



## FREQUENTLY ASKED QUESTIONS

### Medical Marijuana Dispensary Regulations

**Contact the Planning Division for more information at (714) 754-5245**

1. What is the definition of a medical marijuana dispensary?
2. Are medical marijuana dispensaries permitted in Costa Mesa?
3. Why are there dispensaries operating in the City?
4. What is the enforcement process for illegal operations?
5. What is the extent of civil citation fines that could be applied towards an illegal medical marijuana dispensary in Costa Mesa?

#### **1. What is the definition of a medical marijuana dispensary?**

A facility or location where medical marijuana is cultivated or by any other means made available to and/or distributed by or to three (3) or more of the following: a primary caregiver, a qualified patient, or a person with an identification card in strict accordance with State Health and Safety Code Sections 11362.5 et seq. and 11362.7 et seq., which shall include, but not be limited to any facility or location engaging in the retail sale, dispensation, or distribution of marijuana for medical purposes that does not have an active role in the cultivation of the marijuana product that it sells, dispenses, or distributes, or when its cultivation of the marijuana product is off-site from the facility or location for retail sale, dispensation, or distribution.

This definition is applicable to Medical Marijuana Collectives, Cooperatives and Support Groups that provide medical marijuana to a total of three or more individuals including the distributor.

#### **2. Are medical marijuana dispensaries permitted in Costa Mesa?**

No; any proposed activity that falls under the above noted description is prohibited in all zoning districts.

#### **3. Why are there dispensaries operating in the City?**

A number of dispensaries are illegally operating. There are also businesses that have obtained business license from the City by not accurately representing the business operations. The City's Code Enforcement Division takes proactive enforcement measures against these establishments.

#### **4. What is the enforcement process for illegal operations?**

Establishing a prohibited business is a violation of the Zoning Code. The violation may be cited as either an infraction or misdemeanor pursuant to State Government Code Sections 36900 and 36901 and as provided in section 1-33 of this Municipal Code. Medical marijuana dispensaries shall not be criminally cited for violating the medical marijuana dispensary ban, but may be criminally cited for any other violation of the

Municipal Code. These businesses are inspected by code enforcement officers on regular basis and cited for their violation of the Zoning Code.

As an additional action, the city attorney may, at the request of the development services director, institute an action in any court of competent jurisdiction to restrain, enjoin, or abate the condition(s) or activity(ies) found to be in violation of the provisions of the City's Zoning Code.

**6. What is the extent of civil citation fines that could be applied towards an illegal medical marijuana dispensary in Costa Mesa?**

Civil citation fines can be applied against both the property owner and the medical marijuana dispensary owner. Each day an illegal business remains open is a new violation. Fines may be levied each day. Administrative fine amounts are \$150 for the first violation, \$300 for the second violation, and \$500 for the third and for each subsequent violation.

**You may also contact the Planning Division for additional information at (714) 754-5245.**