

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA OF INTENT TO LEGISLATE REGARDING DISQUALIFYING CURRENT ILLEGAL MARIJUANA OPERATORS FROM FUTURE PERMITTING OF COMMERCIAL MARIJUANA ACTIVITY

WHEREAS, the City has banned all commercial marijuana activity in the City since 2005 through a prohibition in its Zoning Code and based on the theory of “permissive zoning”, and

WHEREAS, in January of 2016, the City bolstered its existing ban when the City Council added Chapter 8.77 (Prohibition of Commercial Marijuana Activity) to the Pasadena Municipal Code; and

WHEREAS, despite the ban, numerous illegal operators have opened up commercial marijuana establishments, particularly within the last two years, and

WHEREAS, the City has met with some success in shutting down some of these illegal operators through nuisance abatement and other legal options, only to have them open up again at another location, and perhaps under a different alias; and

WHEREAS, after the passage of the Adult Use of Marijuana Act, and intensifying after the passage of SB 94, also known as the Medicinal and Adult-

Use Cannabis Regulation and Safety Act, the City studied whether to allow and regulate marijuana uses within the City, including criteria for eligibility for approval to engage in commercial marijuana activity, but has decided to prohibit citywide personal outdoor cultivation of marijuana and commercial marijuana activities, including retail sales and cultivation for commercial purposes, to allow for the rollout of the state licensing and regulation mechanism (starting January 1, 2018) and for the City to learn from the best practices of other jurisdictions; and

WHEREAS, this ban on commercial marijuana activities may be revisited in the future, including criteria for eligibility for approval to engage in commercial marijuana activity.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pasadena that its current intention to legislate, should it eventually allow commercial marijuana activities, will impose criteria for eligibility for approval to engage in commercial marijuana activity, likely including **disqualifying current illegal marijuana operators from any future city permitting related to commercial marijuana activities** Therefore, all illegal operators within the City are on notice of the potentially disqualifying nature of continued illegal operations after the date hereof.

Adopted at the regular meeting of the City Council on the ____ day of _____, 2017 by the following vote:

AYES

NOES:

ABSENT:

ABSTAIN:

Mark Jomsky, CMC
CITY CLERK

APPROVED AS TO FORM:



Theresa E. Fuentes
ASSISTANT CITY ATTORNEY