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Long Beach, California

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May 10, 2005

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to Adopt an Urgency Ordinance to place a six month moratorium on the establishment of medical marijuana dispensaries in the City of Long Beach

BACKGROUND

On April 12, 2005, the City Council adopted a minute order approving a moratorium prohibiting the establishment of medical marijuana dispensaries in the City until suitable regulations can be developed and put in place. The April 12th moratorium was adopted as an interim measure until the attached moratorium ordinance would be prepared for Council's consideration.

DISCUSSION

The City has recently received several inquiries about the establishment of medical marijuana dispensaries in the City. The City's various Municipal Code provisions do not properly address this use. Therefore, it is necessary to review and analyze the impacts related to medical marijuana dispensaries in order to formulate any necessary regulations, consistent with State law, governing the location and operation of these facilities.

In 1996, California voters enacted Proposition 215, called "The Compassionate use Act of 1996." The Act sets forth the circumstances under which marijuana may be prescribed, dispensed and used for medicinal purposes in California.

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Other cities in California have allowed medical marijuana dispensaries. Issues have occurred related to the establishment of such dispensaries located near sensitive uses such as day care centers, schools and residentially zoned properties.

Due to recent proliferation of medical marijuana dispensaries in California, and because time will be needed to further research this matter to prepare and adopt regulations, this Ordinance is intended to place an interim moratorium on the establishment of such facilities for six months, effective from the date of adoption of the urgency ordinance, or until an ordinance is prepared and adopted that would establish permanent regulations in the City. It is anticipated that a regulatory ordinance will be prepared for Council's consideration within thirty days.

TIMING CONSIDERATIONS

If the ordinance is not adopted on this date, the temporary interim moratorium would expire and medical marijuana dispensaries may be able to locate in the City without appropriate regulations.

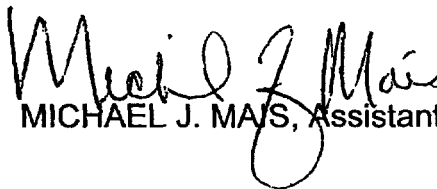
SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

ROBERT E. SHANNON, City Attorney

By



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