


IMPARTIAL ANALYSIS OF MEASURE C

Measure C was placed on the ballot by the Campbell City Council. The measure would continue the City's current prohibition on marijuana dispensaries until at least April 1, 2019, at which time the Council would have discretion to adopt ordinances allowing medical marijuana dispensaries, subject to certain restrictions set forth in the measure.

The use and sale of marijuana remains illegal under Federal law. Under State law, persons who possess or cultivate marijuana for personal medical purposes with the recommendation of a physician are exempt from criminal prosecution; and persons 21 years old and older can use marijuana for non-medical purposes. State law also provides that cities must allow persons to grow up to six marijuana plants for personal use at their residence. Campbell's ordinances require the six plants to be grown indoors, subject to additional restrictions set forth in the Municipal Code, such as compliance with building codes, and a prohibition on the use of certain chemicals. Commencing on February 16, 2017, medical marijuana can be delivered to qualified patients in Campbell from dispensaries outside of the City. Dispensaries are not currently allowed in the City.

Measure C would amend the Municipal Code to continue the City's prohibition on dispensaries until at least April 1, 2019. The stated purpose of this moratorium is to provide time to fully study the impacts of marijuana dispensaries, and assess whether the existence of deliveries and personal cultivation provides adequate access to marijuana for qualified patients. Beginning on April 1, 2019, the Council could adopt ordinances allowing dispensaries in Campbell. However, the Council would not be required to do so. Measure C provides that dispensaries could not be located in any residential, Planned Development, or Condominium Planned Development zoning district. Additionally, any building containing a dispensary would need to be at least 600-feet from any day care, preschool, park, school serving kindergarten through twelfth grade, the Campbell Community Center, or any other dispensary. Measure C also provides that buildings containing dispensaries would need to be at least 100-feet from any of the zoning districts in which dispensaries are prohibited, and any property containing a legally existing residence. The Council could adopt more restrictive provisions as necessary to protect the public health, safety, or welfare. The existing Municipal Code provisions governing the cultivation of marijuana for personal use and the delivery of medical marijuana would remain unchanged.

By its terms, Measure C conflicts with the provisions of Measure B of this election. Measure B would require the City to establish procedures to allow up to three dispensaries in Campbell, including in Planned Development districts. Measure C provides that if both measures receive a majority of votes cast in their favor, but Measure C receives a higher number of affirmative votes than Measure B, the provisions of Measure C shall supersede Measure B in its entirety, and the provisions sought to be enacted by Measure B shall be null and void.



William R. Seligmann
City Attorney of Campbell