

CITY OF HAWAIIAN GARDENS
LOS ANGELES COUNTY, CALIFORNIA

URGENCY ORDINANCE NO. 508U

**AN INTERIM ZONING ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF HAWAIIAN GARDENS,
CALIFORNIA, PROHIBITING THE ESTABLISHMENT OF
MARIJUANA DISPENSARIES IN ANY ZONING DISTRICT
WITHIN THE CITY.**

THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS DOES ORDAIN
AS FOLLOWS.

SECTION 1. Findings of the City Council. The City Council of the City of Hawaiian Gardens makes the following findings in support of the immediate adoption and application of this interim zoning ordinance regulating land use within the City.

A. In November 1996, the voters of the State of California approved an initiative measure known as Proposition 215, which added Section 11362.5 to the California Health and Safety Code: the "Compassionate Use Act of 1996" ("the Act.") The Act creates a defense to the criminal laws against the possession and cultivation of marijuana, for persons doing so for "personal medical purposes . . . upon the written or oral recommendation or approval of a physician."

B. Since the passage of the Act, there has been virtually no interest in establishing locations in the City where marijuana can be dispensed to those persons who qualify for its use under the Act. The City of Hawaiian Gardens has had no opportunity to undertake studies relating to the establishment of marijuana dispensaries within the City and has adopted no criteria regarding the establishment, location or scope of operations for such uses.

C. This City Council hereby finds that it lacks sufficient information regarding the nature of marijuana dispensaries and their direct effect on various zoning districts within the City. Further, this City Council lacks sufficient information to determine the potential secondary effects associated with marijuana dispensaries. Further, this City Council lacks sufficient information to develop and impose the proper regulatory, land use, and operational criteria for marijuana dispensaries. Adoption of any such criteria and regulations without an appropriately detailed study would be arbitrary and capricious.

D. Pursuant to California Government Code Section 65858, and based on the findings set forth above, this City Council hereby finds that there is a current and immediate threat to the public health, safety and welfare, relating to the unregulated establishment of marijuana dispensaries in the City and that this urgency ordinance is necessary to preserve the public health, safety and welfare of the City of Hawaiian Gardens.

SECTION 2. Interim Prohibition on Marijuana Dispensaries. No marijuana dispensary, intended to provide marijuana for medicinal or any related purpose, shall locate, commence, obtain license for or be entitled by the City, in any zone, or on any parcel, or at any place, public or private, within the City.

SECTION 3. Definitions. For purposes of this Ordinance, the term "marijuana dispensary" shall be broadly and liberally interpreted to mean and include any facility, structure, location, vehicle or similar place, or any portion thereof, where marijuana is sold, traded, exchanged, bartered for, or in any way made available for medical purposes in accordance with Health and Safety Code Section 11362.5.

SECTION 4. No Conflict with State Law. This interim zoning 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.

SECTION 5. Studies to Be Undertaken. The City shall promptly commence the necessary studies regarding the establishment of marijuana dispensaries, their direct and secondary effects, the locational and regulatory criteria deemed appropriate should such land use be permitted, and make recommendations to this City Council regarding the results of such studies.

SECTION 6. Extension of Time. City staff shall take all actions legally necessary to extend this urgency ordinance in the event the studies and reports desired by this City Council are not completed on or before the forty-fifth (45th) day subsequent to the adoption of this urgency ordinance.

SECTION 7. Compliance with CEQA. This interim zoning ordinance has no likelihood of causing a significant negative effect on the environment and accordingly both the City Council's action of adopting this Ordinance and effects of that adoption are found to be exempt from the application of the California Environmental Quality Act of 1970, as amended, pursuant to Section 15061(b)(3) of the State CEQA Guidelines. This finding is premised on the fact that the adoption of this interim zoning ordinance will maintain the current environmental conditions arising from the current land use regulatory structure as adopted by the City without change or alteration.

SECTION 8. Ordinance Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason, held to be unconstitutional or invalid, or ineffective by any court of competent jurisdiction such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases be declared unconstitutional.

SECTION 9. Effective Date. This urgency ordinance shall take effect immediately upon adoption. The City Clerk, or his/her duly appointed Deputy, shall

certify to the adoption of this Ordinance and shall cause this Ordinance to be published as required by law.


SECTION 10. Passage. This interim zoning ordinance was passed at a regular meeting of the City Council of the City of Hawaiian Gardens by not less than a four-fifths vote of the Council.

PASSED, APPROVED, and ADOPTED by the Hawaiian Gardens City Council on this 23rd day of May, 2006.



Petra A. Prida
Mayor

Attest:


Suzanne Underwood, City Clerk
City of Hawaiian Gardens

**CITY OF HAWAIIAN GARDENS
CITY CLERK'S OFFICE
CERTIFICATION**

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF HAWAIIAN GARDENS)

I, Suzanne Underwood, City Clerk of the City of Hawaiian Gardens, do hereby certify that **Urgency Ordinance No. 508U**, was duly adopted and passed at a regular meeting of the City Council on this **23rd day of May 2006**, by the following votes as the same appears on file and of record in the Office of the City Clerk.

AYES: CHAIDEZ, SCHULTZE, OYAMA-CANADA, HECKERMAN , PRIDA,
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE


SUZANNE UNDERWOOD
CITY CLERK/RECORDS MANAGER

County Clerk's Filing Stamp

Los Cerritos Community News
13047 Artesia Blvd., Suite C 102, Cerritos, CA 90703
(562) 407-3873

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the Los Cerritos Community News, a newspaper of general circulation, printed and published one time each week in the County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under the date of September 9, 1996.

Number V5005861 that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit: 05/26/05

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Cerritos, California,

This 26th day of May, 2006

Signature

Elizabeth Vital

Los Cerritos Community News
13047 Artesia Blvd., Suite C 102, Cerritos, CA 90703
(562) 407-3873

LCCN FORM 82180 PROOF

respective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases be declared unconstitutional.

SECTION 2. Effective Date. This agency ordinance shall take effect immediately upon adoption. The City Clerk or his/her duly appointed Deputy, shall certify to the adoption of this Ordinance and shall cause this Ordinance to be published as required by law.

SECTION 10. Passage. This interim zoning ordinance was passed at a regular meeting of the City Council of the City of Hawaiian Gardens by not less than a four-fifths vote of the Council.

PASSED, APPROVED, and ADOPTED by the Hawaiian Gardens City Council on this 23rd day of May, 2006

Petra A. Prida
Mayor

Attest:
Suzanne Underwood, City Clerk
City of Hawaiian Gardens

**CITY OF HAWAIIAN GARDENS
CITY CLERK'S OFFICE
CERTIFICATION**

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF HAWAIIAN GARDENS)

1. I, Lucie Colombo, Assistant City Clerk of the City of Hawaiian Gardens, do hereby certify that Urgency Ordinance No. 50811, was duly adopted and passed at a regular meeting of the City Council on this 23rd day of May 2018, by the following votes as the same appears on file and of record in the Office of the City Clerk.

AYES: HECKERMAN, OYAMA-CANADA, CHADEZ,
SCHULTZE AND FRIDA

CITY OF HAWAIIAN GARDENS
LOS ANGELES COUNTY, CALIFORNIA

EMERGENCY ORDINANCE NO. 508U

SECTION 2 Interim Prohibition on Marijuana Dispensaries. No marijuana dispensary, intended to provide marijuana for medicinal or any related purpose, shall locate, commence, obtain license for or be entitled by the City, in any zone, or on any parcel, or at any place, public or private, within the City.

SECTION 3. Definitions. For purposes of this Ordinance, the term "marijuana dispensary" shall be broadly and liberally interpreted to mean and include any facility, structure, location, vehicle or similar place, or any portion thereof, where marijuana is sold, traded, exchanged, bartered for, or in any way made available for medical purposes in accordance with Health and Safety Code Section 11362.5.

SECTION 4. No Conflict with State Law. This interim zoning 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.

SECTION 5. Studies to Be Undertaken. The City shall promptly commence the necessary studies regarding the establishment of marijuana dispensaries, their direct and secondary effects, the locational and regulatory criteria deemed appropriate should such land use be permitted, and make recommendations to this City Council regarding the results of such studies.

SECTION 6. Extension of Time. City staff shall take all actions legally necessary to extend this urgency ordinance in the event the studies and reports desired by this City Council are not completed on or before the forty-fifth (45th) day subsequent to the adoption of this urgency ordinance.

SECTION 7. Compliance with CEQA. This interim zoning ordinance has no likelihood of causing a significant negative effect on the environment and accordingly both the City Council's action of adopting this Ordinance and effects of that adoption are found to be exempt from the application of the California Environmental Quality Act of 1970, as amended, pursuant to Section 15061(b)(3) of the State CEQA Guidelines. This finding is premised on the fact that the adoption of this interim zoning ordinance will maintain the current environmental conditions arising from the current land use regulatory structure as adopted by the City without change or alteration.

ANCE OF THE CITY
FALL GARDENS, CAL-
ESTABLISHMENT OF
NY ZONING DISTRICT

**Y OF HAWAIIAN GARDENS
FOLLOWS.**

Council. The City Council of the

State of California approved an initiative which added Section 11362.5 to the Comprehensive Use Act of 1996 ("the law against the possession and use of personal medical purposes" to be removed of a physician).

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AN INTERIM ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS, CALIFORNIA, PROHIBITING THE ESTABLISHMENT OF MARIJUANA DISPENSARIES IN ANY ZONING DISTRICT WITHIN THE CITY.

THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS DOES ORDAIN AS FOLLOWS.

SECTION 1. Findings of the City Council. The City Council of the City of Hawaiian Gardens makes the following findings in support of the immediate adoption and application of this interim zoning ordinance regulating land use within the City.

A. In November 1996, the voters of the State of California approved an initiative measure known as Proposition 215, which added Section 11362.5 to the California Health and Safety Code: the "Compassionate Use Act of 1996" ("the Act.") The Act creates a defense to the criminal laws against the possession and cultivation of marijuana, for persons doing so for "personal medical purposes," upon the written or oral recommendation or approval of a physician.

B. Since the passage of the Act, there has been virtually no interest in establishing locations in the City where marijuana can be dispensed to those persons who qualify for its use under the Act. The City of Hawaiian Gardens has had no opportunity to undertake studies relating to the establishment of marijuana dispensaries within the City and has adopted no criteria regarding the establishment, location or scope of operations for such uses.

C. This City Council hereby finds that it lacks sufficient information regarding the nature of marijuana dispensaries and their direct effect on various zoning districts within the City. Further, this City Council lacks sufficient information to determine the potential secondary effects associated with marijuana dispensaries. Further, this City Council lacks sufficient information to develop and impose the proper regulatory, land use, and operational criteria for marijuana dispensaries. Adoption of any such criteria and regulations without an appropriately detailed study would be arbitrary and capricious.

D. Pursuant to California Government Code Section 65858, and based on the findings set forth above, this City Council hereby finds that there is a current and immediate threat to the public health, safety and welfare, relating to the unregulated establishment of marijuana dispensaries in the City and that this urgency ordinance is necessary to preserve the public health, safety and welfare of the City of Hawaiian Gardens.

SECTION 2. Interim Prohibition on Marijuana Dispensaries. No marijuana dispensary, intended to provide marijuana for medicinal or any related purpose, shall locate, commence, obtain license for, or be entitled by the City, in any zone, or on any parcel, or at any place, public or private, within the City.

SECTION 3. Definitions. For purposes of this Ordinance, the term "marijuana dispensary" shall be broadly and liberally interpreted to mean and include any facility, structure, location, vehicle or similar place, or any portion thereof, where marijuana is sold, traded, exchanged, bartered for, or in any way made available for medical purposes in accordance with Health and Safety Code Section 11362.5.

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SECTION 6. Extension of Time. City staff shall take all actions legally necessary to extend this urgency ordinance in the event the studies and reports desired by this City Council are not completed on or before the forty-fifth (45th) day subsequent to the adoption of this urgency ordinance.

SECTION 7. Compliance with CEQA. This interim zoning ordinance has no likelihood of causing a significant negative effect on the environment and accordingly both the City Council's action of adopting this Ordinance and effects of that adoption are found to be exempt from the application of the California Environmental Quality Act of 1970, as amended, pursuant to Section 15061(b)(3) of the State CEQA Guidelines. This finding is premised on the fact that the adoption of this interim zoning ordinance will maintain the current environmental conditions arising from the current land use regulatory structure as adopted by the City without change or alteration.

SECTION 8. Ordinance Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason, held to be unconstitutional or invalid, or ineffective by any court of competent jurisdiction such decision shall not affect the validity of effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, subdivision, sentence, clause and phrase thereof, irre-

spective of the fact that any other section, subsection, subdivision, sentence, clause or phrase be declared unconstitutional.

SECTION 9. Effective Date. This urgency ordinance shall take effect immediately upon adoption. The City Clerk or his/her duly appointed Deputy, shall certify to the adoption of this Ordinance and shall cause the Ordinance to be published as required by law.

SECTION 10. Passage. This interim zoning ordinance was passed at a regular meeting of the City Council of the City of Hawaiian Gardens by a less than a four-fifths vote of the Council.

PASSED, APPROVED, and ADOPTED by the Hawaiian Gardens City Council on this 23rd day of May, 2006.

Petra A. Frida
Mayor

Attest:
Suzanne Underwood, City Clerk
City of Hawaiian Gardens

**CITY OF HAWAIIAN GARDENS
CITY CLERK'S OFFICE
CERTIFICATION**

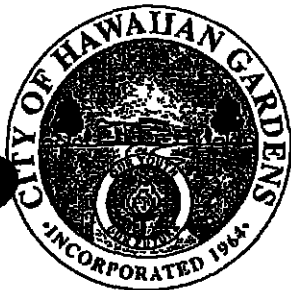
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF HAWAIIAN GARDENS)

I, Lucie Colombo, Assistant City Clerk of the City of Hawaiian Gardens, do hereby certify that Urgency Ordinance No. 506U, was duly adopted and passed at a regular meeting of the City Council on this 23rd day of May 2006, by the following votes as the same appears on file and of record in the Office of the City Clerk:

AYES: HECKERMAN, OYAMA-CANADA, CHAIDEZ,
SCHULTZE AND FRIDA
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

LUCIE COLOMBO
ASST. CITY CLERK / ASST. RECORDS MANAGER

PUBLISHED BY THE LOS CERRITOS COMMUNITY NEWS MAY 26, 2006



City of Hawaiian Gardens City Council Staff Report

Agenda Item No.: _____

Meeting Date : _____

City Administrator: _____

TO: Honorable Mayor and the City Council

Thru: Ernesto Marquez, Acting City Administrator

FROM: Joseph Colombo, Director of Community Development

DATE: May 23, 2006

SUBJECT: URGENCY ORDINANCE NO. 508 U

COPY
CITY OF HAWAIIAN GARDENS

ACTION:

☒ Approved
☐ Denied
☐ Amended
☐ Receive & File
☐ Other

VOTE:

DATE:

5-0

5/23/06

AN INTERIM ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS, CALIFORNIA, PROHIBITING THE ESTABLISHMENT OF MARIJUANA DISPENSARIES IN ANY ZONING DISTRICT WITHIN THE CITY

I. Discussion

In November 1996, the voters of the State of California approved an initiative measure known as Proposition 215, which added Section 11362.5 to the California Health and Safety Code: the "Compassionate Use Act of 1996" ("the Act.") Among other things, the Act creates a defense to the criminal laws against the possession and cultivation of marijuana, for persons doing so for "personal medical purposes . . . upon the written or oral recommendation or approval of a physician." Since the passage of the Act, there have been no inquiries from any parties interested in establishing locations in the City where marijuana can be dispensed to those persons who qualify for its use under the Act until recently. City staff has had no opportunity to undertake studies relating to the establishment of marijuana dispensaries within the City and has adopted no criteria regarding the establishment, location or scope of operations for such uses.

At this time, City staff has no information regarding the nature of marijuana dispensaries and their direct effect on various zoning districts within the City, and no information to determine the potential secondary effects associated with marijuana dispensaries. Such information is vital in enabling City staff to develop and propose the proper regulatory, land use, and operational criteria for marijuana dispensaries, if such uses are proposed to be allowed.

In the absence of sufficient information and the development of appropriate regulations and zoning criteria regarding the location and operation of marijuana dispensaries in the City, allowing such dispensaries to operate unregulated would constitute a current and immediate threat to the public health, safety and welfare. This urgency ordinance will prohibit the operation of marijuana dispensaries in the City for at least 45 days, and if later extended, for up to twenty-four months, enabling staff to research and analyze the direct and secondary effects of marijuana dispensaries and, if it recommends allowing them in any zone in the City, to develop appropriate criteria related to their location and operations.

II. Recommendation

Staff is recommending that the City Council adopt the attached urgency ordinance that will prohibit marijuana dispensaries from operating in the City for a 45-day moratorium period, as allowed under Government Code 65858.

Attachments:

1. Urgency Ordinance No. 508 U

PROOF OF PUBLICATION
(2015.5 C.C.P.)

Los Cerritos Community News
13047 Artesia Blvd., Suite C 102, Cerritos, CA 90703
(562) 407-3873

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the Los Cerritos Community News, a newspaper of general circulation, printed and published one time each week in the County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under the date of September 9, 1996.

Number V5005861 that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit: 05/26/08

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Cerritos, California,

This 26th day of May, 2006

Signature Elizabeth Vital
Elizabeth Vital

Los Cerritos Community News
13047 Artesia Blvd., Suite C 102, Cerritos, CA 90703
(562) 407-3873

County Clerk's Filing Stamp

CITY OF HAWAIIAN GARDENS
LOS ANGELES COUNTY, CALIFORNIA
URGENCY ORDINANCE NO. 508U

SECTION 2. Interim Prohibition on Marijuana Dispensaries. No marijuana dispensary, intended to provide marijuana for medicinal or any related purpose, shall locate, commence, obtain license for or be established by the City, in any zone, or on any parcel, or at any place, public or private, within the City.

SECTION 3. Definitions. For purposes of this Ordinance, the term "marijuana dispensary" shall be broadly and liberally interpreted to mean and include any facility, structure, location, vehicle or similar place, or any portion thereof, where marijuana is sold, traded, exchanged, bartered for, or in any way made available for medicinal purposes in accordance with Health and Safety Code Section 11362.5.

SECTION 4. No Conflict with State Law. This interim zoning 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.

SECTION 5. Studies to Be Undertaken. The City shall promptly commence the necessary studies regarding the establishment of marijuana dispensaries, their direct and secondary effects, the locational and regulatory criteria deemed appropriate should such land use be permitted, and make recommendations to this City Council regarding the results of such studies.

SECTION 6. Extension of Time. City staff shall take all actions legally necessary to extend this urgency ordinance in the event the studies and reports desired by this City Council are not completed on or before the forty-fifth (45th) day subsequent to the adoption of this urgency ordinance.

SECTION 7. Compliance with CEQA. This interim zoning ordinance has no likelihood of causing a significant negative effect on the environment and accordingly both the City Council's action of adopting this Ordinance and effects of that adoption are found to be exempt from the application of the California Environmental Quality Act of 1970, as amended, pursuant to Section 15061(b)(3) of the State CEQA Guidelines. This finding is premised on the fact that the adoption of this interim zoning ordinance will maintain the current environmental conditions within the City of Hawaiian Gardens.

pective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases be declared unconstitutional.

SECTION 9. Effective Date. This urgency ordinance shall take effect immediately upon adoption. The City Clerk or his/her duly appointed Deputy, shall certify to the adoption of this Ordinance and shall cause this Ordinance to be published as required by law.

SECTION 10. Passage. This interim zoning ordinance was passed at a regular meeting of the City Council of the City of Hawaiian Gardens by not less than a four-fifths vote of the Council.

PASSED, APPROVED, and ADOPTED by the Hawaiian Gardens City Council on this 23rd day of May, 2006.

Peter A. Prida
Mayor

Attest:
Suzanne Underwood, City Clerk
City of Hawaiian Gardens

CITY OF HAWAIIAN GARDENS
CITY CLERK'S OFFICE
CERTIFICATION

STATES OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF HAWAIIAN GARDENS)

I, Lucie Colombo, Assistant City Clerk of the City of Hawaiian Gardens, do hereby certify that Urgency Ordinance No. 508U, was duly adopted and passed at a regular meeting of the City Council on this 23rd day of May 2006, by the following votes as the same appears on file and of record in the Office of the City Clerk.

AYES: HECKERMAN, OYAMA-CANADA, CHAIDEZ

states and a resident of the County
fifteen years, and not a party to or
matter. I am the principal clerk of the
Community News, a newspaper of
published one time each week in the
Community News has been adjudged a
by the Superior Court of the County
ma, under the date of September 9,

notice, of which the annexed is a
smaller than nonpareil, has been
the issue of said newspaper and not in
on the following dates, to

penalty of perjury that the

2006

Vital

Community News
C 102, Cerritos, CA 90703
107-3873
182180 PROOF

CITY OF HAWAIIAN GARDENS
LOS ANGELES COUNTY, CALIFORNIA
URGENCY ORDINANCE NO. 508U

AN INTERIM ZONING ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF HAWAIIAN GARDENS, CAL-
IFORNIA, PROHIBITING THE ESTABLISHMENT OF
MARIJUANA DISPENSARIES IN ANY ZONING DISTRICT
WITHIN THE CITY.

THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS
DOES ORDAIN AS FOLLOWS.

SECTION 1. Findings of the City Council. The City Council of the
City of Hawaiian Gardens makes the following findings in support of the im-
mediate adoption and application of this interim zoning ordinance regulating land
use within the City.

A. In November 1996, the voters of the State of California approved an in-
itiative measure known as Proposition 215, which added Section 11362.5 to the
California Health and Safety Code, the "Compassionate Use Act of 1996" ("the
Act.") The Act creates a defense to the criminal laws against the possession and
cultivation of marijuana, for persons doing so for "personal medical purposes"
upon the written or oral recommendation or approval of a physician.

B. Since the passage of the Act, there has been virtually no interest in
establishing locations in the City where marijuana can be dispensed to those
persons who qualify for its use under the Act. The City of Hawaiian Gardens
has had no opportunity to undertake studies relating to the establishment of
marijuana dispensaries within the City and has adopted no criteria regarding
the establishment, location or scope of operations for such uses.

C. This City Council hereby finds that it lacks sufficient information
regarding the nature of marijuana dispensaries and their direct effect on vari-
ous zoning districts within the City. Further, this City Council lacks sufficient
information to determine the potential secondary effects associated with mari-
juana dispensaries. Further, this City Council lacks sufficient information to
develop and impose the proper regulatory, land use, and operational criteria
for marijuana dispensaries. Adoption of any such criteria and regulations
without an appropriately detailed study would be arbitrary and capricious.

D. Pursuant to California Government Code Section 65838, and based on
the findings set forth above, this City Council hereby finds that there is a cur-
rent and immediate threat to the public health, safety and welfare, relating to
the unregulated establishment of marijuana dispensaries in the City and that
this urgency ordinance is necessary to preserve the public health, safety and
welfare of the City of Hawaiian Gardens.

SECTION 2. Interim Prohibition on Marijuana Dispensaries. No
marijuana dispensary, intended to provide marijuana for medicinal or any relat-
ed purpose; shall locate, commence, obtain license for or be entitled by the City,
in any zone, or on any parcel, or at any place, public or private, within the City.

SECTION 3. Definitions. For purposes of this Ordinance, the term
"marijuana dispensary" shall be broadly and liberally interpreted to mean and
include any facility, structure, location, vehicle or similar place, or any portion
thereof, where marijuana is sold, traded, exchanged, bartered for, or in any way
made available for medical purposes in accordance with Health and Safety Code
Section 11362.5.

SECTION 4. No Conflict with State Law. This interim zoning or-
dinance 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.

SECTION 5. Studies to Be Undertaken. The City shall promptly
commence the necessary studies regarding the establishment of marijuana dis-
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dations to this City Council regarding the results of such studies.

SECTION 6. Extension of Time. City staff shall take all actions
legally necessary to extend this urgency ordinance in the event the studies and
reports desired by this City Council are not completed on or before the forty-fifth
(45th) day subsequent to the adoption of this urgency ordinance.

SECTION 7. Compliance with CEQA. This interim zoning or-
dinance has no likelihood of causing a significant negative effect on the environ-
ment and accordingly both the City Council's action of adopting this Ordinance
and effects of that adoption are found to be exempt from the application of the
California Environmental Quality Act of 1970, as amended, pursuant to Section
15061(b)(3) of the State CEQA Guidelines. This finding is premised on the fact
that the adoption of this interim zoning ordinance will maintain the current envi-
ronmental conditions arising from the current land use regulatory structure as
adopted by the City without change or alteration.

SECTION 8. Ordinance Severability. If any section, subsection,
subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part
thereof is for any reason, held to be unconstitutional or invalid, or ineffective by
any court of competent jurisdiction such decision shall not affect the validity of
effectiveness of the remaining portions of this Ordinance or any part thereof.
The City Council hereby declares that it would have passed this Ordinance and
each section, subsection, subdivision, sentence, clause and phrase thereof, inro-

spective of the fact that any one or more sections, subsections, subdivisions, sen-
tences, clauses or phrases be declared unconstitutional.

SECTION 9. Effective Date. This urgency ordinance shall take
effect immediately upon adoption. The City Clerk, or his/her duly appointed
Deputy, shall certify to the adoption of this Ordinance and shall cause this
Ordinance to be published as required by law.

SECTION 10. Passage. This interim zoning ordinance was passed at
a regular meeting of the City Council of the City of Hawaiian Gardens by not
less than a four-fifths vote of the Council.

PASSED, APPROVED, and ADOPTED by the Hawaiian Gardens City
Council on this 23rd day of May, 2006.

Petra A. Prida
Mayor

Attest:
Suzanne Underwood, City Clerk
City of Hawaiian Gardens

CITY OF HAWAIIAN GARDENS
CITY CLERK'S OFFICE
CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF HAWAIIAN GARDENS)

I, Lucie Colombo, Assistant City Clerk of the City of Hawaiian Gardens, do here-
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regular meeting of the City Council on this 23rd day of May 2006, by the follow-
ing votes as the same appears on file and of record in the Office of the City Clerk.

AYES: HECKERMAN, OYAMA-CANADA, CHAIDEZ,
SCHULTZE AND PRIDA
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

LUCIE COLOMBO
ASST. CITY CLERK / ASST. RECORDS MANAGER

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