

1 of medical marijuana dispensaries and the lack of appropriate regulations governing the
2 establishment and operation of such facilities;

3 WHEREAS, a medical marijuana dispensary currently is not expressly permitted or
4 permitted subject to a conditional use permit in any zoning district in the City. However, such
5 establishments may seek to locate in any zoning district disguised as a permitted use, or may
6 seek to legalize this use;

7 WHEREAS, the establishment of a medical marijuana dispensary in the City will result
8 in a direct and immediate threat to the public health, safety and welfare because the City does
9 not currently regulate the location and operation of medical marijuana dispensaries and does not
10 have a regulatory program in effect that will appropriately regulate the location, establishment,
11 and operation of medical dispensaries in the City.

12 NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

13 SECTION 1. Definition. For purposes of this ordinance, “medical marijuana
14 dispensary” shall mean any facility or location where a primary caregiver intends to or does
15 make available, sell, transmit, give, or otherwise provide medical marijuana to two or more of
16 the following: a qualified patient, a person with an identification card, or a primary caregiver.
17 For purposes of this ordinance, the terms “primary caregiver,” “qualified patient,” and “a person
18 with an identification card” shall have the same meaning as that set forth in Health and Safety
19 Code Section 11362.5, et seq. A “medical marijuana dispensary” does not include the
20 following uses, as long as the location of such uses are otherwise regulated by the City’s
21 Municipal Code: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety
22 code; a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health & Safety
23 code; a residential care facility for persons with chronic life-threatening illness licensed
24 pursuant to Chapter 3.01 of Division 2 of the Health & Safety Code; a residential care facility
25 for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health & Safety Code, a
26 residential hospice; or a home health agency licensed pursuant to Chapter 8 of the Health &
27 Safety Code, as long as any such use complies strictly with applicable law including, but not
28 limited to, Health & Safety Code Section 11362.5 et seq.

1 SECTION 7. Expiration. This moratorium shall be of no further force or effect upon the
2 expiration of forty-five (45) days from the date of adoption, unless extended in accordance with
3 Government Code Section 65858.

4 SECTION 7. Severability. If any section, sentence, clause or phrase of this Ordinance is
5 for any reason held to be invalid or unconstitutional by a decision of any court of competent
6 jurisdiction, such decision shall not affect the validity of the remaining portions of this
7 Ordinance. The City Council hereby declares that it would have passed this ordinance and
8 adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the
9 fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid
10 or unconstitutional.

11 INTRODUCED, PASSED AND ADOPTED at a regular meeting of the City Council of
12 the City of Oceanside, California, held on the ____ day of _____, 2009, by the
13 following vote:

14 AYES:

15 NAYS:

16 ABSENT:

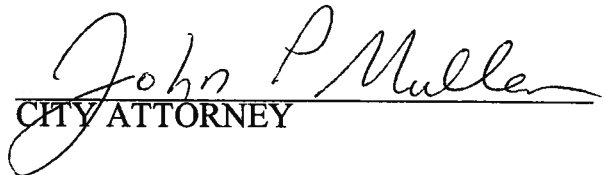
17 ABSTAIN:

18
19 MAYOR OF THE CITY OF OCEANSIDE

20 ATTEST:

21 APPROVED AS TO FORM:

22
23 _____
24 CITY CLERK

25
26 
27 _____
28 CITY ATTORNEY

25 AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE PLACING A
26 MORATORIUM ON THE LEGAL ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES
27 WITHIN THE CITY OF OCEANSIDE PURSUANT TO GOVERNMENT CODE SECTION 65858
28