

## Chapter 5.66

### MEDICAL MARIJUANA DISPENSARIES

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#### **5.66.010 Definitions.**

“Medical marijuana dispensary” is any fixed facility or location where, under the purported authority of California Health and Safety Code Section 11362.5 et seq. or otherwise, marijuana is cultivated, made available, sold, transmitted, distributed, given or otherwise provided to, by, or among three or more persons for medical purposes.

“Medical marijuana dispensary” shall not include the following uses, so long as such uses comply with this code, Health and Safety Code Section 11362.5 et seq., and other applicable law:

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 hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

“Persons” shall include any individual or entity regardless of status as a qualified patient or primary caregiver.

“Primary caregiver” shall be defined in the same manner as such term is defined in California Health and Safety Code Section 11362.5.

“Qualified patient” shall be defined as any individual who obtains and uses marijuana for medical purposes upon the recommendation of a physician. (Ord. 3204 § 2, 2011).

#### **5.66.020 Operation of medical marijuana dispensaries prohibited.**

A. The operation of a medical marijuana dispensary, as defined in this chapter, is prohibited in the City of Chula Vista, and no person or association of persons, however formed, shall operate or locate a medical marijuana dispensary in the City. The City shall not issue, approve, or grant any permit, license or other entitlement for the establishment or operation of a medical marijuana dispensary in the City of Chula Vista.

B. This chapter does not apply where preempted by state or federal law. (Ord. 3204 § 2, 2011).

#### **5.66.030 ~~Violation—Penalty.Repealed.~~**

~~Any person found to be in violation of any provision of this chapter shall not be subject to the criminal enforcement remedies set forth in Chapter 1.20 CVMC, Chapter 1.24 CVMC or any other criminal law violation and enforcement provision set forth in this code, as a result of such violation. (Ord. 3204 § 2, 2011).~~

#### **5.66.040 Public nuisance; ~~Penalties.~~**

Any use or condition caused or permitted to exist in violation of any of the provisions of this chapter shall be, and is hereby declared, a public nuisance, which may be abated by the city pursuant to the procedures set forth in this code,

and be subject to any associated civil or criminal remedies, except to the extent expressly and validly preempted by state or federal law. (Ord. 3204 § 2, 2011).