

18.58.075 - Cannabis Delivery Services

This Section establishes standards for the location, construction and operation of cannabis delivery services.

A. Purpose and Intent. It is the purpose and intent of this Section to regulate adult use and medicinal cannabis delivery services in order to promote the health, safety, and general welfare of residents and businesses within the town. This Section only governs the establishment and operation of adult use and medicinal cannabis delivery services or “retailers” as defined below.

B. Definitions.

For the purpose of this Section, the following words and phrases shall mean:

- (a) “A-License or “Adult Use License” means a state license issued pursuant to California Business and Professions code Sections 26000 et. seq. for cannabis or cannabis products that are intended for adults who are 21 years of age or older who do not possess a valid physician’s recommendation.
- (b) “Adult Use Cannabis” or “adult use cannabis product” means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Medicinal and Adult Use Regulation and Safety Act, for adults 21 years of age or over and who do not possess a valid physician’s recommendation.
- (c) “Applicant” means an owner applying for a Town license pursuant to this Section.
- (d) “Bureau” means the Bureau of Cannabis Control within the California Department of Consumer Affairs.
- (e) “Community Development Director” means the Community Development Director or the authorized representative thereof.
- (f) “Town” means the Town of Truckee.
- (g) “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. For the purpose of this section, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the California Health and Safety Code.
- (h) “Cannabis accessories” means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body, as defined by Section 11018.2 of the California Health and Safety Code.
- (i) “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 the purposes of this division. A cannabis concentrate is not considered food, as defined by Section 109935 of the California Health and Safety Code or a drug, as defined by Section 109925 of the California Health and Safety Code.

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- (j) “Cannabis Delivery Service License” means a Town of Truckee license issued under this Section for a medicinal and/or adult use cannabis retailer that is closed to the public and conducts sales exclusively by delivery.
- (k) “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, as defined by Section 11018.1 of the California Health and Safety Code.
- (l) “Commercial cannabis activity” includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products.
- (m) “Customer” means a natural person 18 year of age or older who possesses a physician’s recommendation, or a primary caregiver or a natural person 21 year of age or older.
- (n) “Day Care Center” means any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers, as defined by Section 1596.76 of the California Health and Safety Code.
- (o) “Delivery” means the commercial transfer of 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) “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, 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 California Health and Safety Code, or a drug, as defined by Section 109925 of the California Health and Safety Code.
- (q) “Identification card” means a document issued by the State Department of Health that identifies a person authorized to engage in the medicinal use of cannabis and the person’s designated primary caregiver, if any, as defined by Section 11362.7 of the California Health and Safety Code.
- (r) “Labeling” means any label or other written, printed, or graphic matter upon a cannabis product, upon its container or wrapper, or that accompanies any cannabis product.
- (s) “License” means a Town license issued under this Section.
- (t) “Licensee” means any person holding a license under this Section.
- (u) “MAUCRSA” means the Medicinal and Adult-Use Cannabis Regulation and Safety Act, also known as Senate Bill 94.
- (v) “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 possessed a physician’s recommendation.
- (w) “M-License” or “Medicinal License” means a state license issued pursuant to California Business and Professions Code Sections 26000 et. seq. for commercial cannabis activity involving medicinal cannabis or medicinal cannabis products.
- (x) “Owner” means any of the following, as defined in Section 26001 of the Business and Professions Code:
 - a. A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
 - b. The chief executive officer of a nonprofit or other entity.
 - c. A member of the board of directors of a nonprofit.
 - d. An individual who will be participating in the direction, control, or management of the person applying for a license.

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- (y) “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.
- (z) “Physician’s recommendation” means a recommendation by a physician or 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.
- (aa) “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.
- (bb) “Primary caregiver” has the same meaning as in Section 11362.7 of the Health and Safety Code.
- (cc) “Purchaser” means the customer who is engaged in a transaction with a licensee for purposes of obtaining cannabis or cannabis products.
- (dd) “Qualified patient” means a person who is entitled to the protections of Section 11362.5, but who does not have an identification card issued, as defined by Section 11362.7 of the Health and Safety Code.
- (ee) “Retailer” means any commercial activity that engages in retail sale and delivery of cannabis or cannabis products to customers. A retailer shall have a licensed premise which is a physical location from which commercial cannabis activities are conducted. A retailer’s premises shall be closed to the public. A retailer shall conduct sales exclusively by delivery, as defined in Section 26070 of the Business and Professions Code and amended by the Town of Truckee.
- (ff) “Sale”, “sell”, and “to sell” include any transaction whereby, for any consideration, title to cannabis or cannabis products is 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.
- (gg) “School” means any facility providing instruction to kindergarten or any grades 1 through 12, as defined by Section 26054 of the Business and Professions Code.
- (hh) “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, as defined in Section 11352.1 of the Health and Safety Code.

C. License Requirements

1. Any person seeking to sell and/or deliver adult use or medicinal cannabis from a premises located in the town of Truckee must first obtain and maintain a license in accordance with this Section prior to operating. However, adult use or medicinal cannabis delivery, originating from a retailer located outside of the town of Truckee, is not required to comply with the requirements of this Section.
2. A Cannabis Delivery Service License is required for any retail activities for which MAUCRSA requires a State “M-Retailer” or “A-Retailer” license issued by the Bureau. The Cannabis Delivery Service License is more restrictive than a State “M-Retailer” or “A-Retailer” license because it requires the retailer’s premises to be closed to the public and requires the retailer to conduct sales exclusively by delivery.

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3. The licensee shall comply with all applicable State laws. The licensee shall not engage in any commercial cannabis activity which would necessitate a license for a different cannabis activity other than for delivery services.
4. Eligibility criteria for cannabis delivery services shall be established through adoption of a Town Council resolution. The resolution will identify the criteria the Town will rely on in determining eligibility to obtain a license for cannabis delivery services.

D. Prohibited commercial cannabis activities.

1. With the exception of cannabis delivery service businesses, all other commercial cannabis activities are prohibited.

E. Applicability. A cannabis delivery service business is allowable within the following zoning districts, with a Use Permit in compliance with Chapter 18.76 (Use Permits and Minor Use Permits): M (Manufacturing), DM (Downtown Manufacturing), CG (General Commercial) and CS (Service Commercial). All cannabis delivery services are prohibited within the ground floor spaces of any building in the CG zoning district.

F. Site requirements.

1. Location.

a. **Separation requirements from sensitive uses.** A cannabis delivery service business shall not be allowed within the specified distances to the following uses that are in existence at the time the license is issued. The distance specified in this Section shall be measured in the same manner as provided in subdivision (c) of Section 11362.768 of the Health and Safety Code, as may be amended from time to time. Specifically, the following distance requirements shall apply:

(i) Within a 600 foot radius of a school, day care center, or youth center as required by Section 26054 of the Business and Professions Code.

b. **Physical location.** The cannabis delivery service shall be located in a fixed structure, shall not be open to the public, and a retail storefront is prohibited. No delivery of cannabis shall occur within the structure or on the premises thereof.

c. **Size Limitation.** All cannabis delivery service businesses are limited to 3,000 square feet of gross floor area.

2. Landscaping. Landscaping shall comply with Chapter 18.40 (Landscape Standards).

3. Lighting. The entire exterior ground, including the parking lot, shall be provided with lighting which is energy efficient, stationary and directed away from adjoining properties and public rights-of-way, in compliance with Section 18.30.060 (Exterior Lighting).

a. Security lighting is allowed provided all fixtures comply with Section 18.30.060 (Exterior Lighting).

4. Signs. On-site signs shall comply with Chapter 18.54 (Signs).

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5. **Exterior Design Requirements.** Any licensee operating a cannabis delivery service shall implement security measures reasonably designed to prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products from the premises. The use of exterior security cameras is allowed; however, in no cases shall window security bars be installed on the exterior of any building façade.
 - a. All exterior building modifications shall comply with Chapter 18.24 (Design Guidelines).
 6. **Interior design requirements.** Any licensee operating a cannabis delivery service shall prohibit public access to the facility and reasonable security measures shall be in place to preclude public access to the interior of the facility.
- G. Review and action on applications.** A Cannabis Delivery Service License shall only be issued following approval of a Use Permit in compliance with Chapter 18.76 (Use Permits and Minor Use Permits) to establish the business.
1. **Term of license.** Licenses issued under this Section shall be valid at the licensed premises in perpetuity from the date of issuance provided all of the following criteria are met:
 - a. The licensee is in compliance with all conditions of approval and/or mitigation measures associated with the Use Permit.
 - b. The licensee is operating at the approved physical location and all operating criteria are in compliance with Section 18.58.075.H (Operational requirements).
 - c. The licensee is operating with a valid State-issued “A-retailer” or “M-retailer” license.
 - d. The licensee complies with all applicable State laws.
- If a licensee departs from the licensed physical location or premises, the license shall become null and void.
2. **Monitoring.** The Community Development Department shall conduct annual monitoring of each licensee to ensure the cannabis delivery service business is in compliance with all aspects of its license. Any licensees deemed not in compliance may be subject to license suspension, modification or revocation as provided in this Section.
 - a. A licensee shall be responsible for paying an annual license monitoring deposit, as established by resolution of the Town Council from time to time. This deposit shall cover the full cost borne by the Town to administer the licensing program and all responsibilities established in this Section.
 3. **License suspension, modification and revocation.** Any license issued under the terms of this Section may be suspended, modified, or revoked by the review authority for cause including but not limited to violation of any of the requirements or provisions of this Section or State law, or conflicts with State law.
 - a. Except as otherwise provided in this Section, no license shall be suspended, modified, or revoked until written notice of the intent to consider revocation or suspension of the license has been served upon the person to whom the license was granted at least 30

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days prior to the date set for such review. Such notice shall contain a brief statement of the ground to be relied upon for revoking or suspending such license. Notice may be given either by personal delivery to the person to be notified, or by depositing it in the U.S. mail in a sealed envelope, postage prepaid, return receipt requested, addressed to the person to be notified at his/her address as it appears in his/her application for a license.

- b. If any person or owner holding a license or acting under the authority of such license under this Section is convicted of a public offense in any court for the violation of any law which relates to his or her license, the Community Development Director may revoke such license forthwith without any further action thereof, other than giving notice of revocation to the licensee.
 - c. If any licensee's State license is suspended, or revoked, the Town license shall be deemed suspended for the same period of time as the State license, or revoked, as applicable, effective on the date of suspension or revocation of the State license. The Community Development Director shall notify the licensee of such suspension or revocation upon becoming aware of the suspension or revocation of the State license.
 - d. The licensee shall provide notice to the Community Development Director of any suspension, revocation, or modification of the State license.
- 4. Appeal of review authority or Community Development Director decision.** An applicant or interested party aggrieved by the review authority or Community Development Director's decision to approve, suspend, modify, or revoke a license may appeal such decision to the review authority designated in Table 4-1 of Section 18.70.020 by filing a written appeal in accordance with the requirements of Chapter 18.140 (Appeals). If an appeal is not submitted within 10 days following the review authority or Community Development Director's decision, the decision shall be final.
- a. Consideration of the appeal shall be processed in accordance with the requirements of Chapter 18.140 (Appeals).
- 5. Effect of revocation.** Following revocation of any license by the review authority provided for in this Section and after the time for appeal to the appropriate review authority has elapsed, or if after appeal to the review authority, the decision of the original review authority has been affirmed, no new application for a license shall be accepted from the applicant and no such license shall be issued to such person in which the applicant shall have any beneficial interest for a period of three years after the action revoking the license.
- 6. Transfer of licenses.** A licensee shall not operate under the authority of an adult use or medicinal cannabis delivery service or retailer's license at any place other than the address stated in the application for the license.
- a. The license is nontransferable unless the transferee obtains an amendment to the license from the Community Development Director stating that the transferee is now the licensee. Such an amendment may only be obtained if the transferee files an application with the Community Development Department in accordance with all provisions of this Section accompanied by a transfer fee in an amount set by resolution of the Town Council, and the Community Development Director determines in accordance with this Section that the transferee would be entitled to the issuance of an original license.

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- b. No license may be transferred when the Community Development Director has notified the licensee that the license has been or may be suspended or revoked.
- c. Any attempt to transfer a license either directly or indirectly in violation of this Section is void, and the license shall be deemed revoked.

7. Enforcement. It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this Section. A violation of this Section shall be punishable in accordance with the Municipal Code.

- a. All remedies prescribed under this Section shall be cumulative and the use of one or more remedies by the Town shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof.
- b. Any person that violates any provision of this Section shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly.
- c. Any use or condition caused or permitted to exist in violation of any of the provisions of this Section shall be and is declared a public nuisance and may be summarily abated by the Town.
- d. The violation of any provision of this Section shall be and is declared to be contrary to the public interest and shall, at the discretion of the Community Development Director, create a cause of action for injunctive relief.
- e. In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this Section may be subject to administrative remedies as set forth by the Municipal Code.

H. Operational requirements.

- 1. On-site consumption and public access.** All forms of on-site consumption are prohibited within a cannabis delivery service business and the general public shall be prohibited from accessing any portions of the facility and conducting any retail sales therein. This requirement does not apply to public access associated with operation of the facility, including employees associated with commercial deliveries, regulatory functions, testing labs, etc.
- 2. Sales of cannabis, cannabis accessories, and cannabis products.** All retail sales of cannabis, cannabis accessories or cannabis products shall occur during a transaction for delivery of the cannabis or cannabis product to the customer, primary caregiver, purchaser or qualified patient.

I. Severability. The provisions of this Section are declared to be severable. If any provision, clause, word, sentence, or paragraph of this Section or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Section.

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**TABLE 2-6 - ALLOWED USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL AND MANUFACTURING DISTRICTS (Continued)**

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See standards in Section:
	CN (2)	CG	CH	CS	M	
RETAIL TRADE USES (3)						
Accessory retail uses	P	P	UP	P	P	18.58.030
Adult entertainment businesses					UP	18.58.050
Alcoholic beverage sales, other than beer and wine	MUP	MUP	UP	MUP		
Auto, mobile home and vehicle sales		UP		UP		
Auto parts sales	P	P	UP	P		
Bars and drinking establishments	UP	UP				
Building material sales				UP	P	18.58.200
Cannabis delivery services		UP		UP	UP	18.58.075
Convenience stores	MUP	MUP	UP			
Furniture, furnishings and equipment stores	P	P		P		
Grocery stores	P	P				
Outdoor dining and seating areas	P	P	UP	P		18.58.190
Outdoor sales and displays of merchandise, large	MUP	MUP	MUP	MUP	P	18.58.190
Outdoor sales and displays of merchandise, small and medium	P	P	P	P	P	18.58.190
Outdoor storage of merchandise	MUP	MUP	MUP	MUP	P	18.58.190
Plant nurseries and garden supply sales		MUP		MUP		18.58.190
Restaurants, fast food	P	P	UP	P		
Restaurants, drive-in or with drive-through facilities			UP			18.58.110
Restaurants, table service	P	P	UP			
Retail stores, general merchandise	P	P	UP	P		
Second hand stores		P		P		
Warehouse retail stores				P	P	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
P	Permitted use, Zoning Clearance required for projects with less than 7,500 sq.ft. of floor area and less than 26,000 sq.ft. of site disturbance.	18.72
DP	Development Permit required for permitted projects with 7,500 sq.ft. or more of floor area or 26,000 sq.ft. or more of site disturbance.	18.74
MUP	Conditional use, Minor Use Permit approval required.	18.76
UP	Conditional use, Use Permit approval required.	18.76
	Use not allowed. See 18.03.020.E regarding uses not listed.	

Notes:

- (1) Definitions of the listed land uses are in Chapter 18.220 (Definitions, Glossary).
- (2) Use on a site adjacent to a residential zoning district shall comply with the special setback, screening and landscaping standards in Section 18.30.110(E) (Screening between neighborhood commercial and residential land uses) and Section 18.40.040(E) (Landscaping requirements between neighborhood commercial and residential land uses).
- (3) Retail trade businesses shall comply with the floor space standards in Section 18.12.090 (Retail Trade Uses).

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**TABLE 2-7 - ALLOWED USES AND PERMIT REQUIREMENTS
FOR DOWNTOWN COMMERCIAL AND MANUFACTURING DISTRICTS (Continued)**

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT				See standards in Section:
	DMU	DC	DM	DVL	

RETAIL TRADE USES (2)

Accessory retail uses	P	P	P	P	18.58.030
Adult entertainment businesses			UP		18.58.050
Alcoholic beverage sales, other than beer and wine	MUP	MUP	MUP	MUP	
Auto parts sales	P	P		P	
Bars and drinking establishments	UP	P		P	
Building material sales			P		18.58.200
Cannabis delivery services			UP		18.58.075
Convenience stores	P	P			
Furniture, furnishings and equipment stores	P	P		P	
Grocery stores	P	P		P	
Outdoor dining and seating areas	P	P		P	18.58.190
Outdoor sales and displays of merchandise, large	MUP	MUP	MUP	MUP	18.58.190
Outdoor sales and displays of merchandise, small and medium	P	P	P	P	18.58.190
Outdoor storage of merchandise	MUP	MUP	MUP	MUP	18.58.190
Plant nurseries and garden supply sales	MUP	MUP	MUP	MUP	18.58.190
Restaurants, fast food	P	P		P	
Restaurants, table service	P	P		P	
Retail stores, general merchandise	P	P		P	
Second hand stores	P	P		P	
Warehouse retail stores			P		

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
P	Permitted use, Zoning Clearance required for projects with less than 5,000 sq.ft. of floor area and less than 26,000 sq.ft. of site disturbance.	18.72
DP	Development Permit required for permitted projects with 5,000 sq.ft. or more of floor area or 26,000 sq.ft. or more of site disturbance.	18.74
MUP	Conditional use, Minor Use Permit approval required.	18.76
UP	Conditional use, Use Permit approval required.	18.76
TUP	Temporary use, Temporary Use Permit approval required. Use not allowed. See 18.03.020.E regarding uses not listed.	18.80

Notes:

- (1) Definitions of the listed land uses are in Chapter 18.220 (Definitions, Glossary).
- (2) Retail trade businesses shall comply with the floor space standards in Section 18.12.090 (Retail Trade uses).