

INITIATIVE TITLE:

**AN INITIATIVE TO AUTHORIZE MEDICAL CANNABIS
(MARIJUANA) BUSINESSES IN THE CITY OF VISTA**

INITIATIVE SUMMARY:

The Compassionate Use Act of 1996 authorizes seriously ill Californians to obtain and use marijuana for medical purposes. Businesses dispensing marijuana are currently prohibited in the City of Vista. This initiative would adopt an ordinance to repeal that prohibition and, based on Vista's present population, allow up to ten dispensaries of marijuana for medical purposes within Vista. The stated purpose of the initiative is to set restrictions, protocols, and prohibitions guiding the permitted operation of medical cannabis dispensaries in the City.

The proposed ordinance would allow medical marijuana dispensaries to locate in Vista's commercial, industrial, and business park zoning districts, as well as its mixed use zoning districts (districts allowing for residential apartments, and condominiums, in addition to commercial uses). All parking requirements applicable to other businesses would automatically be waived and would not apply to marijuana businesses.

Within those zoning districts, a dispensary could be in any location which is: (a) 500 feet or more from any other permitted marijuana dispensary; and (b) 1,000 feet from any pre-existing public or private K-12 school.

The proposed ordinance requires the City to automatically issue a certificate of occupancy and business license to a commercial marijuana dispensary if it meets pre-established requirements, among which are the following: the installation of a security system, a video surveillance system, adequate lighting, a ventilation system to control odors, and insurance.

Dispensaries would be required to follow day-to-day operating rules set by the proposed ordinance. The rules would allow a dispensary to operate from 9 a.m. to 10 p.m. daily, would prohibit consumption of marijuana products on the premises, and would require a dispensary to hire a security guard during business hours.

Persons under 18 years of age would be permitted to enter a cannabis business only if that person is a qualified patient and is accompanied by his or her primary caregiver, licensed attending physician, parent(s) or documented legal guardian.

Violators of the proposed ordinance, including dispensaries which open without first obtaining a certificate of occupancy or business license, could only be prosecuted for infractions, not misdemeanors.

All commercial cannabis businesses would pay Vista a permanent special use tax equal to 7% of gross sales. The tax proceeds would be placed in the City's general fund.

Under the proposed ordinance, individuals would be eligible to own or to work at a marijuana dispensary if the individual had not been convicted of a felony, or if the individual had a felony conviction that is more than four years old.

The proposed ordinance also reenacts numerous zoning provisions affecting definitions and land uses totally unrelated to marijuana dispensaries. Once adopted, those definitions and uses might not be able to be changed without voter approval.

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