The City Council, with certain statutory exceptions, can only take action upon properly posted and listed agenda items.

Unless otherwise noted in the Agenda, the Public can only comment on City-related businesses that are within the jurisdiction of the City Council and/or items listed on the Agenda during the Public Communications portion of this Meeting. The time limit for comments is five (5) minutes per person.

Before speaking to the City Council, please come to the podium and state: Your name, residence, and the organization you represent, if desired. Please respect the time limits.

In compliance with the Americans and Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, 524-2307. Please notify 48 hours prior to the meeting, which will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

SPECIAL MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, NOVEMBER 15, 2016
7:00 p.m.

7:00 P.M. SESSION

CALL TO ORDER

PLEDGE OF ALLEGIANCE

Rabbi David, Jewish Community Center

ROLL CALL

Mayor Pro Tem Boyles

PUBLIC COMMUNICATIONS – (Related to City Business Only) – 5 minute limit per person, 30 minute limit total) Pursuant to Government Code § 54954.3(a), the only public comment that will be permitted during this Special Meeting is that pertaining to the agenda item listed below. Individuals who have received value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on their behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250. While all comments are welcome, the Brown Act does not allow Council to take action on any item not on the agenda. The Council will respond to comments after Public Communications is closed.
NEW BUSINESS

1. Consideration and possible action regarding (i) the adoption of two urgency ordinances expressly prohibiting commercial marijuana activity and personal cultivation of marijuana in the City of El Segundo, and prohibiting permit issuance for marijuana-related land uses within the City for 45-days and (ii) introduction and first reading of an ordinance prohibiting commercial marijuana activity and personal cultivation of marijuana in the City.
(Fiscal Impact: N/A)

Recommendation:

1) Adopt by 4/5 vote an Urgency Ordinance entitled:

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO ADDING CHAPTER 14 TO TITLE 4 AND AMENDING CHAPTER 11 OF TITLE 7 OF THE MUNICIPAL CODE TO EXPRESSLY PROHIBIT ALL COMMERCIAL MARIJUANA ACTIVITY AND THE PERSONAL CULTIVATION OF MARIJUANA TO THE EXTENT ALLOWED BY STATE LAW

2) Adopt by 4/5 vote an Urgency Ordinance entitled:

AN URGENCY ORDINANCE PROHIBITING PERMIT ISSUANCE FOR MARIJUANA-RELATED LAND USES WITHIN THE CITY FOR A PERIOD OF FORTY-FIVE DAYS TO CONSIDER AMENDING TITLE 15 OF THE EL SEGUNDO MUNICIPAL CODE

3) Waive first reading and introduce an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO ADDING CHAPTER 14 TO TITLE 4 AND AMENDING CHAPTER 11 OF TITLE 7 OF THE MUNICIPAL CODE TO EXPRESSLY PROHIBIT ALL COMMERCIAL MARIJUANA ACTIVITY AND THE PERSONAL CULTIVATION OF MARIJUANA TO THE EXTENT ALLOWED BY STATE LAW

4) Alternatively, discuss and take other action related to this item.
CLOSED SESSION

The City Council may move into a closed session pursuant to applicable law, including the Brown Act (Government Code Section §54960, et seq.) for the purposes of conferring with the City's Real Property Negotiator; and/or conferring with the City Attorney on potential and/or existing litigation; and/or discussing matters covered under Government Code Section §54957 (Personnel); and/or conferring with the City's Labor Negotiators.

REPORT OF ACTION TAKEN IN CLOSED SESSION (if required)

ADJOURNMENT

POSTED: DATE: 11/1/16
TIME: 08:28:00
NAME: [Signature]
AGENDA DESCRIPTION:
Consideration and possible action regarding (i) the adoption of two urgency ordinances expressly prohibiting commercial marijuana activity and personal cultivation of marijuana in the City of El Segundo, and prohibiting permit issuance for marijuana-related land uses within the City for 45-days and (ii) introduction and first reading of an ordinance prohibiting commercial marijuana activity and personal cultivation of marijuana in the City.

RECOMMENDED COUNCIL ACTION:

1. Adopt by 4/5 vote an Urgency Ordinance entitled:

   AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO ADDING CHAPTER 14 TO TITLE 4 AND AMENDING CHAPTER 11 OF TITLE 7 OF THE MUNICIPAL CODE TO EXPRESSLY PROHIBIT ALL COMMERCIAL MARIJUANA ACTIVITY AND THE PERSONAL CULTIVATION OF MARIJUANA TO THE EXTENT ALLOWED BY STATE LAW

2. Adopt by 4/5 vote an Urgency Ordinance entitled:

   AN URGENCY ORDINANCE PROHIBITING PERMIT ISSUANCE FOR MARIJUANA-RELATED LAND USES WITHIN THE CITY FOR A PERIOD OF FORTY-FIVE DAYS TO CONSIDER AMENDING TITLE 15 OF THE EL SEGUNDO MUNICIPAL CODE

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4. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Proposed ordinances.

FISCAL IMPACT: N/A
Amount Budgeted: N/A
Additional Appropriation: N/A
Account Number(s): N/A
BACKGROUND AND DISCUSSION:

On November 8, 2016, the voters approved a statewide initiative entitled the "Control, Regulate and Tax Adult Use of Marijuana Act" (the "AUMA"). The AUMA controls and regulates the cultivation, processing, manufacture, distribution, testing and sale of nonmedical marijuana, including marijuana products, for use by adults 21 years of age or older. The AUMA does not, and cannot, affect federal laws and regulations pertaining to marijuana or its derivatives. The AUMA expressly preserves local control over the regulation of marijuana-related business and marijuana-related land uses.

The following are some of the key provisions in the AUMA:

- It is now lawful under state and local law for persons 21 years of age or older to possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever up to 28.5 grams of marijuana in the form of concentrated cannabis or not more than eight grams of marijuana in the form of concentrated cannabis contained within marijuana products. (Health & Safety Code § 11362.1, subds. (a)(1) and (a)(2).)

- A person 21 years of age or older may possess, plant, cultivate, harvest, dry, or process not more than six living marijuana plants and possess the marijuana produced by the plants. (Health & Safety Code § 11362.1, subd. (a)(3).) A city or county may adopt and enforce reasonable regulations pertaining this personal cultivation of marijuana, but no city or county may completely prohibit the personal cultivation of marijuana if it is conducted within a private residence or within an accessory structure to a private residence. (Health & Safety Code § 11362.2, subds. (b)(1) and (b)(2).)

- Local jurisdictions may adopt and enforce local ordinances to regulate state-licensed marijuana business, including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to secondhand smoke. Local jurisdictions may also completely prohibit the establishment or operation of one or more types of marijuana-related businesses licensed pursuant to the AUMA. (Business & Professions Code § 26200.)

- Local jurisdictions may not prevent transportation of marijuana or marijuana products on public roads by a state licensee transporting marijuana or marijuana products in compliance with state law.

- The AUMA does not permit smoking of marijuana in public places or other places where tobacco smoking is prohibited, and prescribes penalties for violators. (Health & Safety Code §§ 11362.3, subds. (a)(1) and (a)(2); 11362.4, subds. (a) and (b).)
Pursuant to Government Code sections 36934 and 36937, a city may adopt an urgency ordinance that takes effect immediately if necessary to preserve the public peace, health or safety.

Marijuana uses are known to result in negative direct and secondary impacts on the health, safety and welfare of citizens, particularly when unregulated. These negative impacts include illegal sales and distribution of marijuana, trespassing, theft, violent robberies and robbery attempts, fire hazards and building hazards, and offensive odors. In addition to the negative effects recited above, marijuana cultivation and distribution can attract crime, lead to fires, expose minors to marijuana, negatively impact neighborhoods, damage buildings, require dangerous electrical alterations and use, and create the nuisance of strong and noxious odors. In Colorado, where recreational marijuana is legal and commercialized, marijuana-related traffic deaths increased 92% from 2010 to 2014 while all traffic deaths increased only 8 percent during the same time period. Use of marijuana by Colorado teens ages 12-17 is at least 56% higher than the national average. A study released in May 2016 by AAA Foundation for Traffic Research found that fatal crashes involving drivers who recently used marijuana doubled in the state of Washington after it legalized marijuana. Such studies are available for public review in the City Clerk’s office.

Based on these facts and other evidence, there is a concern that the proliferation of marijuana-related businesses and activities in the City would result in increased crime and other negative secondary effects like those experienced in other communities throughout California and around the country. By expressly prohibiting commercial marijuana activities and marijuana cultivation to the maximum extent authorized by State law, the City can further safeguard against the detrimental secondary impacts associated with such activities. A complete prohibition on commercial marijuana activities and marijuana cultivation in the City of El Segundo is necessary to avoid the deleterious secondary effects of such activity as detailed herein.

Moreover, the possession, use, transportation, distribution, sale, and other marijuana-related activities, for medical or recreational purposes, remain illegal under the federal Controlled Substances Act. Marijuana is classified as a Schedule 1 substance; a designation reserved for substances with a high propensity for abuse and addiction, and lacking any recognized medical benefits.

At this time it is unclear how the AUMA will be implemented by the State, and whether the statutory scheme will adequately address local health, safety, and welfare concerns. The City has not yet studied the potential health, safety, and welfare impacts of recreational marijuana on local residents, businesses, and the community, and the City has not yet made a determination as to the locations, zoning districts, or development standards that should be applied to marijuana-related uses to preserve such interests, or whether a complete ban on such uses is necessary and appropriate.

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3. *Id.* at pp. 35-36.
Presently, the Municipal Code prohibits commercial cannabis activities, cultivation of medical cannabis, delivery of medical cannabis, medical marijuana dispensaries, and medical marijuana collectives throughout the city. The proposed ordinances extend the prohibition to all commercial marijuana activities that are now permissible under state law, including a prohibition on all outdoor cultivation of marijuana, regardless of purpose.

Two urgency ordinances are presented for the Council’s consideration. The first ordinance adds Chapter 14 to Title 4 and amends Chapter 11 of Title 7 to expressly prohibit all commercial marijuana activities (regardless of purpose) and to prohibit all cultivation of marijuana with the exception of the cultivation of up to six plants within a private residence. Under the AUMA, cities and counties may not completely prohibit indoor personal cultivation of up to six marijuana plants, but may enact and enforce reasonable regulations pertaining to personal, indoor cultivation. The second ordinance focuses on marijuana-related land uses and imposes a 45-day moratorium on all marijuana-related land uses, as defined, during which time no permit or license of any kind can be issued for a marijuana-related land use. The moratorium will allow reasonable time for the City to consider whether to formulate and adopt zoning standards and regulations governing marijuana-related land uses, or whether to prohibit such uses in their entirety. Adoption of an urgency ordinance requires a 4/5 vote of the City Council.

In addition to the two urgency ordinances, staff recommends the City Council introduce on first reading a regular, non-urgency ordinance adding Chapter 14 to Title 4 and amending Chapter 11 of Title 7 in an identical manner. Introduction of an identical non-urgency ordinance at the same meeting at which an urgency ordinance is adopted is a common method used to “back up” the action taken in the urgency ordinance. If the urgency clause is successfully challenged, the non-urgency version of the ordinance will already be effective. In such a case, only those actions taken or citations issued prior to the effective date of the non-urgency ordinance are vulnerable to challenge.
ORDINANCE NO. ___

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO ADDING CHAPTER 14 TO TITLE 4 AND AMENDING CHAPTER 11 OF TITLE 7 OF THE MUNICIPAL CODE TO EXPRESSLY PROHIBIT ALL COMMERCIAL MARIJUANA ACTIVITY AND THE PERSONAL CULTIVATION OF MARIJUANA TO THE EXTENT ALLOWED BY STATE LAW

The City Council of the City of El Segundo does ordain as follows:

SECTION 1: The City Council finds and determines as follows:

A. On November 5, 1996, the voters of the State of California approved Proposition 215, codified as Health and Safety Code Section 11362.5 et seq., and entitled the Compassionate Use Act of 1996 ("CUA"). The CUA exempts qualified patients and their primary caregivers from criminal liability under state law for the possession and cultivation of marijuana for personal medical use.

B. The intent of the CUA was to enable persons in the State of California who are in need of marijuana for medicinal purposes to obtain it and use it under limited, specified circumstances.

C. The State enacted Senate Bill 420 in October 2003, codified a Health and Safety Section 11362.7, et seq., ("Medical Marijuana Program Act," or "MMPA") to clarify the scope of the Compassionate Use Act of 1996 and to allow cities and other governing bodies to adopt and enforce rules and regulations consistent with SB 420. The MMPA created a state-approved voluntary medical marijuana identification card program and provided for certain additional immunities from state marijuana laws. Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amended the Medical Marijuana Program to expressly recognize the authority of counties and cities to "[a]dopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective" and to civilly and criminally enforce such ordinances.

D. The CUA and MMPA do not "legalize" marijuana, but provide limited defenses to certain categories of individuals with respect to certain conduct and certain state criminal offenses.

E. In City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. (2013) 56 Cal.4th 729, the California Supreme Court held that "[n]othing in the CUA or the MMPA expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land. . . ." Additionally, in Maral v. City of Live Oak (2013) 221 Cal.App.4th 975, the Court of Appeal held that "there is no right – and certainly no constitutional right – to cultivate medical marijuana. . . ." The Court in
Maral affirmed the ability of a local governmental entity to prohibit the cultivation of marijuana under its land use authority.

F. The Federal Controlled Substances Act, 21 U.S.C. § 801 et seq., classifies marijuana as a Schedule 1 Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United State, and that has not been accepted as safe for use under medical supervision. The Federal Controlled Substances Act makes it unlawful under federal law for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana. The Federal Controlled Substances Act contains no exemption for medical purposes.

G. On October 9, 2015 Governor Brown signed three bills into law (AB 266, AB 243, and SB 643) which collectively are known as the Medical Marijuana Regulation and Safety Act (“MMRSA”). MMRSA established a State licensing scheme for commercial medical marijuana uses while protecting local control by requiring that all such businesses must have a local license or permit to operate in addition to a State license. MMRSA allows a City to completely prohibit commercial medical marijuana activities.

H. The City Council finds that commercial medical marijuana activities, as well as cultivation for personal medical use as allowed by the CUA and MMP can adversely affect the health, safety, and well-being of City residents. Citywide prohibition is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells and indoor electrical fire hazards that may result from such activities. Further, as recognized by the Attorney General’s August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, marijuana cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.

I. The limited immunity from specified state marijuana laws provided by the Compassionate Use Act and Medical Marijuana Program does not confer a land use right or the right to create or maintain a public nuisance.

J. MMRSA contained language that required the city to prohibit cultivation uses either expressly or otherwise under the principles of permissive zoning, or the State would become the sole licensing authority. MMRSA also contained language that required delivery services to be expressly prohibited by local ordinance, if the City wished to do so.

K. On March 1, 2016, the City Council adopted Ordinance No. 1518 prohibiting commercial cannabis activities, cultivation of medical cannabis, delivery of medical cannabis, medical marijuana dispensaries, and medical marijuana collectives throughout the City.
L. On November 8, 2016, the voters of the State of California passed Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA). The AUMA decriminalizes (under California law), controls and regulates the cultivation, processing, manufacture, distribution, testing and sale of nonmedical marijuana, including marijuana products, for use by adults 21 years of age or older. The AUMA also taxes the commercial growth and retail sale of marijuana. It does not, and cannot, affect federal regulations as to marijuana or its derivatives.

M. The AUMA expressly preserves local control over the regulation of marijuana-related businesses and marijuana-related land uses (Business & Professions Code § 26200, et seq.) The City Council wishes to prohibit all commercial marijuana activity and marijuana cultivation to the maximum extent authorized by State law.

N. In accordance with Government Code sections 36934 and 36937(b), the City Council finds that this Ordinance should be adopted on an urgency basis to preserve the public health, safety and welfare. A complete prohibition on medical marijuana cultivation in the City of El Segundo is necessary to avoid the deleterious secondary effects of such activity as detailed herein. In addition to the negative effects recited above, marijuana cultivation and distribution can attract crime, lead to fires, expose minors to marijuana, negatively impact neighborhoods, damage buildings, require dangerous electrical alterations and use, and create the nuisance of strong and noxious odors. (White Paper on Marijuana Dispensaries, California Police Chiefs Association’s Task Force on Marijuana Dispensaries, April 22, 2009, p. 12.) In Colorado, where recreational marijuana is legal and commercialized, marijuana-related traffic deaths increased 92% from 2010 to 2014 while all traffic deaths increased only 8 percent during the same time period. (The Legalization of Marijuana in Colorado: The Impact, Rocky Mountain High Intensity Drug Trafficking Area, Vol. 3, September 2015, pp. 14-15.) Use of marijuana by Colorado teens ages 12-17 is at least 56% higher than the national average. (Id. at pp. 35-36.) A study released in May 2016 by AAA Foundation for Traffic Research found that fatal crashes involving drivers who recently used marijuana doubled in the state of Washington after it legalized marijuana. (Prevalence of Marijuana Involvement in FatalCrashes: Washington, 2010-2014, May 2016, AAA Foundation for Traffic Safety.) Based on these facts and other evidence, there is a concern that the proliferation of marijuana-related businesses and land uses in the City would result in increased crime and other negative secondary effects like those experienced in other communities throughout California and around the country. By expressly prohibiting marijuana-related businesses and marijuana-related land uses to the maximum extent authorized by State law, the City can further safeguard against the detrimental secondary impacts associated with such activities.

SECTION 2: Authority. This ordinance is adopted pursuant to the authority granted by the California Constitution and State law, including but not limited to Article XI, Section 7 of the California Constitution, the Compassionate Use Act, the Medical Marijuana Program Act, the Medical Marijuana Regulation and Safety Act, the Control, Regulate and Tax Adult Use of Marijuana Act, and Government Code sections 36934 and 36937(b).
SECTION 3: A new Chapter 14 entitled “Marijuana” is added to Title 4 of the El Segundo Municipal Code to read as follows:

"Chapter 14

MARIJUANA

4-14-1 Definitions.
4-14-2 Commercial marijuana activity — Prohibited.
4-14-3 Cultivation of marijuana for personal use.
4-14-4 Severability.
4-14-5 Interpretation.

4-14-1 Definitions.

"Commercial marijuana activity” means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery, or sale of marijuana and marijuana products.

"Cultivation” means any activity involving the planting, growing, cultivating, harvesting, drying, curing, grading, trimming or processing of marijuana.

"Delivery” means the commercial transfer of marijuana or marijuana products to a customer. “Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer or independently licensed under this division that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.

"Marijuana” means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include:

(a) industrial hemp, as defined in Health & Safety Code Section 11018.5; or

(b) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

"Marijuana accessories” means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging,
storing, smoking, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana or marijuana products into the human body.

“Marijuana cultivation facility” means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

“Marijuana establishment” means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

“Marijuana product manufacturing facility” means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

“Marijuana products” means marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.

“Marijuana storage facility” means any entity or premises used for the storage of marijuana, marijuana products or marijuana accessories.

“Marijuana testing facility” means an entity licensed to analyze and certify the safety and potency of marijuana.

“Private residence” means a house, an apartment unit, a mobile home, or other similar habitable dwelling.

“Retail marijuana store” means any entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers; or any premises, whether licensed or unlicensed, where marijuana, marijuana products, or devices for the use of marijuana or marijuana products are offered, either individually or in any combination, for retail sale, including an establishment that delivers marijuana and marijuana products as part of a retail sale.

4-14-2 Commercial marijuana activity — Prohibited.

No license can be issued for, nor shall any person operate, a marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility, marijuana delivery business, marijuana storage facility, retail marijuana
store, marijuana establishment, or any commercial marijuana activity in the City of El Segundo.

4-14-3 Cultivation of marijuana for personal use.

A. Outdoor Cultivation. The cultivation of marijuana outdoors is prohibited in the City of El Segundo regardless of purpose.

B. Indoor Cultivation. Not more than six plants may be cultivated, planted, harvested, dried, processed or possessed within a single private residence at one time pursuant to Health & Safety Code Section 11362.2.

4-14-4 Severability.

The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this chapter, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons or circumstances.

4-14-5 Interpretation.

The intent of this chapter is to prohibit commercial marijuana activities and the personal cultivation of marijuana, whether medical or recreational in nature, to the maximum extent allowed under state law. Nothing in this chapter shall be interpreted as allowing behavior otherwise prohibited by state law and nothing in this chapter shall be interpreted as prohibiting conduct that the city is expressly preempted from prohibiting under state law.”

SECTION 4: Chapter 11 of Title 7 of the El Segundo Municipal Code is amended to read as follows:

“Chapter 11

MARIJUANA

7-11-1: For regulations regarding marijuana, commercial marijuana activities, and marijuana cultivation, see Title 7, Chapter 14 and Title 15, Chapter 13B.”

SECTION 5: Environmental Review. The City Council finds that this ordinance does not have the potential to cause significant effects on the environment and, therefore, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code Regs. § 15061(b)(3). The ordinance amends the El Segundo Municipal Code to expressly prohibit commercial marijuana activities and outdoor cultivation of
marijuana in the City. The ordinance does not portend any development or changes to the physical environment. Further, the City Council finds that this ordinance is categorically exempt from further CEQA review under 14 Cal. Code Regs. §§ 15305 (minor alterations in land use limitations) and 15308 (actions taken as authorized by local ordinance to assure protection of the environment). The City is not aware of any existing marijuana commercial uses in El Segundo and the proposed ordinance would maintain the status quo. Following an evaluation of possible adverse impacts, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

SECTION 6: Construction. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 7: Enforceability. Repeal of any provision of the El Segundo Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 8: Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9: The City Clerk is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the city of El Segundo’s book of original ordinances, make a note of the passage and adoption in the records of this meeting, and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 10: Declaration of Urgency. Based on the findings set forth in Section 1, this is an urgency ordinance adopted for the immediate preservation of the public peace, health, safety and welfare. This Ordinance is adopted by a four-fifths vote and will become effective immediately upon adoption pursuant to Government Code section 36937(b).

PASSED AND ADOPTED this _______ day of __________________, 2016.

______________________________
Suzanne Fuentes, Mayor
ATTEST:

Tracy Sherrill Weaver, City Clerk

APPROVED AS TO FORM

Mark D. Hensley, City Attorney
ORDINANCE NO. ______

AN URGENCY ORDINANCE PROHIBITING PERMIT ISSUANCE FOR MARIJUANA-RELATED LAND USES WITHIN THE CITY FOR A PERIOD OF FORTY-FIVE DAYS TO CONSIDER AMENDING TITLE 15 OF THE EL SEGUNDO MUNICIPAL CODE.

The Council of the City of El Segundo does ordain as follows:

SECTION 1: This ordinance is adopted pursuant to Government Code Sections 36937 and 65858, and other applicable laws.

SECTION 2: Findings: The El Segundo City Council finds, determines and declares as follows:

A. The City can adopt and enforce all laws and regulations not in conflict with the general laws and the City holds all rights and powers established by state law.

B. The City has a compelling interest in the careful and orderly planning and regulation of land uses within the City.

C. Without orderly, careful planning, portions of the City can quickly deteriorate, resulting in negative consequences to social, environmental and economic values.

D. Title 15, Chapter 13B of the El Segundo Municipal Code currently prohibits commercial cannabis activities, cultivation of medical cannabis, delivery of medical cannabis, medical marijuana dispensaries, and medical marijuana collectives throughout the City.

E. On November 8, 2016, the voters of the State of California passed the Control, Regulate and Tax Adult Use of Marijuana Act ("AUMA").

F. The AUMA legalized various recreational marijuana activities for persons 21 years of age or older, including recreational marijuana businesses, dispensaries, retailers, delivery services, use, possession, transportation, manufacture, testing, indoor and outdoor cultivation, and other activities.

G. The AUMA expressly preserves local control over the regulation of marijuana-related businesses and marijuana-related land uses (Business & Professions Code § 26200, et seq.)

H. Other states that have legalized recreational marijuana have experienced a host of negative secondary impacts associated with recreational

I. The impact of the AUMA and legalization of recreational marijuana on the City of El Segundo and its residents is unclear at this time and it is foreseeable that the City could see an influx of applications for marijuana-related land uses, as well as an influx of unpermitted and unregulated marijuana-related land uses, the scope and extent of which is difficult to predict at this time.

J. Without clear and precise regulations on marijuana-related land uses, there is a present and immediate threat to the health, safety and welfare of the residents of the City of El Segundo from the unregulated establishment of marijuana-related land uses.

K. In light of the intent and purpose of the City's existing ban on commercial cannabis activities, etc. (ESMC Title 15, Chapter 13B), together with the permissive nature of the City's zoning scheme as codified in Title 15, the City interprets its current Municipal Code as prohibiting all marijuana-related businesses and land uses, regardless of whether they are medical or recreational in nature.

L. Despite the City's intent and its interpretation of its existing Code, it is foreseeable that persons seeking to establish recreational marijuana-related land uses may attempt to do so regardless of Title 15, Chapter 13B.

M. To avoid doubt as to the illegality of all marijuana-related land uses, including recreational marijuana-related land uses, and to allow the City time to study the impacts of recreational marijuana land uses on the general health, safety and welfare of City residents, and the consistency of such uses with the City's General Plan and Zoning Code, the City Council desires to adopt an interim ordinance as an urgency ordinance, effective immediately, declaring and establishing a temporary moratorium on all marijuana-related land uses legalized by the AUMA in order to protect the health, safety and welfare of the City's residents.

N. The best method for protecting the public health, safety and welfare is either to prohibit marijuana-related land uses entirely or to adopt comprehensive regulations for the establishment and operation of
marijuana-related land uses, including, without limitation, locational and operational standards.

O. The City cannot enact a comprehensive set of restrictions and regulations without due study and deliberation. The City requires and indeterminate length of time to analyze the details of such comprehensive restrictions in light of the enactment of the AUMA. Significant damage to the public health, safety and welfare could occur if persons are permitted to engage in or operate marijuana-related land uses without regulation while a set of proposed regulations is being studied and considered through a public hearing process. Until the City has had the opportunity to evaluate its options and make an informed decision, approval of any land use entitlement or permit such as a use permit, variance, building permit, license, certificate of occupancy, zone clearance or any other land use approval involving marijuana-related uses would threaten the public health, safety and welfare.

P. Based on the foregoing, the City finds that there is a current and immediate threat to the public health, safety, or welfare and that this Ordinance is warranted and necessary in order to protect the City from the potential effects and impacts of unregulated marijuana-related land uses including, without limitation, potential impacts on vehicle traffic, public safety, neighboring land uses, and other similar or related effects on property values and the quality of life in the City’s neighborhoods.

Q. The City Council further finds that this moratorium is a matter of local and City-wide importance and is not directed towards any particular applicant or potential applicant for a marijuana-related land use.

R. Government Code sections 36937 and 65858 authorize the adoption of an urgency ordinance to protect the public health, safety and welfare and to prohibit certain land uses that may conflict with the land use regulations that the City Council is considering or intends to study within a reasonable time.

S. This Ordinance is in addition to, and does not alter or supersede, the City’s current ban on commercial cannabis activities, cultivation of medical cannabis, delivery of medical cannabis, medical marijuana dispensaries, and medical marijuana collectives as set forth in Title 15, Chapter 13B of the Municipal Code. The City Council further finds that the length of the moratorium imposed by this Ordinance will not in any way deprive any person of rights granted by state or federal laws, because the moratorium is short in duration and essential to protect the public health, safety and welfare.

SECTION 3: Interim Regulations: The following provisions are adopted as interim
requirements for issuing permits pursuant to the El Segundo Municipal Code for marijuana-related land uses and any construction, conversion, or other activity in the City in conflict with these provisions is expressly prohibited:

A. **Restricted Activities.** For a period of forty-five (45) days after adoption of this Ordinance, the City will not issue a permit or land use entitlement to any person for any marijuana-related land use. City staff, including City boards and commissions, are directed to refrain from accepting or processing any application for any land use entitlement, including, without limitation, use permits, variances, building permits, licenses and certificates of occupancy, necessary for constructing, establishing, or operating a marijuana-related land use within the City, and to refrain from issuing any land use entitlement for any pending applications already received. These prohibitions will remain effective for forty-five (45) days following adoption of this Ordinance.

B. **Definitions.** In addition to the definitions contained in the El Segundo Municipal Code, the following words and phrases will, for the purposes of this Ordinance, be defined as follows, unless it is clearly apparent from the context that another meaning is intended. Should any of the definitions be in conflict with the current provisions of the El Segundo Municipal Code, the following definitions will prevail:

"Marijuana-related land use" means any use of land that involves or includes the cultivation, processing, packaging, testing, manufacture, transportation, storage, delivery, distribution, dispensing, or selling of marijuana, marijuana accessories, or marijuana products.

"Marijuana" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.

"Marijuana accessories" means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana or marijuana products into the human body.

"Marijuana products" means marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.
SECTION 4: Environmental Review. Exercising its independent judgment on the basis of the whole record, the City Council finds that this Ordinance is not subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines. Sections 15060(c)(2) and 15060(c)(3) pertain to activities that will not result in a direct or reasonably foreseeable indirect change to the environment and that are not defined as a project under Section 15378. This Ordinance has no potential for resulting in physical change to the environmental directly or indirectly in that its purpose is to prevent change to the environment pending the completion of the contemplated research and evaluation of regulatory alternatives.

SECTION 5: Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 6: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 7: This Ordinance will become effective immediately upon adoption pursuant to Government Code § 36937(b) for the immediate preservation of the public peace, health, safety, and welfare. Pursuant to that statute, and Government Code § 65858, this Ordinance is adopted by a four-fifths vote.

PASSED AND ADOPTED this ___ day of ____________, 2016.

__________________________
Suzanne Fuentes, Mayor

ATTEST:

__________________________
Tracy S. Weaver, City Clerk

APPROVED AS TO FORM:

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Mark D. Hensley, City Attorney
ORDINANCE NO. ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO ADDING CHAPTER 14 TO TITLE 4 AND AMENDING CHAPTER 11 OF TITLE 7 OF THE MUNICIPAL CODE TO EXPRESSLY PROHIBIT ALL COMMERCIAL MARIJUANA ACTIVITY AND THE PERSONAL CULTIVATION OF MARIJUANA TO THE EXTENT ALLOWED BY STATE LAW

The City Council of the City of El Segundo does ordain as follows:

SECTION 1: The City Council finds and determines as follows:

A. On November 5, 1996, the voters of the State of California approved Proposition 215, codified as Health and Safety Code Section 11362.5 et seq., and entitled the Compassionate Use Act of 1996 ("CUA"). The CUA exempts qualified patients and their primary caregivers from criminal liability under state law for the possession and cultivation of marijuana for personal medical use.

B. The intent of the CUA was to enable persons in the State of California who are in need of marijuana for medicinal purposes to obtain it and use it under limited, specified circumstances.

C. The State enacted Senate Bill 420 in October 2003, codified a Health and Safety Section 11362.7, et seq., ("Medical Marijuana Program Act," or "MMPA") to clarify the scope of the Compassionate Use Act of 1996 and to allow cities and other governing bodies to adopt and enforce rules and regulations consistent with SB 420. The MMPA created a state-approved voluntary medical marijuana identification card program and provided for certain additional immunities from state marijuana laws. Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amended the Medical Marijuana Program to expressly recognize the authority of counties and cities to “[a]dopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective” and to civilly and criminally enforce such ordinances.

D. The CUA and MMPA do not “legalize” marijuana, but provide limited defenses to certain categories of individuals with respect to certain conduct and certain state criminal offenses.

E. In City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. (2013) 56 Cal.4th 729, the California Supreme Court held that “[n]othing in the CUA or the MMPA expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land. . . .” Additionally, in Maral v. City of Live Oak (2013) 221 Cal.App.4th 975, the Court of Appeal held that “there is no right – and certainly no constitutional right – to cultivate medical marijuana. . . .” The Court in
Maral affirmed the ability of a local governmental entity to prohibit the cultivation of marijuana under its land use authority.

F. The Federal Controlled Substances Act, 21 U.S.C. § 801 et seq., classifies marijuana as a Schedule 1 Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United State, and that has not been accepted as safe for use under medical supervision. The Federal Controlled Substances Act makes it unlawful under federal law for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana. The Federal Controlled Substances Act contains no exemption for medical purposes.

G. On October 9, 2015 Governor Brown signed three bills into law (AB 266, AB 243, and SB 643) which collectively are known as the Medical Marijuana Regulation and Safety Act (“MMRSA”). MMRSA established a State licensing scheme for commercial medical marijuana uses while protecting local control by requiring that all such businesses must have a local license or permit to operate in addition to a State license. MMRSA allows a City to completely prohibit commercial medical marijuana activities.

H. The City Council finds that commercial medical marijuana activities, as well as cultivation for personal medical use as allowed by the CUA and MMP can adversely affect the health, safety, and well-being of City residents. Citywide prohibition is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells and indoor electrical fire hazards that may result from such activities. Further, as recognized by the Attorney General’s August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, marijuana cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.

I. The limited immunity from specified state marijuana laws provided by the Compassionate Use Act and Medical Marijuana Program does not confer a land use right or the right to create or maintain a public nuisance.

J. MMRSA contained language that required the city to prohibit cultivation uses either expressly or otherwise under the principles of permissive zoning, or the State would become the sole licensing authority. MMRSA also contained language that required delivery services to be expressly prohibited by local ordinance, if the City wished to do so.

K. On March 1, 2016, the City Council adopted Ordinance No. 1518 prohibiting commercial cannabis activities, cultivation of medical cannabis, delivery of medical cannabis, medical marijuana dispensaries, and medical marijuana collectives throughout the City.
L. On November 8, 2016, the voters of the State of California passed Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA). The AUMA decriminalizes (under California law), controls and regulates the cultivation, processing, manufacture, distribution, testing and sale of nonmedical marijuana, including marijuana products, for use by adults 21 years of age or older. The AUMA also taxes the commercial growth and retail sale of marijuana. It does not, and cannot, affect federal regulations as to marijuana or its derivatives.

M. The AUMA expressly preserves local control over the regulation of marijuana-related businesses and marijuana-related land uses (Business & Professions Code § 26200, et seq.) The City Council wishes to prohibit all commercial marijuana activity and marijuana cultivation to the maximum extent authorized by State law.

N. A complete prohibition on medical marijuana cultivation in the City of El Segundo is necessary to avoid the deleterious secondary effects of such activity as detailed herein. In addition to the negative effects recited above, marijuana cultivation and distribution can attract crime, lead to fires, expose minors to marijuana, negatively impact neighborhoods, damage buildings, require dangerous electrical alterations and use, and create the nuisance of strong and noxious odors. (White Paper on Marijuana Dispensaries, California Police Chiefs Association’s Task Force on Marijuana Dispensaries, April 22, 2009, p. 12.) In Colorado, where recreational marijuana is legal and commercialized, marijuana-related traffic deaths increased 92% from 2010 to 2014 while all traffic deaths increased only 8 percent during the same time period. (The Legalization of Marijuana in Colorado: The Impact, Rocky Mountain High Intensity Drug Trafficking Area, Vol. 3, September 2015, pp. 14-15.) Use of marijuana by Colorado teens ages 12-17 is at least 56% higher than the national average. (Id. at pp. 35-36.) A study released in May 2016 by AAA Foundation for Traffic Research found that fatal crashes involving drivers who recently used marijuana doubled in the state of Washington after it legalized marijuana. (Prevalence of Marijuana Involvement in Fatal Crashes: Washington, 2010-2014, May 2016, AAA Foundation for Traffic Safety.)

Based on these facts and other evidence, there is a concern that the proliferation of marijuana-related businesses and land uses in the City would result in increased crime and other negative secondary effects like those experienced in other communities throughout California and around the country. By expressly prohibiting marijuana-related businesses and marijuana-related land uses to the maximum extent authorized by State law, the City can further safeguard against the detrimental secondary impacts associated with such activities.

SECTION 2: Authority. This ordinance is adopted pursuant to the authority granted by the California Constitution and State law, including but not limited to Article XI, Section 7 of the California Constitution, the Compassionate Use Act, the Medical Marijuana Program Act, the Medical Marijuana Regulation and Safety Act, and the Control, Regulate and Tax Adult Use of Marijuana Act.

SECTION 3: A new Chapter 14 entitled “Marijuana” is added to Title 4 of the El Segundo Municipal Code to read as follows:
4-14-1 Definitions.
4-14-2 Commercial marijuana activity — Prohibited.
4-14-3 Cultivation of marijuana for personal use.
4-14-4 Severability.
4-14-5 Interpretation.

4-14-1 Definitions.

"Commercial marijuana activity" means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery, or sale of marijuana and marijuana products.

"Cultivation" means any activity involving the planting, growing, cultivating, harvesting, drying, curing, grading, trimming or processing of marijuana.

"Delivery" means the commercial transfer of marijuana or marijuana products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer or independently licensed under this division that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.

"Marijuana" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include:

(a) industrial hemp, as defined in Health & Safety Code Section 11018.5; or

(b) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

"Marijuana accessories" means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana or marijuana products into the human body.
“Marijuana cultivation facility” means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

“Marijuana establishment” means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

“Marijuana product manufacturing facility” means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

“Marijuana products” means marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.

“Marijuana storage facility” means any entity or premises used for the storage of marijuana, marijuana products or marijuana accessories.

“Marijuana testing facility” means an entity licensed to analyze and certify the safety and potency of marijuana.

“Private residence” means a house, an apartment unit, a mobile home, or other similar habitable dwelling.

“Retail marijuana store” means any entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers; or any premises, whether licensed or unlicensed, where marijuana, marijuana products, or devices for the use of marijuana or marijuana products are offered, either individually or in any combination, for retail sale, including an establishment that delivers marijuana and marijuana products as part of a retail sale.

4-14-2 Commercial marijuana activity — Prohibited.

No license can be issued for, nor shall any person operate, a marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility, marijuana delivery business, marijuana storage facility, retail marijuana store, marijuana establishment, or any commercial marijuana activity in the City of El Segundo.

4-14-3 Cultivation of marijuana for personal use.
A. Outdoor Cultivation. The cultivation of marijuana outdoors is prohibited in the City of El Segundo regardless of purpose.

B. Indoor Cultivation. Not more than six plants may be cultivated, planted, harvested, dried, processed or possessed within a single private residence at one time pursuant to Health & Safety Code Section 11362.2.

4-14-4 Severability.

The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this chapter, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons or circumstances.

4-14-5 Interpretation.

The intent of this chapter is to prohibit commercial marijuana activities and the personal cultivation of marijuana, whether medical or recreational in nature, to the maximum extent allowed under state law. Nothing in this chapter shall be interpreted as allowing behavior otherwise prohibited by state law and nothing in this chapter shall be interpreted as prohibiting conduct that the city is expressly preempted from prohibiting under state law.”

SECTION 4: Chapter 11 of Title 7 of the El Segundo Municipal Code is amended to read as follows:

“Chapter 11

MARIJUANA

7-11-1: For regulations regarding marijuana, commercial marijuana activities, and marijuana cultivation, see Title 7, Chapter 14 and Title 15, Chapter 13B.”

SECTION 5: Environmental Review. The City Council finds that this ordinance does not have the potential to cause significant effects on the environment and, therefore, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code Regs. § 15061(b)(3). The ordinance amends the El Segundo Municipal Code to expressly prohibit commercial marijuana activities and outdoor cultivation of marijuana in the City. The ordinance does not portend any development or changes to the physical environment. Further, the City Council finds that this ordinance is categorically exempt from further CEQA review under 14 Cal. Code Regs. §§ 15305 (minor alterations in land use limitations) and 15308 (actions taken as authorized by
local ordinance to assure protection of the environment). The City is not aware of any existing marijuana commercial uses in El Segundo and the proposed ordinance would maintain the status quo. Following an evaluation of possible adverse impacts, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

SECTION 6: Construction. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 7: Enforceability. Repeal of any provision of the El Segundo Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 8: Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9: The City Clerk is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the city of El Segundo’s book of original ordinances, make a note of the passage and adoption in the records of this meeting, and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED AND ADOPTED this _____ day of ____________________, 2016.

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Suzanne Fuentes, Mayor

ATTEST:

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Tracy Sherrill Weaver, City Clerk

APPROVED AS TO FORM

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Mark D. Hensley, City Attorney