

## CHAPTER 5.50: CANNABIS MARIJUANA DISPENSARIES PROHIBITED

### Section

5.50.010 Definitions

5.50.020 Prohibition

### § 5.50.010 DEFINITIONS.

**CANNABIS.** CANNABIS means all parts of the plant *Cannabis sativa linnaeus*, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, but does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.

**CANNABIS PRODUCTS.** Cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients and includes cannabis products intended for use on, or consumption by, an animal. *CANNABIS PRODUCTS* are not considered food, as defined by Section 109935 of the Health and Safety Code, a drug, as defined by Section 109925 of the Health and Safety Code, or a cosmetic, as defined by Section 109900 of the Health and Safety Code, nor are *CANNABIS PRODUCTS* considered medicinal cannabis products, defined in this code.

**MARIJUANA or DISPENSARY.** Any fixed facility or location in the city, ~~whether fixed or mobile~~, where ~~marijuana-cannabis~~ and/or cannabis product is made available to or distributed by or distributed to any individual.

**MEDICINAL CANNABIS or MEDICINAL CANNABIS PRODUCT.** Pursuant to Business and Professions Code, or as it may be updated from time to time, *MEDICINAL CANNABIS* or *MEDICINAL CANNABIS PRODUCT* means cannabis or a cannabis product, respectively, intended to be sold or donated for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found in Section 11362.5 of the Health and Safety Code, as that code may be updated from time to time, by a medicinal cannabis patient in California who possesses a physician’s recommendation, or in compliance with any compassionate use, equity, or other similar program.

**MEDICAL MARIJUANA DISPENSARY.** ~~Any facility or location, whether fixed or mobile, where medical marijuana is made available to or distributed by or distributed to one or more of the following: a primary caregiver, a qualified patient, or a patient with an identification card. All three terms are identified in strict accordance with Cal. Health and Safety Code §§ 11362.4 et seq. A *MEDICAL MARIJUANA DISPENSARY* shall not include the following uses, as long as the location of such uses is otherwise regulated by this Code or applicable law: A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a healthcare facility licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter~~

~~3.2 of Division 2 of the Health and Safety Code; a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as such uses complies strictly with applicable law, including but not limited to, Health and Safety Code section 11362.5 et seq.~~

(Ord. 2011-93, passed 7-7-2011; Am. Ord. 2017-230, passed 12-20-2017)

## **§ 5.50.020 PROHIBITION.**

~~Cannabis Marijuana~~ dispensaries and medical ~~cannabis marijuana~~ dispensaries as defined in § 5.50.010 are prohibited within the city. No permit of any kind, including but not limited to a conditional use permit, a building permit or business license, shall be issued to any person or entity seeking to establish such a dispensary. Notwithstanding, this chapter shall in no way limit the right to possess, use or cultivate ~~cannabis marijuana~~ for medicinal or recreational purposes as authorized by the laws of the State of California as set forth in the Health and Safety Code, as those may be amended from time to time.

(Ord. 2011-93, passed 7-7-2011; Am. Ord. 2017-230, passed 12-20-2017)

## **CHAPTER 5.60: MOBILE CANNABIS MARIJUANA DISPENSARIES**

### **Section**

5.60.010 Definitions

5.60.020 Mobile ~~cannabis marijuana~~ dispensaries prohibited

5.60.030 ~~Cannabis Marijuana~~ delivery prohibited

5.60.040 Public nuisance declared

5.60.050 Violations

## **§ 5.60.010 DEFINITIONS.**

The following words and phrases shall, for the purposes of this chapter, have the meanings respectively ascribed to them by this section, as follows.

**MOBILE CANNABIS MARIJUANA DISPENSARY.** Any ~~person clinic, cooperative, club, business or group which~~ who transports or delivers, or arranges the transportation or delivery, of ~~cannabis marijuana~~ to a person for either personal, recreational, or medical use.

**OPERATION.** Any effort to locate, operate, own, lease, supply, allow to be operated, or aid, abet or assist in the operation of a mobile ~~cannabis marijuana~~ dispensary.

**PERSON.** Any ~~individual person~~, business, clinic, firm, corporation, association, club, society, group or other organization. The term **PERSON** shall include any owner, manager, proprietor, employee, volunteer or salesperson.

(Ord. 2013-128, passed 8-6-2013; Am. Ord. 2017-230, passed 12-20-2017)

#### **§ 5.60.020 DISPENSARIES PROHIBITED.**

Dispensaries are prohibited within the city. No permit of any kind, including but not limited to a conditional use permit, a building permit, or business license, shall be issued to any person or entity seeking to establish such a dispensary. Notwithstanding, this chapter shall in no way limit the right to possess, use, or cultivate cannabis for medicinal or recreational purposes as authorized by the laws of the State of California as set forth in the Health and Safety Code, as those may be amended from time to time, nor shall this chapter prohibit the delivery of medical cannabis pursuant to Business and Professionals Code section 26322, as it may be amended from time to time.

#### **§ 5.60.0320 MOBILE ~~CANNABIS MARIJUANA~~ DISPENSARIES PROHIBITED.**

Operation of mMobile ~~cannabis marijuana~~ dispensaries are prohibited in the city. No person shall locate, operate, own, suffer, allow to be operated or aid, abet or assist in the operation of any mobile marijuana dispensary within the city, expect at specifically outlined in Section 5.60.040(B) of this code.

(Ord. 2013-128, passed 8-6-2013)

#### **§ 5.60.0430 ~~CANNABIS MARIJUANA~~ DELIVERY PROHIBITED; MEDICINAL CANNABIS AND MEDICINAL CANNABIS PRODUCT DELEVERY PERMITTED.**

(A) No person shall deliver ~~cannabis marijuana~~ or cannabis projects to any location within the city from a mobile marijuana dispensary, regardless of where the mobile ~~cannabis marijuana~~ dispensary is located, or engage in any operation for this purpose.

(B) Delivery of medicinal cannabis and medicinal cannabis products to medicinal cannabis patients or their primary caregivers is permitted within the city to the extent such activity complies with California Business and Professional Code section 26320 et seq., as those provisions may be amended from time to time. No person shall deliver any marijuana-infused product such as tinctures, baked goods or other consumable products, to any location within the city from a mobile marijuana dispensary, regardless of where the mobile marijuana dispensary is located, or engage in any operation for this purpose.

(Ord. 2013-128, passed 8-6-2013)

#### **§ 5.60.0540 PUBLIC NUISANCE DECLARED.**

Operation of any mobile ~~cannabis marijuana~~ dispensary within the city in violation of the provisions of this chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

(Ord. 2013-128, passed 8-6-2013)

**§ 5.60.0650 VIOLATIONS.**

Violations of this chapter may be enforced by any applicable law.

(Ord. 2013-128, passed 8-6-2013)