

ORDINANCE NO. 1453

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING SECTIONS 18.02, GENERAL PROVISIONS; 18.04 DEFINITIONS; 18.26 A-P ZONE; 18.27 O-P ZONE; 18.28 C-1 ZONE; 18.30 C-1A ZONE; 18.31 R-C ZONE, 18.32 C-2 ZONE; 18.33 F-C ZONE; 18.34 C-3 ZONE, 18.35 I-P ZONE; 18.36 C-M ZONE; 18.38 M-1 ZONE AND 18.40 PID ZONE OF THE RIALTO MUNICIPAL CODE AS IT PERTAINS MEDICAL MARIJUANA DISPENSARIES.**

The City Council of the City of Rialto does hereby ordain as follows:

Section 1: Sections 18.02, General Provisions; 18.04 Definitions; 18.26 A-P zone; 18.27 O-P zone; 18.28 C-1 zone; 18.30 C-1A zone; 18.31 R-C zone, 18.32 C-2 zone; 18.33 F-C zone; 18.34 C-3 zone, 18.35 I-P zone; 18.36 C-M zone; 18.38 M-1 zone and 18.40 PID are hereby amended to read as follows:

18.02 General Provisions

18.02.030 Regulations-Conformance required.

The regulations specified in this title are subject to the general provisions and exceptions established by this chapter. Any use that is not permitted expressly by any provisions of this title shall be prohibited.

18.02.050 Determination of Uses

A. A determination of whether a particular use is within the scope of permitted uses and allowable accessory uses in a particular zone shall constitute a "determination of use."

B. The Planning Commission shall have authority to act on a determination of use.

C. A person with an interest in real property located within a particular zone who intends to develop such real property with a use not expressly allowed in such zone shall apply to the Planning Commission for a determination of use provided that such use is not detrimental to the public health, safety and general welfare.

D. The determination of the Planning Commission shall become final and thereafter control development within the particular zone unless such determination of use is appealed to the City Council in accordance with Chapter 18.68 of the Rialto Municipal Code-Appeal.

18.04 Definitions

18.04.585 -Medical Marijuana Dispensary

1 A medical marijuana dispensary is defined as any facility, place or location where  
2 marijuana is made available, sold, transmitted, given or otherwise provided to qualified  
3 individuals or others in accordance with the State of California Compassionate Use Act  
4 of 1996 (Proposition 215). The term medical marijuana dispensary shall include a  
5 medical marijuana cooperative.

6 Section 2: In addition, Sections 18.26 A-P zone; 18.27 O-P zone; 18.28 C-1 zone; 18.30 C-1A  
7 zone; 18.31 R-C zone, 18.32 C-2 zone; 18.33 F-C zone; 18.34 C-3 zone, 18.35 I-P zone; 18.36 C-M  
8 zone; 18.38 M-1 zone and 18.40 PID zone of the Rialto Municipal Code are hereby amended to add the  
9 following wording prohibiting marijuana dispensaries:

10 18.26.045 A-P zone, Prohibited Uses

11 18.27.025 O-P zone, Prohibited Uses

12 18.28.025 C-1 zone, Prohibited Uses

13 18.30.025 C-1A zone, Prohibited Uses

14 18.31.025 R-C zone, Prohibited Uses

15 18.32.025 C-2 zone, Prohibited Uses;

16 18.33.025 F-C zone, Prohibited Uses;

17 18.34.025 C-3 zone, Prohibited Uses;

18 18.35.025 I-P zone, Prohibited Uses;

19 18.36.025 C-M zone, Prohibited Uses;

20 18.38.025 M-1 zone Prohibited Uses; and

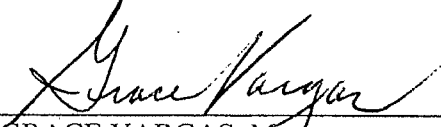
21 18.40.040(E) PID zone, Prohibited Uses

22 ***"Medical marijuana dispensaries are prohibited as defined in Section 18.04.585 of the  
23 Rialto Municipal Code."***

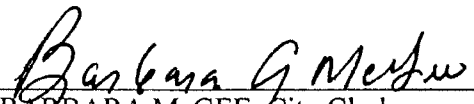
24 Section 2: This ordinance shall take effect thirty (30) days after its date of adoption.  
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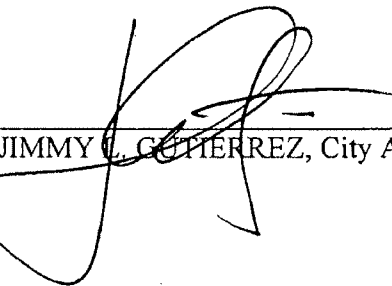
PASSED, APPROVED AND ADOPTED this 13<sup>th</sup> day of October, 2009.

  
\_\_\_\_\_  
GRACE VARGAS, Mayor

ATTEST:

  
\_\_\_\_\_  
BARBARA McGEE, City Clerk

APPROVED AS TO FORM

  
\_\_\_\_\_  
JIMMY L. GUTIERREZ, City Attorney

1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO )ss  
3 CITY OF RIALTO )

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing  
5 Ordinance No. 1453 was duly passed and adopted at a regular meeting of the City Council of the  
6 City of Rialto held on the 13th day of October, 2009.

7  
8 Upon motion of Councilmember Baca Jr., seconded by Councilmember  
9 Scott, the foregoing Ordinance No. 1453 was duly passed and adopted.

10  
11 Vote on the Motion:

12 AYES: Mayor Vargas, Council Members: Robertson, Scott & Baca Jr.

13 NOES: None

14 ABSENT: None

15 ABSTAIN: Council Members Palmer

16 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of

17 Rialto, this 4th day of November, 2009.

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20 BARBARA A. MCGEE, City Clerk  
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