

Chapter 19.84 - MEDICAL MARIJUANA DISPENSARIES PROHIBITED

Sections:

- 19.84.010 Purpose and intent.
- 19.84.020 Definitions.
- 19.84.030 Medical marijuana dispensaries prohibited.
- 19.84.040 Violations--Penalty.
- 19.84.050 Severability.

19.84.010 Purpose and intent.

The intent of this chapter is to prohibit the establishment of facilities for distribution of medical marijuana within unincorporated Amador County in order to preserve and protect the public health, safety, and welfare of residents. This chapter is not intended to prohibit or inhibit the rights of qualified patients and primary caregivers, as defined in California Health and Safety Code Section 11362.7 et seq., to cultivate, obtain, and use medical marijuana in compliance with local and state laws. (Ord. 1755 (1/26/16) §1 (part), 2016).

19.84.020 Definitions.

For purposes of this chapter, these words and phrases shall be defined as follows:

- A. "Delivery" shall have the same definition as in California Business and Professions Code Section 19300.5(m) as it now reads or as amended.
- B. "Facility" means any building, structure, premises or location, whether fixed or mobile, permanent or temporary, and any delivery service.
- C. "Marijuana" shall have the same definition as in California Health and Safety Code Section 11018, and shall also mean cannabis as defined in Section 19300.5(f) of California Business and Professions Code as it now reads or as amended and medical cannabis product as defined in Section 19300.5(ag) of California Business and Professions Code as it now reads or as amended.
- D. "Marijuana dispensary" means any operation, including store-front facility or structure, mobile facility, or delivery service, wherein medical marijuana is made available, sold, offered for sale, given, distributed, traded, cultivated for, or otherwise provided to qualified patients or primary caregivers as defined in California Health and Safety Code Section 11362.7 et seq. as it now reads or as amended.

A marijuana dispensary shall not include the following uses, as long as the location of such uses are otherwise regulated or allowable by code or applicable law: (1) a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code; (2) a health care facility licensed pursuant to Chapter 2 of Division 2 of the California 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 California Health and Safety Code; (4) a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code; and (5) a residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code.

- E. "Medical marijuana" means marijuana used for medical purposes in accordance with California Health and Safety Code Section 11362.7 et seq. (Ord. 1755 (1/26/16) §1 (part), 2016).

19.84.030 Medical marijuana dispensaries prohibited.

It shall be unlawful for any person or entity to locate or operate a medical marijuana dispensary in any zoning district in the unincorporated area of Amador County. (Ord. 1755 (1/26/16) §1 (part), 2016).

19.84.040 Violations--Penalty.

The penalty for any violation of this chapter shall be a misdemeanor, punishable by a fine of five hundred dollars and/or six months imprisonment. (Ord. 1755 (1/26/16) §1 (part), 2016).

19.84.050 Severability.

If any part or subdivision of this chapter is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity, unlawfulness, or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any other part of this chapter. (Ord. 1755 (1/26/16) §1 (part), 2016).