

URGENCY ORDINANCE NO. 2869

AN URGENCY INTERIM ORDINANCE OF THE CITY  
COUNCIL OF THE CITY OF GARDEN GROVE IMPOSING A  
MORATORIUM ON THE APPROVAL OF MORTUARIES AND  
CREMATORIIUMS PURSUANT TO CALIFORNIA  
GOVERNMENT CODE SECTION 65858.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS  
FOLLOWS:

Section 1. Legislative Intent and Findings.

A. Pursuant to California Government Code Section 65858, the City Council finds and determines that a current and immediate threat to the public health, peace, safety and general welfare exists which necessitates the immediate enactment of this Ordinance for the immediate preservation of the public health, peace, safety and general welfare based upon the facts set forth in this Ordinance and the facts presented to the City Council. The approval of mortuaries and crematoriums would result in a threat to the public health, safety, and general welfare of the City's residents absent specific development standards and review processes applicable to such uses to prevent and/or mitigate negative impacts that may be created with their development.

B. The City is primarily a residential community that is substantially built-out, with different zoning districts adjacent to residential neighborhoods, schools, and parks. Mortuaries and crematoriums are currently permitted in various zoning districts within and adjacent to residential neighborhoods and other sensitive uses without standards or the need for discretionary review, which because of the nature of mortuaries and crematoriums can expose residential neighborhoods and other sensitive uses to negative impacts that include fear, concerns about long-term physical and mental health effects, interference with use and enjoyment of residential properties, and property devaluation arising from the negative public perception pertaining to living in proximity to mortuaries and/or crematoriums. The City intends to process a Zoning Code amendment to address these negative impacts and establish reasonable standards and review processes applicable to mortuaries and crematoriums.

Section 2. Moratorium on the Approval of Mortuaries and Crematoriums.

A. Pursuant to California Government Code Section 65858, no person, firm, corporation, or other entity shall develop, establish or construct and no subdivision, use permit, variance, building permit or any other applicable land use entitlement or construction permit shall issue for a mortuary and/or crematorium effective upon the passage of this ordinance.

B. The moratorium imposed herein shall not apply to a mortuary and/or crematorium for which an application has been accepted and deemed complete by

the City as of the passage of this Ordinance. However, the exception set forth herein shall not provide an amnesty for the use of property, buildings, or other facilities that have not otherwise complied with current zoning or building requirements or that would otherwise constitute illegal uses of property. For example, the exception does not apply to development, construction, or buildings that were constructed or modified to become mortuaries and/or crematoriums without the required building, electrical, mechanical, and plumbing or other applicable permits or land use entitlements.

Section 3. Effective Date. This interim ordinance shall become effective immediately upon its adoption, and shall remain in force and effect for forty-five (45) days unless extended for an additional period of time pursuant to Government Code Section 65858.

Section 4. Urgency. This interim ordinance is necessary for the immediate protection of the public health, welfare, and general safety for the reasons identified in Section 1 hereof.

Section 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held 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 this Ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

PASSED and ADOPTED this 15<sup>th</sup> day of July, 2016.

ATTEST:

/s/ BAO NGUYEN  
MAYOR

/s/ TERESA POMEROY, CMC  
DEPUTY CITY CLERK

STATE OF CALIFORNIA    )  
COUNTY OF ORANGE    ) SS:  
CITY OF GARDEN GROVE )

I, TERESA POMEROY, Deputy City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was passed by the City Council of the City of Garden Grove, by a vote of four-fifths (4/5ths) of the members thereof, at a special meeting held on the 15<sup>th</sup> day of July, 2016, by the following vote:

AYES:       COUNCIL MEMBERS:   (4) BEARD, BUI, PHAN, NGUYEN  
NOES:       COUNCIL MEMBERS:   (0) NONE  
ABSENT:     COUNCIL MEMBERS:   (1) JONES

/s/ TERESA POMEROY, CMC  
DEPUTY CITY CLERK