

ORDINANCE NO. ~~08-19~~

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
INGLEWOOD, CALIFORNIA, AMENDING CHAPTER 12 OF
THE INGLEWOOD MUNICIPAL CODE TO REGULATE THE
SALE AND DISPENSING OF MEDICAL MARIJUANA

Whereas, on July 2, 2008, the Planning Commission of the City of
Inglewood California adopted Resolution No. 1528 entitled:

A RESOLUTION OF THE CITY PLANNING COMMISSION OF
THE CITY OF INGLEWOOD, CALIFORNIA APPROVING AND
RECOMMENDING TO THE CITY COUNCIL FOR APPROVAL,
THE ADOPTION OF AMENDMENTS TO CHAPTER 12
(ZONING) OF THE INGLEWOOD MUNICIPAL CODE TO
PROHIBIT THE ESTABLISHMENT AND OPERATION OF
MEDICAL MARIJUANA DISPENSARIES AND OTHER
SIMILAR USES IN ALL ZONES; AND TO PERMIT INPATIENT
DISPENSING AND USE OF MEDICAL MARIJUANA AT
HOSPITALS AND AT OTHER LONG TERM MEDICAL CARE
FACILITIES WITH PRIOR SPECIAL USE PERMIT APPROVAL
IN THE RESIDENTIAL-MEDICAL (R-M), C-1 (LIMITED
COMMERCIAL, C-2 (GENERAL COMMERCIAL) AND M-1
(LIGHT MANUFACTURING) ZONES.

WHEREAS, Resolution No. 1528 was presented to the City Council on July
23, 2008, who then scheduled a public hearing for August 12, 2008, and,

WHEREAS, notice of the time and place of the hearing was given as
required by law; and,

WHEREAS, the City Council conducted the public hearing at the time and
place stated in the notice and afforded all person interested in the matter or

1 subject related thereto, an opportunity to appear before the City Council and be
2 heard and to submit any testimony or evidence in favor or against the proposed
3 amendments; and,

4 WHEREAS, at the conclusion of the public hearing the City Council
5 determined that certain amendments, specified herein, should be made to the
6 text of Chapter 12 of the Inglewood Municipal Code;

7 WHEREAS, the City Council has carefully considered all testimony and
8 evidence presented in this matter, and being advised finds as follows:

- 9
- 10 1. The proposed amendment is consistent with the intent of the Inglewood
11 General Plan and Zoning Code.
 - 12 2. That the establishment and operation of medical marijuana
13 dispensaries and other similar uses in the City of Inglewood has the
14 potential harmful secondary effects of increasing property crimes,
15 crimes against persons, and illicit drug use, as well as negatively
16 impacting traffic, parking needs and noise levels within the
17 neighborhoods where they are located; and therefore the public health,
18 safety, and welfare of the City would benefit from prohibiting their
19 establishment and operation within all zones of the City of Inglewood.
 - 20 3. That the *outpatient* sale or distribution of marijuana for medical
21 purposes or otherwise has the potential harmful secondary effects of
22 increasing property crimes, crimes against persons, and illicit drug use,
23 as well as negatively impacting traffic, parking needs and noise levels
24 within the neighborhoods where they are located; and therefore the
25 public health, safety, and welfare of the City would benefit from
26 prohibiting this use altogether. The *outpatient* sale or distribution of
27 marijuana for medical purposes or otherwise should be prohibited.

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. That the public health, safety, and welfare of the City would benefit from permitting *inpatient* use of marijuana for medical purposes at hospitals and other facilities offering long-term stay for patients with prior special use permit approval.
5. That the proposed amendments reflects the growing need to establish regulations that clarify the City of Inglewood's position with respect to the enforcement of apparently conflicting federal and state regulations in the area of distribution and use of marijuana for medical purposes. Specifically, the federal Controlled Substance Act declares it unlawful for any person knowingly or intentionally to manufacture, distribute, dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance, and further the United States Supreme Court has held in Gonzales v. Rich (2005) 125 S.Ct. 2195, that the federal Controlled Substances Act validly prohibits local cultivation and use of marijuana under all circumstances. On the other hand the California Compassionate Use Act of 1996 aims to insure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where the medical use is deemed appropriate and has been recommended by a physician.
6. That the proposed amendments will assist Police Officers and other Law Enforcement agencies who are responsible for enforcing the laws and maintaining community order.
7. That the proposed amendments will not constitute a granting of a special privilege or impose an arbitrary or unfair requirement on a few property owners.
8. That the proposed amendments will not constitute the establishment of unique standards or requirements, offering privileges or requiring site

1 conditions and performance standards that are inconsistent with the
2 general interest of the provisions of Chapter 12 of the IMC.

- 3 9. That the proposed amendments will not result in any significant
4 adverse impacts on the environment and, therefore, a Notice of
5 Exemption per the California Environmental Quality Act has been
6 prepared.

7 SECTION 1.

8 Section 12-16.4 of Article 1.1 (General Regulations) of Chapter 12 of the
9 Inglewood Municipal Code is hereby added to read as follows:

10 "Section 12-16.4. Medical Marijuana Sale or Distribution Prohibited.

11 Exceptions.

12 (a) The sale or dispensing of marijuana for medical purposes or
13 otherwise at any medical marijuana dispensary, association, cooperative, club,
14 delivery service, collective, medical clinic (except as provided by this Section) or
15 any other similar use involved in the sale, possession, cultivation, use and/or
16 distribution of marijuana for medical purposes is prohibited in all zones and no
17 use permit of any type shall be issued for such use.

18 (1) A "Medical Clinic" shall mean a medical facility as defined by Section
19 1200 of Chapter 1 of Division 2 of the California Health and Safety Code

20 (2) A "Medical Marijuana Dispensary" shall mean any facility or location,
21 whether fixed or mobile, where medical marijuana is made available to, or
22 distributed to, or distributed by, one or more of the following: a primary
23 caregiver, a qualified patient, or a patient with an identification card. All
24 three of these terms are identified in strict accordance with California
25 Health and Safety Code sections 11362.5 et seq.

26 (b) The outpatient sale or dispensing of marijuana for medical purposes or
27 otherwise is prohibited in all zones and no use permit of any type shall be issued.

28

1 (c) The inpatient sale of dispensing of marijuana for medical purposes to
2 patients for their use exclusively subject to Special Use Permit approval, and
3 strict compliance with applicable laws, including but not limited to, Health and
4 Safety Code Sections 11362.5 et seq. (the Compassionate Use Act) at the
5 following medical facilities:

6 (1) A health facility for persons admitted for a 24 hour stay or longer that
7 is licensed pursuant to Chapter 2 of Division 2 of the Health and Safety
8 Code.

9 (2) Hospitals and all other long term health facilities licensed pursuant to
10 Chapter 2 of Division 2 of the Health and Safety Code.

11 (3) A residential care facility for persons with chronic life-threatening
12 illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and
13 Safety Code.

14 (4) A residential care facility for the elderly licensed pursuant to Chapter
15 3.2 of Division 2 of the Health and Safety Code.

16 (5) A residential hospice or a home health agency licensed pursuant to
17 Chapter 8 of Division 2 of the Health and Safety Code.

18 (6) Any other similar medical facility.”

19 **SECTION 2.**

20 Paragraphs (2), (3), and (4) of Section 12-22.20 of Article 5.1 (“R-M”
21 Residential and Medical Zone Regulations) of Chapter 12 (Zoning) of the
22 Inglewood Municipal Code is hereby amended to read as follows:

23 “(2) Hospitals, convalescent facilities, hospitals and other long term
24 health facilities, residential care facilities for persons with chronic life
25 threatening illnesses, residential care facilities for the elderly, licensed
26 residential hospices and home health agencies, subject to Special Use Permit
27 approval. EXCEPTION: Existing convalescent facilities, regardless of any
28 cessation of operation, that provide residential care for elderly persons shall not

1 require subsequent Special Use approval to reestablish operation unless they
2 intend to dispense marijuana for medical purposes or otherwise. The out-patient
3 sale or dispensing of marijuana for medical purposes or otherwise shall be
4 prohibited.

5 (3) Medical clinics, medical laboratories and pharmacies. EXCEPTION:
6 the out-patient sale or dispensary of marijuana for medical purposes or otherwise
7 shall be prohibited.

8 (4) Medical and Dental Offices and related Professional Services.
9 EXCEPTION: the out-patient sale or dispensary of marijuana for medical
10 purposes or otherwise shall be prohibited.”

11 **SECTION 3.**

12 Section 12-95-14 of Article 25 (Special Uses Enumerated) of Chapter 12 of
13 the Inglewood Municipal Code is hereby added to read as follows:

14 “14. The inpatient sale or dispensing of medical marijuana in the R-M, C-
15 1, C-2, and M-1 zones shall comply with standards outlined in Section 12-22-20
16 of Article 5.1 of this Chapter. “

17 **SECTION 4.**

18 The City Clerk shall certify to the passage and adoption of this ordinance
19 and to its approval by the City Council and shall cause the same to be published
20 in accordance with the City Charter; and thirty days form the final passage and
21 adoption, this ordinance shall be in full force and effect.

22 //
23 //
24 //
25 //
26 //
27 //
28 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

This ordinance for the proposed amendments to Chapter 12 (Zoning) is passed, approved and adopted by the City Council of the City of Inglewood this _____ day of August 2008.

MAYOR OF THE CITY OF INGLEWOOD,
CALIFORNIA

ATTEST:

CITY CLERK
(SEAL)

N:\LPETERSON\PLEADINGS\RESOLUTION - MJ.doc