

ORDINANCE NO. 18-03

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAYWOOD WHICH SHALL IMPOSE A 45-DAY MORATORIUM ON THE ESTABLISHMENT OF MEDICAL OR RECREATIONAL CANNABIS DISPENSARIES IN THE TOWN CENTER COMMERCIAL, MIXED USE OR INDUSTRIAL GENERAL PLAN LAND USE AREAS OF THE CITY PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858 AND SHALL DIRECT THE PLANNING COMMISSION TO INITIATE A STUDY REGARDING THE DEVELOPMENT OF APPROPRIATE ZONING REGULATIONS GOVERNING SUCH USES.

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

Section 1. While the ordinance remains in effect, no background check, license application, building plan check, land use evaluation, building permit, business license, certificate of occupancy, variance, conditional use permit or other permit authorizing the establishment of medical or recreational cannabis dispensaries in the Town Center Commercial, Mixed Use or Industrial General Plan Land Use areas within the City of Maywood shall be issued unless the license application for said dispensary was submitted prior to the effective date of this ordinance.

Section 2. While this ordinance is in effect, no person, firm partnership, corporation, company or organization of any kind shall commence or construct, attempt to commence or construct, expand or attempt to expand any structure for the purpose of establishing any type of medical or recreational cannabis dispensaries in the Town Center Commercial, Mixed Use or Industrial General Plan Land Use areas within the City of Maywood unless the license application for said dispensary was submitted prior to the effective date of this ordinance.

Section 3. Pursuant to the provisions of Section 65858 of the Government Code of the State of California, this is an interim urgency zoning ordinance. This ordinance shall take effect immediately and shall expire forty-five (45) days thereafter unless extended by the City Council after notice and public hearing. The facts constituting the current and immediate threat to the public welfare necessitating an urgency ordinance as follows:

The proliferation of medical or recreational cannabis dispensaries due to a lack of proper zoning constraints may erode the retailing viability and downtown environment along the major commercial thoroughfares of the City. Further, the City Council finds and determines that the moratorium imposed by this ordinance is enacted to protect and preserve the public health, safety and welfare of the local business community and residents of the community pending completion of Planning Commission review of this subject and a report to the City Council with appropriate recommendations for enactment of permanent zoning or other regulations regarding the location of medical or recreational cannabis dispensaries. Establishment of new such uses prior to adoption of permanent regulations would threaten the public health, safety and welfare.

Section 4. The City Council may grant relief from the provisions of this moratorium ordinance upon recommendation of the Planning Commission, subject to a finding of the following:

1. The strict application of the provisions of the moratorium to a particular project would result in practical difficulties or unnecessary hardships inconsistent with the purpose and intent of the moratorium; and
2. That there are exceptional circumstances or conditions applicable to the project that do not apply generally to projects covered by the moratorium; and

COUNCIL AGENDA

ITEM No. 10

3. That the granting of an exception would not be materially detrimental to the public welfare as defined above.

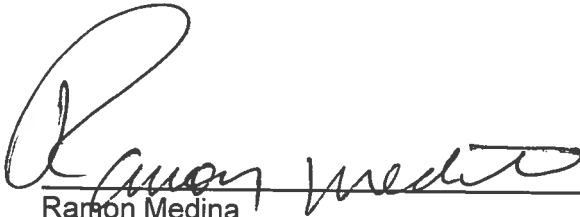
Section 5. This ordinance shall not be deemed to regulate any activities, the regulation of which is preempted by California Law.

Section 6. If any provision of this ordinance is held to be unconstitutional, it is the intent of the City Council that such portion of this ordinance be severable from the remainder and that the remainder be given full force and effect.

Section 7. The Planning Commission is hereby directed to commence a study and to make recommendations it deems necessary to strengthen the City's ability to regulate Commercial Cannabis Businesses.

Section 8. The City Clerk shall certify to the adoption of this Ordinance.

PASSED, APPROVED and ADOPTED this 9th day of May, 2018.

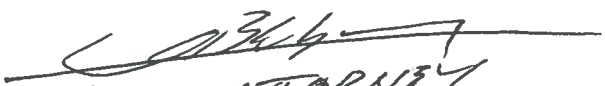


Ramon Medina
Mayor
City of Maywood

ATTEST:



Denardo Moya
City Clerk
City of Maywood

APPROVED AS TO FORM


CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF MAYWOOD)

I, _____, City Clerk of the City of Maywood, do hereby certify that the foregoing ordinance being Ordinance No. 18-03, was duly passed, approved by not less than four members of the City Council of The City of Maywood, signed by the Mayor of said City, and attested by the City Clerk, all at a regular meeting of the City Council held on the 9th day of May, 2017, that it was duly posted and that the same was passed and adopted by the following vote, to wit:

AYES: _____

NAYS: _____

ABSENT: _____

Gerardo Moya

City Clerk
City of Maywood