

ORDINANCE NO. 2011-048

Adopted by the Sacramento City Council

November 8, 2011

AN INTERIM ORDINANCE RELATING TO SPECIAL PERMITS FOR MEDICAL MARIJUANA DISPENSARIES AND DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY (M11-023)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

Section 1.

The City Council of the City of Sacramento finds and declares as follows:

- A. On November 9, 2010, the City Council adopted Ordinance No. 2010-038, which ordinance added Footnote 85 to Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) to allow the establishment and operation of medical marijuana dispensaries with a special permit in specified zones and subject to specified location, development, and operational standards.
- B. Subsection (m)(ii)(E) of Footnote 85 states that a special permit for a registered medical marijuana dispensary shall be deemed automatically revoked if the medical marijuana dispensary fails to obtain a medical marijuana dispensary permit under Sacramento City Code Chapter 5.150 and commence operation within 90 days of the date of approval of the special permit.
- C. As of the date of adoption of this Ordinance, a number of special permits for medical marijuana dispensaries have been approved, and these same dispensaries have applied for medical marijuana dispensary permits under Sacramento City Code Chapter 5.150. However, due to recent developments in the law relating to the City's authority to regulate and issue permits for medical marijuana dispensaries, the processing of Chapter 5.150 medical marijuana dispensary permit applications has been suspended to give the City Council time to evaluate and consider changes to the medical marijuana dispensary permit program. As a consequence, the medical marijuana dispensary special permits that have already been approved are at risk of automatic revocation as early as November 10, 2011. Because the application, processing, approval, and issuance of these special permits represent a substantial investment of time, effort, and financial resources, revocation of the special permits would result in a significant loss for the City and medical marijuana dispensary members.
- D. Recognizing this potential loss, the City Council adopts this Ordinance to prevent the automatic revocation of the medical marijuana special permits that have been approved and are valid as of the date of adoption of this Ordinance, thereby

allowing these special permits to remain in effect while the City Council evaluates and considers changes to the medical marijuana dispensary permit program.

Section 2.

The provisions of subsection (m)(ii)(E) of Footnote 85 of Section 17.24.050 of the Zoning Code shall not apply to the special permits for medical marijuana dispensaries that were approved prior to and remain in effect as of the date of adoption of this Ordinance. Instead, a special permit for a medical marijuana dispensary that was approved prior to and remains in effect as of the date of adoption of this Ordinance shall be deemed automatically revoked if the medical marijuana dispensary fails to obtain a medical marijuana dispensary permit under Sacramento City Code Chapter 5.150 and commence operation under that permit by August 13, 2012.

Section 3.

A medical marijuana dispensary special permit that was approved prior to and remains in effect as of the date of adoption of this Ordinance shall not be deemed to have been exercised unless and until a medical marijuana dispensary permit under Sacramento City Code Chapter 5.150 has been obtained and the dispensary commences operation under that permit.

Section 4.

This Ordinance is enacted by the City Council as an interim ordinance, without notice and hearing before the Planning Commission and City Council as otherwise required by Section 17.208.010 of the Zoning Code. It is anticipated that comprehensive and permanent regulations governing medical marijuana dispensaries, which may include amendments to the Zoning Code, will be processed in the manner required by law, adopted, and in effect by August 13, 2012, and that this interim Ordinance will be repealed at that time, with the newly adopted regulations superseding the provisions of this Ordinance.

Section 5.

This interim Ordinance is declared to be an emergency measure to take effect immediately upon adoption by the City Council pursuant to Sacramento City Charter Section 32(g)(2). The facts supporting this declaration are the facts set forth in Section 1 of this Ordinance, all of which are incorporated into this Section 5. For this Ordinance to achieve its purpose to prevent the automatic revocation of medical marijuana dispensary special permits, which will occur as early as November 10, 2011, and recognizing the potential loss of the substantial investment of time, effort, and financial resources that has been made in the processing, approval, and issuance of these special permits, this Ordinance must take effect immediately upon adoption.

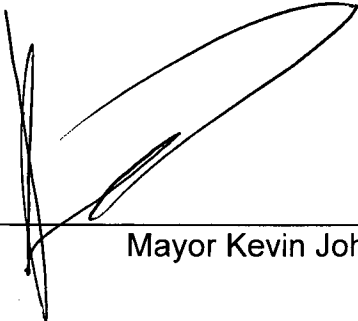
Adopted by the City of Sacramento City Council on November 8, 2011 by the following vote:

Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, McCarty, Pannell, Schenirer, Sheedy, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:


Shirley Concolino, City Clerk

Effective: November 8, 2011