

ORDINANCE NO. 10000 (N.S.)

AN ORDINANCE ENACTING A MORATORIUM ON  
THE ESTABLISHMENT OF MARIJUANA DISPENSARIES, AND  
DECLARING THE URGENCY THEREOF, TO TAKE EFFECT IMMEDIATELY

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Findings. The Board finds and declares as follows:

a. Facilities which dispense marijuana have proven to have serious harmful effects on the neighborhoods in which they are located, to owners of property in such neighborhoods, and to citizens living, visiting, shopping, conducting business or otherwise present in the area. Such effects are due to such factors as the illegal nature of the activity, the presence of large quantities of marijuana at the dispensaries, the presence of large amounts of cash, the presence of weapons, and other factors. Harmful effects at the dispensaries and the surrounding areas have included an increase in burglaries, robberies, illegal sales of drugs, use or possession of marijuana by unauthorized persons, attacks on persons entering or leaving the premises, loitering, smoking marijuana in public places, and driving while under the influence of marijuana.

b. For the above reasons, the Board of Supervisors has directed the Chief Administrative Officer to develop proposed regulations which the Board will consider adopting, to regulate marijuana dispensaries so as to prevent the above harmful effects on County of San Diego unincorporated areas.

c. In the State of California, and in the region of the County of San Diego (including the incorporated cities within the County), there is burgeoning interest in establishing marijuana dispensaries. In response, numerous cities and counties around the state are enacting regulations. Among the cities located within San Diego County, and among other counties adjacent to San Diego County, many agencies have recently enacted ordinances either prohibiting, regulating, or establishing a moratorium on marijuana dispensaries. These regulations can be expected to have the effect of redirecting persons desirous of establishing such dispensaries, to consider doing so in the unincorporated area of San Diego County.

d. In the unincorporated area of San Diego County, at least one marijuana dispensary has recently commenced operation, and information indicates there is at least one other; the County has received at least one application for building approval for another marijuana dispensary; and the County has received at least 20 inquiries regarding the establishment of others.

e. The establishment of marijuana dispensaries, and the continued approval of "development applications" (as defined in Section 2) for their establishment, would result in a current and immediate threat to the public health, safety and welfare, because they may result in the effects identified in paragraph a above within the unincorporated area of the County of San Diego, and because they may frustrate the accomplishment of the goals of the regulations which the Board of Supervisors will consider adopting. It is therefore necessary to adopt this ordinance to prohibit their establishment.

Section 2. Definitions. For purposes of this ordinance, the following terms shall have the following meanings:

a. "Development application" shall mean any permit or approval issued by any County of San Diego officer, department or other agency, including subdivisions, use permits, variances, building permits, or any other entitlement for use.

b. "Marijuana dispensary" shall mean: Any store, office, business, building, property or other facility in or from which marijuana is sold, given, traded, supplied, bartered, consumed, raised, processed, stored, used, cultivated, possessed, or transported, other than the following facilities licensed pursuant to the following provisions of Division 2 of the Health and Safety Code:

- (1) A clinic licensed pursuant to Chapter 1;
- (2) A health facility licensed pursuant to Chapter;
- (3) A residential care facility for persons with chronic, life-threatening illnesses licensed pursuant to Chapter 3.01;
- (4) A residential care facility for the elderly licensed pursuant to Chapter 3.2; or
- (5) A residential hospice or a home health agency licensed pursuant to Chapter 8.

c. "Person" shall include: Any natural person, association, corporation, cooperative, partnership, collective, limited liability company, or any other social or business entity.

Section 4. Prohibitions. No person shall cause or permit the establishment, commencement of operation, or enlargement of a marijuana dispensary, within the unincorporated area of the County of San Diego, nor shall any development application be accepted, filed, processed, issued or approved for such a marijuana dispensary during the term of this moratorium ordinance.

Section 5. Report. The Chief Administrative Officer is directed to issue a written report describing the measures taken by the County to alleviate the conditions which have led to the adoption of this ordinance, at least 10 days prior to the expiration of this ordinance.

Section 6. Urgency, Duration and Publication. This ordinance is adopted by the Board of Supervisors pursuant to Government Code Section 65858 by a four-fifths or greater vote, as an urgency measure to protect the public health, safety and welfare, and shall take effect immediately. The reasons for such urgency are set forth in Section 1 above. This ordinance shall expire and be of no further force or effect 45 days after its adoption, unless it is extended pursuant to Section 65858. Before the expiration of 15 days after the adoption of this ordinance, a summary hereof shall be published once, with the names of the members of this Board voting for and against the same in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 5<sup>th</sup> day of August, 2009.