

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

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 Until this ordinance, or any extension thereof, expires or is repealed, the County shall not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.
18

19 **Section 2.** Pursuant to Section 65858 of the Government Code and Section 20.4 of Ordinance
20 No. 348, this ordinance is hereby declared to be an urgency measure and shall take effect
21 immediately. In adopting this ordinance, the Board finds that medical marijuana dispensaries pose
22 a current and immediate threat to the public health, safety and welfare for the following reasons: it
23 is anticipated that the County will receive a number of applications to establish medical marijuana
24 dispensaries in the near future; existing zoning regulations do not address the establishment of
25 medical marijuana dispensaries and, absent this ordinance, such dispensaries could arguably be
26 located in residential areas or in close proximity to schools, churches, day care centers and other
27 sensitive uses; this is undesirable because other public entities have reported that medical
28 marijuana dispensaries often result in loitering, traffic congestion, parking problems, noise and other
29 harmful secondary effects.
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