



ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT

TO: Robert Davis and Marlys McPherson, Councilmembers

CC: Martin R. Lomeli, City Manager; Ikani Taumoepeau, Deputy City Manager; Joseph W. Pannone, City Attorney

FROM: Chris F. Neumeyer, Assistant City Attorney *CFN*

DATE: August 17, 2017

RE: Outline for Draft Marijuana Ordinance

At a regular Council meeting on August 8, 2017, the City Council discussed Council marijuana subcommittee recommendations for an ordinance to regulate marijuana uses. Below is a summary of recommendations from the City Council. Recommendations that added to or changed subcommittee recommendations are in ***bold italics***.

Prior to proceeding with drafting a proposed ordinance for consideration, the City Attorney's Office seeks from Councilmembers Davis and McPherson (pursuant to their membership in the Council marijuana subcommittee) any additional comment on the below recommendations.

1. Public Use / Smoking Regulations:

- a. Maintain current strict smoking prohibitions in City code,
- b. tighten up current exemptions,
- c. *expressly prohibit vaping, and***
- d. *address proximity to schools, churches, restaurants, etc.***

2. Personal Cultivation (Outdoor) – allow, and regulate as follows:

- a. *impose same regulations as indoor (below),***
- b. *consider limiting the number of plants grown outdoors (with the rest to be grown indoor),***
- c. *include appropriate screening from public view,***
- d. *limit outdoor cultivation within proximity to certain non-residential uses, such as in mixed residential/commercial neighborhoods, as well as schools, etc., and***
- e. *ensure adequate security to prevent theft of plants by minors***

3. Personal Cultivation (Indoor) - regulate as follows:

- a. Adopt local health and safety regulations (e.g., odor control and security),

- b. require issuance of a local permit,
 - c. non-transferable permit,
 - d. charge nominal fee for permit,
 - e. require property owner consent,
 - f. one-time City inspection to ensure cultivation site compliant with local law, and
 - g. *restrictions on use of garages, such as if displace required parking***
4. Dispensaries (Medical) – *allow as follows:*
- a. Allow two fixed location (not mobile) medical marijuana dispensaries in the City,
 - b. reasonable requirements such as odor control, security, insurance and records,
 - c. seek development agreements with operators,
 - d. allow in commercial zone,
 - e. ***consider allowing in industrial zone,***
 - f. only if state regulations are inadequate, impose local regulations on marijuana edibles (packaging and appearance),***
 - g. limited number of dispensary permits distributed based on use of selection criteria weighed by Council,***
 - h. restrict proximity to churches, schools, etc.,***
 - i. consider limiting size (footprint) of dispensary to avoid large warehouses, etc., and***
 - j. consider limiting location to “side streets” and not main corridors***
5. Dispensaries (Recreational) - *prohibit.*
6. Commercial Cultivation (Medical and Recreational) - *prohibit.*
7. Manufacturing and Testing (Medical and Recreational) - ***allow as follows:***
- a. appropriate regulations,***
 - b. allow only non-volatile manufacturing, and***
 - c. seek development agreements with operators***
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8. Deliveries (Medical) - *allow as follows:*
- a. require issuance of a local permit, and
 - b. reasonable requirements such as insurance, background checks on drivers, and proof of association with lawful medical marijuana dispensary (either in City or elsewhere).
9. Deliveries (Recreational) – ***allow with local permit similar to medical above***