

ORDINANCE #454-09

**AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF CHOWCHILLA EXTENDING
INTERIM URGENCY ORDINANCE #453-09 PROHIBITING
USES RELATED TO MEDICAL MARIJUANA**

THE CITY COUNCIL OF THE CITY OF CHOWCHILLA DOES ORDAIN AS FOLLOWS:

SECTION 1: FINDINGS:

1. On August 10, 2009, the City Council of the City of Chowchilla adopted Ordinance No. 453-09, an Interim Urgency Ordinance of the City Council of the City of Chowchilla Prohibiting Uses Related to Medical Marijuana.
2. The City of Chowchilla does not currently have an ordinance related to Medical Marijuana or uses related to Medical Marijuana.
3. Marijuana and medical marijuana is defined as used in the California Health and Safety Code.
4. The City of Chowchilla is currently updating its General Plan.
5. The Planning Commission is currently planning to review or revise any or all permitted, prohibited, and conditional uses in the Chowchilla Municipal Code including uses related to medical marijuana.
6. The City Council of the City of Chowchilla finds that the uses related to medical marijuana including, but not limited to, dispensing, cultivating, or selling medical marijuana may be inconsistent with the contemplated revisions to the Municipal Code related to the permitted, prohibited, and conditional uses to be considered by the Planning Commission.
7. The City Council of the City of Chowchilla finds that uses related to medical marijuana, including, but not limited to, dispensing, cultivating, or selling medical marijuana may be inconsistent with the contemplated General Plan.
8. The City Council of the City of Chowchilla finds that prohibiting uses related to medical marijuana, including, but not limited to, dispensing, cultivating, or selling medical marijuana while the City Council and/or the Planning Commission consider or contemplate the General Plan Update and revisions to the Municipal Code related to permitted, prohibited, and conditional uses will promote the planning process by, among other things, prohibiting the introduction of potentially non-conforming land uses that could be inconsistent with a later adopted General Plan or Zoning Ordinance.
9. The City Council finds that there are several immediate public safety, health, and welfare concerns associated with uses related to medical marijuana, including, but not limited to, dispensing, cultivating, or selling medical marijuana.
10. The City Council of the City of Chowchilla finds that there is an urgent need to prohibit uses related to medical marijuana including, but not limited to, dispensing, cultivating, or selling medical marijuana to protect the public safety, health and welfare.
11. Interim Ordinance No. 453-09 expires 45 days from the date of adoption.

SECTION 2. AMENDMENT: Urgency Ordinance No. 453-09 of the City Council of the City of Chowchilla adding Section 18.03.080 to the Chowchilla Municipal Code prohibiting uses related to Medical Marijuana, adopted by the City Council of the City of Chowchilla on August 10, 2009, which expires 45 days from the date of adoption, is hereby amended to extend its effective date for a period of 10 months and 15 days, pursuant to Government Code §65858. Further, pursuant to Government Code §65858, this Interim Urgency Ordinance may be extended pending the adoption of the General Plan Update and any revisions to the Zoning Ordinance which are currently being contemplated for an additional one-year period beyond the expiration of this amendment. Section 18.03.080 reads as follows:

"18.03.080 USES RELATED TO MEDICAL MARIJUANA PROHIBITED:

1. Uses related to medical marijuana, including, but not limited to, dispensing, cultivating, or selling medical marijuana are hereby prohibited in the City of Chowchilla.
2. No use permit, variance, conditional use permit, or other applicable entitlement or approval will be accepted, approved or issued for any establishment related to medical marijuana or the operation of a medical marijuana dispensary."

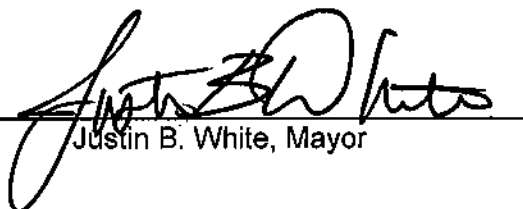
SECTION 3: California Environmental Quality Act: The City Council having considered the Staff Report and all public comments, has determined that the amendment is not a project under the California Environmental Quality Act because the amendment has no potential for resulting in a physical change in the environment. Since the amendment is not a project, no environmental documentation is required.

SECTION 4: Severability: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases have been declared invalid or unconstitutional.

SECTION 5. Effective Date: This Ordinance shall become effective immediately upon its adoption.

I, Rebekah Barr, CMC, Acting City Clerk of the City of Chowchilla, do hereby certify that the foregoing Interim Urgency Ordinance was introduced and adopted at the September 14, 2009, regular meeting of the City Council of the City of Chowchilla by the following vote, to wit:

AYES: 5 COUNCIL MEMBERS: *Alexander, Kopshever, Chavez, Haworth, White*
NOES:
ABSENT:


Justin B. White, Mayor

ATTEST:

Rebekah Barr, CMC, Acting City Clerk