



City Council Agenda Item

City Council Meeting Date: December 4, 2018

TO: Honorable Mayor and Council Members

FROM: Joseph W. Pannone, City Attorney
jpannone@awattorneys.com

SUBJECT: Introduction of Ordinance No. 1657(18) Regarding Administrative Fines for
Illegal Cannabis Cultivation

Recommendation:

Staff recommends the City Council:

- 1) Introduce Ordinance No. 1657(18) (Attachment 1) for first reading by title only with further reading waived, amending Lompoc Municipal Code (LMC) sections 1.36.040 and 1.36.050 regarding administrative fines related to illegal cannabis cultivation; or
- 2) Provide other direction.

Background/Discussion:

This matter was presented at the November 20, 2018, City Council meeting. The previous staff report is included as Attachment 2. At that meeting, you agreed to amend the LMC to expedite enforcement of illegal cannabis cultivation and directed the City Attorney's Office to return with revisions to Ordinance No. 1657(18) to accomplish the following:

- 1) Increase administrative fines for cannabis cultivation-related Building Code violations to \$100 for a first offense, \$500 for a second and \$1,000 for a third; and
- 2) Provide for a 5-day "grace" period only for a first offense.

The proposed Ordinance No. 1657(18) does that, as well as makes other clean-up for consistency with those changes and the current LMC, as well as ensuring compliance with Assembly Bill 2164. [Attachment 3 shows the additions and deletions to Ordinance No. 1657(18).]

Fiscal Impact:

There is no fiscal impact due to the introduction of Ordinance No. 1657(18). If adopted, then the implementation of the ordinance could provide the City with revenues to partially offset the additional costs of enforcement related to illegal cannabis cultivation activities.

Conclusion:

Introduction of Ordinance No. 1657(18) would allow the City a more expedient means to be sure illegal cannabis cultivation does not occur in the City.

Respectfully submitted,

Joseph W. Pannone, City Attorney

- Attachments:
- 1) Ordinance No. 1657(18)
 - 2) November 20, 2018 staff report and attachments
(w/o Ordinance. No. 1657(18))
 - 3) Ordinance No. 1657(18) showing additions and deletions