

TO: TOWN COUNCIL

FROM: TOWN ATTORNEY

RE: PUBLIC HEARING  
ORDINANCE DISALLOWING ILLEGAL USES INCLUDING  
MEDICAL MARIJUANA DISPENSARIES

**RECOMMENDATION**

Adopt ordinance.

**CEQA**

This item is exempt from compliance with the California Environmental Quality Act [CEQA], per §15061(b)(3) of the CEQA Guidelines, because the proposed ordinance will impose a greater limitation on allowable zoning uses, thereby reducing potentially significant environmental effects.

**MONEY**

Because you have already voted to prohibit marijuana dispensaries and because the adoption of the proposed ordinance will simply codify that action, there are no appreciable monetary impacts associated with adopting the ordinance.

**DISCUSSION**

In determining how best to codify a prohibition against marijuana dispensaries, cities have considered a number of approaches. Some have simply added a provision saying that the zoning ordinance is not intended to allow any uses that are illegal under local, state or federal law. This affords broad coverage and avoids the need to codify elaborate definitions and to interpret their meaning.

Others feel that it is necessary to make nuisance findings concerning secondary effects that will likely result from allowing medical marijuana dispensaries, and to base the prohibition on those findings. This requires elaborate definitions.

The Town Attorney has researched current law, as well as different types of ordinances which are being considered. He feels that we should adopt the simpler type of ordinance. He is not persuaded that making findings about secondary effects is helpful, and believes the simpler ordinance affords broader coverage.

Accordingly, staff is recommending that Council adopt the proposed ordinance, disallowing any uses that are illegal under local, state or federal law.

Town of Loomis

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOOMIS PROHIBITING ILLEGAL USES INCLUDING MEDICAL MARIJUANA DISPENSARIES

WHEREAS, on November 30, 2009, the Town Council determined it is not in the best interest of the citizens to allow medical marijuana dispensaries in Loomis; and

WHEREAS, the Town Council directed staff to bring back an ordinance disallowing medical marijuana dispensaries so Council could codify its November 30<sup>th</sup> decision to prohibit medical marijuana dispensaries;

NOW, THEREFORE, the Loomis Town Council does ordain as follows:

Section 1. Chapter 13.10.010 of the Loomis Municipal Code is hereby amended by adding the following thereto:

“Nothing herein is intended, or shall be interpreted, to allow activities or uses which are illegal under local, state or federal law.”

The Town Clerk shall cause this Ordinance to be published as required by law in the Loomis News, a newspaper of general circulation and posted at three (3) locations within (15) days of the certification to be entered into the Book of Ordinances of the Town.

The foregoing Ordinance was introduced at a regular meeting of the Town Council of the Town of Loomis duly held on December 8, 2009 and was approved and enacted at a duly held regular or adjourned Council meeting held on January 12, 2010, by the following roll call vote:

- AYES:
- NOES:
- ABSENT:

\_\_\_\_\_  
Mayor Gary Liss

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Town Attorney

