

Chapter 9.10

PROHIBITION OF MEDICAL MARIJUANA DISPENSARIES, COOPERATIVES AND COLLECTIVES

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9.10.010 Purpose and Intent.

It is the purpose and intent of this chapter to preclude the opening, establishment and operation of Medical Marijuana Dispensaries, Cooperatives and Collectives in the City of Ripon. (Ord. 805 §3, 2013)

9.10.020 Definitions.

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

“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: 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, 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, a residential care facility for the

elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, 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. (Ord. 805 §3, 2013)

9.10.030 Medical Marijuana Dispensaries, Cooperatives and Collectives Prohibited.

A. Medical Marijuana Dispensaries, Cooperatives or Collectives 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 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. (Ord. 805 §3, 2013)

9.10.035 Deliveries Prohibited.

The “delivery” (as defined in Business and Professions Code Section 19300.5(m) of medical marijuana and “medical cannabis products” (as defined in Business and Professions Code Section 19300.5(ag) from any dispensary located outside the City limits or from any mobile dispensary is prohibited in any zoning district within the City of Ripon. (Ord. 831, 2016)

9.10.040 Violation and Enforcement

The establishment, maintenance or operation of a Medical Marijuana Dispensary, Cooperative or Collective 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. (Ord. 805 §3, 2013)