

A Proposed Measure to Repeal Existing City Code Provisions Prohibiting Medical Marijuana Dispensaries, and Adopting Regulations Permitting and establishing Standards for the Operation of Marijuana Dispensaries within the City.

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, in a specific geographical area of the City, and for the payment of annual fees to the City,

In 2007, the City Council adopted a prohibition against any medical marijuana dispensaries within the City. The City Council also adopted Chapter 9.48 of the Upland Municipal Code in October 2013, which further specifically defined and prohibited mobile medical marijuana dispensaries. 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.

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, non-payment of fees, non-compliance with standard codes, lack of responsible manager, etc., and 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.