

**CITY COUNCIL  
MEETING**

**FEBRUARY 28, 2023**

**PRESENTATIONS**

**CANNABIS  
REGULATIONS REVISED  
ORDINANCE**

**ITEM #8**

**LB 23-009**

# 2023 Updates to Commercial Cannabis Ordinance

City Attorney's Office  
Michael Vigilia, Senior Assistant City Attorney



# Overview of Proposed Amendments

- Minor clean-up language to clarify:
  - That permit applications are accompanied by a fee not a refundable deposit.
  - Applicable performance standards for operators, which are contained in the Zoning Ordinance
- Clarify that violations are subject to existing administrative enforcement tools contained in the Hayward Municipal Code.
- Authorize the City Attorney to seek civil penalties against violators.

# Proposed Clean-up Language

- HMC section 6-14.13 references payment of a refundable deposit with an application. This language was inadvertently not changed during the last round of updates in 2021 to specify that the payment is a non-refundable fee.
- HMC section 6-14.14 was intended to specify the performance standards for operators were contained in Section 10-1.3600 but inadvertently left out that specific connective language during the 2021 round of updates.

# Existing Administrative Enforcement Tools

- General Administrative Citation Process – Chapter 1, Article 3; Chapter 1, Article 7 of the HMC.
- Nuisance Abatement Process
  - Chapter 4, Article 1 – Public Nuisances
  - Chapter 4, Article 15 – Social Nuisance Ordinance
  - Chapter 5, Article 7 – Community Preservation Ordinance
- City Attorney can seek injunctions to stop conduct of violators.

# Proposed Enforcement Tool

- Authorize City Attorney to seek civil penalties against violators.
- Civil penalty amounts are based on existing administrative penalty amounts for cannabis violations.
  - \$5,000 - \$15,000 per day a violation exists.
  - Cultivation violations - \$1,000 per plant - \$5,000 per plant depending on frequency of violations.

# Internal Cannabis Working Group

- City Attorney's Office – Michael Vigilia, Sr. Asst. City Attorney
- Planning Division – Jeremy Lochirco, Planning Manager
- Code Enforcement – Phil Nichols, Code Enforcement Manager
- Police Department – Det. Gabrielle Wright, Sgt. Mike Carpenter



# Comments/Questions