

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: AUGUST 22, 2005

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 OF THE PASADENA MUNICIPAL CODE TO ADD A DEFINITION FOR "MEDICAL MARIJUANA DISPENSARY" AND PROHIBITING SUCH USE

TITLE OF THE PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE TITLE 17 OF THE PASADENA MUNICIPAL CODE TO ADD A DEFINITION FOR "MEDICAL MARIJUANA DISPENSARY" AND PROHIBITING SUCH USE

PURPOSE OF ORDINANCE:

This proposed ordinance will add a definition for "medical marijuana dispensary" to Title 17 (zoning code) and prohibit such use. Since the term "medical marijuana dispensary" was previously undefined, the effect of adding such a definition and prohibiting such use would make it clear that a medical marijuana dispensary is a prohibited use in the City of Pasadena.

On July 18, 2005, the City Council directed preparation of this ordinance.

REASON WHY LEGISLATION IS NEEDED:

The Zoning Code of the City of Pasadena (Title 17) was established by ordinance and can only be amended by an ordinance of the City Council.

FISCAL IMPLICATIONS:

There are no fiscal implications

MEETING OF 8/22/2005

AGENDA ITEM NO. 9.A.1.

ENVIRONMENTAL IMPACT:

The Environmental Administrator has determined that this amendment to the zoning code does not have a significant effect on the environment and is therefore exempt under CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

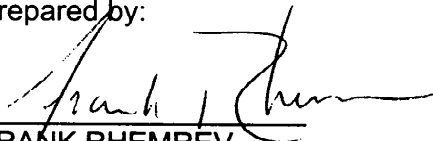
Respectfully submitted,

8/16/05

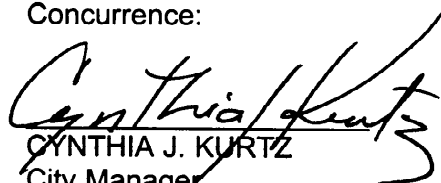
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MICHELE BEAL BAGNERIS
City Attorney

Prepared by:


FRANK RHEMREV
Assistant City Attorney

Concurrence:


CYNTHIA J. KURTZ
City Manager

Introduced by Councilmember _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 OF THE PASADENA MUNICIPAL CODE TO ADD A DEFINITION FOR “MEDICAL MARIJUANA DISPENSARY” AND PROHIBITING SUCH USE

WHEREAS in 1996 the State of California passed the “Compassionate Use of Marijuana Law” which allows for the use of marijuana for medical purposes; and

WHEREAS the Federal Government through its Controlled Substances Act, prohibits the use and distribution of marijuana; and

WHEREAS the United States Supreme Court in *Gonzales v Raich* confirmed that the Controlled Substances Act does not contain a “compassionate use” exemption and therefore it is a violation of Federal Law to possess or distribute marijuana even if for medical purposes; and

WHEREAS the Zoning Administrator for the City of Pasadena has rendered an interpretation of the Zoning Code that a medical marijuana dispensary would be a prohibited use in the City of Pasadena; and

WHEREAS the Zoning Code should be amended to reflect that a medical marijuana dispensary is a prohibited use in the City of Pasadena.

NOW THEREFORE the people of the City of Pasadena ordain as follows:

SECTION 1. Section 17.80.020M entitled, “**Definitions, M.**” is amended by adding the following:

“Medical Marijuana Dispensary (land use). A facility or location which provides, makes available or distributes medical marijuana to a primary caregiver, a qualified patient, or a person with an identification card issued in accordance with California Health and Safety Code Sections 11362.5, et seq. This use is prohibited in the City of Pasadena.”

SECTION 2. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

SECTION 3. This ordinance shall take effect 30 days from its publication.

Signed and approved this _____ day of _____, 2005.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held _____ day of _____ 2005, by the following vote:

AYES:

NOES:

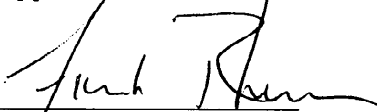
ABESNT:

ABSTAIN:

Date Published:

Jane L. Rodriquez, CMC
City Clerk

Approved as to form:



Frank L. Rhemrev
Assistant City Attorney