

ORDINANCE NO. 10063 (N.S.)

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
TO PROHIBIT NON-MEDICAL MARIJUANA DISPENSARIES  
WITHIN THE UNINCORPORATED AREA  
OF THE COUNTY OF SAN DIEGO

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

Section 1. The Board of Supervisors finds and determines as follows: Use or possession of marijuana for non-medical purposes, which is not authorized by state law, is a violation of federal and state law. Facilities which dispense marijuana without authorization under state law 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, which are not authorized under state law, and the surrounding area 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. It is the intent of this ordinance to protect neighborhoods in the unincorporated area by prohibiting facilities which dispense marijuana for non-medical purposes without authorization under state law throughout the unincorporated area of the County of San Diego.

Section 2. Section 1110 DEFINITIONS (M) of the Zoning Ordinance is hereby amended to add the term "Marijuana Dispensary - Non-Medical (Not Authorized Under State Law)", inserted into the appropriate alphabetical location, to read as follows:

Marijuana Dispensary - Non-Medical (Not Authorized Under State Law): 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 by any person other than a person authorized to possess or cultivate marijuana for the personal medical purposes of the qualified patient, pursuant to the provisions of the Compassionate Use Act of 1996 (Health and Safety Code Sections 11362.5 and following) and the Medical Marijuana Program Act (Health and Safety Code Sections 11362.7-11362.83). Persons authorized to possess or cultivate marijuana for the personal medical purposes of the qualified patient include persons, who under state law, are: (i) qualified patients, (ii) primary caregivers of qualified patients, or (iii) such patients and caregivers who associate to collectively or cooperatively cultivate marijuana for medical purposes.

Section 3. Section 6976 is hereby added to the Zoning Ordinance, to read as follows:

**6976 MARIJUANA DISPENSARIES – NON-MEDICAL (NOT AUTHORIZED UNDER STATE LAW)**

No person shall cause or permit the establishment, operation, enlargement or transfer of ownership of a dispensary of marijuana for non-medical purposes, meeting the definition "Marijuana Dispensary - Non-Medical (Not Authorized Under State Law)" in Section 1110. This prohibition shall apply throughout all use regulations.

Section 4. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the Daily 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 30<sup>th</sup> day of June, 2010.