

Tracked Changes Revisions

CMC Title 8 Health and Safety

Chapter 8.30

MEDICAL MARIJUANA DISPENSARIES ACTIVITIES REGULATIONS

Sections:

- 8.30.010 Definitions.
- 8.30.020 ~~Establishment and operation of m~~Medical marijuana dispensaries prohibited.
- ~~8.30.030~~ Marijuana/cannabis cultivation prohibited.
- ~~8.30.040~~ Commercial cannabis activity prohibited.
- 8.30.0350 Violation – Penalty.
- 8.30.0460 Public nuisance.

8.30.010 Definitions.

- A. “Commercial cannabis activity” includes the cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical cannabis or a medical cannabis product.
- B. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.
- C. “Marijuana” or “cannabis” means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It includes marijuana infused in foodstuff, and concentrated cannabis and the separated resin, whether crude or petrified, obtained from marijuana. It 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 resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant that are incapable of germination.
- D. “Medical marijuana” is marijuana 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 § 11362.7.
- E. A “medical marijuana dispensary” is any facility or location, whether fixed or mobile, where ~~medical marijuana is sold, made available, delivered, transmitted, and/or distributed by or to two or more people.~~a primary caregiver makes available, sells, transmits, gives or otherwise provides marijuana to two or more persons with identification cards or qualified patients, as defined in California Health and Safety Code Section 11362.5 et seq., or any facility where qualified patients, persons with identification cards and primary caregivers meet or congregate collectively and cooperatively to cultivate or distribute marijuana.

~~medical purposes under the purported authority of California Health and Safety Code Section 11362.5 et seq.~~

~~B.~~—“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.

8.30.020 ~~Establishment and operation of m~~Medical marijuana dispensaries prohibited.

Medical marijuana dispensaries, as defined in this chapter, are prohibited uses in all zoning districts within the City of Calistoga.

8.30.030 Marijuana/cannabis cultivation prohibited.

The cultivation of marijuana/cannabis is prohibited in all zoning districts within the City of Calistoga.

8.30.040 Commercial cannabis activity prohibited.

Commercial cannabis activities are prohibited in all zoning districts within the City of Calistoga.

8.30.0350 Violation – Penalty.

- A. It shall be a violation to establish and/or operate a medical marijuana dispensary, or cultivate marijuana/cannabis in any zoning district within the City of Calistoga.
- B. The City may, in its sole discretion, enforce any violation of this chapter by any remedy available to it, including without limitation pursuit of a civil injunction and imposition of civil fines and penalties.
- C. The remedies set forth in this section are cumulative and shall not preclude the City from any other remedy or relief to which it may be entitled under law or equity. ~~Notwithstanding the foregoing or any other provision of this code to the contrary, any person found to be in violation of this chapter shall not be subject to any criminal penalties.~~

8.30.0460 Public nuisance.

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 and may be abated by the City pursuant to the procedures set forth in Chapter 1.12 CMC.

CMC Title 17 Zoning

Chapter 17.48

MEDICAL-MARIJUANA DISPENSARIES ACTIVITIES REGULATIONS

Sections:

17.48.010 Medical marijuana dispensaries prohibited.

17.48.020 Marijuana/cannabis cultivation prohibited.

17.48.030 Commercial cannabis activities prohibited.

17.48.010 Medical marijuana dispensaries prohibited.

Medical marijuana dispensaries, as defined in Chapter 8.30 CMC, are prohibited uses in all zoning districts within the City of Calistoga.

17.48.020 Marijuana/cannabis cultivation prohibited.

The cultivation of marijuana/cannabis is prohibited in all zoning districts within the City of Calistoga.

17.48.030 Commercial cannabis activities prohibited.

Commercial cannabis activities, as defined in Chapter 8.30 CMC, are prohibited in all zoning districts within the City of Calistoga.