

ORDINANCE NO. 06-732U

AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD PURSUANT TO GOVERNMENT CODE SECTION 65858 EXTENDING ORDINANCE NO. 05-707U WHICH ESTABLISHED A MORATORIUM PROHIBITING THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES AND DECLARING THE URGENCY THEREOF

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Moratorium extended. Ordinance No. 05-701U, adopted on March 7, 2005, as extended by Ordinance No. 05-707U, adopted April 4, 2005 is hereby extended for one year and will be effective until March 7, 2007.

SECTION 2. Penalties. Violation of any provision of this Ordinance shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$1,000 or by imprisonment in County jail for not to exceed six (6) months, or by both such fine and imprisonment. Each and every day such a violation exists shall constitute a separate and distinct violation of this Ordinance. In addition to the foregoing, any violation of this Ordinances shall constitute a public nuisance and shall be subject to abatement as provided by all applicable provisions of law.

SECTION 3. Severability. If any part or provision of this Ordinance or the application to any person or circumstance is held invalid, the remainder of this Ordinance, including the application of such part of provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable.

SECTION 4. Purpose and findings; Urgency. Currently medical marijuana dispensaries are considered to be a permitted use of property in the commercial zones under the City's zoning ordinance. At least seven medical marijuana dispensaries have been established in the City, several in close proximity to residentially zoned properties and sensitive uses such as day care centers. The City's code enforcement staff and the Sheriff's Department report an increase in loitering around dispensaries, incidents of armed burglary within a dispensary, parking and traffic violations, and increased complaints from neighbors about increased pedestrian and vehicular traffic and noise. City staff believes that it is necessary to formulate regulations, consistent with State law, governing the location of medical marijuana dispensaries in order to protect residents and businesses from harmful secondary effects of these establishments. Due to the recent proliferation of such establishments in the City, and because time will be required to prepare and adopt those regulations, this Ordinance is intended to extend an interim moratorium on the establishment of any new medical marijuana dispensaries as of the date of

adoption hereof, until new regulations are prepared and adopted by the City Council. Based on the foregoing, the proliferation of medical marijuana dispensaries in the City and the secondary effects of those dispensaries poses a current and immediate threat to the public health, safety and welfare. This Ordinance is necessary to alleviate and address that threat until permanent zoning regulations can be established. This ordinance is adopted pursuant to California Government Code Section 65858 and shall take effect immediately upon adoption by a four-fifths vote of the City Council. This ordinance shall be in full force and effect until March 7, 2007 in accordance with the provisions of California Government Code Section 65858.

SECTION 5. Conflicting Laws. For the term of this Ordinance, or any extension thereof, the provisions of this Ordinance shall govern over any conflicting provisions of any other City code, ordinance, resolution or policy.


PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 6th of March, 2006 by the following vote:

AYES:	Councilmember:	Guarriello, Mayor Pro Tempore Heilman, Prang, and Mayor Land.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	Duran.
ABSTAIN:	Councilmember:	None.



ABBE LAND, MAYOR

ATTEST:



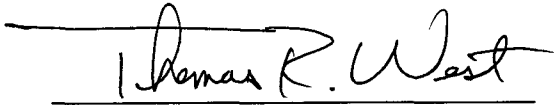
THOMAS R. WEST, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF WEST HOLLYWOOD)

I, THOMAS R. WEST, City Clerk of the City of West Hollywood, do hereby certify that the foregoing Ordinance No. 06-732U was duly passed, approved and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 6th day of March, 2006.

I further certify that this ordinance was posted in three public places as provided for in Resolution No. 5, adopted the 29th day of November, 1984.

WITNESS MY HAND AND OFFICIAL SEAL THIS 7th DAY OF MARCH, 2006.



THOMAS R. WEST, CITY CLERK