
ORDINANCE # 453- 09

**AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF CHOWCHILLA
PROHIBITING USES RELATED TO MEDICAL MARIJUANA**

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

SECTION 1: FINDINGS:

1. The City of Chowchilla does not currently have an ordinance related to Medical Marijuana or uses related to Medical Marijuana.
2. Marijuana and medical marijuana is defined as used in the California Health and Safety Code.
3. The City of Chowchilla is currently updating its General Plan.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. This Interim Ordinance may be extended pursuant to Government Code §65858 pending the adoption of the General Plan Update and any revisions to the Zoning Ordinance which are currently being contemplated.

SECTION 2. Section 080 of Chapter 3 of Title 18 of the Chowchilla Municipal Code is hereby added 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 August 10, 2009, regular meeting of the City Council of the City of Chowchilla by the following vote, to wit:

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


Justin B. White, Mayor

ATTEST

Rebekah Barr, CMC, Acting City Clerk