

5.95.200 - 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 Chief of Police 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 suspension or revocation of a marijuana delivery service license elsewhere in this chapter.

5.95.210 - Grounds for Denial, Revocation or Suspension of Marijuana Delivery Driver's Permit

The granting of a marijuana delivery driver's permit or a renewal thereof may be denied and an existing permit may be revoked or suspended if the permit 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.

ORDINANCE NO.

PAGE 18

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 permit fees.

K. Has violated any provision of this chapter.

5.95.220 - Additional Marijuana Delivery Driver Conditions

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

A. The marijuana delivery driver shall be at least 18 years old prior to issuance of a marijuana delivery driver's permit.

B. Employment, or an offer of employment, as a marijuana delivery driver has been made by a licensed marijuana delivery service.

C. The marijuana delivery driver's permit shall become void upon termination of employment of the marijuana delivery driver.

D. The marijuana delivery service employer shall notify the City upon termination of employment of a marijuana delivery driver.

E. The marijuana delivery driver's permit shall state the name of the marijuana delivery service employer.

F. The marijuana delivery driver shall return the marijuana delivery driver's permit 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.

5.95.230 - Marijuana Delivery Driver Duties

A. No marijuana delivery driver shall permit any person other than another marijuana delivery vehicle driver, who has been issued a permit in accordance with this chapter, to operate the marijuana delivery vehicle in which marijuana is delivered within the City.

B. Each marijuana delivery driver shall have a copy of the record of the delivery request during the delivery of any marijuana in the City.

SECTION 7. This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

SECTION 8. A summary of this Ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five (5) days prior to the City Council meeting at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the City Clerk. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those City Council members voting for and against the Ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted Ordinance.

ORDINANCE NO.

PAGE 20

This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

SECTION 9. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

SECTION 10. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

On motion by Council Member _____, seconded by Council Member _____, and by the following roll call vote to wit:

AYES:

NOES:

ABSENT:

the foregoing Ordinance was adopted this ____ day of _____, 2016.

JIM HILL, MAYOR

ATTEST:

KELLY WETMORE, CITY CLERK

APPROVED AS TO CONTENT:

DIANNE THOMPSON, CITY MANAGER

APPROVED AS TO FORM:

HEATHER K. WHITHAM, CITY ATTORNEY



Elite Care CA



Proposed Requirements for Medical Marijuana DELIVERY Service

- Allow (2 – 4) delivery-only dispensaries, with no on-site sales
- Review operation, twice annually
- The City Staff shall have access to the entities books, records, accounts and any and all data relevant to its permitted activities for the purpose of conducting an audit or examination.
- No sale shall be within 1000 feet of the following:
 - public or private schools
 - public libraries
 - daycares
 - youth centers (serving youth under 18)
 - parks & recreation facilities
- Delivery Hours 10a – 7p
- All medicine shall be Lab tested
- Submit Seller's Permit
- Submit Ownership Information
 - Articles of Incorporation
 - Collective/cooperative agreement
 - Membership forms
- Submit Insurance Verification
- Submit owners, managers, & driver's valid medical cannabis recommendation

Permit Fees (based on Goleta, CA fees and population averages)

- \$65 for a Delivery Service License
- \$65 for each driver who must obtain a special license

ATTACHMENT 2

**MEDICAL MARIJUANA PROGRAM
DELIVERY SERVICE AREA LIMITATIONS**



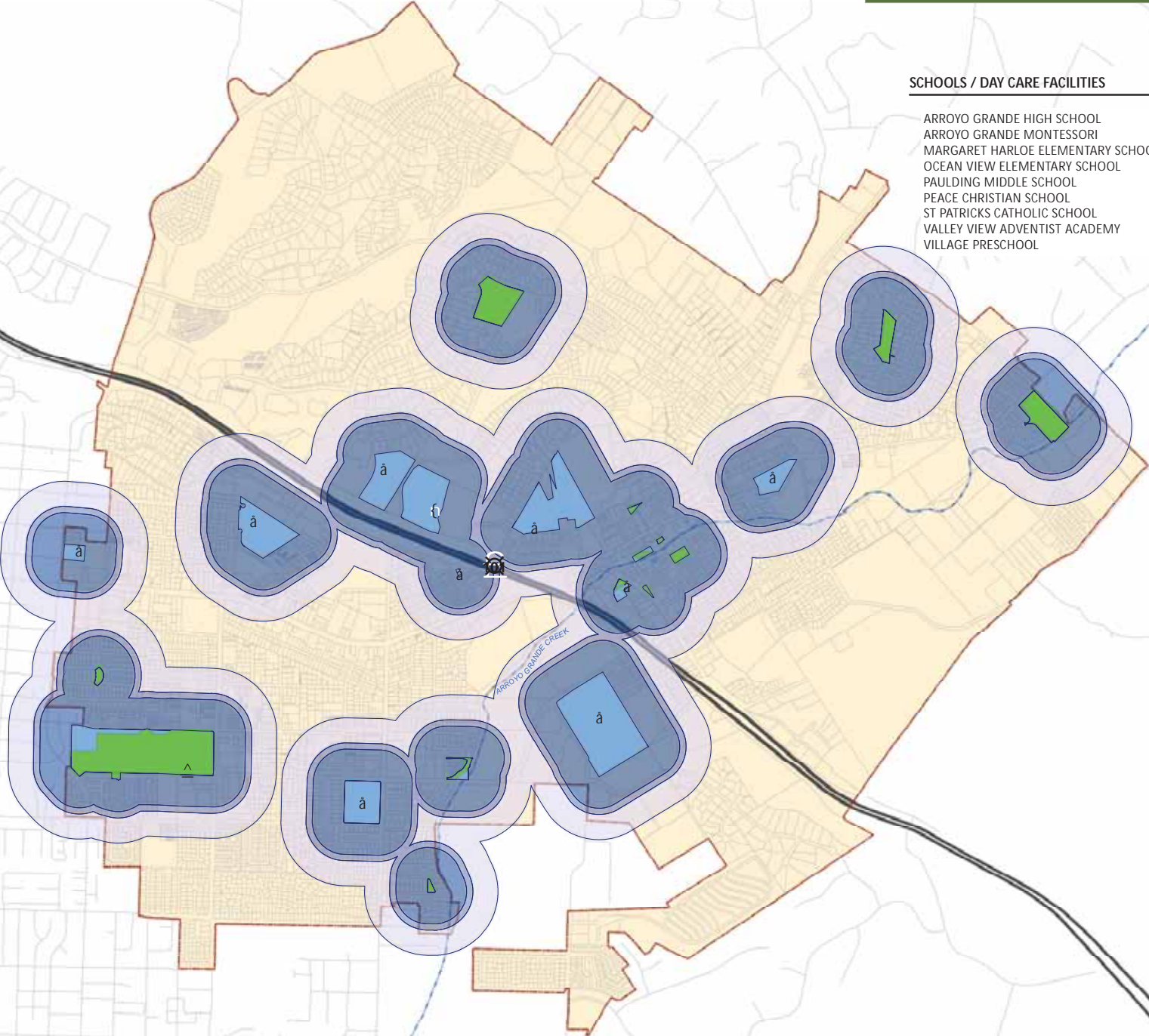
I. No deliveries shall be permitted within 1000 feet of any public or private school, public library, day care facility, youth center, or park and recreation facility.

SCHOOLS / DAY CARE FACILITIES

- ARROYO GRANDE HIGH SCHOOL
- ARROYO GRANDE MONTESSORI
- MARGARET HARLOE ELEMENTARY SCHOOL
- OCEAN VIEW ELEMENTARY SCHOOL
- PAULDING MIDDLE SCHOOL
- PEACE CHRISTIAN SCHOOL
- ST PATRICKS CATHOLIC SCHOOL
- VALLEY VIEW ADVENTIST ACADEMY
- VILLAGE PRESCHOOL

PARKS / RECREATION FACILITIES

- CENTENNIAL PARK
- FIRE-RESISTIVE DEMONSTRATION GARDEN
- HART-COLLETT FIREFIGHTERS MEMORIAL PARK
- HEALTH FITNESS PARK
- HERITAGE SQUARE PARK
- HOOSEGOW PARK
- KINGO PARK
- PARKSIDE PARK
- RANCHO GRANDE PARK
- SOTO SPORTS COMPLEX
- STROTHER PARK
- TERRA DE ORO PARK
- VIRGINIA PARK



	500 feet
	600 feet
	1000 feet
	Property Boundaries
	Parks / Recreation Facilities
	Recreation Services
	Arroyo Grande Library
	Schools / Day Care Facilities
	Arroyo Grande City Limits



*ARTICLE 2.5. MEDICAL MARIJUANA PROGRAM
11362.79. PLACES WHERE MEDICAL USE OF MARIJUANA IS PROHIBITED:
(a) In any place where smoking is prohibited by law.
(b) In or within 1,000 feet of the grounds of a school, recreation center, or youth center, unless the medical use occurs within a residence.
(c) On a schoolbus.
(d) While in a motor vehicle that is being operated.
(e) While operating a boat.

THIS PAGE INTENTIONALLY LEFT BLANK