



CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
200 East Santa Clara Street
San José, California 95113
Telephone (408) 535-1260
FAX (408) 292-6207

City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSÉ)

I, Dennis D. Hawkins, City Clerk & Ex-Officio Clerk of the Council of and for the City of San José, in said County of Santa Clara, and State of California, do hereby certify that **Ordinance No. 28991**, the original copy of which is attached hereto, was passed for publication of title on the **8th day of November 2011**, was published in accordance with the provisions of the Charter of the City of San José, and was given final reading and adopted on the **10th day of January 2012** by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA, LICCARDO,
NGUYEN, OLIVERIO, PYLE, ROCHA; REED.

NOES: NONE.

ABSENT: NONE.

ABSTAINED: NONE.

VACANT: NONE.

Said ordinance is effective as of **February 10, 2012**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San José, this **19th day of January 2012**.

(SEAL)

DENNIS D. HAWKINS
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

ORDINANCE NO. 28991

AN ORDINANCE OF THE CITY OF SAN JOSE SUSPENDING THE EFFECTIVENESS OF ORDINANCE NO. 28958 AND PROVIDING THAT ORDINANCE NO. 28958, RELATED TO LAND USE REGULATIONS FOR MEDICAL MARIJUANA COLLECTIVES, SHALL BECOME EFFECTIVE NO EARLIER THAN CITY ORDINANCE NO. 28960 ESTABLISHING HEALTH AND SAFETY REGULATIONS AND A REGISTRATION PROCESS RELATED TO MEDICAL MARIJUANA COLLECTIVES

WHEREAS, on September 13, 2011, the City Council of the City of San José adopted Resolution No. 75984 pursuant to the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines promulgated thereunder, in connection with the approval and adoption of Ordinance Nos. 28958 and 28960 establishing land use and health and safety regulations and a registration process pertaining to medical marijuana collectives, which Resolution has not been challenged or appealed; and

WHEREAS, pursuant to the provisions of Section 605 of the City of San José City Charter, Ordinance Nos. 28958 and 28960 became effective on October 28, 2011; and

WHEREAS, on October 28, 2011, the City Clerk received that certain "Referendum Against An Ordinance Passed by the City Council, Ordinance No. 28960" (the "Referendum"), the filing of which, pursuant to the provisions of California Elections Code section 9237, suspended the effectiveness of Ordinance 28960 establishing health and safety regulations and a registration process for medical marijuana collectives in Title 6 of the San José Municipal Code; and

WHEREAS, the Referendum does not affect Ordinance No. 28958 establishing land use and siting regulations pertaining to medical marijuana collectives; and

WHEREAS, Ordinance No. 28958, by its own terms, was intended to further fulfill the purposes and intents of Ordinance No. 28960; and

WHEREAS, the City Council believes it is necessary and in the public interest to amend Ordinance No. 28958 to provide that Ordinance No. 28958 shall become effective upon and no earlier than the effectiveness of Ordinance No. 28960, so that the land use regulations pertaining to medical marijuana collectives and the health and safety regulations and registration process pertaining to medical marijuana collectives will work in tandem as envisioned when the City Council approved and adopted Ordinance Nos. 28958 and 28960; and

WHEREAS, the City Council of the City of San José is the decision-making body for this proposed urgency ordinance and has read and considered Resolution No. 75984 prior to taking any approval actions on this urgency ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. The effectiveness of Ordinance No. 28958 is hereby suspended.

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SECTION 2. Pursuant to the provisions of Section 605 of the Charter of the City of San José allowing the City Council to establish a later effective date of an ordinance, Ordinance No. 28958 shall become effective only upon Ordinance No. 28960 taking effect and shall not be effective unless and until Ordinance No. 28960 first becomes effective.

PASSED FOR PUBLICATION of title this 8th day of November, 2011, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE, ROCHA; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



DENNIS D. HAWKINS, CMC
City Clerk

SAN JOSE POST-RECORD

95 S. Market St., Ste. 535, SAN JOSE, CA 95113
Telephone (408) 287-4866 / Fax (408) 287-2544

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City Clerk
This space for filing stamp only

2011 DEC 20 A 10:06

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SUZANNE GUZZETTA
SAN JOSE CITY CLERK
200 E. SANTA CLARA ST.
SAN JOSE, CA - 95113

SJ#: 2227289

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of SANTA CLARA) ss

Notice Type: GORSJ - SAN JOSE ORDINANCE (1 PUB)

Ad Description:
ORDINANCE #28991


I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the SAN JOSE POST-RECORD, a newspaper published in the English language in the city of SAN JOSE, county of SANTA CLARA, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of SANTA CLARA, State of California, under date 02/03/1922, Case No. 27844. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

12/16/2011

Executed on: 12/16/2011
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature



CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

ORDINANCE NO. 28991

AN ORDINANCE OF THE CITY OF SAN JOSE SUSPENDING THE EFFECTIVENESS OF ORDINANCE NO. 28958 AND PROVIDING THAT ORDINANCE NO. 28958, RELATED TO LAND USE REGULATIONS FOR MEDICAL MARIJUANA COLLECTIVES, SHALL BECOME EFFECTIVE NO EARLIER THAN CITY ORDINANCE NO. 28960 ESTABLISHING HEALTH AND SAFETY REGULATIONS AND A REGISTRATION PROCESS RELATED TO MEDICAL MARIJUANA COLLECTIVES

PASSED FOR PUBLICATION of title this 8th day of November, 2011, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE, REED, ROCHA.
NOES: NONE.
ABSENT: NONE.
DISQUALIFIED: NONE.

CHUCK REED
Mayor
ATTEST:

DENNIS HAWKINS, CMC
City Clerk
12/16/11

SJ-2227289#

