

ORDINANCE NO. 1266

AN ORDINANCE OF THE CITY OF SIERRA MADRE AMENDING TITLE 17 OF THE SIERRA MADRE MUNICIPAL CODE TO ADD A DEFINITION FOR "MEDICAL MARIJUANA DISPENSARY" AND PROHIBITING SUCH USE.

WHEREAS in 1996 the State of California passed the "Compassionate Use of Marijuana Law" which allows for the use of marijuana for medical purposes; and

WHEREAS the Federal Government through its Controlled Substances Act, prohibits the use and distribution of marijuana; and

WHEREAS the United States Supreme Court in *Gonzales v. Raich* confirmed that the Controlled Substances Act does not contain a "compassionate use" exemption and therefore it is a violation of Federal Law to possess or distribute marijuana even if for medical purposes; and

WHEREAS the Zoning Administrator for the City of Sierra Madre has rendered an interpretation of the Zoning Code that a medical marijuana dispensary would be a prohibited use in the City of Sierra Madre; and

WHEREAS the Zoning Code should be amended to reflect that a medical marijuana dispensary is a prohibited use in the City of Sierra Madre.

NOW THEREFORE the people of the City of Sierra Madre ordain as follows:

SECTION 1. Section 17.36.020, Permitted Uses, is amended by adding the following:

L. Medical Marijuana Dispensary.

1. A medical marijuana dispensary (land use) is defined as a facility or location which provides, makes available or distributes medical marijuana to a primary caregiver, a qualified patient, or a person with an identification card issued in accordance with California Health and Safety Code Sections 11362.5, et seq.
2. This use is prohibited in the City of Sierra Madre.

SECTION 2. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

SECTION 3. This ordinance shall take effect 30 days from its publication.

Signed and approved this _____ day of _____ 2006.

John Buchanan
Mayor of the City of Sierra Madre

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Sierra Madre at its meeting held this _____ day of _____ 2006, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date published:

Nancy Shollenberger,
City Clerk

Approved as to form:

Michael Colantuano
City Attorney

Chapter 17.10 MEDICAL MARIJUANA DISPENSARY

Sections:

[17.10.010 Prohibited uses.](#)

17.10.010 Prohibited uses.

The following uses are prohibited in all zones established by this chapter and may not be conducted anywhere in the city:

A. A medical marijuana dispensary is any facility or use which involves the distribution of drugs or other substances which it is illegal to distribute or possess under state or federal law.

(Ord. 1266 § 1, 2007)