

**ORDINANCE NO. 208-09**

**AN INTERIM ORDINANCE OF THE CITY OF WESTLAKE VILLAGE  
EXTENDING A TEMPORARY MORATORIUM  
ON MARIJUANA DISTRIBUTION FACILITIES**

**THE CITY COUNCIL OF THE CITY OF WESTLAKE VILLAGE DOES ORDAIN  
AS FOLLOWS:**

Section 1. Extension of Moratorium. Ordinance No. 207-09, adopted July 8, 2009, is hereby readopted and extended in full force and effect for 10 months and 15 days beyond August 22, 2009 so that it expires on July 7, 2010.

Section 2. Alleviation Measures Report. In accordance with California Government Code Section 65858(d), the City of Westlake Village issued a written report describing the measures taken to alleviate the condition that led to the adoption of Ordinance No. 207-09.

Section 3. No Conflict with State Law. This Ordinance shall in no way limit qualified individuals' right to possess, use or cultivate marijuana for their own medicinal purposes as is presently authorized by the laws of the State of California as set forth in the applicable provisions of the Health and Safety Code.

Section 4. CEQA Determination. The City Council finds that it can be seen with certainty there is no possibility the adoption of this Ordinance may have a significant effect on the environment. It is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

Section 5. Legislative Findings. This Ordinance is adopted as an urgency measure pursuant to California Government Code Section 65858 based on the following legislative findings:

A. In the past several months, the City has received a significant number of inquiries from persons seeking to establish marijuana distribution facilities. These inquiries include consultations with Planning Department staff at City Hall, as well as testimony and correspondence submitted to the City Council during the public comment portion of the City Council's April 22, 2009 meeting.

B. The zoning ordinance does not specifically list "marijuana distribution facility" as a permitted use or conditionally permitted use in any zoning district, and such use therefore is deemed to be prohibited pursuant to Westlake Village Municipal Code Section 9.4.050.

C. The City has determined that at least one marijuana distribution facility has opened for business despite the zoning ordinance's prohibition on such use,

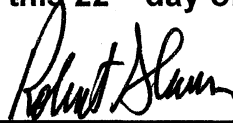
and despite the fact that City staff informed the proprietor of the prohibition before he commenced operations.

D. There is a current and immediate threat to the public health, safety and welfare presented by the operation of marijuana distribution facilities. The approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use that is required in order to comply with the zoning ordinance would result in that threat to public health, safety, and welfare.

E. The Planning Department and the City Council intend to study, within a reasonable time, the zoning ordinance as it applies to marijuana distribution facilities. This Ordinance reinforces the City's existing prohibition on marijuana distribution facilities while the Planning Department and the City Council undertake such study.


Section 6. Effective Date. This Ordinance is for the protection of the public safety, health and welfare, and shall be effective August 21, 2009.

**PASSED, APPROVED AND ADOPTED this 22<sup>nd</sup> day of July, 2009.**



**Robert Slavin, Mayor**

**ATTEST:**

  
**Beth A. Schott, City Clerk**

On July 22, 2009, Ordinance No. 208-09 was duly adopted by the following vote, to wit:

AYES: Klessig, McSweeney, Davis, Rutherford, Slavin  
NOES: None  
ABSTAIN: None  
ABSENT: None