

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. 2756

AN UNCODIFIED ORDINANCE OF THE CITY OF OXNARD PROHIBITING THE SALE, SUPPLY, OR PROVISION OF MEDICAL MARIJUANA WITHIN THE CITY

WHEREAS, on November 15, 2005, the City Council adopted Ordinance No. 2706, imposing an urgency interim prohibition of medical marijuana dispensaries pending study by the Planning Manager of the Development Services Department of a zoning proposal to address the prohibition or location and regulation of such businesses; and

WHEREAS, on December 20, 2005, the City Council adopted Ordinance No. 2712, extending the effective period of Ordinance No. 2706 and the urgency interim prohibition of medical marijuana dispensaries pending study by the Planning Manager of a zoning proposal to address the prohibition or location and regulation of such businesses; and

WHEREAS, on October 17, 2006, the City Council adopted Ordinance No. 2725, extending the effective period of Ordinance No. 2712 and the urgency interim prohibition of medical marijuana dispensaries pending study by the Planning Manager of a zoning proposal to address the prohibition or location and regulation of such businesses.

The City Council of the City of Oxnard makes the following findings:

1. In 1996 Proposition 215, the Compassionate Use Act ("the Act"), was adopted by the voters of the State of California. The Act authorized the use of marijuana for medical purposes within California. The Act also allowed care givers to provide medical marijuana to eligible persons.
2. In 2005, the United States Supreme Court issued its decision in Gonzales v. Raich (545 U.S. 1). The Supreme Court held that the regulation of marijuana under the federal Controlled Substances Act was within the power of Congress.
3. In accordance with the Supreme Court's decision in Gonzales v. Raich, the sale, supply, or provision of medical marijuana pursuant to the Act is in violation of and prohibited by the Controlled Substances Act.
4. Until the conflict between the Act and the Controlled Substances Act is resolved, the sale, supply, or provision of medical marijuana is illegal under federal law.
5. California Government Code section 37100 authorizes a city to "pass ordinances not in conflict with the Constitution and laws of the State or the United States."

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

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Part 1. Since the United States Supreme Court decided in Gonzales v. Raich (545 U.S. 1) that the sale, supply, or provision of marijuana continues to be a violation of the Controlled Substances Act notwithstanding state law to the contrary, no license or permit shall be issued for the sale, supply, or provision of marijuana within the City and the City Code shall not be interpreted as allowing or authorizing the sale, supply, or provision of marijuana within the City.

Part 2. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation with the City. Ordinance No. 2756 was first read on October 9, 2007 and finally adopted on _____, 2007, to become effective thirty days thereafter.

AYES:

NOES:

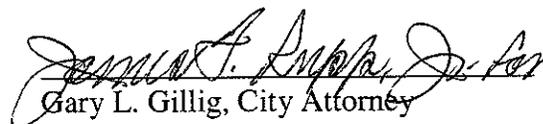
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

APPROVED AS TO FORM:

Daniel Martinez, City Clerk


Gary L. Gillig, City Attorney

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