

## 204.20 Prohibited Uses—Commercial Non-Medical Marijuana Businesses and Deliveries

A. **Purpose.** In order to expressly inform the public that any sale or distribution of non-medical marijuana by Commercial Non-Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries, etc., however named is prohibited in the City of Huntington Beach, the City is adding this express prohibition to the Zoning and Subdivision Ordinance.

B. **Definitions.** Unless otherwise specifically defined herein, the definitions contained within Adult Use of Marijuana Act shall apply to this Ordinance.

1. **Commercial Non-Medical Marijuana Business, Collective, Cooperative or Dispensary** means any location, structure, facility, vehicle, business, store, co-op, residence, or similar facility used, in full or in part, as a place at or in which marijuana (including marijuana for recreational use) is sold, traded, exchanged, bartered for in any way, made available, located, stored, displayed, placed or cultivated, including any of the foregoing if used in connection with the sale or distribution of non-medical marijuana.

2. **Non-medical marijuana delivery** means the commercial transfer of non-medical marijuana or non-medical marijuana products to a person, including any technology that enables persons to arrange for or facilitate the commercial transfer of non-medical marijuana or non-medical marijuana products.

3. **Non-medical marijuana products** means non-medical marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.

C. **Commercial Non-Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries.** A Commercial Non-Medical Marijuana Business, Collective, Cooperative or Dispensary or any other such business, no matter how so named, is not a permitted use in any zoning district or specific plan in the City. It shall be unlawful for any person or entity to own, manage, establish, conduct or operate a Commercial Non-Medical Marijuana Business, Collective, Cooperative or Dispensary. Also, it shall be unlawful for any person to permit to be established, conducted, operated, owned or managed as a landlord, owner, employee, contractor, agent or volunteer, or in any other manner or capacity, any Commercial Non-Medical Marijuana Business, Collective, Cooperative or Dispensary in the City.

D. **Non-Medical Marijuana Deliveries.** Delivery of non-medical marijuana is not a permitted use in any zoning district or specific plan in 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 non-medical marijuana deliveries.

E. **Public Nuisance.** Any use or condition caused or permitted to exist in violation of any of the provisions of this section is hereby declared a public nuisance and may be abated by the City.

F. **Enforcement.**

1. Violation of this Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance is a public nuisance and may be enforced pursuant to the provisions of the Municipal Code including the Zoning and Subdivision Ordinance.

2. Nothing in this section in any way limits any other remedies that may be available to the City, or any penalty that may be imposed by the City, for violations of this section. Such additional remedies include, but are not limited to, injunctive relief or administrative citations. (4137-10/17)