

ORDINANCE NO. 1386

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA
AMENDING THE ARCATA MUNICIPAL CODE, TITLE IX,
THE ARCATA COASTAL LAND USE AND DEVELOPMENT GUIDE, BY ADDING
CHAPTER III, ARTICLE 9 - *MEDICAL MARIJUANA: CULTIVATION AND DISPENSING*
AS A NEW LAND USE STANDARD**

The City Council of the City of Arcata does hereby ordain as follows:

SECTION 1. Amendment of the 1996 City of Arcata Coastal Land Use and Development Guide

Title IX of the Arcata Municipal Code is hereby amended as follows:

1. Add Chapter III, Article 9 – Medical Marijuana: Cultivation and Dispensing as attached as Exhibit 1.

SECTION 2. Findings of Approval

Based upon information received in the Arcata City Council and Arcata Planning Commission public hearings, including: the Arcata City Council and Arcata Planning Commission Staff Reports; and City Council Resolution 089-37 and Planning Commission Resolution PC-08-14, the following findings are hereby adopted.

1. The proposed amendment is consistent with the General Plan in accordance with the California Government Code, Section 65860.
2. The public health, safety, and general welfare require the adoption of the proposed amendment.

SECTION 3. Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

SECTION 4. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

SECTION 5. Effective Date

This ordinance shall take effect immediately upon certification by the California Coastal Commission.

DATED: December 3, 2008

ATTEST:

/s/ Randal J. Mendosa
Acting City Clerk, City of Arcata

/s/ Mark E. Wheatley
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1386**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 3rd day of December, 2008, by the following vote:

AYES: **WHEETLEY, STILLMAN, MACHI, GROVES, PITINO**

NOES: **NONE**

ABSENT: **NONE**

ABSTENTIONS: **NONE**

/s/ Randal J. Mendosa
Acting City Clerk, City of Arcata