



## Legislation Text

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**File #:** 11-1156, **Version:** 3

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Recommendation to receive and file a report reviewing the status of Ordinance No. ORD-12-0004 (Chapter 5.89) of the Long Beach Municipal Code (LBMC), as enacted by the City Council on February 14, 2012, the operations and activities of the medical marijuana collectives that were provided a six-month exemption, and enforcement against non-exempted marijuana collectives and cultivation sites within the City of Long Beach. (Citywide)

On February 14, 2012, the City Council approved a recommendation to declare Emergency Ordinance No. ORD-12-0004 (Chapter 5.89), immediately prohibiting marijuana dispensary and cultivation sites in the City of Long Beach, and providing a temporary exemption from Ordinance prohibitions for 180 days for those collectives/dispensary applicants that were successful participants in the September 20, 2010, permit lottery, provided that such collectives/dispensaries were actually operating as of February 14, 2012; and directed the City Manager to provide, within 120 days, a report reviewing the status of the ordinance, the operations and activities of exempted collectives, and enforcement actions against non-exempted collectives and cultivation sites.

As highlighted in the May 18, 2012 memo provided to the Mayor and City Council (attached), a significant amount of City resources, including the Long Beach Police Department (LBPD), City Attorney's Office, Department of Financial Management and the City Prosecutor's Office, have been devoted to enforcing the prohibition enacted by the City Council. The process of enforcement has been long and arduous and, still today, a number of illegal collectives continue to operate. While LBPD continues with ongoing investigations, other City resources pursue the property owners through administrative fees, property liens, revocation of commercial property business licenses, as well as criminal misdemeanors and civil lawsuits against the collective operators.

In addition, the City has seen a number of the temporarily exempted collectives operating outside of the parameters originally enacted by the City Council. Examples include changes in ownership, the distribution of concentrates, the dispensing of edibles not produced on site, the acquisition of medical marijuana via a third party versus onsite cultivation, and creation of nuisances to the surrounding businesses and residences.

This matter was reviewed by Deputy City Attorney Michael Mais on June X, 2012 and Budget and Performance Management Bureau Manager Dennis Strachota on June 5, 2012.

City Council action is requested on June 19, 2012, as the City Council requested a report within 120 days from the February 14, 2012 City Council meeting. The six-month temporary exemption from the Ordinance prohibitions that was provided to those collectives/dispensary applicants that were successful participants in the September 20, 2010 permit lottery, operating as of February 14, 2012, expires August 14, 2012, at which time Chapter 5.89 of the LBMC will go into full effect Citywide.

While the fiscal impact has not been formally quantified, a significant amount of City resources have been and continue to be allocated to the enforcement of LBMC 5.89.

Approve recommendation.

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DIRECTOR OF FINANCIAL MANAGEMENT

JIM McDONNELL  
CHIEF OF POLICE

ROBERT SHANNON  
CITY ATTORNEY

APPROVED BY:

PATRICK WEST  
CITY MANAGER