

ORDINANCE NUMBER 1339

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, APPROVING ORDINANCE AMENDMENT OA 17-0508, AMENDING SECTIONS 5.54.140(A) OF THE PERRIS MUNICIPAL CODE TO INCREASE LOCATION RESTRICTIONS FROM 600 FEET TO 1000 FEET, FOR MEDICAL MARIJUANA DISPENSARIES, FROM SCHOOLS, PARKS, PLACES OF WORSHIP, YOUTH-ORIENTATED FACILITIES AND COMMUNITY CENTERS

WHEREAS, at the November 8, 2016 general municipal election, the City of Perris' voters approved Measure K, which establishes the "Medical Marijuana Dispensary Regulatory Program" (codified under Chapter 5.54 of Title 5 of the Perris Municipal Code);

WHEREAS, as approved by the City's voters, Section 5.54.220 of Chapter 5.54 of the Perris Municipal Code permits the City Council to amend or repeal, in part or in whole, the Medical Marijuana Dispensary Regulatory Program;

WHEREAS, several California cities have reported negative impacts of marijuana dispensaries, including but not limited to offensive odors, criminal trespassing, theft, violent robberies and robbery attempts, and the illegal sale and distribution of marijuana;

WHEREAS, on February 14, 2017, the City Council conducted a duly, noticed public hearing on the proposed amendment OA 17-0508, and voted to approve the First Reading of said Ordinance based on the findings contained, therein; and

WHEREAS, the City Council finds that the public health, safety, and general welfare of the City and its residents necessitates and requires the adoption of this Ordinance, which amends Section 5.54.140(A) of the Perris Municipal Code such that medical marijuana dispensaries shall not be located within one thousand feet of a school, park, place of worship, youth-oriented facility and community center, in order to: (a) protect and safeguard against the detrimental secondary negative effects and adverse impacts upon the community of facilities dispensing medical marijuana; (b) preserve and safeguard minors, children, and students in the community from the deleterious impacts of medical marijuana facilities; and (c) preserve the City's law enforcement services, in that monitoring and addressing the negative secondary effects and adverse impacts will likely burden the City's law enforcement resources.

THE CITY COUNCIL OF THE CITY OF PERRIS DOES ORDAIN AS FOLLOWS:

Section 1. Recitals Incorporated. The foregoing Recitals are incorporated herein by reference as if set forth in full.

Section 2. Amendment to Section 5.54.140(A) of Chapter 5.54 of the Perris Municipal Code. Section 5.54.140(A) of Chapter 5.54 of the Perris Municipal Code is hereby amended as

follows (where ***bold & italics*** indicates new language while ~~strikethrough~~ indicates deleted language):

“A. Medical marijuana dispensaries shall not be located within ~~six hundred~~ ***one thousand*** feet of a school, park, place of worship, youth-oriented facility or community center.”

Section 3. Effective Date. This Ordinance shall take effect 30 days after its adoption.

Section 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portions thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

Section 5. Certification. The City Clerk shall certify as to the passage and adoption of this Ordinance, shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted, and shall cause a summary of this Ordinance to be published in accordance with Government Code section 36933 in a newspaper of general circulation which is hereby designated for that purpose.

ADOPTED, SIGNED and APPROVED this 28th day of February, 2017.

Michael M. Vargas, Mayor

ATTEST:

Nancy Salazar, City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Nancy Salazar, City Clerk of the City of Perris DO HEREBY CERTIFY that the foregoing Ordinance Number 1339 was duly introduced by the City Council of the City of Perris at a regular meeting held the 14th day of February, 2017 and duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the 28th day of February, 2017, and that it was so adopted by the following vote:

AYES: ROGERS, BURKE, VARGAS
NOES: CORONA, RABB
ABSENT: NONE
ABSTAIN: NONE

Nancy Salazar, City Clerk