

## EXHIBIT A

### Chapter 9.50

#### **MARIJUANA-CANNABIS FACILITIES AND CULTIVATION**

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#### **9.50.010 Purpose.**

The purpose and intent of this chapter is to prohibit marijuanacannabis cultivation facilities, medicinal marijuanacannabis facilities, non-medicinal marijuanacannabis facilities, and marijuana non-medicinal cannabis deliveries, as defined below, within the city limits. It is recognized that it is a federal violation under the Controlled Substances Act to possess or distribute marijuanacannabis even if for medical purposes. Additionally, there is evidence of an increased incidence of crime-related secondary impacts in locations associated with marijuanacannabis facilities and in connection with marijuanacannabis deliveries, which is contrary to policies that are intended to promote and maintain the public's health, safety, and welfare. (Ord. 993 § 2, 2017)

#### **9.50.020 Definitions.**

The following definitions shall apply to the provisions of this chapter:

“Cannabis (also known as “marijuana”) means any or all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not, the seeds thereof, the resin or separated resin, whether crude or purified, extracted from any part of the plant; and every compound, manufactured, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “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 division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.

“Cannabis product” means 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.

“Commercial cannabis activity” means the cultivation, possession, manufacturing, distribution, processing, storing, labeling, or sale of cannabis and cannabis products for commercial purposes, whether for profit or nonprofit, and for which a state license is required under ~~shall have the meaning set forth in~~ Business and Professions Code section 260004 et seq. shall have the meaning set forth in Business and Professions Code Section 26004(k).

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

“Delivery” means the commercial transfer of cannabis or cannabis products to a customer.

“Distribution” means the procurement, wholesale sale, and transport of cannabis products between entities permitted or licensed under this chapter, another local California jurisdiction, or state law.

“Establish” or “operate” a ~~marijuana~~cannabis cultivation facility, medicinal ~~marijuana~~cannabis dispensary, or non-medicinal ~~marijuana~~cannabis facility means and includes any of the following:

1. The opening or commencement of the operation of a ~~marijuana~~cannabis cultivation facility, medicinal ~~marijuana~~cannabis facility, or non-medicinal ~~marijuana~~cannabis facility;
2. The conversion of an existing business, facility, use, establishment, or location to a ~~marijuana~~cannabis cultivation facility, medicinal ~~marijuana~~cannabis facility, or non-medicinal ~~marijuana~~cannabis facility;
3. The addition of a ~~marijuana~~cannabis cultivation facility, medicinal ~~marijuana~~cannabis facility, or non-medicinal ~~marijuana~~cannabis facility to any other existing business, facility, use, establishment or location.

~~—“Marijuana” shall have the meaning set forth in Health and Safety Code Section 11018 as of the effective date of the ordinance codified in this chapter and as subsequently amended.~~

~~“Medicinal ~~marijuana~~cannabis” is ~~marijuana~~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, 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 administered by a local jurisdiction. used for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person’s health would benefit from the use of marijuana in the treatment of acquired immune deficiency syndrome (“AIDS”), anorexia, arthritis, cancer, chronic pain, glaucoma, migraine, spasticity, or any other serious medical condition for which marijuana is deemed to provide relief as defined in subsection (h) of Health and Safety Code Section 11362.7.~~

“Medicinal ~~marijuana~~cannabis facility” means any business, facility, use, establishment, property, or location, whether fixed or mobile, where medicinal ~~marijuana~~cannabis is sold, made

available, delivered and/or distributed by or to three or more people. A “medicinal marijuanacannabis facility” includes any business, facility, use, establishment, property, or location, whether fixed or mobile, where a commercial cannabis activity, as defined by Business and Professions Code Section 26001(k), takes place. A “medicinal marijuanacannabis facility” does not include the following uses, as long as the location of such uses are otherwise regulated by this code or applicable law and as long as any use of marijuanacannabis complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq.:

1. A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code;
2. A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code;
3. 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;
4. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code;
5. A residential hospice, or a home health agency, licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

“Medicinal cannabis patient” means a qualified patient, as defined in Section 11362.7 of the Health and Safety Code, who possesses a physician's recommendation that complies with Article 25 (commencing with Section 2525) of Chapter 5 of Division 2, or a qualified patient or primary caregiver for a qualified patient issued a valid identification card pursuant to Section 11362.71 of the Health and Safety Code.

“Non-medicinal marijuanacannabis facility” means any building, facility, use, establishment, property, or location where any person or entity establishes, commences, engages in, conducts, or carries on, or permits another person or entity to establish, commence, engage in, conduct, or carry on, any activity that requires a state license or nonprofit license under Business and Professions Code Section 26000 et seq., including, but not limited to, marijuanacannabis cultivation, marijuanacannabis distribution, marijuanacannabis transportation, marijuanacannabis storage, manufacturing of marijuanacannabis products, marijuanacannabis processing, the sale of any marijuanacannabis or marijuanacannabis products, and the operation of a marijuanacannabis microbusiness. (Ord. 993 § 2, 2017)

#### **9.50.030 Medicinal marijuanacannabis facilities prohibited.**

Medicinal marijuanacannabis facilities are prohibited in all zoning districts in the city and shall not be established or operated anywhere in the city. The city shall not issue, approve or grant any permit, license or other entitlement for the establishment or operation of a medicinal marijuanacannabis facility within the city. No person may be the lessor of property where a medicinal marijuanacannabis facility is located. No person may participate as an employee, contractor, agent, volunteer, or in any manner or capacity in any medicinal marijuanacannabis facility in the city. (Ord. 993 § 2, 2017)

#### **9.50.040 MarijuanaCannabis cultivation prohibited.**

No person or entity may cultivate marijuanacannabis at any location in the city, except that a person may cultivate marijuanacannabis plants inside his or her private residence, or inside an accessory structure to his or her private residence located upon the grounds of that private residence that is fully enclosed and secured against unauthorized entry, provided that the owner of the property provides written consent expressly allowing the marijuanacannabis cultivation to occur, the person conducting the marijuanacannabis cultivation complies with all applicable Building Code requirements set forth in Title 8 of the Municipal Code, there is no use of gas products (including, but not limited to, CO<sub>2</sub>, butane, propane, and natural gas) on the property for purposes of marijuanacannabis cultivation, and the marijuanacannabis cultivation complies with Health and Safety Code Section 11362.2(a)(3). Not more than six living plants may be planted, cultivated, harvested, dried, or processed within a single private residence, or upon the grounds of that private residence, at one time. (Ord. 993 § 2, 2017)

#### **9.50.050 Non-medical marijuanacannabis facilities prohibited.**

Non-medical marijuanacannabis facilities are prohibited in all zoning districts in the city and shall not be established or operated anywhere in the city. The city shall not issue, approve or grant any permit, license or other entitlement for the establishment or operation of a non-medical marijuanacannabis facility. No person may be the lessor of property where a non-medical marijuanacannabis facility is located. No person may participate as an employee, contractor, agent, volunteer, or in any manner or capacity in any non-medical marijuanacannabis facility in the city. (Ord. 993 § 2, 2017)

#### **9.50.060 MarijuanaNon-medicinal cannabis delivery and transport prohibited.**

A. Except as set forth in subsection (C) below, Origination or acceptance of deliveries of marijuanacannabis for any purpose is prohibited in all zoning districts in the city.

B. Except as set forth in subsection (C) below, No person and/or entity may deliver or transport marijuanacannabis, including medicinal marijuanacannabis, from any fixed or mobile location, either inside or outside the city, to any person in the city.

C. As an exception to subsections A and B above, and as required by the Medicinal Cannabis Patients' Right of Access Act (Business and Professions Code Sections 26321, et seq.) a person may deliver or transport medicinal marijuanacannabis to a qualified-medicinal cannabis patient, subject to the following requirements: or person with an identification card, as those terms are defined in Health and Safety Code Section 11362.7, for whom he or she is the primary caregiver within the meaning of Health and Safety Code Sections 11362.5 and 11362.7(d). (Ord. 993 § 2, 2017)

1. Deliveries of medicinal cannabis to a medicinal cannabis patient must be made to fixed addresses and may not occur at locations such as schools, day care centers, youth centers, public parks and open spaces, public buildings, and establishments serving food or beverages.

2. A retailer with a physical address outside of the city that wishes to deliver medicinal cannabis or medicinal cannabis products to a patient or customer within city limits is

required to obtain a City business license prior to commencing any delivery service within city limits.

3. All medicinal cannabis or medicinal cannabis products must be securely packaged and labeled according to State regulations, ensuring that they are not accessible to minors during transit.

4. Delivery vehicles must adhere to safety and security standards, which include GPS tracking, alarms, and secure storage.

5. ~~The~~ The delivery of cannabis accessories, branded merchandise of the licensee, or promotional materials is prohibited, except for any equipment, products or materials necessary to enable a qualified patient to ingest, inhale, or otherwise introduce cannabis or cannabis products into the human body.

D. This Section shall not be interpreted as prohibiting medicinal ~~cann~~cannabis patients within the city from purchasing by delivery sufficient medicinal cannabis to meet their demands in a timely and readily accessible manner.

#### **9.50.070 State and federal law prohibitions and restrictions.**

A. The purpose of this chapter is to prohibit all ~~marijuana~~cannabis activities for which a state license is required. Accordingly, the city shall not issue any permit, license or other entitlement for any commercial cannabis activity for which a state license is required.

B. Nothing contained in this section shall be deemed to permit or authorize any use or activity ~~which~~ that is otherwise prohibited by any state or federal law. (Ord. 993 § 2, 2017)

#### **9.50.080 Enforcement.**

The city may enforce this chapter in any manner permitted by law. The violation of this chapter shall be and is hereby declared to be a public nuisance and contrary to the public interest and shall, at the discretion of the city, create a cause of action for injunctive relief. In addition, violators may be punished pursuant to Title 1 of this code. These remedies are deemed to be cumulative and in addition to all other remedies under this code and state and federal law. (Ord. 993 § 2, 2017)