

## Chapter 9.65

### CANNABIS PROHIBITIONS AND REGULATIONS

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9.65.010 Definitions. For purposes of this chapter, the following words and phrases shall have the following meanings:

(a) “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. “Cannabis” also means the separated resin, whether crude or purified, obtained from marijuana, and any product containing marijuana. “Cannabis” includes cannabis that is used for medical, non-medical, or other purposes. For the purpose of this Section, “cannabis” does not mean (1) “industrial hemp” as defined by California Food and Agricultural Code Section 81000 or California Health and Safety Code Section 11018.5; or (2) the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

(b) “Cannabis concentrate” means manufactured cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product’s potency. Resin from granular tichomes from a cannabis plant is a concentrate.

(c) “Cannabis products” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including but not limited to cannabis concentrate, or an edible or topical product containing cannabis or cannabis concentrate and other ingredients.

(d) “Commercial cannabis activity” means the cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, packaging, transportation, delivery or sale of cannabis or cannabis products for medical, non-medical, or any other purpose and includes the activities of any business licensed by the State or other government entity under Division 10 of the Business and Professions Code, or any provision of State law that regulates the licensing of cannabis businesses. “Commercial cannabis activity” does not include the cultivation, possession, storage, manufacturing, or transportation of cannabis by (1) a qualified patient for his or her personal medical use so long as the qualified patient does not provide, donate, sell or distribute cannabis to any other person; or by (2) a primary caregiver, exclusively for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver, but who does not receive remuneration for these activities except for compensation in full compliance with California Health and Safety Code section 11362.765.

(e) “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(f) “Delivery” means the commercial transfer of cannabis or cannabis products to a customer, and shall include the use by a retailer of any technology platform owned and controlled by the retailer.

(g) “Distribution” means the procurement, sale, and transport of cannabis and cannabis products between entities licensed under Division 10 of the California Business and Professions Code.

(h) “Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

(i) “MAUCRSA” means the Medicinal and Adult-Use Cannabis Regulation and Safety Act as codified in Division 10 of the Business and Professions Code.

(j) “Person” includes any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, collective, cooperative, club, society, organization, non-profit, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

(k) “Primary caregiver” shall have the same meaning as is defined in California Health and Safety Code section 11362.7(d), as the same may be amended from time to time.

(l) “Qualified patient” means a person who is entitled to the protections of California Health and Safety Code Section 11362.5, as the same may be amended from time to time. (Ord. 684 (part), 2017).

9.65.020 Prohibitions. Subject to the exceptions set forth in Section 9.65.030, the following activities are prohibited in the city:

(a) Commercial cannabis activity, whether or not for profit, is prohibited in the city. No person shall establish, operate, maintain, conduct, allow, or engage in commercial cannabis activity anywhere within the city.

(b) A property owner shall not rent, lease or otherwise permit any person or business that engages in commercial cannabis activity to occupy real property in the city. A property owner shall not allow any person or business to establish, operate, maintain, conduct, or engage in commercial cannabis activity on any real property owned or controlled by that property owner that is located in the city.

(c) Subsection (a) above shall prohibit all activities for which a State license is required pursuant to the MAUCRSA, as the same may be amended from time to time.

(d) Subject to the exceptions set forth in Section 9.65.030 below, and to the extent not already prohibited by subsection (a) above, all deliveries of cannabis or cannabis products, to or from any location are expressly prohibited. No person shall conduct or perform any delivery of any cannabis or cannabis products, which delivery either originates or terminates within the city. (Ord. 684 (part), 2017).

9.65.030 Exceptions.

(a) The delivery of cannabis to a qualified patient or a primary caregiver from a business located outside the city and licensed under the MAUCRSA or any other provision of law that permits State licenses for medical cannabis businesses, shall be permitted into the Town.

(b) Nothing in this chapter shall prohibit any person from transporting cannabis through the jurisdictional limits of the Town for delivery or distribution to a person located outside the Town, where such transport does not involve delivery or distribution within the jurisdictional limits of the Town.

(c) Nothing in this chapter shall prohibit a person 21 years of age or older from engaging in any activities authorized under California Health and Safety Code section 11362.1.

(d) Nothing in this chapter shall prohibit any commercial cannabis activity that the Town is required by State law to permit within its jurisdiction pursuant Business and Professions Code section 26054(c) and (d), as the same may be amended from time to time, or any other provision of the MAUCRSA. (Ord. 684 (part), 2017).

9.65.040 Violation, penalty. In addition to any other enforcement permitted by this Chapter 9, the Town Attorney may bring a civil action for injunctive relief and civil penalties against any person or entity that violates this chapter. In any civil action brought pursuant to this section, a court of competent jurisdiction may award reasonable attorneys fees and costs to the prevailing party. Notwithstanding the penalties set forth in Chapter 1.04 of the Town Code, no provision of this Section authorizes a criminal prosecution, arrest or penalty inconsistent with or prohibited by Health and Safety Code Section 11362.71, *et seq.* or Section 11362.1, *et seq.*, as the same may be amended from time to time. (Ord. 684 (part), 2017).

9.65.050 Construction with state law. Nothing in this chapter is intended to conflict with the provisions of state law concerning the regulation of cannabis. In the event of a direct and express conflict between state law and any provision of this chapter, state law, as applicable, shall control. (Ord. 684 (part), 2017).