TITLE: INTERIM URGENCY ORDINANCE OF THE CITY OF PORTERVILLE PROHIBITING THE USE OF LAND FOR THE PURPOSE OF OPERATING A DISPENSARY OF MARIJUANA FOR MEDICAL PURPOSES

SOURCE: CITY ATTORNEY

COMMENT: California voters approved Proposition 215, which codified into the California Health and Safety Code the “Compassionate Use Act of 1996.” The stated intent of the Proposition 215 was to enable people in need of marijuana for medical purposes the ability to obtain and use it without fear of criminal prosecution under limited, specific circumstances.

Consequently, there have been commercial endeavors to distribute medical marijuana to those who qualify under the Act. The proposition is unclear, however, about the details of doctor recommendations and how the substance is distributed. Adding further confusion is the fact that pursuant to Federal law, the use, possession, transpiration and distribution of marijuana is specifically illegal.

The City needs adequate time to determine whether it is appropriate to permit the location of medical marijuana dispensaries within the City, and if so, to determine whether to restrict their establishment from areas around schools and/or parks and in residential areas or near other businesses. California cities are handling this issue in a variety of ways, ranging from little or no regulation/restriction to complete prohibitions.

As the proposed ordinance is an interim urgency ordinance (moratorium), if approved by a 4/5’s vote, it will take effect immediately. This office intends to bring draft regulations back to the Council within the next thirty days.

RECOMMENDATION: That the City Council consider and adopt the proposed interim urgency ordinance, read by title only, and waive further reading.

ATTACHMENTS: Ordinance No 1713, An Ordinance of the City Council of the City of Porterville Prohibiting the Use of Land for the Purpose of Operating a Dispensary of Marijuana for Medical Purposes

Item No. 1