

SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: Supervisor Tavaglione

SUBMITTAL DATE: July 12, 2005

SUBJECT: Ordinance No. 449.223

**RECOMMENDED MOTION:** That the Board ADOPT Ordinance No. 449.223, an interim ordinance prohibiting the establishment of medical marijuana dispensaries.

**BACKGROUND:** Medical marijuana dispensaries pose a current and immediate threat to the public health, safety and welfare for the following reasons: it is anticipated that the County will receive applications to establish medical marijuana dispensaries; existing zoning regulations do not address the establishment of such dispensaries; these dispensaries could arguably be located in residential areas near churches and schools; and other public entities have reported that medical marijuana dispensaries result in harmful secondary effects such as traffic congestion, parking problems, loitering and noise. As an emergency measure, this interim zoning ordinance prohibits the establishment of these dispensaries for forty-five (45) days and may thereafter be extended as provided by law. The purpose of this ordinance and any extension thereof, is to give the County an opportunity to formulate and adopt permanent zoning regulations addressing the establishment of medial marijuana dispensaries.

John F. Tavaglione, Supervisor, Second District

C.E.O. RECOMMENDATION:

County Executive Office Signature

Policy  
 Policy

Consent  
 Consent

Department Recommendation:  
Per Executive Office:

Prev. Agn. ref.

Dist.

AGENDA NO.

3.1

2  
3 **ORDINANCE NO. 449.223**  
4 **AN INTERIM ORDINANCE OF THE COUNTY OF RIVERSIDE**  
5 **PROHIBITING THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES**

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7 The Board of Supervisors of the County of Riverside Ordains as Follows:

8 **Section 1.** Pursuant to Section 65858 of the Government Code and Section 20.4 of Ordinance  
9 No. 348 and, notwithstanding any provision of Ordinance No. 348 to the contrary, the establishment  
10 of medical marijuana dispensaries is hereby prohibited in the unincorporated areas of Riverside  
11 County. Until this ordinance, or any extension thereof, expires or is repealed, the County shall not  
12 issue a permit of any kind, including a building permit, to any person or entity seeking to establish  
13 such a dispensary. For purposes of this ordinance, the term "medical marijuana dispensary" shall  
14 mean any facility where marijuana is made available for medical purposes in accordance with  
15 Health & Safety Code Section 11362.5 or any State regulations adopted in furtherance thereof. For  
16 purposes of this ordinance, the word "marijuana" shall have the same meaning as that set forth in  
17 Health & Safety Code Section 11018.  
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19  
20 **Section 2.** Pursuant to Section 65858 of the Government Code and Section 20.4 of Ordinance  
21 No. 348, this ordinance is hereby declared to be an urgency measure and shall take effect  
22 immediately. In adopting this ordinance, the Board finds that medical marijuana dispensaries pose  
23 a current and immediate threat to the public health, safety and welfare for the following reasons: it  
24 is anticipated that the County will receive a number of applications to establish medical marijuana  
25 dispensaries in the near future; existing zoning regulations do not address the establishment of  
26 medical marijuana dispensaries and, absent this ordinance, such dispensaries could arguably be  
27 located in residential areas or in close proximity to schools, churches, day care centers and other  
28 sensitive uses; this is undesirable because other public entities have reported that medical  
29 marijuana dispensaries often result in loitering, traffic congestion, parking problems, noise and other  
30 harmful secondary effects.

