



Legislation Text

File #: 22-573, **Version:** 1

Introduce for First Reading an Ordinance Amending the Cannabis Dispensary Permit Ordinance, Chapter 4-33, Permitted Commercial Cannabis Activity Ordinance, Chapter 4-38, and Citations-Violations Ordinance, Chapter 1-12, to implement a nuisance abatement option for a single violation of the Cannabis Dispensary Permit and Permitted Commercial Cannabis Activity Ordinances.

COUNCIL PRIORITY

- Public Safety

SUMMARY

Staff seeks Council authorization to declare illegal, unauthorized, or unpermitted cannabis grow or cultivation operations public nuisances and empower the City to begin nuisance abatement proceedings for a single violation of the Cannabis Dispensary Permit and Permitted Commercial Cannabis Activity Ordinances.

Illegal cannabis grows have proliferated around California and San Leandro due to the revenue being generated with perceptibly little risk. Since August 2021, the City has had eight (8) reported violent events at unauthorized cannabis grows/cultivation operations. Tragically, one incident resulted in a homicide. The impacts of violent crime are far reaching-impacting communities, families and especially victims.

RECOMMENDATIONS

Staff recommends the City Council approve amendments to the Cannabis Dispensary Permit Ordinance, Chapter 4-33, Permitted Commercial Cannabis Activity Ordinance, Chapter 4-38, and Citations-Violations Ordinance, Chapter 1-12, to implement a nuisance abatement option for a single violation of the Cannabis Dispensary Permit and Permitted Commercial Cannabis Activity Ordinances.

BACKGROUND

Like many cities in the Bay Area and around the country, over the last year San Leandro has seen a marked increase in violent crime. In 2021, the City experienced an 8% increase in violent crime compared to 2020. There are myriad contributing factors, but one thing is irrefutable-Illegal cannabis grows jeopardize community safety. Since August 2021, the City has had eight (8) reported violent events at unauthorized cannabis grows. Tragically, one incident resulted in a homicide. The impacts of violent crimes are far reaching-impacting communities, families and especially victims.

Analysis

Amending the City's current ordinances to declare an illegal, unauthorized, or unpermitted cannabis grow operation as a public nuisance after the first violation will enable the City to take swift action to potentially abate the property and contribute to the safety of our community.

Current Agency Policies

Cannabis Dispensary Permits Ordinance, Chapter 4-33

- **Dispensary:** business or entity that sells, distributes, dispenses, stores, exchanges, processes, delivers, makes available, transmits and/or gives away cannabis or cannabis-infused products in the City. This includes an establishment that delivers cannabis and cannabis products as part of a retail sale.
- Dispensary unlawful unless permitted in compliance with this chapter.
- Other sections covering renewal, revocation, suspension, etc.

Code Enforcement, Chapter 1-12-115 VIOLATION A PUBLIC NUISANCE, ALTERNATIVE REMEDIES PROVIDED.

- Violation declared a public nuisance
- Remedies sole discretion of City

Code Enforcement, Chapter 1-12-140 SEPARATE AND CONTINUING VIOLATIONS.

- Separate violation each day
- Two (2) or more enforcement actions in twelve (12) months is a continuing violation

Summary of Public Outreach Efforts

Staff spoke with owners/operators of permitted dispensaries, and they support the proposed amendments.

Legal Analysis

The City Attorney reviewed, conducted legal research, drafted and approved the proposed ordinance changes of this staff report.

Financial Impacts

No fiscal impact.

ATTACHMENTS

Attachment A: Presentation

Attachment B: Ordinance

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