

ORDINANCE NO. 2009-47U

**AN INTERIM URGENCY ORDINANCE OF THE
CITY COUNCIL OF THE CITY OF MENIFEE
PROHIBITING MEDICAL MARIJUANA DISPENSARIES
FOR AN ADDITIONAL ONE YEAR PERIOD**

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

SECTION 1. FINDINGS.

The City Council finds as follows:

- A. Medical marijuana dispensaries may pose a current and immediate threat to the public health, safety and welfare for the following reasons: it is anticipated that the City may receive a number of applications to establish medical marijuana dispensaries in the near future, including but not limited to storefront dispensaries and those for collectives or cooperatives; and
- B. Although the Attorney General has issued guidelines for approved uses under state law, the City does not have zoning regulations which address the establishment of medical marijuana dispensaries and, absent this ordinance, such dispensaries could arguably be located in residential areas or in close proximity to schools, churches, day care centers and other sensitive uses; and
- C. Location of such a use in those areas is undesirable because other public entities have reported that medical marijuana dispensaries may result in loitering, traffic congestion, parking problems, noise and other harmful secondary effects; specifically, the Cities of Gardena and Anaheim have studied such a use extensively to support its ban of such facilities; and
- D. The City of Lake Elsinore also has reported the negative consequences of such facilities that are supported by information from the Riverside County Sheriff's office; and
- E. Pursuant to Government Code Section 65858, this ordinance is an interim urgency ordinance which extends the urgency ordinance which remained in effect for the past year (45 days followed by an additional 10 months and 15 days) for an additional one (1) year after notice and hearing thereof; and
- F. The City Council has considered any and all testimony for or against this extension at a duly noticed public hearing.

SECTION 2: PROHIBITION

(a) During the term of this ordinance and any extension thereof, the establishment of any medical marijuana dispensary is prohibited in the City and the City shall not issue a permit of any kind, including a building permit or business license, to any person or entity seeking to establish such a dispensary. Notwithstanding, this ordinance shall in no way limit the right to possess, use or

cultivate marijuana for medicinal purposes as is presently authorized by the laws of the State of California as set forth in the Health and Safety Code.

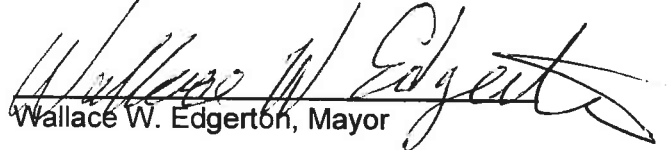
(b) For purposes of this ordinance, the term "medical marijuana dispensary" shall mean any facility where marijuana is made available for medical purposes in accordance with Health & Safety Code Section 11362.5 or any State regulations adopted in furtherance thereof, and includes but is not limited to a home occupation or dispensary operated within a private residence in the City as well as a dispensary for a collective or cooperative.

(c) For purposes of this ordinance, the word "marijuana" shall have the same meaning as that set forth in Health & Safety Code Section 11018.


SECTION 3. EFFECTIVE DATE:

Pursuant to Government Code Section 65858, this ordinance is hereby declared to be an extension of the second urgency measure and shall take effect upon its expiration. It shall be of no further force or effect one year thereafter.

PASSED, APPROVED AND ADOPTED this 15th day of June, 2010 by a 4/5 vote.


Wallace W. Edgerton, Mayor

Attest:



Kathy Bennett, City Clerk

Approved as to form:



Karen Feld, City Attorney



Wallace W. Edgerton
Mayor

Fred Twyman
Mayor Pro Tem

John V. Denver
Councilmember

Darcy Kuenzi
Councilmember

Scott A. Mann
Councilmember

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF MENIFEE)

I, Kathy Bennett, City Clerk of the City of Menifee, do hereby certify that the foregoing Ordinance No. 2010-47U was duly adopted by the City Council of the City of Menifee at a meeting thereof held on the 15th day of June, 2010 by the following vote:

Ayes: Denver, Edgerton, Mann, Twyman
Noes: None
Absent: Kuenzi
Abstain: None

Kathy Bennett, City Clerk