

URGENCY ORDINANCE NO. 2870

AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AUTHORIZING A 10 MONTH AND 15 DAY EXTENSION OF URGENCY ORDINANCE NO. 2869 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. On July 15, 2016, pursuant to Government Code Section 65858, the City Council of the City of Garden Grove passed and adopted Urgency Ordinance No. 2869, which is an urgency interim ordinance imposing a moratorium on the approval of mortuaries and crematoriums pending completion of a study and adoption of regulations to address negative impacts that may be created with their development and operation.

B. Until new regulations are in place, the development of new mortuaries and crematoriums continue to pose a current and immediate threat to the public health, peace, safety and general welfare for the reasons stated in Section 1 of Urgency Ordinance No. 2869.

C. The City has commenced a zoning study to determine the appropriate zoning, development standards, other proper regulations applicable to mortuaries and crematoriums to protect the public health, safety, and welfare of the community.

D. City staff require additional time in which to thoroughly review and evaluate the issues giving rise to Urgency Ordinance No. 2869, and to finalize the necessary zoning study and process a Zoning Code amendment.

E. The City has noticed and conducted a Public Hearing to consider the adoption of this ordinance as provided by law.

F. The City Council has reviewed, considered, and approved the evidence and findings in the accompanying staff report of the adverse impacts caused by mortuaries and crematoriums upon the city.

Section 2. Extension of Moratorium for 10 months and 15 days.

Pursuant to Government Code Section 65858(a), Urgency Ordinance No. 2869 is hereby extended for an additional 10 months and 15 days beyond the original 45 days authorized on July 15, 2016, until July 14, 2017.

Section 3. Effective Date. This interim ordinance shall become effective immediately upon its adoption.

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 and Section 1 of Urgency Ordinance No. 2869.

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 9th day of August, 2016.