

Chapter 9.10

PROHIBITION OF MEDICAL MARIJUANA DISPENSARIES, COOPERATIVES, COLLECTIVES, MEDICAL CANNABIS DISPENSARIES, AND BUSINESSES ENGAGED IN COMMERCIAL MARIJUANA ACTIVITIES

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9.10.010 Legislative Findings and Statement of Purpose.

It is the purpose and intent of this Chapter to preclude the opening, establishment and operation of Medical Marijuana Dispensaries, Cooperatives and Collectives, as well as all businesses engaged in Commercial Marijuana or Cannabis Activity in the City of Ripon.

9.10.20 Definitions.

For the purpose of this chapter, the following definitions shall apply:

A. “Commercial Marijuana Activity” has the same meaning as in Section 26001 of the Business and Professions Code, which includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, delivery or sales of marijuana and marijuana products. For

the purposes of this chapter, it also includes any commercial cannabis activity.

B. “Medical Marijuana Dispensary”, “Medical Marijuana Cooperative”, “Medical Marijuana Collective”, or “Medical Cannabis Dispensary” means any establishment or location, whether fixed or mobile, where medical marijuana is made available to, distributed by, or distributed to, any person, including, but not limited to, one or more of the following: a qualified patient, a person with an identification card, or a primary caregiver, in accordance with California Health and Safety Code section 11362.5 *et seq.*, as amended.

A “Medical Marijuana Dispensary” shall not include the following uses, as long as the location of such uses are otherwise regulated by this Code or applicable law:

1. a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code,
2. 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,
3. a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code,
4. 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 any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5, *et seq.*

9.10.030 Medical Marijuana Dispensaries, Cooperatives and Collectives and Medical Cannabis Dispensaries Prohibited.

A. Medical Marijuana Dispensaries, Cooperatives or Collectives or Medical Cannabis Dispensaries are not a permitted use and are prohibited in all zones throughout the City. No permit or any other applicable license

or entitlement for use, nor any business license, shall be approved or issued for the establishment, maintenance or operation of a Medical Marijuana Dispensary, Cooperative or Collective within the City.

B. The establishment, maintenance or operation of a Medical Marijuana Dispensary, Cooperative or Collective or Medical Cannabis Dispensary within the City is declared to be a public nuisance and may be abated by the City either pursuant to Chapter 8.16 of the Ripon Municipal Code, or any other available remedies including, but not limited to, an action seeking declaratory relief and/or civil injunctions.

9.10.040 Commercial Marijuana Activities Prohibited.

A. All businesses engaged in Commercial Marijuana Activity are not permitted uses and are prohibited in all zones throughout the City. No permit or any other applicable license or entitlement for use, nor any business license, shall be approved or issued for the establishment, maintenance or operation of any business engaged in Commercial Marijuana Activity within the City.

B. The establishment, maintenance or operation of any business engage in Commercial Marijuana Activity within the City is declared to be a public nuisance and may be abated by the City either pursuant to Chapter 8.16 of the Ripon Municipal Code, or any other available remedies including, but not limited to, an action seeking declaratory relief and/or civil injunctions.

9.10.050 Deliveries Prohibited.

The “delivery” (as defined in Business and Professions Code section 26001(h)) of marijuana (as defined in Health and Safety Code section 11018) and marijuana products (as defined in Health and Safety Code section 11018.1) from any business engaged in Commercial Marijuana Activity located outside City limits or from any mobile dispensary is

prohibited in any zoning district within the City of Ripon.

The prohibition on deliveries includes delivery of medical marijuana and “medical cannabis products” (as defined in Business and Professions Code Section 19300.5(af)) from any dispensary located outside the City limits or from any mobile dispensary is prohibited in any zoning district within the city of Ripon.

9.10.060 Violation and Enforcement.

The establishment, maintenance or operation of a Medical Marijuana Dispensary, Cooperative or Collective, or Medical Cannabis Dispensary or of any business engaged in Commercial Marijuana Activities in violation of or in non-compliance with any of the requirements of this Chapter or other applicable provisions of the Ripon Municipal Code shall be subject to any and all enforcement remedies available under the law and/or the Ripon Municipal Code including, but not limited to, Chapter 1.10, Chapter 1.12 and Chapter 8.16. In addition, the City may enforce the violation of this Chapter by means of civil enforcement through a restraining order, a preliminary or permanent injunction or by any other means authorized under the law.