



Legislation Details (With Text)

**File #:** 10-1350      **Version:** 2      **Name:** CA-Emerg ORD - medical marijuana collectives  
**Type:** Emergency Ordinance      **Status:** Adopted  
**File created:** 12/6/2010      **In control:** City Council  
**On agenda:** 1/18/2011      **Final action:** 1/18/2011

**Title:** Recommendation to declare Emergency Ordinance No. ORD-10-0039, an interim ordinance adopted as an urgency measure establishing a temporary moratorium on the issuance of permits, entitlements, licenses, and approvals regarding medical marijuana collectives; and declaring that this ordinance shall take effect immediately, read and adopted as read. (Citywide)

**Sponsors:** City Attorney

**Indexes:**

**Code sections:**

**Attachments:** 1. 121410-H-2sr&att 2.pdf, 2. ORD-10-0039 (Emerg.).pdf, 3. 011811-ORD-23sr&att.pdf, 4. ORD-10-0039 (Final).pdf

Date	Ver.	Action By	Action	Result
1/18/2011	2	City Council	declare ordinance read and adopted as read	Pass
12/14/2010	1	City Council	approve recommendation to declare an emergency to exist	Pass
12/14/2010	1	City Council	approve recommendation to declare Emergency Ordinance No. ORD- , read, and adopted as read and laid over to the next regular meeting of the City Council for final reading	Pass

Recommendation to declare Emergency Ordinance No. ORD-10-0039, an interim ordinance adopted as an urgency measure establishing a temporary moratorium on the issuance of permits, entitlements, licenses, and approvals regarding medical marijuana collectives; and declaring that this ordinance shall take effect immediately, read and adopted as read. (Citywide)

Pursuant to the request of the City Council at its meeting of November 16, 2010, this office has prepared the attached amended ordinance relating to Medical Marijuana Collectives. If adopted, the ordinance would amend Chapter 5.87 of the Municipal Code which was adopted by this Council in March 2010. The amended ordinance would:

1. Create an additional "buffer zone" so that a Collective could not locate within 1,000 feet of a public park. The term "Park" is defined to include those areas of the City that are zoned for park use as well as all areas that have been designated or dedicated for park use. (The current regulations prohibit Collectives from locating within 1500 feet of a public or private high school, 1,000 feet of public or private kindergarten, elementary, middle or junior high school, or within 1,000 feet of another legally established Collective.) The amended ordinance also clarifies that, for the purpose of the Collective regulations, an Educational Partnership High School ("EPHS") is considered a public high school.
2. Create a 45-day comment period whereby members of the public and other interested

persons could submit comments to the City regarding the propriety of issuing a Medical Marijuana Collective Permit for a particular location. Following the 45-day comment period, a hearing would be held by the City Council within 60 days where the Council would determine if a permit will be issued. The amended ordinance also establishes noticing requirements relating to the 45-day comment period, the City Council hearing, and the issuance of a permit. The new noticing requirements parallel those currently contained in the City's Zoning Code.

3. Establish a requirement that each Medical Marijuana Collective install and maintain a video surveillance system that would allow the Police Department to monitor the exterior grounds of a collective for the purpose of detecting criminal or nuisance activity occurring at the premises.

4. Limit the operations of a collective to the hours between 9:00 A.M. and 7:00 P.M.

5. Require each collective to prepare and submit an annual audited report prepared by a CPA that would detail, among other things, the revenue and operational costs and expenditures of the Collective for the calendar year.

In addition to the above, the amended ordinance also clarifies that it is illegal to operate a Collective in the City without first obtaining a valid Medical Marijuana Collective Permit and, likewise, clarifies that Collectives must adhere to the City's zoning regulations regarding parking and signage requirements. The amended ordinance would also require a permitted Collective to comply with the on-site cultivation requirements within 120 days of permit issuance, and would authorize appropriate City staff to develop fair and reasonable regulations in order to implement the Medical Marijuana Collective ordinance.

Approve recommendation.

ROBERT E. SHANNON  
CITY ATTORNEY

AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH ADOPTED AS AN URGENCY MEASURE ESTABLISHING A TEMPORARY MORATORIUM ON THE ISSUANCE OF PERMITS, ENTITLEMENTS, LICENSES, AND APPROVALS REGARDING MEDICAL MARIJUANA COLLECTIVES; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY