

**FILED**

MAR 14 2017

BY TC DEPUTY  
REGISTRAR OF VOTERS

This Impartial Analysis of Measure E has been prepared by the City Attorney pursuant to Section 9280 of the California Elections Code.

Measure E requests that Upland voters consider whether to adopt Ordinance No. 1910, a legislative act which prohibits the development and operation of marijuana (cannabis) related uses within the City of Upland which are not allowed due to specific preemptive provisions of state law. Such a local prohibition against the conduct of marijuana uses is provided by state law which preserves the City of Upland's local land use controls concerning the activities in question. Ordinance No. 1910 replaces less specific Upland Municipal Code provisions dealing with marijuana uses with a new Upland Municipal Code Chapter 9.48. The ordinance is premised on a basic finding that the prohibition of delineated marijuana-related uses and activities will promote the health, safety and general welfare of the residents and businesses of Upland and visitors to Upland. Ordinance 1910 was passed by the Upland City Council on September 26, 2016 and now is presented to the electorate for its decision based on a qualified referendum petition.

The marijuana-related uses and activities which would be prohibited by Ordinance 1910 from occurring anywhere in the City of Upland include dispensing, cultivating, manufacturing, processing, storing, labeling, relabeling, packaging, repackaging, delivering, distributing or selling marijuana or marijuana-related products such as edibles in Upland. Particularly, Ordinance No. 1910 specifies that the following activities are prohibited in the City of Upland:

1. There is a prohibition against the cultivation of marijuana which includes a prohibition against germinating, planting, growing, harvesting, drying, curing, grading or trimming marijuana (cannabis). There is one exception to this cultivation prohibition specified in a preemptive provision of state law. That exception allows six (6) plants to be cultivated in a residence located in Upland.
2. There is a prohibition against the delivery of purchased marijuana or marijuana-related products to any location within the City of Upland.
3. There is a prohibition against the sale or dispensing of marijuana or marijuana-related products anywhere in the City of Upland except as specifically allowed under state law pursuant to the Compassionate Care Act. This will prohibit any marijuana retail outlet open to the general public from operating at any location in the City of Upland.

Any marijuana activity made illegal and prohibited if this measure is approved by the electorate of the City of Upland will constitute a violation of the Upland Municipal Code subject to appropriate criminal sanctions. In addition, any such illegal and prohibited activity is declared by Ordinance No. 1910 to be a public nuisance which may be abated in a civil proceeding through the issuance by the Court of a Temporary Restraining Order or a Preliminary or Permanent Injunction.

s/ James L. Markman  
City Attorney  
City of Upland