

Exhibit “E”

PDMC Chapter: 8.38 – Personal Use of Cannabis

A. Purpose and Intent

It is the purpose and intent of this chapter to regulate the personal use and possession of medicinal cannabis and non-medicinal adult use cannabis within the City of Palm Desert in compliance with applicable state and local laws.

B. Definitions

“Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” 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 the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

“Cannabis products” means cannabis 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 cannabis or concentrated cannabis and other ingredients.

“City” means the City of Palm Desert.

“Day care center” means any child day care facility including infant centers, preschools, extended day care facilities, and school age child care centers.

“Personal residence” means a house, an apartment unit, a mobile home, or other similar dwelling.

“Smoke” means to inhale, exhale, burn, or carry any lighted or heated device or pipe, or any other lighted or heated marijuana or marijuana product intended for inhalation, whether natural or synthetic, in any manner or in any form. “Smoke” includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in a place.

“Youth center” means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

C. Personal Use and Possession

All personal use and possession of cannabis must be in compliance with the Compassionate Use Act (“Act”), the Medical Marijuana Program (“MMP”), and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”).

In addition, the restrictions listed below apply. It shall be unlawful and a public nuisance to:

1. Smoke or ingest cannabis or cannabis products in a public place, including, but not limited to streets, sidewalks, parks, or any common areas within a residential development, including but not limited to private streets and sidewalks, common parking areas, parks or other spaces maintained by an homeowners or property owners association and accessible to residence of the development.
2. Smoke cannabis or cannabis products in a location where smoking tobacco is prohibited under Chapter 8.36 *Regulation and Prohibition of Smoking*.
3. Possess, smoke or ingest cannabis or cannabis products in or upon the grounds of a school, day care center, or youth center; or smoke cannabis or ingest cannabis within 1,000 feet of a school, day care center, or youth center, except in or upon grounds of private residence and then only if such smoking is not detectable by others on the grounds of any school, day care center, or youth center.
4. Smoke cannabis or use cannabis products on City property, including parks, common areas in City-owned housing developments, and other public places.

D. Penalties for Violation

1. Any person who violates any provision of this chapter is deemed guilty of misdemeanor or an infraction, at the discretion of the City Attorney or the District Attorney in accordance with Chapter 1.12 of this code.
2. Any violation of this chapter is hereby declared to be a public nuisance.
3. Each incident of smoking in violation of this chapter is subject to a one-hundred-fifty-dollar fine.
4. The provisions of this section are not to be construed as exclusive remedies and, in the event of violation, the city may pursue any proceedings or remedies otherwise provided by law.