

5.19.020 Definitions.

When used in this Chapter, the following words and phrases shall have the meanings ascribed to them below. Words and phrases not specifically defined below shall have the meanings ascribed to them elsewhere in this Code, or shall otherwise be defined by common usage. For definitions of nouns, the singular shall also include the plural; for definitions of verbs, all verb conjugations shall be included. Any reference to State Laws, including references to any California statutes or regulations, is deemed to include any successor or amended version of the referenced statute or regulations promulgated thereunder consistent with the terms of this Chapter.

“A-License” means a State License for Commercial Cannabis Activity related to products for individuals 21 years of age and over without the need for a physician’s recommendation.

“A-Licensee” means a Person holding an “A-License.”

“Adult-Use Cannabis” or “Adult-Use Cannabis Product” means Cannabis or Cannabis Products for individuals 21 years of age and over without the need for a physician’s recommendation.

“Advertise” means to publish or disseminate an Advertisement.

“Advertisement” means any written or verbal statement, illustration, or depiction which is calculated to induce sales of Cannabis or Cannabis Products, including without limitation: any written, printed, graphic, or other material; billboard, sign, or other outdoor, digital, indoor or point-of-sale display; individual carrying a display; public transit card, other periodical, literature or publication, or in any similar media; except that such term shall not include:

1. Any label affixed to any Cannabis or Cannabis Products, or any individual covering, carton, or other wrapper of such container that constitutes a part of the labeling.
2. Any editorial story, or other information (e.g., news release) in any periodical, publication or newspaper either in print or electronic format, for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by any City Licensee or Person engaged in Commercial Cannabis Activity, and which is not written by or at the direction of a City Licensee or Person engaged in Commercial Cannabis Activity.

“Applicant” means the Owner or Owners applying for a City License pursuant to this Chapter.

“Attractive to Youth” means products, packaging, labeling, or Advertisements that are reasonably likely to encourage individuals under age 21 to initiate cannabis consumption or otherwise to accidentally or purposely consume Cannabis or Cannabis Products. Attractive to Youth items include:

1. Products that resemble a non-Cannabis consumer product of a type that is typically consumed by, or marketed to, Youth, such as a specific candy or baked treat.
2. Packaging or labeling that resembles packaging or labeling of a non-Cannabis consumer product of a type that is typically consumed by or marketed to Youth.
3. Packaging or labeling that contains images, characters, or phrases that closely resemble images, characters, or phrases popularly used to advertise to Youth.
4. Advertising that mimics Advertising of a non-cannabis consumer product of a type that is typically consumed by, or marketed to, Youth.
5. Advertising that contains images, characters, or phrases that closely resemble images, characters, or phrases popularly used to advertise to Youth.

“Cannabis” means all parts of the 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 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 definition, “Cannabis” does not mean “industrial hemp” as defined by California Health and Safety Code Section 11018.5.

“Cannabis Concentrate” means Cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product’s potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this Chapter. Cannabis Concentrate does not include any product intended for oral ingestion by the final consumer. A Cannabis Concentrate is not considered food, as defined by Health and Safety Code Section 109935, or drug, as defined by Health and Safety Code Section 109925.

“Cannabis Product” means Cannabis that has undergone a process whereby the plant material has been concentrated and, with or without the addition of ingredients, been transformed into a product for sale. Cannabis products include but are not limited to: Cannabis Concentrate, Edible Cannabis Products, Topical Cannabis, or an inhalant containing Cannabis or Cannabis Product.

“Canopy” means the designated area(s) at a City Licensed Premises, except nurseries, that contain growing or mature Cannabis plants at any point in time. The Canopy for each Premises shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain growing or mature plants at any point in time, including any and all space(s) within such boundaries. The Canopy for any Premises may be noncontiguous; provided, that each unique area included in the total Canopy calculation for any Premises shall be separated by an identifiable boundary. Identifiable boundaries may include, but are not limited to: interior walls, shelves, greenhouse walls, hoop house walls, or fencing. If plants are being cultivated using a shelving system, the surface of each level shall be included in the total Canopy calculation.

“Caregiver or Primary Caregiver” has the same meaning as that term is defined in California Health and Safety Code Section 11362.7.

“City” means the City of Chula Vista, California.

“City Attorney” means the City Attorney of the City of Chula Vista, or his/her designee.

“City License” means the regulatory license issued by the City pursuant to this Chapter to a Commercial Cannabis Business that must be obtained prior to the commencement of any commercial Cannabis Activity in the City.

“City Licensee” means any person holding a City License.

“City Manager” means the City Manager of the City of Chula Vista, or his/her designee.

“Code” means The City of Chula Vista Municipal Code.

“Commercial Cannabis Activity” means the commercial Cultivation, possession, furnishing, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of Cannabis or Cannabis Products.

“Commercial Cannabis Business” or “Cannabis Business” means any Person lawfully engaged in a Commercial Cannabis Activity.

“Council District” means any of four political subdivisions within the City by which City Council members are elected.

“Crime of Moral Turpitude” means a crime involving deceit; fraud; a readiness to do evil; or an act of moral depravity of any kind that has a tendency in reason to shake one’s confidence in the perpetrator’s honesty.

“Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of Cannabis, other than for personal use. A City License is required for the Cultivation of Cannabis pursuant to CVMC 5.19.030.

“Cultivator” means a Person engaged in Cultivation.

“Customer” means an individual 21 years of age or over, or an individual 18 years of age or older who possesses a physician’s recommendation.

“Day Care Center” has the same meaning as in California Health and Safety Code Section 1596.76.

“Delivery” means the commercial transfer of Cannabis or Cannabis Products from a Non-Storefront Retailer Premises to a Customer at a physical address. Delivery also includes the use by a Non-Storefront Retailer of any technology platform to facilitate Delivery.

“Delivery Employee” means an employee of a Non-Storefront Retailer who conducts Deliveries.

“Development Services Director” means the Director of the City’s Development Services Department, or his/her designee.

“Distribution” means the procurement, sale, and transport of Cannabis and Cannabis Products between Commercial Cannabis Businesses. A City License is required for Distribution pursuant to CVMC 5.19.030.

“Distributor” means a Person engaged in Distribution.

“Edible Cannabis Product” means a Cannabis Product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in California Food and Agricultural Code Division 15 (commencing with Section 32501). Edible Cannabis Product has the same meaning as California Business and Professions Code Section 26001.

“Existing Residential Use” means a residential Pipeline Project or lawfully constructed structure or project intended for residential use within a Residential Zone.

“Finance Director” means the Director of the Chula Vista Finance Department, or his/her designee.

“Fire Chief” means the Chief of the Chula Vista Fire Department, or his/ her designee.

“Labor Peace Agreement” means an agreement between a licensee and any bona fide labor organization that is required by State Laws and this chapter and that, at a minimum, protects public interests with the following provisions: (1) a prohibition on labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with a City Licensee’s Cannabis Business; (2) an agreement by the City Licensee not to disrupt efforts by the bona fide labor organization to communicate with, and attempt to organize and represent, the City Licensee’s employees; access for a bona fide labor organization at reasonable times to areas in which the City Licensee’s employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment. This type of agreement shall not mandate a particular method of election or certification of the bona fide labor organization.

“Licensee” means any person holding a State License and a City License.

“Liquid Assets” means assets that can be readily converted into cash. Liquid Assets include, but are not limited to, the following: funds in checking or savings accounts, certificates of deposit, money market accounts, mutual fund shares, publicly traded stocks, and United States savings bonds. “Liquid Assets” does not mean household items, furniture and equipment, vehicles, Cannabis plants or products, business inventory, or real property and improvements thereto.

“Live Plants” means living Cannabis flowers and plants including seeds, immature plants, and vegetative stage plants.

“M-License” means a State License for Commercial Cannabis Activity involving Medicinal Cannabis.

“M-Licensee” means a Person holding an M-License.

“Manager” means any individual Person(s) designated by a Commercial Cannabis Business to manage day-to-day operations of the Commercial Cannabis Business or any Person acting with apparent management authority. Evidence of management authority includes, but is not limited to, evidence that the Person has the power to direct, supervise, or hire and dismiss employees or volunteers, control hours of operation, create policy rules, or purchase supplies.

“Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a Cannabis Product. A City License to Manufacture is required pursuant to CVMC 5.19.030.

“Manufacturer” means a Person engaged in Manufacturing.

“Marketing” means any act or process of promoting or selling Cannabis or Cannabis Products, including, but not limited to, sponsorship of events, offers such as tickets to events, point-of-sale advertising, branded merchandise, pamphlets or product promotion materials.

“Medicinal Cannabis” or “Medicinal Cannabis Product” means Cannabis or a Cannabis Product for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at California Health and Safety Code Section 11362.5, by a medicinal cannabis patient in California who possesses a physician’s recommendation.

“Minor” means an individual under 18 years of age.

“Non-Storefront Retailer” means a Person that offers Cannabis, Cannabis Products, or devices for the use of Cannabis or Cannabis Products, either individually or in any combination, for retail Sale to Customers exclusively by Delivery. A City License is required to operate a Non-Storefront Retailer Business pursuant to CVMC 5.19.030.

“Officer” means any of the following:

1. The chief executive officer of an entity engaged in a Commercial Cannabis Business.
2. A member of the board of directors of an entity engaged in a Commercial Cannabis Business.
3. A Person participating in the direction or control of an Applicant for a City License or any Owner of a Commercial Cannabis Business within the City.

“Operation” means any act for which licensure is required under the provisions of this Chapter or State Laws, or any commercial transfer of Cannabis or Cannabis Product.

“Owner” means any of the following:

1. In the context of a Commercial Cannabis Business, a Person with an aggregate ownership interest, direct or indirect, of 10 percent or more in a Commercial Cannabis Business, whether a partner, shareholder, member, or the like, including any security, lien, or encumbrance in an ownership interest that, upon default, could become an ownership interest of 10 percent or more in a Commercial Cannabis Business.
2. In the context of a Premises, a Person with an aggregate ownership or long-term lease interest, direct or indirect, of 10 percent or more in the Premises, whether as a partner, shareholder, member, joint tenant or the like.

“Patient or Qualified Patient” means a person who is entitled to the protections of California Health and Safety Code Section 11362.5 as further provided in California Health and Safety Code Section 11362.7.

“Person” means any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination of persons acting as a unit.

“Pipeline Project” means a proposed use or project for which the City has received all required applications, and required supporting information and documents, and which has been entered into the City’s project tracking system.

“Police Chief” means the Chief of the Chula Vista Police Department, or his/her designee.

“Premises” for Commercial Cannabis Activity means the designated structure or structures and land, or portions thereof, specified in an application for a City License or, if a City License is issued, that is owned, leased, or otherwise held under the control of the City Licensee, and is designated as the structure or structures and land, or portions thereof, where the Commercial Cannabis Activity will be or is conducted.

“Private Parks” means privately owned outdoor premises, available for community use, containing recreational areas or playground equipment, including tot-lots, swings, or similar equipment, designed for use by Minors. Where a Private Park is located within a parcel containing other uses, the Private Park premises shall be defined as the area within which all recreational areas or playground equipment designed for use by Minors is contained.

“Public Parks” means outdoor premises containing existing or proposed parks, including community parks, neighborhood parks, mini-parks, and urban parks that are currently or proposed to be owned or operated by the City or other governmental agency.

“Public Street” is any public right-of-way designated for vehicular use.

“Purchaser” means the Customer who is engaged in a transaction with a Commercial Cannabis Business for purposes of obtaining Cannabis or Cannabis Products.

“Residential Zone” means an R-1, R-2, or R-3 zone, or an equivalent Residential Zone within a City approved Sectional Planning Area plan or Specific Plan, in each case within which residential uses are allowed by right and commercial uses are allowed only as accessory uses.

“Sell” and “Sale” mean any transaction whereby, for any consideration, title to Cannabis or Cannabis Products is transferred from one person to another, and includes the Delivery of Cannabis or Cannabis Products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same.

“State” means the State of California.

“State Laws” means the laws of the State of California, which include, but are not limited to, California Health and Safety Code Section 11000 et seq.; California Health and Safety Sections 11362.1 through 11362.45; California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996); California Health and Safety Code Section 11362.7 et seq. (Medical Marijuana Program); California Health and Safety Code Section 26000 et seq. (Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”)); the California Attorney General’s Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use issued in August 2008, as such guidelines may be revised from time to time by action of the Attorney General; California Labor Code Section 147.5; California Revenue and Taxation Code Sections 31020 and 34010 through 34021.5; California Fish and Game Code Section 12029; California Water Code Section 13276; all state regulations adopted pursuant to MAUCRSA; and all other applicable laws of the State of California.

“State License” means a License issued by the State of California, or one of its departments or divisions, under State Laws to engage in Commercial Cannabis Activity. License includes both an “A-license” (adult use) and an “M-license” (medicinal use), as defined by State Laws, as well as a testing laboratory license.

“State Licensee” means any Person holding a State License.

“Storefront Retailer” means a Person that offers Cannabis, Cannabis Products, or devices for the use thereof, either individually or in any combination, for retail sale to Customers exclusively at Premises providing access to the public. A City License is required to operate a Storefront Retailer Business pursuant to CVMC 5.19.030.

“Testing Laboratory” means a laboratory, facility, or entity in the State that offers or performs tests of Cannabis or Cannabis Products and that is both of the following:

1. Accredited by an accrediting body that is independent from all other persons involved in Commercial Cannabis Activity in the State; and
2. Licensed by the State.

A City License is required to operate a Testing Laboratory pursuant to CVMC 5.19.030.

“Testor” means a Licensee that offers or performs tests of Cannabis or Cannabis Products at a Testing Laboratory.

“Topical Cannabis” means a product intended for external application and/or absorption through the skin. A Topical Cannabis product is not considered a drug as defined by California Health and Safety Code Section 109925.

“Transport” means transfer of Cannabis or Cannabis Products from the Premises of one Licensee to the Premises of another Licensee, for the purposes of conducting Commercial Cannabis Activity authorized by State Laws and this Chapter.

“Treatment Center” means a medical treatment or counseling facility licensed by the California Department of Health Care Services and located outside of a residential zone that treats five or more persons with substance abuse conditions in one calendar year.

“Youth” means an individual under 21 years of age.

“Youth Center” means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

“Youth-Oriented Business” means any for-profit or nonprofit business where the majority of individuals who patronize, congregate, or assemble at the business location are less than 21 years old. (Ord. 3418 § 2, 2018).