

## **PROPOSED ORDINANCE AMENDMENT**

**Chapter 9.45 is proposed to be amended as follows:**

### **Chapter 9.45 – Mobile Marijuana Dispensaries and Delivery**

#### **Sections:**

- 9.45.010 – Definitions
- 9.45.020 – Mobile marijuana dispensaries prohibited
- 9.45.030 – Marijuana delivery prohibited
- 9.45.040 – Public Nuisance declared
- 9.45.050 – Violations; penalties

#### 9.45.010 – Definitions.

The following words and phrases shall, for the purposes of this chapter, have the meanings respectively ascribed to them by this section, as follows:

“Delivery” means the commercial delivery, transfer, or transport, or arranging for the commercial delivery, transfer, or transport, or the use of any technology platform to arrange for or to facilitate the commercial delivery, transfer, or transport of marijuana, marijuana edibles, or any marijuana products to or from any location within the city.

“Marijuana” means all parts of the plant Cannabis sativa L., 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. This definition includes marijuana infused in foodstuff but 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 incapable of germination.

“Medical marijuana dispensary” means any for profit or not-for-profit facility, location, or similar entity, whether permanent or temporary, where the owner(s) or operator(s) intends to or does possess, dispense, and distribute marijuana for any purpose, or allows others to possess, dispense, and distribute marijuana for any purpose. “Medical marijuana dispensary” includes a “collective,” “cooperative,” or other entity as defined in Business and Professions Code Section 19300.5(n).

“Mobile marijuana dispensary” means any person, facility, location, or similar entity, whether permanent or temporary, that ~~clinic, cooperative, club, business or group which~~ transports or delivers, or arranges for the transportation or delivery, of medical marijuana to a person.

“Person” means any individual, firm, corporation, association, club, society, or other organization or entity, including but not limited to any owner, manager, proprietor, employee, volunteer, salesperson or agent thereof.

“Operate” or “operation” means to locate, own, lease, supply, allow to be operated, or aid, abet, or assist in the operation of a mobile medical marijuana dispensary, and shall include any attempt to do so.

9.45.020 – Mobile marijuana dispensaries prohibited.

Mobile marijuana dispensaries are prohibited in the city ~~of Rialto~~. No person shall ~~locate, operate, own, suffer, or~~ allow to be operated, ~~or aid, abet or assist in the operation of~~ any mobile marijuana dispensary within the city, regardless of where the mobile marijuana dispensary is located or based.

9.45.030 – Marijuana delivery prohibited.

No person shall deliver or provide delivery services for marijuana, medical marijuana, or marijuana-infused products to or from any location within the city, regardless of the vehicle or method of delivery, or engage in any operation for this purpose.

9.45.040 – Public nuisance declared.

A. Operation of any mobile marijuana dispensary within the city in violation of the provisions of this chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

B. The delivery of marijuana within the city in violation of the provisions of this chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

9.45.050 – Violations.

Any violation of this chapter shall be and is declared to be contrary to the public interest, a misdemeanor, and is subject to Chapters 1.10 and 1.16 of this Code, as well as any other applicable municipal or state law.

**Section 18.04.585 is proposed to be repealed in its entirety as follows:**

**~~18.04.585 – Medical marijuana dispensary.~~**

~~A medical marijuana dispensary is defined as any facility, place or location where marijuana is made available, sold, transmitted, given or otherwise provided to qualified individuals or others in accordance with the state of California Compassionate Use Act of 1996 (Proposition 215). The term medical marijuana dispensary shall include a medical marijuana cooperative.~~

**Section 18.26.045 is proposed to be repealed in its entirety as follows:**

**~~18.26.045 – Prohibited uses.~~**

~~Medical marijuana dispensaries are prohibited as defined in Section 18.04.585 of the Rialto Municipal Code.~~

**Section 18.27.045 is proposed to be repealed in its entirety as follows:**

**~~18.27.045 -- Prohibited uses.~~**

~~Medical marijuana dispensaries are prohibited as defined in Section 18.04.585 of the Rialto Municipal Code.~~

**Section 18.28.045 is proposed to be repealed in its entirety as follows:**

**~~18.28.045 -- Prohibited uses.~~**

~~Medical marijuana dispensaries are prohibited as defined in Section 18.04.585 of the Rialto Municipal Code.~~

**Section 18.30.045 is proposed to be repealed in its entirety as follows:**

**~~18.30.045 -- Prohibited uses.~~**

~~Medical marijuana dispensaries are prohibited as defined in Section 18.04.585 of the Rialto Municipal Code.~~

**Section 18.31.045 is proposed to be repealed in its entirety as follows:**

**~~18.31.045 -- Prohibited uses.~~**

~~Medical marijuana dispensaries are prohibited as defined in Section 18.04.585 of the Rialto Municipal Code.~~

**Section 18.32.045 is proposed to be repealed in its entirety as follows:**

**~~18.32.045 -- Prohibited uses.~~**

~~Medical marijuana dispensaries are prohibited as defined in Section 18.04.585 of the Rialto Municipal Code.~~

**Section 18.33.045 is proposed to be repealed in its entirety as follows:**

**~~18.33.045 – Prohibited uses.~~**

~~Medical marijuana dispensaries are prohibited as defined in Section 18.04.585 of the Rialto Municipal Code.~~

**Section 18.34.045 is proposed to be repealed in its entirety as follows:**

**~~18.34.045 – Prohibited uses.~~**

~~Medical marijuana dispensaries are prohibited as defined in Section 18.04.585 of the Rialto Municipal Code.~~

**Section 18.35.045 is proposed to be repealed in its entirety as follows:**

**~~18.35.045 – Prohibited uses.~~**

~~Medical marijuana dispensaries are prohibited as defined in Section 18.04.585 of the Rialto Municipal Code.~~

**Section 18.36.045 is proposed to be repealed in its entirety as follows:**

**~~18.36.045 – Prohibited uses.~~**

~~Medical marijuana dispensaries are prohibited as defined in Section 18.04.585 of the Rialto Municipal Code.~~

**Section 18.38.045 is proposed to be repealed in its entirety as follows:**

**~~18.38.045 – Prohibited uses.~~**

~~Medical marijuana dispensaries are prohibited as defined in Section 18.04.585 of the Rialto Municipal Code.~~

**Paragraph (E) of Section 18.40.040 is proposed to be repealed in its entirety as follows:**

**18.26.040 - Prohibited uses.**

The following uses are prohibited in the PID zone:

- A. Residential uses, including mobile home parks;
- B. Schools, public and private except trade schools and aircraft instruction;
- C. Auto wrecking and dismantling yards, salvage yards, junkyards and heavy equipment storage yards;
- D. Automobile and truck service and repair;
- ~~E. Medical marijuana dispensaries are prohibited as defined in Section 18.04.585 of the Rialto Municipal Code.~~

**Chapter 18.112 is proposed to be added as follows:**

**Chapter 18.112 – Regulation of Medical Marijuana Dispensaries and Cultivation**

**Sections:**

18.112.010 – Purpose and intent

18.112.020 – Definitions

18.112.030 – Medical marijuana dispensaries prohibited

18.112.040 – Marijuana cultivation prohibited

18.112.050 – Public nuisance declared

18.112.060 – Violation; penalties

18.112.010 – Purpose and intent.

It is the purpose and intent of this chapter to prohibit medical marijuana dispensaries and medical marijuana cultivation in the city.

18.112.020. – Definitions

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

“Cultivation” means the planting, growing, harvesting, drying, curing, grading, trimming, and/or processing of marijuana plants or any part thereof.

“Marijuana” shall have the same definition as provided in Section 9.45.010 of this code.

“Medical marijuana dispensary” shall have the same definition as provided in Section 9.45.010 of this code.

“Operate” or “operation” shall have the same definition as provided in Section 9.45.010 of this code.

“Person” shall have the same definition as provided in Section 9.45.010 of this code.

18.112.030 – Medical marijuana dispensaries prohibited.

Medical marijuana dispensary is not a permitted use and is 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 within the city.

18.112.040 – Marijuana cultivation prohibited.

The cultivation of medical marijuana is not a permitted use and is 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 cultivation of marijuana within the city.

18.112.050 – Public nuisance declared.

A. The establishment, maintenance, or operation of a marijuana dispensary within the city is declared to be a public nuisance and may be abated by the city either pursuant to the Rialto Municipal Code or any other available remedies, including but not limited to declaratory relief and civil injunctions.

B. The cultivation of marijuana within the city is declared to be a public nuisance and may be abated by the city either pursuant to the Rialto Municipal Code or any other available remedies, including but not limited to declaratory relief and civil injunctions.

18.112.060 – Violation; penalties.

Any violation of this chapter shall be and is declared to be contrary to the public interest, a misdemeanor, and subject to Chapters 1.10 and 1.16 of this Code, as well as any other applicable municipal or state law.