

Resolution 2018-001

(A) Resolution about local authority and medical marijuana

(B) We, the members of the Utah League of Cities and Towns find:

Whereas, voters will consider legalizing medical marijuana in November; and

Whereas, cities and towns recognize that the availability and usage of medical marijuana is a worthwhile policy discussion with the legislature, policy makers, patients, and the general public; and

Whereas the language in Proposition 2 is broader than just the question of medical marijuana usage, production, and distribution; and

Whereas, cities and towns have the traditional responsibility and authority to create laws, ordinances, policies, and procedures for local land use, legislative policymaking, licensing, public health, welfare, and safety including law enforcement within their jurisdiction; and

Whereas the initiative as written undermines the ability of law enforcement to investigate legal or illegal use of marijuana and could impact the public safety of our communities; and

Whereas we are working in conjunction with the Utah Chiefs of Police Association to raise concerns about the impact of the initiative language on public safety; and

Whereas, the initiative language infringes on traditional local government authority over land use, legislative policymaking, and licensing; and

Whereas, the initiative language would preempt a city from enacting a zoning ordinance that prohibits a cannabis dispensary or production facility; and

Whereas, the initiative language would preclude cities from having buffers between residential zones and community locations (schools, churches, parks, etc.) beyond the state radius of 300 feet or 600 feet; and

Whereas, the initiative language would preempt any ordinance or rule enacted by a political subdivision regarding a cannabis dispensary or production facility; and

Whereas, the initiative's preemption language would interfere with traditional municipal business license authority.

(C) THEREFORE, we, the members of the ULCT resolve that:

1. Cities and towns oppose any action, either via the legislature or a vote of the people, to preempt traditional local authority over land use planning and zoning with respect to medical marijuana.
2. Cities and towns oppose any action to preempt traditional local authority over business licensing of medical marijuana.

3. Cities and towns oppose any action to preempt traditional local authority to enact ordinances that are vital to the public safety, health, and welfare of our communities.

Be it further resolved that,

1. If Proposition 2 does not pass, cities and towns urge the Utah State Legislature, the Governor, and stakeholders to consider our concerns about preemption of traditional local authority over land use, legislative policymaking, public safety, and licensing in future legislation or initiatives about medical marijuana.

2. If Proposition 2 passes, cities and towns urge the Utah State Legislature, the Governor, and stakeholders to address ULCT concerns in statute about the current initiative language that preempts traditional local authority over land use, legislative policymaking, public safety, and licensing.

Submitted by:

The ULCT Board of Directors

September 11, 2018