

I. THIS RULE 24-4 IS ADOPTED WITH THE REFERENCE TO THE FOLLOWING FACTS:

- A. THE IMMUNITY FROM PROSECUTION GRANTED TO QUALIFIED PATIENTS AND THEIR PRIMARY CARE GIVERS UNDER CALIFORNIA STATE LAW RELATING TO CULTIVATION OF MARIJUANA PLANTS FOR MEDICAL PURPOSE DOES NOT CONFER ON ANY PERSON THE RIGHT TO CREATE OR MAINTAIN ANY ACTIVITY OF THE LOT WITHIN THE BIG SPRINGS RANCHOS POA SUBDIVISION THAT IS NOXIOUS OF OFFENSIVE OR OTHERWISE CONSTITUTES AND NUISANCE.
- B. IT IS IN THE BEST INTEREST OF THE MEMBERS OF THE BIG SPRINGS RANCHOS PROPERTY OWNERS ASSOCIATION THAT CULTIVATION OF MARIJUANA WITHIN THE BIG SPRINGS RANCHOS SUBDIVISION BE CONSISTENT WITH THE STATE LAW AND LOCAL ORDINANCES BALANCING THE NEEDS OF THE PATIENTS AND THEIR PRIMARY CAREGIVERS WITH THE PROMOTION OF THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE BIG SPRINGS RANCHOS SUBDIVISION.
- C. THE BOARD FINDS THAT THE UNREGULATED CLUTIVATION OF UNREGULATED CULTIVATION OF MARIJUANA WITHIN THE BIG SPRINGS RANCHOS SUBDIVISION ADVERSELY AFFECTS THE HEALTH, SAFETY AND WELL BEING OF ITS RESIDENTS AND THAT REGULATION IS PROPER AND NECESSARY TO AVOID THE RISK OF CRIMINAL ACTIVITY, DEGRADATION OF THYE NATURAL ENVIROMENT, MALODORDOUS SMELLS AND OTHER ADVERSE CONSEQUENCES RELATED TO THE CULTIVATION OF MARIJUANA, ALL OF WHICH ARE NOXIOUS, OFFENSIVE AND CONSTITUTE A NUISANCE.

II. DECLARATION OF NUISANCE:

- A. IT IS HERBY DECLARED THAT CULTIVATION OF MARIJUANA WITHIN THE BIG SPRINGS RANCHOS SUBDIVISION A, EXCEPT IN STRICT CONFORMANCE WITH THE EXCEPTION TO THE RULE 24-3 SET FORTH BELOW, SHALL BE DEEMED A NUISANCE PER SE AND SUBJECT TO ABATEMENT BY THE ASSOCIATION.
- B. COMMERCIAL OR COOPERATIVE CULTIVATIONOF MARIJUANA IS EXPRESSLY PROHIBITED ON ANY LOT WITHINT THE BIG SPRINGS