or projects

1 whereby hypodermic needles and/or syringes are exchanged or
2 dispensed such that persons participating in and/or operating
3 such programs are exempted from criminal prosecution for acts
4 related to the possession of needles and/or syringes.

5 **15-173 Prohibition.**

6 It shall be unlawful and a public nuisance for any person
7 to create, establish, operate, conduct, or participate in a
8 needle exchange or distribution program within the
9 unincorporated areas of the County of Butte.

10 **15-174 Violation; penalties.**

11 Any person who violates any provision of this Article shall
12 be guilty of an infraction punishable by:

13 (1) A fine, not exceeding one hundred dollars (\$100.00),
14 for a first violation;

15 (2) A fine, not exceeding two hundred dollars (\$200.00),
16 for a second violation of this Article within any consecutive
17 twelve (12) month period; and

18 (3) A fine, not exceeding five hundred dollars (\$500.00),
19 for each additional violation of this Article within any
20 consecutive twelve (12) month period.

21 Section 2. Severability. If any provision of this Ordinance or
22 the application thereof to any person or circumstances is for
23 any reason held to be invalid by a court of competent
24 jurisdiction, such provision shall be deemed severable, and the
25 invalidity thereof shall not affect the remaining provisions or

1 other applications of the Ordinance which can be given effect
2 without the invalid provision or application thereof.

3 Section 3. Effective Date and Publication. This Ordinance shall
4 take effect thirty (30) days after the date of its passage. The
5 Clerk of the Board of Supervisors is authorized and directed to
6 publish this Ordinance before the expiration of fifteen (15) days
7 after its passage. This Ordinance shall be published once, with
8 the names of the members of the Board of Supervisors voting for
9 and against it, in a newspaper of general circulation published in
10 the County of Butte, State of California.

11
12 **PASSED AND ADOPTED** by the Board of Supervisors of the County of
13 Butte, State of California, on the 23rd day of March, 2021, by the
14 following vote:

15 **AYES:** Supervisors Lucero, Ritter, Kimmelshue, Teeter, and Chair
16 Connelly

17 **NOES:** None

18 **ABSENT:** None

19 **ABSTAIN:** None

20 
21 **Bill Connelly**, Chair
Butte County Board of Supervisors

22 **ATTEST:**
23 **Andy Pickett**, Chief Administrative Officer
and Clerk of the Board

24 By: 
25 Deputy