



CITY OF HAYWARD

Hayward City Hall
777 B Street
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Cover Memo

File #: LB 23-009, **Version:** 1

DATE: February 28, 2023

TO: Mayor and City Council

FROM: City Attorney

SUBJECT

Cannabis Regulations Revised Ordinance: Introduction of an Ordinance Amending Article 14, Chapter 6 of the Hayward Municipal Code Regarding Commercial Cannabis Businesses by Amending Section 6-14.13 Relating to Commercial Cannabis Permit Applications, Amending Section 6-14.14 Relating to Operating and Performance Standards and Adding Section 6-14.18 Relating to Enforcement; Finding that this Action is Subject to CEQA Common Sense Exemption

RECOMMENDATION

That the City Council introduces the attached Ordinance (Attachment II) amending Article 14, Chapter 6 of the Hayward Municipal Code regarding Commercial Cannabis Businesses by Amending Section 6-14.13 relating to Commercial Cannabis Permit Applications, Amending Section 6-14.14 relating to Operating and Performance Standards and adding section 6-14.18 related to enforcement.

SUMMARY

The purpose of the proposed amendments to Article 14, Chapter 6 of the Hayward Municipal Code relating to Commercial Cannabis Businesses is to:

- 1) Clarify that permit applications are to be accompanied by payment of a fee established by resolution of the City Council rather than a refundable deposit, consistent with prior amendments to the Master Fee Schedule relating to cannabis fees;
- 2) Clarify that violations of Hayward's commercial cannabis regulations are subject to the administrative enforcement processes contained in Chapter 1, Article 3 (Penalties) and Chapter 1, Article 7 (Administrative Citation Program) of the Municipal Code, as well as to the nuisance abatement processes contained in Chapter 4, Article 1 (Public Nuisances); Chapter 4, Article 15 (Social Nuisance); and Chapter 5, Article 7 (Community Preservation and Improvement); and
- 3) Authorize the City Attorney to institute civil actions to obtain injunctions and civil penalties against violators.

No new fees or penalties are proposed to be adopted through this action, however the cannabis program fees/penalties contained in the Fiscal Year 2024 Master Fee Schedule will be reorganized to be consistent with the proposed Municipal Code amendments.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Proposed Ordinance Amending Article 14, Chapter 6 of HMC