

RESOLUTION NUMBER 5252

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, SUSPENDING ACCEPTANCE OF NEW APPLICATIONS FOR MEDICAL MARIJUANA DISPENSARY PERMITS PURSUANT TO CALIFORNIA BUSINESS AND PROFESSIONS CODE § 26200 AND PERRIS MUNICIPAL CODE § 5.54.070 AND § 5.54.120.

WHEREAS, California Business & Profession Code § 26200 preserves the City's authority to adopt and enforce local ordinances to regulate businesses licensed pursuant to Division 10, "Cannabis," of the California Business Professions Code; and,

WHEREAS, on November 8, 2016, the voters of the City of Perris approved Chapter 5.54, "Medical Marijuana Dispensary Regulatory Program," of Title 5, "Business Regulations & Licenses," of the Perris Municipal Code ("Chapter 5.54"); and,

WHEREAS, § 5.54.070, "Suspension of review of medical marijuana dispensary permit applications," of Chapter 5.54 provides that, upon a resolution that a more rigorous review and selection process for medical marijuana dispensary applications is required, then the City may suspend the review of all applications for medical marijuana dispensary permits until a more rigorous selection process is adopted by the City Council; and,

WHEREAS, § 5.54.120, "Administration," of Chapter 5.54 permits the City Council to adopt further rules, regulations, procedures and standards for the administration and implementation of Chapter 5.54, including without limitation those rules, regulations, procedures and standards relating to administration and implementation of § 5.54.070 of Chapter 5.54; and,

WHEREAS, the City Council does not desire to suspend review of medical marijuana dispensary applications that were submitted prior to the adoption of this Resolution; and,

WHEREAS, in the short period of time since the adoption and enactment of Chapter 5.54 in 2016, six medical marijuana dispensaries have been granted permits to operate within the City with an additional seven pending review; and,

WHEREAS, the City anticipates that there will be substantially more medical marijuana dispensary permit applications submitted pursuant to Chapter 5.54; and

WHEREAS, the secondary effects of medical marijuana dispensaries upon the Perris community are currently unknown and the rapid approval of such dispensaries could have a negative impact upon the Perris community; and

WHEREAS, based upon the foregoing, a more rigorous review and selection process is required to ensure that the establishment of medical marijuana dispensaries is in compliance with State and local law, to ensure that there is not an overconcentration of medical marijuana dispensaries, to minimize the potential secondary effects of medical marijuana

dispensaries, and to ensure that a more rigorous review of medical marijuana dispensary applications take place.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Recitals. The recitals set forth above are true and correct and incorporated herein by this reference.

Section 2. Finding. The City Council finds that, based upon the foregoing, a more rigorous review and selection process is warranted for the acceptance and review of medical marijuana dispensary permit applications than the process currently provided in Chapter 5.54.

Section 3. New Application Suspension. Pursuant to § 5.54.070 of Chapter 5.54, acceptance of new applications for medical marijuana dispensary permits is suspended and City staff is directed to cease accepting any new medical marijuana dispensary permit applications submitted pursuant to Chapter 5.54.

Section 4. Active Applications Review. Pursuant to §§ 5.54.070 and 5.54.120 of Chapter 5.54, notwithstanding the above, the City Council hereby authorizes City staff to complete its review of medical marijuana dispensary permit applications, as provided in Chapter 5.54, that were submitted prior to the adoption of this Resolution.

Section 5. Effective and Expiration Dates. This Resolution shall be effective upon its adoption, and shall automatically expire when the City Council adopts a more rigorous selection process for the issuance of medical marijuana dispensary permits pursuant to Chapter 5.54 or until this Resolution is repealed by subsequent City Council resolution, whichever occurs first.

Section 6. Certification. That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of the City of Perris; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council of the City of Perris, in the minutes of the meeting at which same is passed and adopted.

ADOPTED, SIGNED and APPROVED this 27th day of March, 2018.

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, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 5252 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 27th day of March, 2018, and that it was so adopted by the following vote:

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

City Clerk, Nancy Salazar