

## Chapter 6.420 - Cannabis Delivery Services<sup>[7]</sup>

Footnotes:

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**Editor's note**— Ord. No. 2019-010, adopted Oct. 7, 2019, amended Ch. 6.420 in its entirety to read as herein set out. Former Ch. 6.420 pertained to the same subject matter, consisted of §§ 6.420.010—6.420.380, and derived from Ord. No. 2017-017, adopted Nov. 20, 2017.

Sec. 6.420.010. - Purpose and intent.

It is the purpose and intent of this Chapter to implement the provisions of the Medicinal and Adult Use Cannabis Regulation Safety Act ("MAUCRSA") for the purpose of protecting the public by ensuring that all cannabis and cannabis products which are delivered in the City of San Buenaventura by a retailer for retail sales to medicinal cannabis patients and caregivers, and to adult use consumers, while imposing sensible regulations on the retail deliveries in order to protect the City's residents, neighborhoods, and businesses from disproportionately negative impacts. As such, it is the purpose and intent of this Chapter to regulate the delivery of medicinal and adult use cannabis and cannabis products in a responsible manner to protect the health, safety, and welfare of the residents of San Buenaventura and to enforce rules and regulations consistent with state law. It is the further purpose and intent of this Chapter to require all commercial cannabis retailers who are authorized by the City of San Buenaventura to conduct deliveries in the City to obtain and renew annually a permit to operate within San Buenaventura. Nothing in this Chapter is intended to authorize the possession, sale, use, or provision of adult use cannabis under any circumstances, unless expressly authorized by the City of San Buenaventura, or to authorize the possession, use, or provision of cannabis for purposes that violate state or federal law. The provisions of this Chapter are in addition to any other permits, licenses and approvals which may be required to conduct business in the City, and are in addition to any permits, licenses and approval required under state, county, or other laws.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.020. - Legal authority.

Pursuant to Sections 5 and 7 of Article XI of the California Constitution, the provisions of the MAUCRSA, any subsequent state legislation and/or regulations regarding same, the City of San Buenaventura is authorized to adopt ordinances that establish standards, requirements and regulations for the licensing and permitting of commercial cannabis activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the State of California, or any of its departments or divisions, shall be the minimum standards applicable in the City of San Buenaventura to all commercial cannabis activity.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.030. - Definitions.

When used in this Chapter, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

- (a) *Adult use cannabis* or *adult use cannabis product* means cannabis or a cannabis product, respectively, intended to be sold for non-medical or recreational adult use pursuant to the Adult

Use of Marijuana Act of 2016 (Proposition 64) and the MAUCRSA, Chapter 27, Statutes of 2017.

- (b) *A-license* means a state license issued pursuant to the MAUCRSA for commercial cannabis activity involving adult use cannabis.
- (c) *Applicant* means an owner applying for a cannabis delivery service permit pursuant to this Chapter.
- (d) *Bureau* means the Bureau of Cannabis Control within the Department of Consumer Affairs, formerly named the Bureau of Marijuana Control, the Bureau of Medical Cannabis Regulation, and the Bureau of Medical Marijuana Regulation.
- (e) *Cannabis* means all parts of the *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. For the purpose of this Chapter, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.
- (f) *Cannabis concentrate* means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this Chapter. A cannabis concentrate is not considered food, as defined by Section 109935 of the Health and Safety Code, or drug, as defined by Section 109925 of the Health and Safety Code.
- (g) *Cannabis delivery service* means any business or operation which engages in medicinal and adult use commercial cannabis activity pursuant to a permit issued by the City of San Buenaventura.
- (h) *Cannabis delivery service permit* means a regulatory permit issued by the City of San Buenaventura pursuant to this Chapter to a cannabis delivery service business and is required before any commercial cannabis activity may be conducted in the City. The initial permit and annual renewal of a cannabis delivery service permit is made expressly contingent upon the business' ongoing compliance with all of the requirements of this Chapter and any regulations adopted by the City governing the commercial cannabis activity at issue.
- (i) *Cannabis product* means a product containing cannabis, or cannabis concentrate, including, but not limited to, cannabis as defined by Section 11018.1 of the Health and Safety Code and manufactured cannabis, intended to be sold for use by cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the California Health and Safety Code or pursuant to the Adult Use of Marijuana Act. For purposes of this Chapter, "cannabis" does not include industrial hemp as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.
- (j) *Cannabis program administrator* means the supervisor of the City's business tax unit or person otherwise designated by the city manager.
- (k) *Caregiver* or *primary caregiver* has the same meaning as that term is defined in Section 11362.7 of the California Health and Safety Code.
- (l) *City* or *City of San Buenaventura* means the City of San Buenaventura, a California Charter Law Municipal Corporation.
- (m) *Commercial cannabis activity* includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as regulated by this Chapter.

- (n) *Customer* means a natural person 21 years of age or older, or a natural person 18 years of age or older who possesses either a physician's recommendation or a cannabis card issued pursuant to Health and Safety Code Section 11362.71.
- (o) *Delivery* means the commercial transfer of medicinal and adult use cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer.
- (p) *Dispensing* means any activity involving the retail sale of cannabis or cannabis products by a retailer.
- (q) *Dried flower* means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.
- (r) *Edible cannabis product* means cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, cookies, or chocolates, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.
- (s) *Labeling* means any label or other written, printed, or graphic matter upon a cannabis product, or upon its container.
- (t) *License* means a state license issued pursuant to the MAUCRSA and includes both an A-license and an M-license, as well as a testing lab license.
- (u) *Licensee* means any person holding a state license, regardless of whether the license held is an A-license or an M-license, and includes the holder of a testing laboratory license.
- (v) *M-license* means a state license issued pursuant to the MAUCRSA for commercial cannabis activity involving medicinal cannabis.
- (w) *Manufacture* means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.
- (x) *Manufactured cannabis* means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, extraction or other manufactured product intended for internal consumption through inhalation or oral ingestion or for topical application.
- (y) *Medicinal cannabis* or *medicinal cannabis product* means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician's recommendation, or a cannabis card issued pursuant to Health and Safety Code Section 11362.71.
- (z) *Operation* means any act for which licensure is required under the provisions of this Chapter, or any commercial transfer of cannabis or cannabis products.
- (aa) *Owner* means any of the following:
  - (1) A person with any ownership interest in the Person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
  - (2) The chief executive officer of a nonprofit or other entity.
  - (3) A member of the board of directors of a nonprofit.
  - (4) An individual who will be participating in the direction, control, or management of the person applying for a license.
- (ab) *Package* means any container or receptacle used for holding cannabis or cannabis products.

- (ac) *Patient* or *qualified patient* shall have the same definition as California Health and Safety Code Section 11362.7 et seq., as it may be amended, and which means a person who is entitled to the protections of California Health & Safety Code Section 11362.5.
- (ad) *Person* includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.
- (ae) *Physician's recommendation* means a recommendation by a physician and surgeon that a patient use cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.
- (af) *Premises* means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.
- (ag) *Purchaser* means the customer who is engaged in a transaction with a licensee for purposes of obtaining cannabis or cannabis products.
- (ah) *Retailer* means a commercial cannabis business facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, pursuant to express authorization, cannabis and cannabis products as part of a retail sale, and where the operator holds a valid cannabis delivery service permit from the City of San Buenaventura authorizing the operation of a retailer, and a valid state license as required by state law to operate a retail establishment.
- (ai) *Sell, sale, and to sell* include any transaction whereby, for any consideration, title to cannabis or cannabis products are transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom the cannabis or cannabis product was purchased.
- (aj) *State License* means a license issued by the State of California, or one of its departments or divisions, under MAUCRSA and any subsequent State of California legislation regarding the same to engage in commercial cannabis activity.
- (ak) *Topical cannabis* means a product intended for external application and/or absorption through the skin. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.
- (al) *Transport, transported, and transportation* means the transfer of cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized by MAUCRSA.
- (am) *Unique identifier* means an alphanumeric code or designation used for reference to a specific plant on a licensed premises and any cannabis or cannabis product derived or manufactured from that plant.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.040. - Retail sales, non-store front retail sales, cannabis cultivation and commercial cannabis activities are prohibited unless specifically authorized by this chapter.

Except as specifically authorized in this Chapter, the commercial cultivation, dispensing, manufacture, processing, storing, laboratory testing, labeling, sale, delivery, distribution or transportation

(other than as provided under Bus. & Prof. Code Section 26090(e)), of cannabis or cannabis product is expressly prohibited in the City of San Buenaventura.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.050. - Compliance with state and local laws.

It is the responsibility of the owners and operators of the cannabis delivery service to ensure that it is, always, operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder. Nothing in this Chapter shall be construed as authorizing any actions that violate federal, state or local law with respect to the operation of a cannabis delivery service. It shall be the responsibility of the owners and the operators of the cannabis delivery service to ensure that the cannabis delivery service is, at all times, operating in a manner compliant with all applicable federal, state and local laws, including for as long as applicable, the Compassionate Use Act ("Proposition 215"), the Medical Marijuana Program Act ("MMPA") (collectively "the Medical Cannabis Collective Laws"), the Adult Use of Marijuana Act ("Proposition 64"), MAUCRSA - and any subsequently enacted state law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the cannabis delivery service permit.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.060. - Requirements to engage in cannabis deliveries.

No person may engage in any commercial cannabis delivery activity within the City of San Buenaventura unless the person has all of the following:

- (1) Registration with the city in the form of a valid cannabis delivery service permit from the City of San Buenaventura;
- (2) A valid City business license;
- (3) A valid state seller's permit; and
- (4) A state license for the retail sale of cannabis from a permitted facility that is directly linked to and responsible for the delivery activity,

and is otherwise currently in compliance with all applicable state and local laws and regulations pertaining to the commercial cannabis business, including delivery activity.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.070. - Cannabis delivery service permit application process and requirements.

- (a) A cannabis delivery service may only be operated by a state-licensed retailer. Any state-licensed retailer conducting deliveries in the City of San Buenaventura must obtain from the City a permit authorizing cannabis deliveries to occur. A copy of this permit shall be carried by all delivery drivers.
- (b) The state-licensed retailer conducting deliveries in the City, as a condition of the issuance of the permit must provide the City with the following:
  - (1) A copy of the applicant's state license.
  - (2) A copy of the applicant's City business license.
  - (3) Name and social security number of every commercial cannabis business owner with an interest in the Person who is submitting the permit application, together with any information required by Section 6.420.070(b)(8).

- (4) Name, social security number and contact information of every manager of the commercial cannabis retail business, together with any information required by Section 6.420.070(b)(8).
  - (5) Evidence of a valid state license for the commercial cannabis retail business that owns or controls the delivery operation, and on whose authorization the cannabis delivery service is acting.
  - (6) Names, drivers' license numbers, and social security numbers of all the business' delivery drivers, together with any information required by Section 6.420.070(b)(8).
  - (7) A fee paid in an amount set by resolution of the City Council necessary to cover the costs of administering and enforcing the cannabis delivery service permit program. The fee is non-refundable and shall not be returned in the event the cannabis delivery service permit is denied or revoked.
  - (8) A criminal background check is mandatory for every commercial cannabis business owner, manager and delivery driver. The application for the cannabis delivery service permit must include electronic fingerprint images and related information as required by the Chief of Police for the purpose of obtaining information as to the existence and content of a record of State or Federal convictions and arrests. A background check will be performed by the San Buenaventura Police Department, with costs covered by the applicant, and the results will be treated as confidential information. All confidential information shall be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a). Any delivery driver whose background check returns any disqualifying offenses pursuant to California Code of Regulations, Title 16, Sections 5017 and 5018 shall be prohibited from making deliveries within the City.
- (c) A cannabis delivery service permit shall be denied if any of the following exist:
- (1) The applicant or any owner has made a materially false or misleading statement or omission of fact in the application, or failed to provide information, documentation, and assurances required by this Chapter or by the cannabis program administrator; or
  - (2) The applicant, owner or manager has engaged in any disqualifying conduct as identified in California Code of Regulations, Title 16, Sections 5017 and 5018; or
  - (3) The applicant does not have a valid State license; or
  - (4) The applicant or any owner is not at least 21 years of age; or
  - (5) The application is incomplete and supplementary information is not timely or forthcoming; or
  - (6) The applicant or any owner is delinquent in paying city fees, fines, or penalties; or
  - (7) If prosecution is pending against the applicant or any owner for conduct violating either this Chapter or the provisions of Business and Professions Code Sections 4600, et seq., the Cannabis program administrator may postpone the decision on the application until the prosecution's final resolution. As used in this subsection, prosecution means charges filed by the district attorney, administrative proceedings brought by a local government or agency, or a civil or criminal action maintained by the City Attorney.
- The cannabis program administrator shall issue a written denial to the applicant within 30 days of the date the application was deemed complete.
- (d) If there are no grounds for denial pursuant to Section 6.420.070(c), the cannabis program administrator shall issue the cannabis delivery service permit to the applicant within 30 days of the date the application was deemed complete. In the event the cannabis delivery service permit cannot be issued within this time period then the cannabis program administrator shall have the discretion to issue a temporary permit. The temporary permit may be immediately revoked by the cannabis program administrator upon determination that the applicant has provided incomplete or false information in connection with the permit application or that any of the items in Section 6.420.070(c) exist.

- (e) The cannabis program administrator is hereby authorized to promulgate all regulations necessary to implement the permit process and requirements.
- (f) The applicant may appeal the denial of a cannabis delivery service permit to a hearing officer designated by the city manager subject to the requirements of Sections 6.420.120 and 6.420.130. If the appeal is denied by the hearing officer, the applicant may file an appeal to the City Council subject to the requirements of Sections 6.420.120 and 6.420.130. The decision of the City Council shall be final.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.080. - Expiration of cannabis delivery service permits.

Each cannabis delivery service permit issued pursuant to this Chapter shall expire on June 30 of each year, regardless of the date the permit was issued. Cannabis delivery service permits may be renewed as provided in Section 6.420.090.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.090. - Renewal applications.

- (a) An application for renewal of a cannabis delivery service permit shall be filed by May 1 of each year. All applications filed are subject to a late fee in an amount set by resolution adopted by the City Council.
- (b) The renewal application shall contain all the information required for new applications.
- (c) The applicant shall pay a fee in an amount to be set by resolution adopted by the City Council to cover the costs of processing the renewal permit application, together with any costs incurred by the City to administer the program created under this Chapter.
- (d) An application for renewal of a cannabis delivery service permit shall be denied after a hearing if any of the following are determined to exist:
  - (1) The cannabis delivery service permit is suspended at the time of the application.
  - (2) The cannabis delivery service has failed to conform to the requirements of this Chapter, or of any regulations adopted pursuant to this Chapter.
  - (3) Any of the conditions laid out in Section 6.420.070(c) exist.
  - (4) The applicant does not have a valid and current State of California license.
- (e) The cannabis program administrator is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. The decision of the cannabis program administrator may be appealed to a hearing officer designated by the city manager and shall be handled pursuant to Sections 6.420.120 through 6.420.130.
- (f) If a renewal application is denied, a person may file a new application pursuant to this Chapter no sooner than the next renewal period.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.100. - Grounds for suspension, revocation, or termination.

A cannabis delivery service permit may be suspended, revoked, or terminated if it is determined after a hearing required by Section 6.420.110 that:

- (a) A violation of this Chapter and/or any law, rule, and/or regulation.
- (b) The license issued by the State of California, or by any of its departments or divisions has been suspended, revoked or terminated.
- (c) The cannabis delivery service permit was obtained by fraudulent representations.
- (d) The person to whom the cannabis delivery service permit was issued, or any of his agents, or any other person in charge of or employed by the business has violated any of the conditions of the cannabis delivery service permit.

Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the City Manager, Chief of Police or his/her designee(s), may take immediate action to temporarily suspend a cannabis delivery service permit issued by the City pending the outcome of a hearing conducted pursuant to Section 6.420.110.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.110. - Process for denial of renewal, revocation, or suspension.

- (a) Upon a determination that there may be grounds to deny renewal of, revoke, or suspend a cannabis delivery service permit, the cannabis program administrator shall schedule a hearing before a hearing officer designated by the city manager. The cannabis program administrator shall set a time and place for the hearing and shall notify the cannabis delivery service permit holder, in writing, of such date and time, not later than ten working days before the date of the scheduled hearing. The hearing notice shall specify the reasons to deny renewal of, revoke, or suspend the cannabis delivery service permit.
- (b) At the hearing, the cannabis delivery service permit holder shall be provided the opportunity to present evidence why the cannabis delivery service permit should not be denied renewal, revoked or suspended, or, where subject to denial of renewal or revocation, why a suspension of the cannabis delivery service permit with conditions should be considered instead. The hearing shall be an informal hearing. The formal rules of evidence provided for in any state law are inapplicable to this hearing. Either party may present witnesses or documents in support of their position.
- (c) The hearing officer may suspend the permit with conditions for reinstatement or grant the renewal of the permit with conditions, if the hearing officer determines there are sufficient facts that the violations can be remedied in a timely manner. Should the cannabis delivery service permit holder fail to timely comply with the imposed conditions for reinstatement, the cannabis delivery service permit shall be revoked.
- (d) Within ten working days after the hearing, the hearing officer shall issue a determination in writing, specifying the conclusions and supporting reasons for or against the denial of renewal, revocation, or suspension. The determination notice shall be sent registered or certified mail to the cannabis delivery service permit holder and any other party that has requested notice.
- (e) The determination of the hearing officer may be appealed to the City Council subject to the requirements of Sections 6.420.120 and 6.420.130. The decision of the City Council shall be final.
- (f) If the cannabis delivery service permit holder fails to appeal within ten calendar days of the date the determination notice was delivered, then the denial of renewal, revocation, or suspension shall become final with no further right to appeal or review.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.120. - Written request for appeal.



- (a) Within ten calendar days after the date of an adverse decision by the cannabis program administrator or hearing officer, a written appeal may be filed with the City Clerk setting forth the factual and legal basis for the appeal.
- (b) At the time of filing the appeal the appellant shall pay the designated appeal fee, established by resolution of the City Council.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.130. - Appeal hearing.

- (a) Upon receipt of the written appeal, the matter shall be set for a hearing before the appropriate appeals authority. The matter shall be heard de novo and the hearing shall be conducted pursuant to the procedures set forth by the City.
- (b) The City shall set a time and place for the appeal hearing and shall notify the cannabis delivery service permit holder, in writing, of such date and time, not later than ten working days before the date of the scheduled appeal hearing. The appeal hearing shall be conducted within 60 days of the filing of the appeal.
- (c) The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing. Either party may present witnesses or documents in support of their position.
- (d) The City shall notify the appellant of the appropriate appeals authority's decision, in writing, within ten working days of the appeal hearing.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.140. - Change in location; updated registration form.

- (a) Any time the cannabis delivery service location specified in the cannabis delivery service permit has changed, the applicant shall re-apply with the cannabis program administrator. The process and the fees for re-application shall be the same as the process and fees set forth for registration in Sections 6.420.060 and 6.420.090.
- (b) Within 15 calendar days of any other change in the information provided in the registration form or any change in status of compliance with the provisions of this chapter, including any change in the cannabis delivery service ownership or management members, the applicant shall file the updated information with the cannabis program administrator for review along with an application amendment fee in an amount set by resolution of the City Council.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.150. - Transfer of cannabis delivery service permit.

- (a) A cannabis delivery service permit is nontransferable. Any change in ownership or control of the cannabis delivery service requires a new application pursuant to Section 6.420.070.
- (b) Any attempt to transfer a cannabis delivery service permit either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.160. - Delivery vehicle requirements.

Prior to commencing operations, a cannabis delivery service shall provide the following information to the City.

- (a) Proof of ownership of the vehicle or a valid lease by the cannabis delivery service for any and all vehicles that will be used to deliver cannabis or cannabis products.
- (b) The year, make, model, color, license plate number, and Vehicle Identification Number (VIN) for any and all vehicles that will be used to deliver cannabis products.
- (c) Proof of insurance as required in Section 6.420.180(b) for any and all vehicles being used to deliver cannabis products.
- (d) The licensee shall provide the City with the information required by this section in writing for any new vehicle that will be used to deliver cannabis products prior to commencing any delivery operations with that vehicle.
- (e) The licensee shall provide the City with any changes to the information required by this section in writing within 15 calendar days.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.170. - Permissible delivery locations and hours of operation.

Cannabis delivery services permitted to engage in delivery of cannabis and cannabis products are subject to the following requirements:

- (a) A licensed cannabis delivery service may deliver medicinal and adult use cannabis and cannabis products to only residential addresses in the City of San Buenaventura.
- (b) A licensed cannabis delivery service shall not deliver medicinal or adult use cannabis products to an address located on publicly owned land or any address on land or in a building leased by a public agency.
- (c) A licensed cannabis delivery service shall only deliver medicinal and adult use cannabis products to consumers during the hours of 9:00 a.m. and 9:00 p.m. Pacific Standard Time.
- (d) Consistent with Business and Professions Code Section 26054(b), deliveries of cannabis or cannabis products to residential properties located within 600 feet of a public or private school with any of the grades Kindergarten through Twelfth shall not occur during school hours (8:00 a.m. to 3:00 p.m. weekdays).

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.180. - Limitations on city's liability.

To the fullest extent permitted by law, the City of San Buenaventura shall not assume any liability whatsoever with respect to having issued a cannabis delivery service permit pursuant to this Chapter or otherwise approving the operation of any cannabis delivery service. As a condition to the approval of any cannabis delivery service permit, the applicant shall be required to meet all of the following conditions before the applicant can be issued the cannabis delivery service permit:

- (a) The applicant must execute an agreement, in a form approved by the city attorney, agreeing to indemnify, defend (at applicant's sole cost and expense with attorneys selected by the City), and hold the City of San Buenaventura, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the City's issuance of the cannabis delivery service business permit, the City's decision regarding the operation of the cannabis delivery service or activity, the process employed by the City in making its decision, or the

alleged violation of any federal, state or local laws by the cannabis delivery service or any of its officers, employees or agents.

- (b) The applicant must maintain insurance at coverage limits and with conditions thereon determined necessary and appropriate from time to time by the city attorney but shall be at no time less than the following:
  - (1) \$1,000,000 per person.
  - (2) \$2,000,000 per accident or bodily injury.
  - (3) \$1,000,000 per accident of property damage.

If the applicant is unable to obtain a commercial policy with the above coverage limits, a personal automobile insurance policy must be endorsed to cover the cannabis delivery activities.

- (c) Reimburse the City of San Buenaventura for all costs and expenses, including but not limited to attorney fees and costs and court costs, which the City of San Buenaventura may be required to pay as a result of any legal challenge related to the City's decision regarding the applicant's cannabis delivery service permit, or related to the City's approval of a cannabis delivery service activity. The City of San Buenaventura may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.190. - Fees and charges.

- (a) No person may commence or continue any cannabis delivery service activity in the City, without timely paying in full all fees and charges required for the operation of a cannabis delivery service. Fees and charges associated with the operation of a cannabis delivery service shall be established by resolution of the City Council which may be amended from time to time.
- (b) All cannabis delivery services authorized to operate under this Chapter shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Each cannabis delivery service shall cooperate with City with respect to any reasonable request to audit the cannabis delivery service's books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period. Failure to pay taxes constitutes a violation of this Chapter.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.200. - Miscellaneous operating requirements.

Every employee, owner, and/or operator of a cannabis delivery services wishing to be issued a cannabis delivery service permit or to be authorized to conduct the delivery of cannabis products shall consent to a Live Scan and/or to a background check by the City of San Buenaventura Police Chief or his/her designee(s) in order to engage in delivery of cannabis and cannabis products.

- (a) Background Check. Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorizes city authorities to access state and local summary criminal history information for employment, licensing, or certification purposes and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation, every person listed as an owner, manager, supervisor, employee or volunteer, of the commercial cannabis business must submit fingerprints and other information deemed necessary by the Chief of Police or his/her designee(s) for a background check by the San Buenaventura Police Department. Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which requires that there be a requirement for exclusion from employment,

licensing or certification based on specific criminal conduct on the part of the subject of the record, no person shall be issued a permit to conduct cannabis delivery service operations unless the individuals involved in those operations have first cleared the background check, as determined by the Chief of Police or his/her designee(s), and as required by this section. A fee for the cost of the background investigation, which shall be the actual cost to the City of San Buenaventura to conduct the background investigation, shall be paid at the time the application for a cannabis delivery service permit is submitted.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.210. - Operating requirements for cannabis delivery services.

Cannabis delivery services may deliver only during the hours specified in Section 6.420.170(c) or as stipulated in the permit issued by the City.

- (a) The delivery of cannabis into the City of San Buenaventura shall only be conducted by a cannabis retailer located outside of the City of San Buenaventura but within the County of Ventura. The cannabis retailer must hold a valid Retailer M-License or Retailer A-License from the State of California and a valid local agency cannabis Retailer M-License or Retailer A-License which authorizes the sale of medicinal and adult use cannabis products to other jurisdictions.
- (b) A delivery employee of a licensed cannabis delivery service, carrying medicinal or adult use cannabis products for delivery, shall only travel in an enclosed motor vehicle operated by the delivery employee or another delivery employee of the licensee.
- (c) All deliveries of medicinal or adult use cannabis products must be performed by a delivery employee of a licensed cannabis retailer and who is at least 21 years of age.
- (d) Pursuant to the Bureau of Cannabis Control regulations (Title 16, California Code of Regulations, Section 5415), a cannabis delivery service shall not use the services of an independent contractor, courier service or use a personal vehicle to deliver medicinal or adult use cannabis products.
- (e) All deliveries of medicinal or adult use cannabis products shall be made in person. A delivery of cannabis products shall not be made through the use of an unmanned vehicle.
- (f) The cannabis delivery service shall maintain an accurate list of the cannabis retailer's delivery employees.
- (h) While carrying medicinal or adult use cannabis products for delivery, a delivery employee of a cannabis delivery service shall ensure the medicinal or adult use cannabis products are not visible to the public.
- (i) A delivery employee of a cannabis delivery service shall not leave medicinal or adult use cannabis products in an unattended motor vehicle unless the motor vehicle is equipped with an active vehicle alarm system.
- (j) A vehicle used for the delivery of medicinal or adult use cannabis products shall be outfitted with a dedicated Global Positioning System (GPS) device for the identifying the geographic location of the delivery vehicle. A dedicated GPS device does not include a phone or tablet. The device shall be either permanently or temporarily affixed to the delivery vehicle and shall remain active and inside of the delivery vehicle at all times during the delivery. At all times, the cannabis delivery service shall be able to identify the geographic location of the delivery vehicles that are making deliveries for the cannabis delivery service and shall provide the information to the City upon request.
- (k) The drivers must possess proper documentation which includes the following information:
  - (1) The name of the cannabis delivery service;

- (2) A copy of the cannabis delivery service permit;
  - (3) His or her government-issued identification;
  - (4) Identification of himself or herself as an authorized driver of the cannabis delivery service;
  - (5) An employer provided badge containing a picture and the name of the delivery employee;
  - (6) An accurate cargo manifest detailing the type and quantity, or amount of cannabis products being transported;
  - (7) The unique identifiers for each product issued by the Department of Food and Agriculture pursuant to Health and Safety Code Section 11362.777;
  - (8) The make, model and license plate number of the vehicle.
- (l) While making deliveries, an employee of a cannabis delivery service shall not carry cannabis or cannabis products in excess of \$5,000.00 at any time. This value shall be determined using the retail price of all cannabis products carried by the cannabis delivery service.
  - (m) While being transported, cannabis products shall be locked in a box that is secured to the inside of the vehicle.
  - (n) Vehicles used to deliver cannabis must be non-conspicuous and shall not display signs, logos, pictures or any other form of advertisement which can be detectable by a bystander or observer that the cannabis delivery vehicle may be used for or is carrying cannabis products.
  - (o) All vehicles making deliveries of medical or adult use cannabis or cannabis products shall be equipped with a fully operational rear and forward-facing dashboard camera at all times. Dashboard cameras shall have a minimum storage capacity of 30 days.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.220. - Amendments to operational requirements.

The City Manager or his/her designee may develop additional cannabis delivery service operational requirements or regulations as are determined to be necessary to protect the public health, safety and welfare. The City Manager or his/her designee may also delete operational requirements or regulations based solely on future changes to state law and regulations mandating such changes.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.230. - Packaging and labeling.

- (a) Cannabis delivery services shall be required to ensure that all cannabis or edible cannabis products are properly labeled and placed in tamper-evident packaging which meets the requirements of MAUCRSA and all implementing rules and regulations.
- (b) Labeling must include a warning if nuts or other known allergens are used and must include the total weight (in ounces or grams) of cannabis in the package.
- (c) The warning label must state that the item is cannabis or a cannabis product and not a food product and must be clearly legible on the front of the package and must comply with state packing and labelling requirements.
- (d) The package must have a label warning that the product is to be kept away from children.
- (e) The label must also specify the date of manufacture.
- (f) Any edible cannabis product that is made to resemble a typical food product must be in a properly labeled opaque (non-see-through) package before it leaves the commercial cannabis retail business.

- (g) As permitted by law, the City Council may, by resolution, impose additional packaging and labeling requirements on cannabis or cannabis products which may be delivered into the City.
- (h) All packages containing cannabis or cannabis products delivered within the City of San Buenaventura shall include city-approved public education materials on the negative impacts of cannabis use by youth, and the prevention of driving under the influence. These materials shall be provided by the City to the cannabis retailer in print-ready electronic format. The cannabis retailer will be solely responsible for printing and supplying such materials.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.240. - Fees deemed debt to City of San Buenaventura.

The amount of any fee, cost or charge imposed pursuant to this Chapter shall be deemed a debt to the City of San Buenaventura that is recoverable via an authorized administrative process as set forth in the Municipal Code, or in any court of competent jurisdiction.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.250. - Permit holder responsible for violations.

The person to whom a cannabis delivery service permit is issued pursuant to this Chapter shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of San Buenaventura, whether committed by the permittee or any employee or agent of the permittee, which violations occur in the course of conducting cannabis delivery services whether or not said violations occur within the permit holder's presence.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.260. - Inspection and enforcement.

- (a) Any motor vehicle used by the cannabis delivery service to deliver cannabis or cannabis products is subject to inspection by the City at all times.
- (b) It is unlawful for any person having responsibility over the operation of a cannabis delivery service to impede, obstruct, interfere with, or otherwise not allow, the City to conduct an inspection or review or copy records, recordings or other documents required to be maintained by a cannabis delivery service under this Chapter or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a cannabis delivery service under this Chapter or under state or local law.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.270. - Compliance with state regulation.

It is the stated intent of this Chapter to regulate cannabis delivery service activity in the City of San Buenaventura in compliance with all provisions of the MAUCRSA and any subsequent state legislation.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.280. - Violations declared a public nuisance.

Each and every violation of the provisions of this Chapter is hereby deemed unlawful and a public nuisance.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.290. - Each violation a separate offense.

Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by this Code. Additionally, as a nuisance per se, any violation of this Chapter shall be subject to injunctive relief. Violators shall be liable for payment to the City of any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the cannabis delivery service or persons related to, or associated with, the cannabis delivery service activity.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.300. - Criminal penalties.

A violation of this chapter is a misdemeanor and may be punished as such according to the provisions of Chapter 1.150 of this Code.

(Ord. No. 2019-010, § 1, 10-7-19)

Sec. 6.420.310. - Remedies cumulative and not exclusive.

The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law.

(Ord. No. 2019-010, § 1, 10-7-19)