

ORDINANCE NO. 1954, NEW SERIES

AN ORDINANCE OF THE CITY OF MORGAN HILL ADDING SECTION 18.02.055 (Unlawful Uses) AND 18.02.065 (Unpermitted Uses) TO THE MORGAN HILL MUNICIPAL CODE TO CLARIFY THAT UNLAWFUL AND UNPERMITTED USES ARE PROHIBITED

WHEREAS, pursuant to California Constitution Article XI, Section 7, the City may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws: and

Whereas, the City seeks to clarify that uses that are unlawful under state or federal law are not permitting in any zoning classification.

NOW THEREFORE, IN CONSIDERATION OF THE FOREGOING, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AND ENACT AS FOLLOWS:

Section 1. Section 18.02.055 is hereby added to read (addition in *italics*).

“18.02.055 Unlawful Uses.

Unlawful uses. Uses that are unlawful under Federal or State law shall not be treated as permitted uses.”

Section 2. Section 18.02.065 is hereby added to read (addition in *italics*).

“18.02.065 Unpermitted Uses.

Unpermitted uses. Any use that is not permitted by the provisions of this title is prohibited.”

Section 3. Environmental Determination. Pursuant to the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines (Chapter 3 of Title 14 of the California Code of Regulations), the City staff determined that there is no possibility that the adoption of this ordinance will have a significant effect on the environment. The City staff bases its determination on the fact that the amendment to the City’s zoning ordinance will impose greater limitations on development in the City, and will thereby serve to reduce potentially significant adverse environmental impacts. It is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

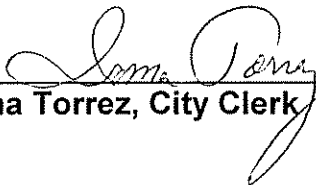
Section 4. Severability. Should any provision of this ordinance be deemed unconstitutional or unenforceable by a court of competent jurisdiction, such provision shall be severed from the ordinance, and such severance shall not affect the remainder of the ordinance.

Section 5. Effective Date; Posting. This ordinance shall take effect on November 27, 2009. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at a meeting of the City Council of the City of Morgan Hill held on the 21st of October, 2009 and was finally adopted at a meeting of said Council on the 28th day of October, 2009 and said ordinance was duly passed and adopted in accordance with law by the following vote:

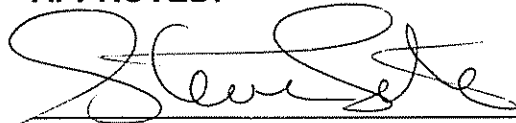
AYES:	COUNCIL MEMBERS:	Carr, Lee, Librers, Tate
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	Sellers
ABSTAIN:	COUNCIL MEMBERS:	None

ATTEST:



Irma Torrez, City Clerk

APPROVED:




Steve Tate, Mayor

CERTIFICATE OF THE CITY CLERK

I, **Irma Torrez, City Clerk of the City of Morgan Hill, California**, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1954, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the 28th day of October, 2009.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: 11/3/09


Irma Torrez, City Clerk