



REPORT TO THE CITY COUNCIL

DATE: Meeting of October 24, 2017

TO: Mayor de Vera and Members of the City Council

SUBMITTED BY: David Biggs, City Manager
J. Patrick Tang, City Attorney

SUBJECT: **Proposed Ordinance to Regulate Local Marijuana Activities.**

RECOMMENDED ACTION:

Waive the Second Reading, and Adopt an Ordinance Amending Title 4, Chapter 18 of the Hercules Municipal Code to Enact Additional Local Restrictions on the Use, Sale, Cultivation, and Delivery of Marijuana within City Limits

BACKGROUND:

The City Council previously discussed regulating local marijuana activities at the prior council meetings of August 8, September 12, and September 26, 2017. At the Regular Council Meeting of October 10, 2017, an ordinance to regulate local marijuana activities was introduced, and upon convening a public hearing and upon review of the draft provided by staff, the City Council by a 4-1 vote waived the first reading and approved introduction of the draft ordinance.

The draft ordinance in final form is provided as Attachment 1. The staff report from the prior meeting of October 10, 2017 is provided for your reference as Attachment 2.

CONCLUSION:

Adoption of the proposed Ordinance would put in place local regulations of marijuana as expressly authorized under state law. The proposed Ordinance would ban marijuana related activities that otherwise might be permitted by the state in the absence of local regulations, including a ban on commercial sales of cannabis, a ban on the delivery of cannabis (except delivery of medical cannabis by primary caregivers), a ban on outdoor cultivation of cannabis, and impose local health and safety requirements on the indoor cultivation of six plants or less for personal use.

ATTACHMENTS:

Attachment 1 – Final Revised Draft Ordinance.

Attachment 2- Staff report from Council Meeting of October 10, 2017