IMPARTIAL ANALYSIS OF MEASURE __
LEGALIZATION OF MEDICAL MARIJUANA DISPENSARIES

This proposed measure was placed on the ballot by a petition signed by the requisite number of voters. The purpose of the proposed measure is to repeal existing local laws prohibiting medical marijuana dispensaries and replace them with a system for regulating and permitting a maximum of three medical marijuana dispensaries within the City.

Currently the medical marijuana dispensaries, mobile medical marijuana dispensaries and cultivation of marijuana are prohibited in the City of Upland. The proposed measure would repeal these existing prohibitions, and would adopt a new Chapter 17.158 to permit and establish standards for the operation of marijuana dispensaries within the City and payment of fees to the City.

The proposed new Chapter 17.158 would create a new definition for "marijuana dispensaries," which would apply to all sites, facilities, locations, uses, collectives, associations, cooperatives, or businesses that distribute, store, sell, exchange, process, deliver, give away, possess, and/or cultivate medical marijuana within the City. Dispensaries are proposed to be permitted in the Community Commercial Zone, only along Foothill Boulevard west of Airport Drive and east of Monte Vista Boulevard, with a maximum total of three permitted. The proposed regulations would prohibit Marijuana Dispensaries from being within certain specified distances from sensitive uses (schools - 1000', parks - 500' and residences - 100'). Dispensaries would be required to comply with laws generally applicable to all businesses, such as parking, and building, fire and health and safety codes. Dispensaries must also follow additional requirements: non-alcohol or tobacco sales; warning signs required; dispensing to qualified patients only; marijuana not visible; smoking prohibited; underage dispensing restricted; and business exterior must be compatible with surrounding properties. Though smoking is prohibited, consumption of edible marijuana products, marijuana tinctures, and/or vaporizing of marijuana is permitted.

Dispensaries would be required to obtain a permit from the City. Permits could only be denied or suspended by the City for specified reasons, such as the applicant's age (must be 18 years old or older), non-payment of fees, non-compliances with standard codes, lack of responsible manager, etc. A permit cannot be denied based on past criminal record. A decision to deny or suspend would be subject to prompt review by the planning commission, city council and/or courts. The City would be completely prohibited from considering any Federal law or guideline in denying or suspending permits. Time restrictions would be imposed on the City for processing permit applications (14 days for application completeness; 30 days for application decision). Permits would be automatically granted if time restrictions are not met. There are no provisions for revocation of permits; suspensions can be for a maximum of thirty days. Each permit holder would be required to pay an annual fee to the City of $75,000, which could be paid in two installments after an initial permit. Violation of any of the proposed regulations would be a misdemeanor.

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