

STAFF REPORT

City of Lancaster

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12/08/09
MVB

Date: December 8, 2009

To: Mayor Parris and City Council Members

From: Councilman Ron Smith

Subject: **Interim Urgency Moratorium Ordinance Regulating the Use of Real Property for the Sale and Distribution of Marijuana.**

Recommendation:

Adopt **Ordinance No. 939**, an interim urgency ordinance of the City Council of the City of Lancaster, California, placing a moratorium on the use of any property for the sale or distribution of marijuana.

Fiscal Impact:

Unknown.

Discussion:

The City Council has been repeatedly asked to adopt an ordinance for the purpose of regulating the use of real property in Lancaster for the cultivation, sale and distribution of medical marijuana consistent with Proposition 215. This process is ongoing. While the committee appointed by the Mayor continues to study the issues, there is a risk that medical marijuana dispensaries will be established without regard to any existing regulations on land use, much like what has happened in Los Angeles. To avoid the problems associated with such illegal uses, it is recommended that we establish a moratorium for a limited period of time to allow the committee to complete its work.

The attached ordinance would establish a 45 day moratorium on the use of any real property in the City of Lancaster for the purpose of selling or dispensing any substance controlled under Federal or State law. The adoption of the ordinance requires an affirmative vote of 4/5ths of the City Council. The ordinance may be extended for a period of an additional 10 months and 15 days pursuant to Government Code Section 65858 following a noticed public hearing with a 4/5ths vote of the City Council. The ordinance could be extended for one additional 1 year period following the same procedure.

Attachment:

Ordinance No. 939