

AGENDA ITEM: 2.

DATE: 01-25-16

STAFF REPORT

LANCASTER MUNICIPAL CODE AMENDMENT: PROHIBITION OF MEDICAL MARIJUANA DISPENSARIES AND THE CULTIVATION AND/OR DELIVERY OF MARIJUANA

DATE: January 25, 2016

TO: Lancaster Planning Commission

FROM: Jocelyn Corbett, Assistant City Attorney
Lee D'Errico, Public Safety Director

APPLICANT: City of Lancaster

LOCATION: City-wide

REQUEST: Amendment to Title 17 of the Lancaster Municipal Code ("Zoning") by adding a new section, 17.04.235 to Chapter 17.04 ("General Provisions"), relating to the prohibition of medical marijuana dispensaries, and the cultivation and/or delivery of marijuana (the "Medical Marijuana Urgency Ordinance")

RECOMMENDATION: Adopt Resolution No. 16-01 recommending to the City Council an amendment to Title 17 ("Zoning") of the Lancaster Municipal Code, by adding a new section, 17.04.235 to Chapter 17.04 ("General Provisions"), relating to the prohibition of medical marijuana dispensaries, the indoor/outdoor cultivation, and/or delivery of marijuana (the "Medical Marijuana Urgency Ordinance").

BACKGROUND: In 1996, California voters approved Proposition 215, the Compassionate Use Act, which exempted qualified patients and their primary caregivers from criminal liability for the possession and cultivation of marijuana for medical purposes. In 2003, the California Legislature enacted additional regulations through the passage of Senate Bill 420, the Medical Marijuana Program Act, to establish and implement a program for voluntary registration of qualified patients and their primary caregivers through a statewide identification card.

In late 2015, the Legislature passed, and the Governor signed, three pieces of legislation, AB 266, AB 243 and SB 643, collectively called the Medical Marijuana Regulation and Safety Act (the "Act"). The Act is effective as of January 1, 2016. The Act provides a statewide program for the licensing and regulation of commercial cannabis activity, specifically, the operation of medical marijuana dispensaries and the delivery and cultivation of marijuana. The Act provides that, in

accordance with the California Constitution and as expressly held by the California Supreme Court, local authority remains intact, and the City may adopt ordinances to either regulate medical marijuana businesses or to prohibit such operations and related activities altogether.

However, if a city or county does not have a zoning ordinance expressly addressing cultivation, the State will become the sole licensing and regulatory authority for that activity effective March 1, 2016. Although the Assemblyman who authored the bill has stated that the deadline is in error and he intends to change it, there is no guarantee that such an amendment will be adopted in a timely manner. Additionally, the Act provides that if a city does not have an ordinance in effect that expressly bans medical marijuana delivery in conjunction with a dispensary before the State begins issuing licenses, the State will be the sole regulatory body and delivery will be allowed with just a State dispensary license. It is not immediately clear when the State will be ready to issue licenses. However, as a result of these provisions of the Act, and particularly in light of the March 1, 2016, deadline, staff recommends that the Planning Commission adopt Resolution No. 16-01, recommending to City Council the consideration and adoption the Medical Marijuana Urgency Ordinance, to be effective immediately upon such adoption.

DISCUSSION: Staff is recommending that a new section, 17.04.235, be added to Chapter 17.04 of the Lancaster Municipal Code, to expressly prohibit the establishment and/or operation of medical marijuana dispensaries, including mobile dispensaries, to prohibit the indoor or outdoor cultivation of marijuana, and further to prohibit the delivery of marijuana anywhere within the City's boundaries. As discussed in greater detail below, establishing the prohibition now retains local control over regulation of these activities while giving the City time to assess whether regulations can be developed that would allow commercial medical marijuana activities to be conducted in a manner that is safe and responsible and protects public health, safety and welfare.

In 2009 and 2010, the City Council adopted interim urgency ordinances to establish and extend a moratorium on medical marijuana dispensaries in the City; the moratorium expired in December 2011. When the moratorium was established, City Council took express notice of the adverse and often dangerous secondary effects related to the medical marijuana activities reported by cities that allowed dispensaries, specifically criminal activity, including illegal drug activity and drug sales in the vicinity of dispensaries; robbery of persons leaving dispensaries; persons acquiring marijuana from a dispensary and selling it to a non-qualified person; burglaries and robberies; and an increase in vacancies in the commercial areas in proximity to dispensaries.

Purpose and Intent of the Medical Marijuana Urgency Ordinance

In recommending the prohibition of marijuana dispensaries and related activities, staff is making no judgment on whether individuals obtain some medical benefit from marijuana. The sole purpose of the Ordinance is to protect Lancaster residents, business owners and visitors from the detrimental secondary effects that such activities can create. The adoption of this Ordinance will allow the City to retain local control over the regulation of commercial medical marijuana activities, while giving the City time to have a fuller discussion about these issues. It may well be that carefully crafted regulations can be developed in the future that would both respect individuals' rights in determining whether marijuana provides some medical benefit and protect public health, safety and welfare by

ensuring responsible and safe commercial operations. Additionally, adoption of a prohibition now will afford the City the opportunity to see how the State's regulatory structure develops and what unintended consequences, if any, may arise from implementation of the state program.

Secondary Effects of Medical Marijuana Activities

Much of the criminal activity associated with marijuana dispensary operations is due to the fact that federal law still classifies marijuana as a Schedule I drug, considered one of the most dangerous controlled substances along with heroin, LSD, Ecstasy and others. As long as it remains so classified, banks face severe monetary penalties or even closure, and individual bankers can be criminally prosecuted and banned from the industry if they assist dispensary owners with opening and maintaining bank accounts. As a result, dispensaries must generally operate as a cash-only business. The Los Angeles Times recently reported that the "\$700-million-a-year cannabis industry run[s] almost entirely on cash." [December 19, 2015, pp. A1 and A12.] With so much cash moving around it is no surprise that dispensaries and related marijuana activities are a magnet for crime. In addition to robberies at dispensaries, grow houses have been broken into, and the Times reported that gangs in Denver have targeted couriers moving dispensary cash around the city.

Even a very cursory web search confirms that dispensaries are particularly vulnerable to criminal activity: in 2015 alone, at least three Los Angeles dispensaries were robbed; security guards at two of them were injured and an employee was injured at the third. A security guard was shot and killed at a San Bernardino dispensary in February. And an armed robbery of a dispensary in Upland in January 2015 led to a stand-off with the SWAT team at a nearby apartment building.

Here in the City of Lancaster, there have been a number of serious incidents related to medical marijuana in just the past few years:

- In June 2012, a person was delivering medical marijuana at a residence, where he was robbed at gunpoint by two men. After robbing the victim of the medical marijuana, the suspects attempted to take the victim's car. The suspects were later arrested and marijuana containers were recovered as well as a firearm.
- In October 2012, a woman was delivering medical marijuana at a residence. She was robbed at gunpoint and forced inside the residence, which was vacant. The suspects took the marijuana from the victim and attempted to take her vehicle. The suspects were later arrested and evidence of the crime was recovered.
- In November 2012, a man was delivering marijuana for a dispensary. At the location of the delivery, he was robbed at gunpoint and forced inside the vacant residence where the medical marijuana was taken. The victim was taken to a room inside the location and told not to leave. As the suspects attempted to take the victim's vehicle, the victim ran out the back window and escaped. The two suspects were later arrested and evidence was recovered.

- In late 2012, a marijuana dispensary, under the name “Health-bud Pro” opened in a converted automobile repair garage on Sierra Highway. In January 2013 an armed robbery took place at the dispensary. During the LASD investigation into that crime, the dispensary owner stated the business made \$10,000.00 a month. A second armed robbery took place in February 2013. Further investigation revealed the owner sold marijuana to a number of people who did not have a marijuana recommendation, including an undercover deputy sheriff who had no form of identification at the time of the purchase. Deputies also learned that the owner occasionally gave marijuana away for free, particularly to female customers.

While serving a search warrant at the dispensary in March of 2013, deputies seized several pounds of marijuana and made several arrests, including the arrest of the dispensary owner, who received 4 years in state prison for the sales of marijuana.

- During the fall of 2013, the City received complaints of a person selling marijuana out of a residence in west Lancaster; the house reeked of marijuana and fans could be heard running in the garage at all times of the day and night. Investigation by LASD revealed a marijuana cultivation operation inside the garage. The suspect, who was on probation for the sales of marijuana, was arrested. Further investigation revealed the suspect was in possession of a firearm and was stealing electricity to run his marijuana grow operation. The suspect was sentenced to several years in prison.
- In March 2014, two people were delivering medical marijuana. Two suspects robbed the victims at gunpoint and stole the marijuana. While fleeing, the suspects fired shots at the victims. Both suspects were later identified and arrested for the robbery. Both suspects were also in possession of firearms at the time of their arrest.
- In May 2015, three people were delivering one pound of medical marijuana from Santa Cruz. The victims arrived to a location in the City to make the delivery when they were approached by two men. The suspects pointed a hand gun at the victims, then one victim was pistol whipped twice on the face. The suspects took the medical marijuana, cell phones and wallets from the victims.

Features of the Medical Marijuana Urgency Ordinance

The Medical Marijuana Urgency Ordinance prohibits the establishment and operation of a medical marijuana dispensary anywhere within the City’s boundaries, regardless of the zone, adopted specific plan, overlay zone or any other development or use classification of the property. It further prohibits the indoor and outdoor cultivation of marijuana and the delivery of marijuana from a fixed or mobile dispensary to any location in the City.

It is important to note that the Ordinance exempts pharmacies and certain state-licensed health care facilities from the definition of “medical marijuana dispensary.” Additionally, the Act expressly provides that an individual “qualified patient,” as defined in the Health & Safety Code, who possesses, cultivates or transports marijuana exclusively for his or her personal medical use, but who

does not provide, donate, sell or distribute marijuana to any other person, is not engaging in commercial cannabis activity, as defined in the Act, and therefore not subject to the Act's licensing requirements. Staff believes that these exemptions allow sufficient opportunity for individuals who may experience a medical benefit to obtain marijuana without running afoul of the Ordinance.

Environmental Impact

The proposed Ordinance is not subject to the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the enactment of this new land use regulation may have a significant effect on the environment (CEQA Guidelines Section 15061(b)(3)).

Staff recommends that the Planning Commission adopt Resolution No. 16-01, recommending that City Council approve the Medical Marijuana Urgency Ordinance as proposed.

Respectfully submitted,

Jocelyn Corbett, Assistant City Attorney

RESOLUTION NO. 16-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO TITLE 17 (ZONING) OF THE LANCASTER MUNICIPAL CODE BY ADDING NEW SECTION 17.04.235 TO CHAPTER 17.04 (GENERAL PROVISIONS), RELATING TO THE PROHIBITION OF MEDICAL MARIJUANA DISPENSARIES, THE INDOOR AND OUTDOOR CULTIVATION, AND THE DELIVERY OF MEDICAL MARIJUANA

WHEREAS, the Planning Commission believes that it is necessary to retain local control over the regulation of commercial medical marijuana activities, including the establishment and operation and dispensaries, the indoor or outdoor cultivation and the delivery of medical marijuana (collectively, the “Commercial Medical Marijuana Activities”); and

WHEREAS, the Planning Commission believes that it is in the public interest to prohibit all Commercial Medical Marijuana Activities within the City in order to prevent the detrimental secondary effects of such activities on the peace, health, safety and general welfare of the residents, business owners and visitors of the City of Lancaster; and

WHEREAS, the Planning Commission believes that the prohibition of Commercial Medical Marijuana Activities will allow the City Council the opportunity to further consider whether future regulations may allow for the safe and responsible operation of such activities; and

WHEREAS, the Planning Commission believes that the proposed Medical Marijuana Urgency Ordinance is necessary to allow the City to retain local control over the regulation of these activities while the recently enacted State licensing and regulatory program is developed and implemented;

WHEREAS, the Planning Commission has held a duly noticed public hearing on January 25, 2016, and received public testimony and a staff recommendation on this matter; and

WHEREAS, the adoption of the ordinance is not subject to the California Environmental Quality Act pursuant to Section 15061(b)(3) of the State CEQA Guidelines, because there is no possibility that it may have a significant effect on the environment;

WHEREAS, the Planning Commission, based upon evidence in the record, hereby makes the following findings in support of the ordinance regulating Commercial Medical Marijuana Activities:

1. The proposed ordinance regulating Commercial Medical Marijuana Activities will be consistent with the goals, objectives, policies, and specific actions of Lancaster General Plan 2030, including:
 - a. Objective 4.6: Reduce the risk of crime and provide residents with security through maintenance of an adequate force of peace officers, physical planning

strategies that maximize surveillance, minimize opportunities for crimes, and by creating a high level of public awareness and support for crime prevention.

- b. Policy 4.6.2: Ensure that the design of new development discourages opportunities for criminal activities to the maximum extent possible.
2. The proposed ordinance regulating Commercial Medical Marijuana Activities will be in compliance with state legislation pertaining to medical marijuana, in accordance with the California Constitution, and as expressed held by the California Supreme Court.

NOW, THEREFORE, BE IT RESOLVED:

The Planning Commission hereby recommends to the City Council the adoption of an ordinance amending Title 17 as attached hereto and incorporated herein, as an Urgency Ordinance pursuant to Section 36937(b) of the California Government Code.

PASSED, APPROVED and ADOPTED this 25th day of January, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

RECUSED:

ABSENT:

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster

ORDINANCE NO. _____

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING CHAPTER 17.04 (GENERAL ZONING PROVISIONS) OF THE LANCASTER MUNICIPAL CODE BY ADDING NEW SECTION 17.04.235, PROHIBITING THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES, THE INDOOR AND OUTDOOR CULTIVATION OF MEDICAL MARIJUANA, AND THE DELIVERY OF MEDICAL MARIJUANA

WHEREAS, in 1996, the People of the State of California approved Proposition 215, the Compassionate Use Act, which exempted qualified patients and their primary caregivers from criminal liability for the possession and cultivation of marijuana for medical purposes; and

WHEREAS, in 2003, the California Legislature enacted additional regulations through the passage of Senate Bill 420, the Medical Marijuana Program Act, to establish and implement a program for voluntary registration of qualified patients and their primary caregivers through a statewide identification card; and

WHEREAS, in late 2015, the Legislature passed, and the Governor signed, three pieces of legislation, AB 266, AB 243 and SB 643, collectively called the Medical Marijuana Regulation and Safety Act (the "Act"), which provides a statewide program for the licensing and regulation of commercial medical cannabis activity, specifically, the operation of medical marijuana dispensaries and the delivery and cultivation of medical marijuana; and

WHEREAS, the Act provides that, in accordance with the California Constitution and as expressly held by the California Supreme Court, local authority remains intact, and therefore the City may adopt ordinances to either regulate medical marijuana businesses or to prohibit such operations and related activities altogether; and

WHEREAS, the Act further provides that, if a city or county does not have a zoning ordinance expressly addressing medical marijuana cultivation, the State will become the sole licensing and regulatory authority for that activity effective March 1, 2016; and

WHEREAS, the Act further provides that if a city does not have an ordinance in effect that expressly prohibits the delivery of medical marijuana in conjunction with a dispensary before the State begins issuing licenses, the State will be the sole regulatory body for that activity and delivery will be permissible with just a State license; and

WHEREAS, when the City Council enacted a temporary moratorium on marijuana dispensaries between 2009 and 2011, it took express notice of the adverse and often dangerous secondary effects related to the medical marijuana activities as reported by cities that allowed dispensaries, specifically criminal activity; and

WHEREAS, the City Council takes legislative notice that the use, possession, cultivation, distribution and sale of marijuana remain illegal under the Controlled Substances Act (“CSA,” 21 U.S.C. Section 841), and that federal courts have recognized that despite California laws, marijuana is deemed to have no accepted medical use and the federal government may properly enforce the CSA in California; and

WHEREAS, in light of the continuing conflict between state and federal law, the City must resolve for itself whether, as a land use matter, medical marijuana dispensaries and related activities should be permitted, regulated or prohibited; and

WHEREAS, the City Council finds and declares that it is necessary to retain local control over the regulation of commercial medical marijuana activities in order to protect public health, safety and welfare while it further considers whether future regulations may allow for the safe and responsible operation of medical marijuana dispensaries and related activities within the City of Lancaster.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 17.04 of the Lancaster Municipal Code is hereby amended by adding new section 17.04.235, as follows:

17.04.235 Medical Marijuana Dispensaries, Cultivation and Delivery.

A. Findings.

In enacting this section, the City Council finds as follows:

1. In 1996, California voters approved Proposition 215, the Compassionate Use Act, which exempted qualified patients and their primary caregivers from criminal liability for the possession and cultivation of marijuana for medical purposes.
2. In 2003, the California Legislature enacted additional regulations through the passage of Senate Bill 420, the Medical Marijuana Program Act, to establish and implement a program for voluntary registration of qualified patients and their primary caregivers through a statewide identification card.
3. The City Council takes legislative notice that on October 9, 2015, the Governor signed three bills into law, specifically AB 266, AB 243 and SB 643, collectively called the Medical Marijuana Regulation and Safety Act (the “Act”). The Act provides a statewide program for the licensing and regulation of commercial cannabis activity, specifically, the operation of medical marijuana dispensaries and the delivery and cultivation of marijuana.
4. The City Council further takes legislative notice that the Act provides that, in accordance with the California Constitution and as expressly held by the California Supreme Court, local authority remains intact, and therefore the City may adopt ordinances to either regulate medical marijuana businesses or to prohibit such operations and related activities altogether.

5. The City Council takes notice of the adverse and often dangerous secondary effects, specifically criminal activity, related to medical marijuana activities, as reported by cities and other states that allow dispensaries, due in large part to the fact that the commercial marijuana industry is primarily a cash-only business.
6. The City Council further takes legislative notice that the use, possession, cultivation, distribution and sale of marijuana remain illegal under the Controlled Substances Act (“CSA,” 21 U.S.C. Section 841), and that federal courts have recognized that despite California laws, marijuana is deemed to have no accepted medical use and the federal government may properly enforce the CSA in California.
7. It is necessary to retain local control over the regulation of commercial medical marijuana activities in order to protect public health, safety and welfare while the City Council further considers whether future regulations may allow for the safe and responsible operation of medical marijuana dispensaries and related activities.

B. Definitions.

Notwithstanding any other provision in the Lancaster Municipal Code, the following terms shall have the following meanings for purposes of this section:

1. “Medical marijuana” or “medical cannabis” means “medical cannabis” as defined in Section 19300.5(ag) of the Cal. Bus. & Prof. Code.
2. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, storing or trimming of medical marijuana.
3. “Delivery” means the commercial transfer of medical marijuana from a dispensary to a qualified patient, primary caregiver or person with an identification card, as defined in Section 11362.7 of the Cal. Health & Safety Code, through any means of transport or delivery service. “Delivery” also includes the use by a medical marijuana dispensary, as defined herein, of any technology platform that enables qualified patients or primary caregivers to arrange for or facilitate the transfer of medical marijuana by a dispensary.
4. “Medical marijuana dispensary” means any facility or location, whether fixed or mobile, where medical marijuana is offered, provided, sold, made available or otherwise distributed to a qualified patient, primary caregiver, or person with an identification card, as defined in Section 11362.7 of the Cal. Health & Safety Code. For purposes of this section, the following do not constitute a “medical marijuana dispensary” so long as they comply with this section, the Lancaster Municipal Code and all other applicable laws, and hold a current and valid state license duly issued in accordance with the applicable California law:
 - a. A clinic, as defined in Health & Safety Code section 1200;
 - b. A health care facility, as defined in Health & Safety Code section 1250;

- c. A residential care facility for persons with chronic life-threatening illness, as defined in Health & Safety Code section 1568.01;
 - d. A residential care facility for the elderly, as defined in Health & Safety Code section 1569.2;
 - e. A home health agency, as defined in Health & Safety Code section 1727, or a hospice that operates in accordance with Health & Safety Code section 1726;
 - f. A pharmacy, as defined in Bus. & Prof. Code section 4037.
5. "Person" means any individual, partnership of any kind, corporation, limited liability company, association, joint venture, or other organization or entity, however formed.

C. Prohibited medical marijuana activities.

The following prohibitions apply to all property within the City's boundaries, regardless of the zone, adopted specific plan, overlay zone or any other development or use classification or other designation of the property:

1. It is unlawful for any person, to establish or operate, or to allow, cause, create, suffer or permit the establishment or operation of a medical marijuana dispensary.
2. It is unlawful for any person to engage in the indoor or outdoor cultivation of medical marijuana, or to allow, cause, create, suffer or permit the indoor or outdoor cultivation of medical marijuana.
3. It is unlawful for any person to deliver medical marijuana, or to allow, cause, create, suffer or permit the delivery of medical marijuana.
4. This subsection does not apply to cultivation or transport of medical marijuana by a qualified patient or person with an identification card, as defined in section 11362.7 of the Health & Safety Code, who so cultivates or transports for his or her personal medical use and does not provide, donate, sell or distribute medical marijuana to any other person.
5. This subsection does not apply to cultivation or delivery of medical marijuana by a primary caregiver, as defined in section 11362.7 of the Health & Safety Code, who acts as the sole primary caregiver to no more than five qualified patients and does not receive remuneration for the activities prohibited in this subsection, except for compensation provided in full compliance with section 11362.765(d) of the Health & Safety Code.

D. Public nuisance; Violation; Remedies not exclusive.

1. The City Council finds and declares that the engagement in and/or the use of property for the activities prohibited in this subsection constitutes a public nuisance subject to abatement.
2. Notwithstanding any other provision of the zoning ordinance or the Lancaster Municipal Code, any person who violates this section shall be guilty of a misdemeanor. Each day or any portion thereof that a person violates any provision of this section shall constitute a separate offense.

3. Any enforcement action taken pursuant to this section shall not prejudice or adversely affect any other action, whether administrative, civil or criminal, that may be brought to abate the public nuisance or violation or to seek compensation for damages suffered. An administrative, civil or criminal action may be brought concurrently with any other process regarding the same public nuisance or violation.

SECTION 2. This Ordinance is hereby declared an urgency measure pursuant to Section 36937(b) of the California Government Code, and shall be effective immediately upon adoption by a four-fifth (4/5th) vote of the City Council. This declaration of urgency is based on the following facts:

A. The California Medical Marijuana Regulation and Safety Act (the "Act"), enacted in 2015 and effective January 1, 2016, provides a statewide program for the licensing and regulation of commercial cannabis activity, specifically, the operation of medical marijuana dispensaries and the delivery and cultivation of marijuana.

B. The Act provides that, in accordance with the California Constitution and as expressly held by the California Supreme Court, local authority remains intact, and therefore the City may adopt ordinances to either regulate medical marijuana businesses or to prohibit such operations and related activities altogether.

C. The Act further provides that, if a city or county does not have a zoning ordinance expressly addressing medical marijuana cultivation, the State will become the sole licensing and regulatory authority for that activity effective March 1, 2016.

D. The Act further provides that, if a city does not have an ordinance in effect that expressly prohibits the delivery of medical marijuana before the State begins issuing licenses, the State will be the sole regulatory body for that activity and delivery will be permissible with just a State license.

E. The City Council takes notice of the adverse and often dangerous secondary effects, specifically criminal activity, related to commercial medical marijuana activities, as reported by cities and other states that allow dispensaries, due in large part to the fact that the commercial medical marijuana industry is primarily a cash-only business.

F. It is necessary that the City retain local control over commercial medical marijuana activities in order to determine the appropriate actions to take to protect the peace, health, safety and general welfare of its residents, business owners and visitors.

G. Immediate enactment of this Ordinance is necessary to prevent the State from become the sole licensing and regulatory authority for certain commercial medical marijuana activities, in order to protect public peace, health, safety and general welfare.

SECTION 3. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the enactment of this new land use regulation may have a significant effect on the environment (CEQA Guidelines Section 15061(b)(3)).

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held for any reason to be invalid or unconstitutional by the decision of any

court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Lancaster hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5. The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and will see that it is published and posted in the manner required by law.

I, Britt Avrit, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing urgency ordinance was regularly introduced and placed upon its first reading on the _____ day of _____, 2016, and placed upon its second reading and adoption at a regular meeting of the City Council on the _____ day of _____, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

BRITT AVRIT, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES }ss
CITY OF LANCASTER }

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. _____, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)
