

DATE SUBMITTED 10/28/16  
 SUBMITTED BY PLANNING DIRECTOR  
 DATE ACTION REQUIRED 11/2/16

COUNCIL ACTION (x)  
 PUBLIC HEARING REQUIRED ( )  
 RESOLUTION ( )  
 ORDINANCE 1<sup>ST</sup> READING (x)  
 ORDINANCE 2<sup>ND</sup> READING ( )  
 CITY CLERK'S INITIALS ( )

**IMPERIAL CITY COUNCIL  
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: URGENCY ORDINANCE TO RELATED TO THE PERSONAL, MEDICAL, AND COMMERCIAUL USE OF MARIJUANA

- 1. Adoption of an Urgency Ordinance and Introduction of a Non-Urgency Ordinance to Make the City's Ordinance Consistent with the Pending Control, Regulate and Tax Adult Use of Marijuana Initiative (Prop 64) Should the State Initiative Pass this November

DEPARTMENT INVOLVED:

BACKGROUND/SUMMARY: Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA") would become law if a majority of the electorate votes "Yes" on November 8, 2016. The AUMA would regulate, among other items, the use of marijuana for personal and commercial purposes, including the recreational use of marijuana by adults over 21 years of age. AUMA would also add Section 11362.1 to the Health and Safety Code, which makes it "lawful under state and local law" for persons 21 years of age or older to "possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever" up to 28.5 grams of marijuana in the form of concentrated cannabis or not more than eight grams of marijuana in the form of concentrated cannabis contained in marijuana products. AUMA would make it lawful for those individuals to "possess, plant, cultivate, harvest, dry, or process not more than six living marijuana plants and possess the marijuana produced by the plants. AUMA would make it lawful for those individuals to smoke or ingest marijuana or marijuana products. Should the AUMA pass, many of its provisions would take effect on November 9, 2016. The California Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime. Based on the experiences of other cities, these negative effects on the public health, safety, and welfare are likely to occur, and continue to occur, in the City due to the establishment and operation of marijuana cultivation, processing, and distribution uses. The potential establishment of marijuana cultivation and other uses in the City without regulation poses a current and immediate threat to the public health, safety, and welfare in the City due to the negative land use and other impacts of such uses. It is in the interest of the City, its residents, and its lawfully permitted businesses that City staff undertake a study to consider zoning, zoning ordinance amendments, and/or other measures to regulate the establishment and operation of marijuana dispensaries, cultivation, manufacturers, and delivery of marijuana uses in the City.

FISCAL IMPACT: F.O. INITIALS: \_\_\_\_\_

STAFF RECOMMENDATION:  
 Staff recommends adoption of an Urgency Ordinance and Introduction of a Non-Urgency Ordinance.

MANAGER'S RECOMMENDATION: MANAGER'S INITIALS

MOTION::

SECONDED: APPROVED ( ) REJECTED ( )  
 AYES: DISAPPROVED ( ) DEFERRED ( )  
 NAYES:  
 ABSENT: REFERRED TO: