

ORDINANCE NO. 7,545–N.S.

AMENDING BERKELEY MUNICIPAL CODE SECTION 12.26.110 TO CHANGE THE NAME AND MISSION OF THE MEDICAL CANNABIS COMMISSION TO INCLUDE RECREATIONAL CANNABIS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 12.26.110 is amended to read as follows:

12.26.110 Cannabis Commission.

The purpose of this Section is to ensure that cannabis provision in Berkeley is conducted in a safe and orderly manner to protect the welfare of Qualified Patients and the community.

- A. A cannabis commission is established. The commission shall consist of nine members. Appointments to the commission shall be made, and vacancies on the commission shall be filled, by council members, in accordance with the provisions of Sections 2.04.030 through 2.04.130. At least one commissioner shall be a member of a medical cannabis dispensary, one shall be a member of a collective that is not a dispensary, and one shall be a cultivator who is not primarily associated with a single dispensary and provides cannabis to more than one dispensary.
- B. The commission shall recommend to the City operational and safety standards for Cannabis Collectives and Dispensaries, and shall consult with any individual, organization, affiliation, collective, cooperative or other entity which seeks to open a new Cannabis Collective or dispensary in Berkeley or to relocate an existing Cannabis Collective or dispensary. The commission shall advise the City as to whether the proposed Cannabis Collective or dispensary has a strategy for compliance with the published safety and operational standards before the new Cannabis Collective or dispensary commences lawful operation.
- C. The commission will monitor the compliance of Cannabis Collectives and dispensaries in Berkeley for the purpose of correcting any violations of the safety and operational standards. Cannabis Collectives or dispensaries found to be in willful or ongoing violation of the standards shall be deemed in violation of this Chapter and referred to the City for appropriate action.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on April 25, 2017, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Maio, Wengraf, Worthington and Arreguin.

Noes: None.

Absent: None.