

1 ORDINANCE NO. 928.1

2 AN ORDINANCE OF THE COUNTY OF RIVERSIDE

3 AMENDING ORDINANCE NO. 928 PROHIBITING MOBILE MARIJUANA DISPENSARIES

4 AND MARIJUANA DELIVERIES,

5 DECLARING MOBILE MARIJUANA DISPENSARIES AND MARIJUANA DELIVERIES

6 TO BE A NUISANCE, AND INCORPORATING BY REFERENCE ORDINANCE NO. 725

7
8 The Board of Supervisors of the County of Riverside ordains as follows:

9 Section 1. Ordinance No. 928 is amended in its entirety to read as follows:

10 “ORDINANCE NO. 928

11 AN ORDINANCE OF THE COUNTY OF RIVERSIDE

12 PROHIBITING MOBILE CANNABIS DISPENSARIES AND CANNABIS DELIVERIES,

13 DECLARING MOBILE CANNABIS DISPENSARIES AND CANNABIS DELIVERIES

14 TO BE A NUISANCE, AND INCORPORATING BY REFERENCE ORDINANCE NO. 725

15 The Board of Supervisors of the County of Riverside ordains as follows:

16 Section 1. FINDINGS AND PURPOSE. The Board of Supervisors finds and
17 declares the following:

- 18 a. On October 3, 2006, in Ordinance No. 348.4423, the Board of
19 Supervisors adopted an amendment to Ordinance No. 348,
20 prohibiting medical marijuana dispensaries in all zone classifications
21 within the unincorporated areas of Riverside County.
- 22 b. In *City of Riverside v. Inland Empire Patients Health and Wellness*
23 *Center, Inc.* (2013) 56 Cal. 4th 729, the California Supreme Court
24 held that “[n]othing in the [Compassionate Use Act of 1996] or the
25 [Medical Marijuana Program] expressly or impliedly limits the
26 inherent authority of a local jurisdiction, by its own ordinances, to
27 regulate the use of its land... .”
- 28 c. On May 19, 2015, in Ordinance No. 348.4802, the Board of

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1 Supervisors adopted another amendment to Ordinance No. 3
2 clarifying that cultivation of marijuana is prohibited in all zone
3 classifications within the unincorporated areas of Riverside County
4 and that no permit of any type shall be issued for marijuana
5 cultivation.

6 d. On June 2, 2015, the Board of Supervisors adopted Ordinance No.
7 925 declaring marijuana cultivation, either indoors or outdoors, upon
8 any premises within all unincorporated areas to be prohibited and a
9 public nuisance subject to abatement and administrative and civil
10 penalties.

11 e. On December 15, 2015, the Board of Supervisors adopted Ordinance
12 No. 928 prohibiting mobile marijuana dispensaries and marijuana
13 deliveries and declaring such activities to be a public nuisance.

14 f. Through its prior actions, the Board of Supervisors has made clear
15 position with regard to marijuana dispensaries, including mobile
16 dispensaries, and cultivation under its land use authority and police
17 powers.

18 g. The Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq.,
19 classifies marijuana as a Schedule I Drug, which is defined as a drug
20 or other substance that has a high potential for abuse, that has no
21 currently accepted medical use in treatment in the United States, and
22 that has not been accepted as safe for use under medical supervision.
23 The Federal Controlled Substances Act makes it unlawful, under
24 federal law, for any person to cultivate, manufacture, distribute or
25 dispense, or possess with intent to manufacture, distribute or dispense,
26 marijuana. The Federal Controlled Substances Act contains no
27 exemption for the cultivation, manufacture, distribution,
28 dispensation, or possession of marijuana for medical purposes.

1 h. On June 27, 2017, the Governor signed Senate Bill 94, the Medicinal
2 and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”).
3 The MAUCRSA unifies both the medical regulatory scheme of the
4 Medical Cannabis Regulation and Safety Act (2015) and the adult-
5 use scheme of the Adult-Use of Marijuana Act (2016) to achieve a
6 single regulatory structure at the state level. The MAUCRSA shifts
7 from the term “marijuana” to “cannabis.” The MAUCRSA continues
8 to recognize local control and the state cannot approve licenses for
9 cannabis businesses and cannabis activities, including deliveries, if
10 the license would not be in compliance with a local government’s
11 ordinances or regulations. The MAUCRSA continues to recognize the
12 ability of local governments to prohibit all outdoor cultivation and
13 any other cannabis businesses and cannabis activities. The
14 MAUCRSA makes clear that nothing in the MAUCRSA is to be
15 interpreted to supersede or limit the County’s authority to adopt and
16 enforce local ordinances to regulate cannabis businesses and cannabis
17 activities licensed by the state, up to and including the County’s right
18 to ban the activity.

19 i. The purpose of this ordinance is to clarify the County’s
20 existing prohibition on cannabis deliveries, which already includes a
21 ban on mobile cannabis dispensaries, by explicitly prohibiting
22 cannabis deliveries within all unincorporated areas of Riverside
23 County until the County adopts a comprehensive regulatory
24 framework for medical and adult-use cannabis businesses and
25 cannabis activities.

26 Section 2. AUTHORITY. This ordinance is adopted pursuant to the authority granted
27 by Article XI, section 7 of the California Constitution, Business and Professions Code
28 sections 26055, 26080, 26090, 26200, Health and Safety Code section 11362.83, and

1 Government Code sections 25845 and 53069.4.

2 Section 3. DEFINITIONS. As used in this ordinance, the following terms shall
3 have the following meanings:

4 a. Cannabis. All parts of the plant *Cannabis sativa Linnaeus*, *Cannabis*
5 *indica*, or *Cannabis ruderalis*, or any other strain or varietal of the
6 genus *Cannabis* that may exist or hereafter be discovered or
7 developed that has psychoactive or medicinal properties, whether
8 growing or already harvested, including the seeds thereof.
9 “Cannabis” also means cannabis as defined by Business and
10 Professions Code section 26001 and Health and Safety Code section
11 11018. “Cannabis” does not mean “industrial hemp” as defined by
12 Food and Agricultural Code section 81100 or Health and Safety Code
13 section 11018.5. For the purpose of this ordinance, cannabis is not a
14 crop.

15 b. Cannabis products. Cannabis that has undergone a process whereby
16 the plant material has been transformed into a concentrate, including,
17 but not limited to, concentrated cannabis, or an edible or topical
18 product containing cannabis or concentrated cannabis and other
19 ingredients.

20 c. Delivery. Has the same meaning as the term is defined in Business
21 and Professions Code section 26001, subdivision (p) or thereafter
22 amended.

23 d. Marijuana. Cannabis.

24 e. Mobile Cannabis Dispensary. Any clinic, cooperative, collective,
25 club, business or group which transports or delivers, or arranges the
26 transportation or delivery, of cannabis or cannabis products to a
27 person.

28 f. Person. Any person, firm, cooperation, association, club, collective,

1 society, or other organization. Person shall include any owner,
2 manager, proprietor, employee, volunteer or salesperson.

3 g. Operation. Any effort to locate, operate, own, lease, supply, allow to
4 be operated, or aid, abet or assist in the operation of a Mobile
5 Cannabis Dispensary.

6 Section 4. EXEMPTION. The prohibitions in this ordinance shall not prevent
7 transportation of cannabis or cannabis products on public roads through the County by a
8 state licensee acting in compliance with state law and County ordinances.

9 Section 5. PROHIBITION ON MOBILE CANNABIS DISPENSARIES.
10 Mobile Cannabis Dispensaries are prohibited within all unincorporated areas of Riverside
11 County. No person shall locate, operate, own, suffer, allow to be operated or aid, abet or
12 assist in the operation of any Mobile Cannabis Dispensary within the unincorporated areas
13 of Riverside County.

14 Section 6. PROHIBITION ON CANNABIS DELIVERY. No person shall
15 deliver cannabis or cannabis products to any location within all unincorporated areas of
16 Riverside County from a Mobile Cannabis Dispensary, regardless of where the Mobile
17 Cannabis Dispensary is located, or engage in any operation for this purpose.

18 Section 7. PUBLIC NUISANCE DECLARED. Operation of a Mobile Cannabis
19 Dispensary or delivery of cannabis or cannabis products within the unincorporated areas of
20 Riverside County in violation of this ordinance is hereby declared a public nuisance and
21 shall be abated pursuant to all available remedies.

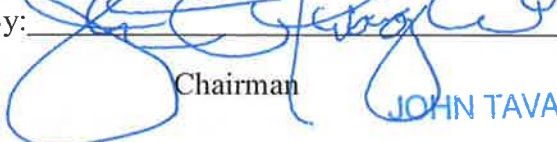
22 Section 8. VIOLATIONS. The procedures, remedies and penalties for violation
23 of this ordinance and for recovery of costs related to enforcement are provided for in
24 Ordinance No. 725, as it is amended from time to time, which is incorporated herein by this
25 reference. Notwithstanding any other provision of the County's ordinances, a violation of
26 this ordinance is not subject to criminal penalties.

27 Section 9. SEVERABILITY. If any provision, clause, sentence or paragraph of
28 this ordinance or the application thereof to any person or circumstances shall be held invalid,

1 such invalidity shall not affect the other provisions of this ordinance which can be giv
2 effect without the invalid provision or application, and to this end, the provisions of this
3 ordinance are hereby declared to be severable.”

4 Section 2. EFFECTIVE DATE. This ordinance shall take effect thirty (30) calendar days after
5 its adoption.

7 BOARD OF SUPERVISORS OF THE COUNTY
8 OF RIVERSIDE, STATE OF CALIFORNIA


9
10 By: 
Chairman JOHN TAVAGLIONE

11 ATTEST:
12 CLERK OF THE BOARD

13
14 By: 
15 Deputy

16
17
18 (SEAL)

19 APPROVED AS TO FORM
20 August 21, 2017

21
22 By: 
23 TIFFANY N. NORTH
24 Chief Deputy County Counsel

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STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) ss

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on September 12, 2017, the foregoing ordinance consisting of 2 Sections was adopted by the following vote:

AYES: Jeffries, Tavaglione, Washington and Perez
NAYS: None
ABSENT: None
ABSTAIN: Ashley

DATE: September 12, 2017

KECIA HARPER-IHEM
Clerk of the Board
BY: 
Deputy

SEAL

