ORDINANCE NO. 2010-685

AN URGENCY ORDINANCE OF THE CITY OF KING CITY PROHIBITING THE
ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES IN ANY ZONE OF
THE CITY

WHEREAS: It is necessary for the preservation of the public peace, health and safety to enact
as an urgency ordinance rules prohibiting the establishment and operation of medical marijuana
dispensaries in any zone of the City of King City. The reasons for the urgency include the
identified secondary effects outlined in the agenda report of the city attorney and its attachments,
which is incorporated herein and included by this reference as though fully set forth at this point,
the absence of specific regulations on this type of land use within the City, and the fact that the
experience of many other cities suggests that the number of regulatory issues should be carefully
considered in order to prevent the adverse secondary effects and to ensure compatibility with
other uses, including residential uses and schools. The City can expect to suffer the adverse
secondary effects of such businesses and enforcement problems if such businesses are allowed in
the absence of new and revised regulations. In light of the necessity to study and develop new
and appropriate regulations, and the possibility of suffering adverse secondary effects in the
meantime, an urgency ordinance is necessary to provide a clear statement of existing law and to
protect the public, peace, health and safety, pending review and consideration by the City’s
planning commission and by the City Council of a permanent ordinance governing the operation
of medical marijuana dispensaries. All of these concerns are exacerbated by the fact that most of
the other cities in Monterey County and all cities in San Luis Obispo County have enacted
similar bans, thus making it possible that a dispensary located in King City would serve as a
dispensary for a large geographical location with large unforeseen consequences. Based on the
foregoing, the City Council does hereby declare this urgency ordinance is necessary to protect
the public health, safety, and welfare while considering revisions to the zoning regulations
related to medical marijuana dispensaries.

NOW, THEREFORE:

The City Council of the City of King City does ordain as follows:

SECTION 1.

Notwithstanding anything to the contrary contained in the King City Municipal Code, a
medical marijuana dispensary shall not be a permitted use in any zone of the City, and no
conditional use permit shall issue permitting such use. As used herein, a “medical marijuana
dispensary” means a facility where marijuana is made available for medical purposes in
accordance with Health and Safety Code Section 11362.5. A “medical marijuana dispensary”
shall not include the following uses, as long as the location of such uses area is otherwise
regulated by the King City Municipal Code or applicable law: a clinic licensed pursuant to
Chapter 1 of Division 2 of the Health and Safety Code, a health care facility license pursuant to
Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with
chronic life-threatening illness licensed pursuant to Chapter 3.01 of the Division 2 of the Health
and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of the
Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed
pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable California and federal law.

SECTION 2.

As an urgency measure, this ordinance shall become effective immediately upon adoption hereof.

SECTION 3.

The City Clerk shall certify to the passage and adoption of this Urgency Ordinance, shall enter the same in the book of original ordinances of the City and shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted. Before the expiration of 15 days after the passage of this Ordinance, the City Clerk shall cause the same to be posted in three public places within the City of King City, to wit.

ADOPTED at a regular meeting of the City Council held this 23rd day of February, 2010 on motion of Councilmember Cullen, seconded by Councilmember Hughes, and on the following roll call vote, to wit:

AYES: Councilmembers: Pereira, Kleber, Cullen, Hughes, Nuno

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

ATTEST:

Erica Sonne, City Clerk

Jeff Pereira, Mayor

APPROVED AS TO FORM:

Roy A. Hanley, City Attorney