

Goleta Municipal Code							
Up	Previous	Next	Main	Collapse	Search	Print	No Frames
Title 5 BUSINESS LICENSES AND REGULATIONS							

Chapter 5.09 MARIJUANA DELIVERY REGULATIONS

Article I. Marijuana Delivery Service License

5.09.010 Definitions.

For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

City. The City of Goleta.

City Manager. The City Manager of the City of Goleta or designee.

Marijuana. "Marijuana" shall have the same meaning as provided in California [Health and Safety Code](#) Section 11018, as that section now appears or may hereafter be amended or renumbered. Marijuana also 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. Marijuana also means the separated resin, whether crude or purified, obtained from marijuana.

Marijuana Delivery. The commercial transfer of marijuana from one location to another.

Marijuana Delivery Driver. Any individual who drives or operates a marijuana delivery vehicle in which marijuana is delivered.

Marijuana Delivery Service. A person engaged in the business of owning, controlling or operating one or more marijuana delivery vehicles which transport, carry, or deliver marijuana in such marijuana delivery vehicle, or marijuana delivery vehicles, anywhere within the City of Goleta.

Marijuana Delivery Vehicle. A motor vehicle, as that term is defined in the [Vehicle Code](#) of the State of California, used for the transportation of marijuana.

Person. "Person" includes any person, firm, association, organization, partnership, joint venture, business trust, corporation or company.

Primary Caregiver. "Primary caregiver" shall have the meaning set forth in California [Health and Safety Code](#) Section 11362.7, as that section now appears or may hereafter be amended or renumbered.

Qualified Patient. "Qualified patient" shall have the meaning set forth in California [Health and Safety Code](#) Section 11362.7, as that section now appears or may hereafter be amended or renumbered. (Ord. 16-02 § 3)

5.09.020 Marijuana Delivery Service License—Required.

Every marijuana delivery service shall obtain a marijuana delivery service license from the City prior to any operation within the City. (Ord. 16-02 § 3)

5.09.030 Marijuana Delivery Service License—Exemption.

A. A primary caregiver engaged in the delivery of marijuana to a qualified patient for which they are the primary caregiver is exempt from a requirement for a marijuana delivery service license.

B. A qualified patient engaged in the transportation of marijuana for their own personal use is exempt from a requirement for a marijuana delivery service license. (Ord. 16-02 § 3)

5.09.040 Fees and Term.

A. Fees. Every marijuana delivery service shall first apply for a marijuana delivery service license, and pay a license fee as stated in the City's Fee Schedule. Upon approval of the marijuana delivery service license application, the marijuana delivery service shall pay the fee as stated in the City's Fee Schedule per marijuana delivery vehicle, and the City shall issue a marijuana delivery vehicle license sticker for each properly insured marijuana delivery vehicle. The annual marijuana delivery service license renewal fee shall be as stated in the City's Fee Schedule per year, and the fee per marijuana delivery vehicle for the license sticker as stated in the City's Fee Schedule. Each applicant shall also present to the City the prescribed amount set by the Department of Justice of the State of California for the processing of the applicant's fingerprints. None of the above fees shall be prorated, or refunded.

B. Term. All licenses and stickers issued to marijuana delivery services shall be for the period of one calendar year, and shall expire at midnight on the 31st day of December. (Ord. 16-02 § 3)

5.09.050 Application.

A. Every application for a marijuana delivery service license shall be signed by the applicant and shall contain:

1. Name and address of the applicant.
2. If the applicant is a corporation, the names and addresses of its directors.
3. Area within which applicant proposes to operate.
4. Kind and amount of public liability and property damage insurance covering each vehicle to be used for the acceptance of passengers for hire within the City.
5. Owner's trade name and business address.
6. Listing of all vehicles to be used for marijuana delivery within the City, their make, model (year), license plate number and Vehicle Identification Number.

B. Whenever an employee of a marijuana delivery service files an application for a marijuana delivery driver's license, or renewal hereof, with the City, the employer marijuana delivery service shall within 10 days after the filing of the application by the employee with the City, submit to the City by first class U.S. mail copies of the results and other records pertaining to the testing of the employee for the use of alcohol and controlled substances conducted pursuant to mandatory controlled substance and alcohol testing certification program required by Section [5.09.590](#). (Ord. 16-02 § 3)

5.09.060 Investigation of Application—Disapproval and Notification.

A. The application shall be referred to the Police Chief for approval. The Police Chief shall obtain a copy of the applicant's criminal record in the United States, if any, and may obtain the criminal record, if any, in any other country, if obtaining such foreign criminal record is feasible.

B. The Police Chief in making the determination may also demand personal references from applicant and may make such further investigation of applicant as deemed appropriate.

C. If the Police Chief disapproves the application, he or she shall notify the City Manager in writing giving the reasons for the disapproval. The City Manager shall thereupon notify the applicant in writing by

mailing or delivering a copy of the Police Chief's disapproval, including the reasons therefor, to the applicant and advise him or her of the right to appeal the disapproval within 15 days of such notice. No license shall be issued unless a successful appeal of the disapproval is made. (Ord. 16-02 § 3)

5.09.070 Appeal of Disapproval.

Within 15 days after notification of disapproval, an applicant may appeal to the City Manager, in writing, from the disapproval of the Police Chief, giving the reasons in full as to why the license should be issued in spite of the disapproval. A copy of the appeal shall be sent by applicant to the Police Chief and City Manager at the same time. (Ord. 16-02 § 3)

5.09.080 Appeal of Disapproval—Setting Hearing.

The City Clerk shall set a hearing on the appeal of the applicant, and shall fix a time and a date certain, within 30 days after the receipt of applicant's appeal by the City (or such longer time as applicant shall agree to) to hear and consider the appeal of applicant. The City Clerk shall notify the applicant, Police Chief and City Manager of the time and place of hearing at least seven days prior to the date of the hearing. (Ord. 16-02 § 3)

5.09.090 Conduct of Hearing.

A. The City Manager shall hear the appeal.

B. All testimony at the hearing shall be given under oath or affirmation. The applicant and Police Chief shall have the right to be represented by counsel. Applicant and Chief shall each have the right to call and examine witnesses, cross-examine witnesses and argue their respective positions. The proceeding shall be informal, and the strict rules of evidence shall not apply, and all evidence shall be admissible which is of the kind that reasonably prudent persons rely on in making decisions.

C. The City Manager shall determine the order of procedure and shall rule on all objections to admissibility of evidence. Applicant and Police Chief shall each be given a full and fair hearing. The City Manager shall issue a written decision at a date not more than 10 days after the close of the hearing. The decision of the City Manager shall be final. (Ord. 16-02 § 3)

5.09.100 Grounds for Denial, Revocation or Suspension.

The granting of a marijuana delivery service license or a renewal thereof may be denied and an existing license may be revoked or suspended if the license holder or applicant:

A. Has knowingly made a false statement in a material matter either in his or her application or in any reports or other documents furnished by him or her to the City.

B. Does not maintain and operate his or her marijuana delivery vehicle and other equipment in the manner and in the condition required by law and applicable regulations.

C. Is required to register as a sex offender under the provisions of Section 290 of the California [Penal Code](#).

D. Has been convicted of any offense relating to the use, sale, possession or transportation of narcotics or habit-forming drugs.

E. Within the three-year period immediately preceding the application has been under suspension, revocation or probation by the Department of Motor Vehicles for a cause involving the safe operation of a

motor vehicle, or has been convicted of any of the following offenses: driving while intoxicated; or reckless driving involving bodily injury.

F. Has been convicted of any offense punishable as a felony, or has been convicted within a 10-year period immediately preceding the crime of theft in either degree.

G. Has been convicted of any offense involving moral turpitude.

H. Has been involved within the two years immediately preceding the application in any motor vehicle accident causing death or personal injury.

I. Has been involved in three or more motor vehicle accidents within the year immediately preceding the application.

J. Failed to pay required license fees.

K. Has violated any provision of this chapter. (Ord. 16-02 § 3)

5.09.110 Insurance Requirements.

The insurance required before a marijuana delivery service license can be issued shall insure the public against any loss or damage that may result to any person or property from the operation of any marijuana delivery vehicle used by the marijuana delivery service in its business as such. The amount of insurance shall not be less than \$1,000,000.00 per occurrence combined single limit for bodily injury and property damage. The City, its officers, agents and employees shall be named as additional insureds on any policy. Insurance shall include contractual liability to cover liability assumed in contract, shall include a severability of interest or equivalent wording, and shall specify that insurance coverage afforded to the City shall be primary. (Ord. 16-02 § 3)

5.09.120 Insurance Certificate Prerequisite to Issuance.

No marijuana delivery service license shall be issued until the applicant first files with the City a certificate of insurance, on a form acceptable by the City. Said certificate shall provide evidence of insurance in amounts and with conditions acceptable to the City and shall be approved by the City Manager. The marijuana delivery service insurance shall remain in force during the entire term of the license, and if such insurance is canceled or terminated, it shall be grounds for revocation or suspension of the license until a valid certificate is furnished to the City. (Ord. 16-02 § 3)

5.09.130 Hold Harmless Agreement.

Each marijuana delivery service shall, and by acceptance of the license, does agree to hereby indemnify and hold harmless the City, its officers, agents and employees from any and all damages, claims, liabilities, costs including attorney's fees, suits or other expenses resulting from and arising out of said marijuana delivery service operations. (Ord. 16-02 § 3)

5.09.140 Revocation.

A. The City may give notice to a marijuana delivery service of its intention to revoke a marijuana delivery service license. If deemed it will be a hazard to the health, safety or welfare, for the marijuana delivery service to continue operations pending a revocation hearing, the City may suspend the license and all rights and privileges thereunder until the hearing on revocation. The notice shall specify a time and place at which a hearing will be held before the City Manager. The hearing shall be conducted not less than seven days after

the date of the notice, unless the operator agrees to a shorter period of time. Unless the marijuana delivery service consents, a hearing must be held within 14 days of a suspension. The notice shall specify the reasons for the proposed revocation in sufficient detail so as to fully inform the marijuana delivery service of the reasons which have caused the notice to be given, and if the marijuana delivery service license has been suspended the reasons for such suspension. A copy of the notice shall be sent to the Police Chief.

B. The marijuana delivery service and Police Chief shall each have the right to be represented by counsel, to call and examine witnesses, cross-examine witnesses, and argue their respective positions. The proceedings shall be informal, and strict rules of evidence shall not apply. All evidence shall be admissible which is of the kind that reasonably prudent persons rely on in making decisions.

C. The City Manager shall render a decision in writing, and include the reasons therefor. The decision of the City Manager shall be final. (Ord. 16-02 § 3)

5.09.150 Marijuana Delivery Service Duties.

A. Each marijuana delivery service shall comply with all local, State and Federal laws.

B. No marijuana delivery service shall permit any person other than a marijuana delivery vehicle driver, licensed in accordance with Article II of this chapter, to operate any of its marijuana delivery vehicles in which marijuana is delivered within the City.

C. Each marijuana delivery service shall maintain a written record of every request for delivery, including the name of the requestor, the address for the delivery, the quantity and type of marijuana requested, the date and time the delivery request is received, the marijuana delivery vehicle that is assigned to make the delivery, and the marijuana delivery driver that is assigned to make the delivery.

D. Each marijuana delivery service shall assure that every marijuana delivery driver shall have a copy of the record of the delivery request during the delivery of any marijuana in the City.

E. Each marijuana delivery service shall assure that no concentrated cannabis is transported by any marijuana delivery vehicle or marijuana delivery driver.

F. Each marijuana delivery service shall assure that no more than 28.5 grams of marijuana is transported by any marijuana delivery vehicle or marijuana delivery driver at any point in time.

G. Each marijuana delivery service shall maintain, for a minimum of three years, a written accounting or ledger of all cash, receipts, credit card transactions, and reimbursements, (including any in-kind contributions) as well as records of all operational expenditures and costs incurred by the marijuana delivery service in accordance with generally accepted accounting practices and standards typically applicable to business records.

H. Each marijuana delivery service shall pay any applicable sales tax pursuant to Federal, State and local law. The location where marijuana is delivered to shall be established as the "point of sale" within the City for sales tax purposes.

I. Each marijuana delivery service shall keep current the information furnished under Section [5.09.050](#). The information shall be furnished to the City. (Ord. 16-02 § 3)

Article II. Marijuana Delivery Driver's License

5.09.510 Marijuana Delivery Driver's License—Required.

Every marijuana delivery driver who drives a marijuana delivery vehicle for which a marijuana delivery service license is required or has been issued shall obtain a marijuana delivery driver's license from the City prior to driving a marijuana delivery vehicle within the City. (Ord. 16-02 § 3)

5.09.520 Application.

A. Every marijuana delivery driver shall file an application for a marijuana delivery driver's license on a form supplied by the City.

B. For marijuana delivery drivers employed by a marijuana delivery service, employer marijuana delivery service shall comply with subsection B of Section 5.09.050 of this chapter. An applicant for a marijuana delivery driver's license shall immediately upon the filing of an application inform the employer of the requirements of this section and of subsection B of Section 5.09.050. (Ord. 16-02 § 3)

5.09.530 Fees and Term.

A. Fees. Each applicant for a marijuana delivery driver's license shall pay to the City, upon making application, an annual license fee as stated in the City's Fee Schedule. The annual renewal license fee shall also be as stated in the City's Fee Schedule. Each applicant shall present to the City the prescribed amount set by the Department of Justice of the State of California for the processing of the applicant's fingerprints. None of the above fees shall be prorated, or refunded.

B. Term. All licenses, including renewals, shall be issued for the term of one year from the date and month of the original license approval. (Ord. 16-02 § 3)

5.09.540 Referral of Application to Police Chief.

The application for a marijuana delivery driver's license shall be referred to the Police Chief, who shall make the same type of investigation and approve or disapprove the application, as in the case of an application for a marijuana delivery service license, as specified in this chapter. (Ord. 16-02 § 3)

5.09.550 Procedure on Disapproval.

In the event of disapproval of an application for a marijuana delivery driver's license, the procedures to be followed by the Police Chief or City Manager, and the rights and duties of the applicant and of the Police Chief shall be the same as provided in the case of disapproval of an applicant for a marijuana delivery service license, insofar as applicable. (Ord. 16-02 § 3)

5.09.560 Issuance—Term.

Upon receipt of the approval of the City, it shall issue to the applicant a marijuana delivery driver's license, which shall be in the form of a card containing the price of the license and the licensee's name, photograph and right index fingerprint. Such license shall be good for one year from the issuance date. (Ord. 16-02 § 3)

5.09.570 Notice of Revocation—Suspension—Procedures.

The City may give a notice of intention to revoke a marijuana delivery driver's license, and may suspend such license pending a hearing, as in the case of a marijuana delivery service license, and the procedures for revocation, and the rights of the parties shall be the same, insofar as applicable as in the case of revocation of a marijuana delivery service license. (Ord. 16-02 § 3)

5.09.580 Automatic Suspension.

Any marijuana delivery driver's license issued hereunder shall be automatically suspended and be null and void during any period of time that the marijuana delivery driver's State motor vehicle operator's license is suspended, revoked, or for any other reason is invalid or inoperative. (Ord. 16-02 § 3)

5.09.590 Mandatory Controlled Substance and Alcohol Testing Program.

A. Every marijuana delivery service shall develop and adopt a mandatory controlled substance and alcohol testing certification program in compliance with [Government Code](#) Section 53075.5 and in accord with the procedures set forth in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations. A copy of the mandatory controlled substance and alcohol testing certification program adopted pursuant to this section shall be delivered to the Police Chief and City Manager.

B. The employer marijuana delivery service's mandatory controlled substance and alcohol testing certification program shall contain a provision that, while the employer marijuana delivery service license is in effect, the employer marijuana delivery service shall, upon request of the City, make available for inspection copies of all results and other records pertaining to the testing for the use of alcohol and controlled substances conducted pursuant to the mandatory controlled substance and alcohol testing certification program required by this section.

C. The employer marijuana delivery service's mandatory controlled substance and alcohol testing certification program shall, at a minimum, require every marijuana delivery driver to submit to testing at least once every year and submit to mandatory testing following citation for a moving violation or being involved in a vehicle accident.

D. Failure to comply with the requirements of this section constitutes grounds for denial, revocation or suspension of a marijuana delivery service license pursuant to this chapter. The procedures for denial, suspension or revocation shall be the same as those prescribed for denial, suspension or revocation of a marijuana delivery service license elsewhere in this chapter. (Ord. 16-02 § 3)

5.09.600 Grounds for Denial, Revocation or Suspension.

The granting of a marijuana delivery driver's license or a renewal thereof may be denied and an existing license may be revoked or suspended if the license holder or applicant:

A. Has knowingly made a false statement in a material matter either in his or her application or in any reports or other documents furnished by him or her to the City.

B. Does not maintain and operate his or her marijuana delivery vehicle and other equipment in the manner and in the condition required by law and applicable regulations.

C. Is required to register as a sex offender under the provisions of Section 290 of the California [Penal Code](#).

D. Has been convicted of any offense relating to the use, sale, possession or transportation of narcotics or habit-forming drugs.

E. Within the three-year period immediately preceding the application has been under suspension, revocation or probation by the Department of Motor Vehicles for a cause involving the safe operation of a motor vehicle, or has been convicted of any of the following offenses: driving while intoxicated; or reckless driving involving bodily injury.

F. Has been convicted of any offense punishable as a felony, or has been convicted within a 10-year period immediately preceding the crime of theft in either degree.

- G. Has been convicted of any offense involving moral turpitude.
- H. Has been involved within the two years immediately preceding the application in any motor vehicle accident causing death or personal injury.
- I. Has been involved in three or more motor vehicle accidents within the year immediately preceding the application.
- J. Failed to pay required license fees.
- K. Has violated any provision of this chapter. (Ord. 16-02 § 3)

5.09.610 Additional Conditions.

In addition to the conditions and grounds for the issuance and retention of a marijuana delivery driver's license issued pursuant to Article II of this chapter, a marijuana delivery driver's license shall be issued and retained subject to the following conditions:

- A. The marijuana delivery driver shall be at least 25 years old prior to issuance of a marijuana delivery driver's license.
- B. Employment, or an offer of employment, as a marijuana delivery driver has been made.
- C. The marijuana delivery driver's license shall become void upon termination of employment of the marijuana delivery driver.
- D. The employer shall notify the City upon termination of employment of a marijuana delivery driver.
- E. The marijuana delivery driver's license shall state the name of the employer.
- F. The marijuana delivery driver shall return the marijuana delivery driver's license to the City upon termination of employment.
- G. The marijuana delivery driver shall not test positive pursuant to the employer marijuana delivery service's mandatory controlled substance and alcohol testing certification program. (Ord. 16-02 § 3)

5.09.620 Marijuana Delivery Driver Duties.

- A. Each marijuana delivery driver shall comply with all local, State and Federal laws.
- B. No marijuana delivery driver shall permit any person other than a marijuana delivery vehicle driver, licensed in accordance with Article II, to operate any of its marijuana delivery vehicles in which marijuana is delivered within the City.
- C. Each marijuana delivery driver shall have a copy of the record of the delivery request during the delivery of any marijuana in the City.
- D. Each marijuana delivery driver shall not possess, transport or deliver concentrated cannabis.
- E. Each marijuana delivery driver shall not possess, transport or deliver more than 28.5 grams of marijuana at any point in time. (Ord. 16-02 § 3)

5.09.630 Fees.

The City may adopt by ordinance or resolution fees, service charges or assessments in an amount sufficient to pay for the costs of carrying out the provisions of this chapter. (Ord. 16-02 § 3)

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