

CHAPTER 3-39. - CANNABIS RELATED USES, COMMERCIAL CANNABIS ACTIVITIES, DELIVERIES, AND CULTIVATION PROHIBITED

Sec. 3-39-1. - Definitions.

"Cannabis" shall mean 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. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means "marijuana" as defined by Health and Safety Code § 11018 as enacted by Chapter 1407 of the Statutes of 1972. The term "Cannabis" shall also have the same meaning as set forth in Business and Professions Code § 19300.5(f), as may be amended from time to time. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, "Cannabis" does not mean "industrial hemp" as defined by Food and Agricultural Code § 81000 or Health and Safety Code § 11018.5.

"Caregiver" or "Primary Caregiver" shall have the same meaning as set forth in Health and Safety Code § 11362.7, as may be amended from time to time.

"Commercial Cannabis Activity" shall have the same meaning as set forth in Business and Professions Code § 19300.5(k), as may be amended from time to time.

"Cooperative" shall mean two or more persons collectively or cooperatively cultivating, using, transporting, possessing, administering, delivering, or making available marijuana, with or without cultivation.

"Cultivation" or "Cultivate" shall have the same meaning as set forth in Business and Professions Code § 19300.5(l), as may be amended from time to time.

"Delivery" shall have the same meaning as set forth in Business and Professions Code § 19300.5(m), as may be amended from time to time.

"Dispensary" shall have the same meaning set forth in Business and Professions Code § 19300.5(n), as may be amended from time to time. For purposes of this chapter, "dispensary" shall also include a Cooperative. "Dispensary" shall not include the following uses: (1) a clinic licensed pursuant to California Health and Safety Code div. 2, ch. 1 (Health and Safety Code § 1200 et seq.); (2) a health care facility licensed pursuant to California Health and Safety Code div. 2, ch. 2 (Health and Safety Code § 1250 et seq.); (3) a residential care facility for persons with chronic life threatening illnesses licensed pursuant to California Health and Safety Code div. 2, ch. 3.01 (Health and Safety Code § 1568.01 et seq.); (4) a residential care facility for the elderly licensed pursuant to California Health and Safety Code div. 2, ch. 3.2 (Health and Safety Code § 1569 et seq.); (5) a residential hospice or home health agency licensed pursuant to California Health and Safety Code div. 2, ch. 8 (Health and Safety Code § 1725 et seq.).

"Medical Cannabis" or "Cannabis" shall have the same meaning as set forth in Business and Professions Code § 19300.5(ag), as may be amended from time to time.

"Medical Marijuana Regulation and Safety Act" or "MMRSA" shall mean and refer to the following three bills signed into law on October 9, 2015, as the same may be amended from time to time: AB 243, AB 246, SB 643.

"Qualifying Patient" or "Qualified Patient" shall have the same meaning as set forth in Health and Safety Code § 11362.7, as may be amended from time to time.

(Ord. No. [16-01](#), § 3, 1-26-16)

Sec. 3-39-2. - Prohibition.

All Cannabis related uses, including dispensaries, cultivation, and all other Commercial Cannabis Activities for which a State license is required under the MMRSA are prohibited in all zones throughout the City. Accordingly, the City shall not issue any permit, or process any license or other entitlement for any Cannabis related use or any other activity for which a State license is required under the MMRSA.

- A. *Cannabis related uses.* All Cannabis related uses, including cultivation, dispensaries, and deliveries, are expressly prohibited in all zones and all specific plan areas in the City, regardless of whether the Cannabis is used for medicinal purposes or whether such uses qualify as Commercial Cannabis Activities under the MMRSA. No person shall establish, operate, conduct, permit or allow any Cannabis related use anywhere within the City.
- B. *Medical Cannabis uses.* All Medical Cannabis related uses, including cultivation, dispensaries, and deliveries, are expressly prohibited in all zones and all specific plan areas in the City, regardless of whether such uses qualify as Commercial Cannabis Activities under the MMRSA. No person shall establish, operate, conduct, permit or allow any Medical Cannabis related land use anywhere within the City.
- C. *Commercial Cannabis Activities.* All Commercial Cannabis Activities, including, but not limited to, Cooperatives, dispensaries, cultivation, and deliveries, are expressly prohibited in all zones and all specific plan areas in the City. No person shall establish, operate, conduct, permit or allow a Commercial Cannabis Activity anywhere within the City.
- D. *Cannabis deliveries.* All deliveries of Cannabis and Medical Cannabis are expressly prohibited in the City. No person shall conduct any deliveries of Cannabis or Medical Cannabis that either originate or terminate at any location within the City.
- E. *Cannabis cultivation.* The cultivation of Cannabis, regardless of whether for commercial or noncommercial purposes, and including Cultivation by a Qualified Patient or Primary Caregiver is expressly prohibited in all zones and all specific plan areas in the City. No person, including, but not limited to, a Qualified Patient or Primary Caregiver, shall cultivate any amount of Cannabis in the City, regardless of whether or not the Cannabis is intended to be used for medical purposes.

(Ord. No. [16-01](#), § 3, 1-26-16)

Sec. 3-39-3. - Public nuisance.

Any use or condition caused, or permitted to exist, in violation of any provision of this Chapter 3-39 shall be, and is hereby declared to be, a public nuisance and may be summarily abated by the City pursuant to California Code of Civil Procedure § 731 or any other remedy available at law.

(Ord. No. [16-01](#), § 3, 1-26-16)

Sec. 3-39-4. - Civil penalties.

In addition to any other enforcement permitted by the City's Zoning and/or Municipal Codes, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person who violates any provision of this chapter. In any civil action that is brought pursuant to this chapter, a court of competent jurisdiction may award civil penalties and costs to the prevailing party.

(Ord. No. [16-01](#), § 3, 1-26-16)