

**URGENCY ORDINANCE NO. 1124-16**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF LAWNSDALE, CALIFORNIA,  
AMENDING CHAPTER 17.100 OF THE LAWNSDALE MUNICIPAL CODE  
TO EXPLICITLY PROHIBIT ALL COMMERCIAL MARIJUANA USES  
THAT MAY BE AUTHORIZED UNDER THE ADULT USE OF MARIJUANA ACT,  
TO PROHIBIT THE OUTDOOR PERSONAL CULTIVATION OF MARIJUANA,  
AND TO ADOPT REGULATIONS FOR THE INDOOR PERSONAL CULTIVATION  
OF MARIJUANA UNDER THE ADULT USE OF MARIJUANA ACT, AND  
AMENDING SECTIONS 12.55.010, 12.55.020, AND 12.55.030  
OF CHAPTER 12.55 OF THE LAWNSDALE MUNICIPAL CODE  
TO EXPLICITLY PROHIBIT THE SMOKING OF MARIJUANA  
IN CITY PARKS, AND FINDING AN EXEMPTION FROM CEQA**

SUMMARY: This urgency ordinance would immediately prohibit (1) all commercial marijuana uses licensed under the Adult Use of Marijuana Act, (2) the outdoor personal cultivation of marijuana, and (3) the smoking of marijuana in and around public parks and City-owned buildings; and enact reasonable regulations for the indoor personal cultivation of marijuana.

WHEREAS, the Control, Regulate and Tax Adult Use of Marijuana Act (“Adult Use of Marijuana Act”) will appear on the statewide ballot at the November 8, 2016 general election as Proposition 64; and

WHEREAS, based on recent polling data, the City Council of the City of Lawnsdale believes it is likely that the Adult Use of Marijuana Act will receive the required number of votes to become law at the November 8, 2016 statewide general election; and

WHEREAS, the City of Lawnsdale has previously explicitly banned all cultivation, sale and delivery of marijuana within the city; and

WHEREAS, the Adult Use of Marijuana Act’s proposed Business & Professions Code section 26050 creates nineteen (19) different state licenses for various commercial marijuana activities, including cultivation, retail sales, testing, manufacturing, distribution, and microbusiness; and

WHEREAS, the Adult Use of Marijuana Act’s proposed Business & Professions Code section 26200(a) provides, in relevant part, that a city may “adopt and enforce local ordinances...to completely prohibit the establishment or operation of one or more types of businesses licensed under this division within the” city; and

WHEREAS, the City now desires to explicitly prohibit the additional commercial marijuana uses and activities described as the different licenses provided for in the Adult Use of Marijuana Act’s proposed Business & Professions Code section 26050; and

WHEREAS, the Adult Use of Marijuana Act’s proposed Health & Safety Code section 11362.1(a)(3), will make it lawful under state and local law for any person twenty-one (21) years of age

or older to “Possess, plant, cultivate, harvest, dry, or process not more than six living marijuana plants and possess the marijuana produced by the plants”; and

WHEREAS, the provisions of the Adult Use of Marijuana Act regarding personal use, possession, and cultivation of marijuana become effective the day after the November 8, 2016 election if the Adult Use of Marijuana Act receives the required number of votes; and

WHEREAS, the City wishes to enact regulations at this time so that such regulations may become effective prior to the potential enactment of the Adult Use of Marijuana Act; and

WHEREAS, the Adult Use of Marijuana Act’s proposed Health & Safety Code section 11362.2(b) explicitly allows a city to “enact and enforce reasonable regulations to reasonably regulate” the personal cultivation of marijuana permitted under Health & Safety Code section 11362.1(a)(3), so long as the city does not prohibit the cultivation of up to six plants “inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure”; and

WHEREAS, the Adult Use of Marijuana Act’s proposed Health & Safety Code section 11362.2(b)(3), explicitly allows a city to “completely prohibit persons from engaging in [the personal cultivation of marijuana] outdoors upon the grounds of a private residence”; and

WHEREAS, the Adult Use of Marijuana Act’s proposed Health & Safety Code section 11362.2(a)(2) further restricts such personal marijuana cultivation so that “[t]he living plants and any marijuana produced by the plants in excess of 28.5 grams are kept within the person’s private residence, or upon the grounds of that private residence, are in a locked space, and are not visible by normal unaided visions from a public place”; and

WHEREAS, the Adult Use of Marijuana Act, Health & Safety Code section 11362.2(a)(3) further restricts such personal marijuana cultivation such that “[n]ot more than six living plants may be planted, cultivated, harvested, dried, or processed within a single private residence, or upon the grounds of that private residence, at one time”; and

WHEREAS, several California cities have reported negative impacts of marijuana cultivation and related activities, including but not limited to offensive odors, criminal activity, (such as trespassing, theft, violent robberies and robbery attempts, and the illegal sale and distribution of marijuana), and public health and safety concerns (such as fire hazards and problems associated with mold, fungus, and pests); and

WHEREAS, marijuana plants, as they begin to flower and for a period of two months or more, produce a strong odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors or if grown indoors without proper ventilation, odor control, and other regulations; and

WHEREAS, due to the value of marijuana plants and their strong smell (which alerts others to their locations), marijuana cultivation has been linked to break-ins, robbery, armed robbery, theft and attendant violence and injury, creating an increased risk to public safety; and

WHEREAS, the indoor cultivation of marijuana has potential adverse effects to the structural integrity of the buildings in which marijuana is cultivated, and the use of high wattage grow lights and

excessive use of electricity increases the risk of fire, which presents a clear and present danger to the buildings, its occupants, and neighboring buildings and residents; and

WHEREAS, the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognize that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering and/or crime; and

WHEREAS, outdoor marijuana cultivation and unregulated indoor marijuana cultivation are likely to generate these negative effects on the public health, safety, and welfare in the City, based on the experiences of other cities; and

WHEREAS, pursuant to the above-described express statutory authority and its police power, the City desires to explicitly prohibit the outdoor cultivation of marijuana for personal use should the Adult Use of Marijuana Act become law; and

WHEREAS, pursuant to the above-described express statutory authority and its police power, the City also desires to enact reasonable regulations for the indoor personal cultivation of up to six marijuana plants; and

WHEREAS, the provisions of this Urgency Ordinance would affect all properties city-wide, including but not limited to any properties within a Specific Plan area; and

WHEREAS, the City Council of the City of Lawndale has the power, under Government Code sections 36934 and 36937, to adopt an ordinance that takes effect immediately if it is an ordinance "[f]or the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the City Council"; and

WHEREAS, it is necessary for the City Council of the City of Lawndale to adopt this Urgency Ordinance as an urgency ordinance, pursuant to its powers under Government Code sections 36934 and 36937, to immediately address a potential change in state law and to prevent the adverse impacts of outdoor personal marijuana cultivation and unregulated indoor personal marijuana cultivation in the City; and

WHEREAS, it is the intent and purpose of the City Council in adopting this Ordinance as an urgency ordinance that the regulations for personal cultivation of marijuana are to become effective only if the personal cultivation of marijuana for recreational use is permitted under the laws of the State of California, including but not limited to by Proposition 64; and

WHEREAS, it is the intent and purpose of the City Council in adopting this Ordinance as an urgency ordinance that the cultivation of marijuana remain completely prohibited throughout the City unless and until the indoor personal cultivation of marijuana is preempted under the laws of the State of California; and

WHEREAS, the City Council, now desires to adopt this Ordinance as an urgency ordinance for the immediate preservation of the public peace, health and safety of the City of Lawndale.

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

SECTION 1. The City Council of the City of Lawnsdale hereby makes the following findings:

- A. The above recitals are true and correct and incorporated fully herein.
- B. The changes to the Zoning Code of the City of Lawnsdale made by this Urgency Ordinance are consistent with the General Plan of the City of Lawnsdale.
- C. The prohibitions on the outdoor personal marijuana cultivation of marijuana and the regulations on the indoor personal marijuana cultivation are reasonable and necessary for the preservation and protection of the public health, safety, and welfare of the city and its community.
- D. It is necessary to adopt this Ordinance as an urgency ordinance for the immediate preservation of the public peace, health, and safety of the City in order to immediately address the potential changes to state law proposed by Proposition 64 at the November 8, 2016 election. Furthermore, it is necessary to adopt this Ordinance as an urgency ordinance so that the prohibition of the personal cultivation of marijuana outdoors, as well as the regulations for the indoor personal cultivation of marijuana, become effective at the same time that Proposition 64 (also known as the Adult Use of Marijuana act) becomes effective, if Proposition 64 receives the required number of votes at the November 8, 2016 election.

SECTION 2. The City Council hereby confirms that the City’s Zoning Code is adopted and operates under the principles of permissive zoning, meaning that any land use not specifically authorized or identified in the zoning code is prohibited.

SECTION 3. Subsection A of Section 12.55.010 of the Lawnsdale Municipal Code is amended to read, in its entirety, as follows (new text is identified in bold and italics, deleted text in ~~strike through~~):

“A. The smoking of any and all of the substances described in the next sentence, including tobacco ***and marijuana***, shall be prohibited in, or within twenty feet of any entrance into or operable window of, all buildings owned by the city, including, but not limited to, the City Hall and all offices and chambers therein, the municipal yard, the civic center, the community center, the community center north and the Prairie Avenue law enforcement service center. For the purposes of this chapter, “smoking” is defined as the inhalation, exhalation, burning or carrying of any vapor cigarette, lighted cigarette, cigar or pipe containing any weed, plant or other combustible substance, including but not limited to tobacco ***and/or marijuana***, in any manner or form. For the purposes of this chapter, “building” is defined as any area enclosed by a roof and four walls with openings for ingress and egress.”

SECTION 4. Section 12.55.020 of the Lawnsdale Municipal Code is amended to read, in its entirety, as follows:

“The smoking (as defined in Section 12.55.010 of this chapter) of any and all substances, including tobacco ***and marijuana***, shall be prohibited on or within any park, as defined in Section 12.32.010 of this code.”

SECTION 5. Section 12.55.030 of the Lawndale Municipal Code is amended to read, in its entirety, as follows:

“12.55.030 Disposal of tobacco *and marijuana*-related products prohibited.”

Disposing of pipe residue, cigar butts, cigarette butts or any other tobacco *or marijuana*-related waste in or around any park or city-owned building is prohibited and unlawful.”

SECTION 6. Chapter 17.100 of the Lawndale Municipal Code is amended to read, in its entirety, as follows:

“Chapter 17.100 MARIJUANA USES PROHIBITED; PERSONAL CULTIVATION REGULATIONS

- 17.100.010 Purpose and intent.
- 17.100.020 Definitions.
- 17.100.030 Marijuana dispensaries prohibited.
- 17.100.040 Marijuana cultivation prohibited.
- 17.100.050 Additional prohibited marijuana uses.
- 17.100.060 Personal cultivation of marijuana.
- 17.100.070 Personal cultivation of marijuana; regulations and standards.
- 17.100.080 Violation and enforcement; public nuisance declared.

17.100.010 Purpose and intent.

A. The purpose and intent of this chapter is to prohibit the establishment of marijuana dispensaries, commercial marijuana cultivation, outdoor personal marijuana cultivation, and other marijuana uses within the city, for commercial or personal use, or for any other reason, to the extent allowable under state law, including but not limited to, enacting reasonable regulations pursuant to Health & Safety Code section 11362.2, as amended.

B. Several provisions of state law referred to in this chapter are proposed by the Adult Use of Marijuana Act, and will only become effective and codified if the Adult Use of Marijuana Act is approved by the voters at the November 8, 2016 statewide general election. These provisions include Business & Professions Code section 26050 and Health & Safety Code sections 11362.2 and 11362.3.

17.100.020 Definitions.

For purposes of this chapter, the following words and phrases shall have the following meanings:

A. “Accessory structure” means a structure which is incidental or subordinate to the principal structure on the same site, or the use of which is incidental or subordinate to the use of the principal structure of the site.

B. “Adult Use of Marijuana Act” means the Control, Regulate and Tax Adult Use of Marijuana Act, also known as Proposition 64, that will be submitted to the voters of the state of California at the November 8, 2016 statewide general election, and which adds to or amends parts of the California Health & Safety Code, Business & Professions Code, Revenue & Taxation Code, and Food & Agricultural Code.

C. “Cultivator” means a person cultivating personal use marijuana pursuant to this chapter.

D. “Director” means the City’s Community Development Director, or his or her designee.

E. “Marijuana” has the same definition as provided for in Business & Professions Code section 19300.5(f) for the term “cannabis,” as may be amended, defined as “all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. ‘Cannabis’ also means the separated resin, whether crude or purified, obtained from marijuana. ‘Cannabis’ also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. ‘Cannabis’ does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.”

F. “Marijuana cultivation” means the growing, planting, harvesting, drying, curing, grading, trimming, processing or storing of one or more marijuana plants or any part thereof, whether for medical, personal, commercial or any other purpose. This definition includes any conduct that may be authorized by a permit issued by the state of California pursuant to Business & Professions Code Sections 26050(a)(1) through (13) and (19), as amended.

G. “Marijuana cultivation site” means the private residence or accessory structure to that residence at which marijuana cultivation is occurring under the provisions of this chapter sits.

H. “Marijuana dispensary” or “marijuana dispensaries” means any for profit or not-for-profit cooperative, collective, facility, operator, establishment, provider, association or similar entity that cultivates, distributes, dispenses, stores, exchanges, processes, delivers, makes available, transmits and/or gives away marijuana in the city for any purpose, whether for medical, personal, commercial or any other use, including a mobile marijuana dispensary as defined in Chapter 5.80. This definition includes any conduct that may be authorized by a permit issued by the state of California pursuant to Business & Professions Code sections 26050(a)(17) and/or (19), as amended.

I. “Marijuana distribution” means the procurement, sale, and transport of marijuana and marijuana products between entities licensed under the Adult Use of Marijuana Act. This definition includes any conduct that may be authorized by a permit issued by the state of California pursuant to Business & Professions Code sections 26050(a)(18), as amended.

J. “Marijuana manufacturing” means to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product, and includes a person that conducts the production, preparation, propagation, or compounding of marijuana or marijuana products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages marijuana or marijuana products or labels or re-labels its container. This definition includes any conduct authorized by a permit that may be issued by the state of California pursuant to Business & Professions Code sections 26050(a)(14) and/or (15), as amended.

K. “Marijuana testing” means a laboratory, facility, or entity in the state, that offers or performs tests of marijuana or marijuana products, including the equipment provided by such laboratory, facility, or entity. This definition includes any conduct that may be authorized by a permit issued by the state of California pursuant to Business & Professions Code sections 26050(a)(16), as amended.

L. “Person” includes any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

M. “Private residence” means a house, an apartment unit, a mobile home, or similar dwelling. This definition includes the definition found in Health & Safety Code section 11362.2(b)(5), as amended.

#### 17.100.030 Marijuana dispensaries prohibited.

A. Marijuana dispensary is not a permitted use and is prohibited in all zones throughout the city. No permit or any other applicable license or entitlement for use, nor any business license shall be approved or issued for the establishment, maintenance or operation of a marijuana dispensary within the city.

B. The establishment, maintenance, or operation of a marijuana dispensary within the city is declared to be a public nuisance and may be abated by the city either pursuant to the Lawndale Municipal Code or any other available remedies, including, but not limited to, declaratory relief and civil injunctions.

C. This section explicitly prohibits any use or activity within the city that may be authorized under a license issued pursuant to Business & Professions Code sections 26050(a)(17) and/or (19), as amended.

#### 17.100.040 Marijuana cultivation prohibited.

A. Marijuana cultivation is not a permitted use and is prohibited in all zones throughout the city. No permit or any other applicable license or entitlement for use, nor any business license shall be approved or issued for marijuana cultivation within the city.

B. Marijuana cultivation within the city is declared to be a public nuisance and may be abated by the city either pursuant to the Lawndale Municipal Code or any other available remedies, including, but not limited to, declaratory relief and civil injunctions.

C. This section explicitly prohibits any marijuana cultivation in the city that may be authorized under a license issued pursuant to Business & Professions Code sections 26050(a)(1) through (13) and/or (19), as amended.

D. This section does not apply to the indoor cultivation of six or fewer marijuana plants inside a private residence or accessory structure to such a private residence for personal use as authorized under Health & Safety Code sections 11362.1(a)(3) and 11362.2, as may be amended, provided that the provisions of this chapter are otherwise complied with.

17.100.050 Additional prohibited marijuana uses.

A. Mobile marijuana dispensaries and marijuana delivery are prohibited in the city, pursuant to Chapter 5.80 of this code (Mobile Marijuana Dispensaries and Marijuana Delivery Prohibited).

B. Marijuana manufacturing prohibited.

1. Marijuana manufacturing is not a permitted use and is prohibited in all zones throughout the city. No permit or any other applicable license or entitlement for use, nor any business license, shall be approved or issued for marijuana manufacturing within the city.

2. The establishment, maintenance, or operation of a marijuana manufacturing use within the city is declared to be a public nuisance and may be abated by the city either pursuant to the Lawndale Municipal Code or any other available remedies, including, but not limited to, declaratory relief and civil injunctions.

3. This section explicitly prohibits any marijuana manufacturing in the city that may be authorized under a license issued pursuant to Business & Professions Code sections 26050(a)(14) and/or (15), as amended.

C. Marijuana testing prohibited.

1. Marijuana testing is not a permitted use and is prohibited in all zones throughout the city. No permit or any other applicable license or entitlement for use, nor any business license, shall be approved or issued for marijuana testing within the city.

2. Marijuana testing within the city is declared to be a public nuisance and may be abated by the city either pursuant to the Lawndale Municipal Code or any other available remedies, including, but not limited to, declaratory relief and civil injunctions.

3. This section explicitly prohibits any marijuana testing in the city that may be authorized under a license issued pursuant to Business & Professions Code section 26050(a)(16), as amended.

D. Marijuana distribution prohibited.

1. Marijuana distribution is not a permitted use and is prohibited in all zones throughout the city. No permit or any other applicable license or entitlement for use, nor any business license, shall be approved or issued for marijuana distribution within the city.

2. Marijuana distribution within the city is declared to be a public nuisance and may be abated by the city either pursuant to the Lawndale Municipal Code or any other available remedies, including, but not limited to, declaratory relief and civil injunctions.

3. This section explicitly prohibits any marijuana distribution in the city that may be authorized under a license issued pursuant to Business & Professions Code section 26050(a)(18) through (13) and/or (19), as amended, in the city.

17.100.060 Personal cultivation of marijuana.

Marijuana may only be cultivated inside of a residence or an accessory structure to that residence that is in compliance with the fire code and all other applicable requirements of Title 15 of the Lawndale Municipal Code and Health & Safety Code sections 11362.2 and 11362.3, as may be amended, including any artificial lighting and/or ventilation systems or other equipment used in connection with the cultivation.

17.100.070 Personal cultivation of marijuana; regulations and standards.

A. Visibility and odor; other security regulations.

1. Visibility. All marijuana cultivation authorized by this section shall be conducted inside a private residence or accessory structure and in an area not visible from any neighboring property or any public right of way.

2. Odor. The odor resulting from all marijuana cultivation shall not be detectable by unaided human senses from any neighboring property or any public right of way.

3. Locks . Any private residence or accessory structure utilized for marijuana cultivation pursuant to this section shall be secured with locks to prevent unauthorized entry and/or theft.

B. Building and health and safety standards.

1. Electricity use. The collective draw from all electrical appliances at the marijuana cultivation site shall not exceed the maximum rating of the approved electrical panel for the primary legal residence at the marijuana cultivation site. The maximum rating shall be as established in the manufacturer specifications for the approved electrical panel.

2. Lighting. Any lighting fixture used for marijuana cultivation shall not exceed the rated wattage and capacity of the circuit breaker and shall be shielded so as to completely confine light and glare to the interior of the residence or accessory structure.

3. Humidity and mold. Marijuana cultivation shall not create a humidity or mold issue within the private residence or accessory structure in violation of the building code, as adopted by the city, or the city's health and safety regulations, including but not limited to the property maintenance standards of the Lawndale Municipal Code.

4. Code compliance. The private residence or accessory structure used for marijuana cultivation shall at all times be in full compliance with the city building code, electrical code, mechanical code, plumbing code, fire code, and any other requirement found in Title 15 of the Lawndale Municipal Code.

C. The city council may, by resolution, adopt additional regulations to further the purposes of this section. The city council may also delegate, by resolution, authority to adopt such regulations to the City Manager or his or her designee.

17.100.080 Violation and enforcement; public nuisance declared.

A. A violation of this chapter or noncompliance with any of the requirements of this chapter or applicable provisions of Title 17 (Zoning) of the Lawndale Municipal Code shall be subject to any criminal or civil enforcement remedies available under the law and the Lawndale Municipal Code. In addition, the city may enforce a violation of this chapter by means of civil enforcement through a restraining order, a preliminary or permanent injunction or by any other means authorized by law. Notwithstanding any other provision of this code, no conduct which is protected from criminal liability pursuant to the Compassionate Use Act (Health & Safety Code section 11362.5), the Medical Marijuana Program Act (Health & Safety Code sections 11362.7 through 11362.83), or the Adult Use of Marijuana Act (Health & Safety Code sections 11362.1 through 11362.3) shall be made criminal by this chapter.

B. Any violation of the provisions of this chapter is declared to be a public nuisance and may be abated by the city either pursuant to the Lawndale Municipal Code, including but not limited to Chapter 8.24 (Property Maintenance and Nuisance Abatement) or any other available remedies, including, but not limited to, declaratory relief and civil injunctions.

C. Any violation of Section 17.100.030, 17.100.040, 17.100.050, 17.100.060, and 17.100.070 of this chapter is punishable as an infraction pursuant to Section 1.08.030 of this code, or punishable as a misdemeanor pursuant to Section 1.08.020 of this code.”

SECTION 7. Section 1.08.020(B) of the Lawndale Municipal Code, “Misdemeanor penalty”, is amended to include the following in the table in numerical order:

“17.100.050(B)	Additional marijuana uses prohibited—manufacturing
17.100.050(C)	Additional marijuana uses prohibited—testing
17.100.050(D)	Additional marijuana uses prohibited—distribution
17.100.060	Personal cultivation of marijuana
17.100.070	Personal cultivation of marijuana—regulations and standards”

SECTION 8. This urgency ordinance is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The amendments to the Lawndale Municipal Code would only prohibit marijuana manufacturing, testing, distribution, warehousing and require that any personal cultivation of marijuana in the City occur indoors, and would not cause a significant effect on the environment.

SECTION 9. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 10. The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. Within fifteen (15) days after passage of this Urgency Ordinance, the City Clerk shall cause it to be published in a newspaper of general circulation and shall post the same at the City Hall, the Lawndale Community Center and the United States Post Office, Lawndale Branch.

SECTION 11. This Urgency Ordinance is adopted for the immediate preservation of the public peace, health, and safety of the City of Lawndale, and shall take effect on November 9, 2016 upon approval by four-fifths vote of the City Council, and pursuant to Government Code sections 36934 and 36937, provided that the Adult Use of Marijuana Act, also known as Proposition 64, becomes effective as this Urgency Ordinance shall only become effective if the Control, Regulate and Tax Adult Use of Marijuana Act, also known as Proposition 64 or the Adult Use of Marijuana Act, is approved by the

voters at the November 8, 2016 statewide general election. Should said proposition fail to be enacted this Urgency Ordinance shall be deemed rescinded and of no further force or effect.

PASSED, APPROVED, AND ADOPTED this 7th day of November, 2016.

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Robert Pullen-Miles, Mayor

ATTEST:

State of California            )  
County of Los Angeles        )        SS  
City of Lawndale                )

I, Rhonda Hofmann Gorman, City Clerk of the City of Lawndale, California, do hereby certify that the City Council duly approved the foregoing Urgency Ordinance No. 1124-16 at its regular meeting held on the 7th day of November, 2016, by the following roll call vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Robert Pullen-Miles, Mayor	X				
Pat Kearney, Mayor Pro Tem	X				
James H. Osborne	X				
Daniel Reid	X				
Bernadette Suarez	X				

\_\_\_\_\_  
Rhonda Hofmann Gorman, City Clerk

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

\_\_\_\_\_  
Tiffany J. Israel, City Attorney