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CARMEN A. TRUTANICH
City Attorney

August __, 2012

(NAME)
(ADDRESS)
(CITY STATE ZIP)

Re: (property address)

Dear Business/Property Owner:

On September 6, 2012, Ordinance No. 182190 prohibiting medical marijuana businesses in the City of Los Angeles will become effective. This Ordinance repeals and replaces Article 5.1 of Chapter IV of the Los Angeles Municipal Code, which regulated marijuana collectives.

Ordinance No. 182190, specifically Section 45.19.6.2 A. of the Los Angeles Municipal Code, provides that: "It is unlawful to own, establish, operate, use, or permit the establishment or operation of a **medical marijuana business**, or to participate as an employee, contractor, agent or volunteer, or in any manner or capacity in any **medical marijuana business**" (emphasis added). Subsection B of Section 45.19.6.2 states that the prohibition in Subsection A includes "renting, leasing, or otherwise permitting a **medical marijuana business** to occupy or use a location, vehicle, or other mode of transportation." Section 45.19.6.1 defines a **medical marijuana business**, in part, as: "Any location where marijuana is cultivated, processed, distributed, delivered or given away to a qualified patient, a person with an identification card, or a primary caregiver." The ordinance excludes certain conduct from the definition, such as collective cultivation in a dwelling unit by a maximum of three, limited to qualified patients and primary caregivers, or provision by a range of licensed health care facilities including home hospices.

We are advised that a **medical marijuana business** may be operating at the above referenced address. The operation of this business and use of the property as a **medical marijuana business** is unlawful. It violates the City's land use laws, the

sunset clause of the City's original ordinance which took effect on June 6, 2012, and Section 45.19.6.2 of the newly-passed ordinance. Section 45.19.6.5 of the new ordinance provides for both due process and enforcement. Continuance of a **medical marijuana business** at this location may subject you to legal action resulting in a court-ordered closure and imposition of monetary penalties of \$2,500 a day, as well as prosecution for a misdemeanor, punishable by six months in jail and a \$1,000.00 fine. Each day that the property is used in violation of City law is a separate violation. Additionally, administrative action, also involving notice and hearing, to discontinue the use and padlock the property may be pursued.

The City's repealed ordinance was adopted in January 2010. The repealed ordinance regulated, rather than banned, medical marijuana businesses. The City was sued by dozens of dispensaries that challenged the legality of those regulations. The trial court enjoined, or struck, five provisions of the ordinance and, as a result, the ordinance could not be implemented. The injunction was reversed on July 3, 2012 by the Court of Appeal, but the reversal came too late – the ordinance had expired in June 2012. Moreover, newer lawsuits continue to face the City that contend that the City never had any right to affirmatively regulate or authorize dispensaries because to do so violates federal law. This preemption theory, which has been endorsed by our Court of Appeal, means that any effort by the City to affirmatively regulate, rather than simply restrict, dispensaries will be subject to litigation risk.

The City spent nine months in settlement discussions with the dispensary litigants and the court. We are not able to share the content of those confidential discussions, but we can tell you that we did not achieve settlement, which would have exempted from the gentle ban a number of regulated collectives, accompanied by an agreement that there would be no legal challenges. The unresolved and continuing legal impasse has been accompanied by a massive proliferation of unregulated dispensaries in the City, leaving the City with only one clear legal option – to recognize compassionate access, but prohibit **medical marijuana businesses** within the City.

The City seeks your compliance with Ordinance No. 182190 at this time. You may go online to <http://contact.lacity.org/ord/mmo.pdf> to review the full text of the ordinance. If you have questions, please consult your own attorney. If you wish, you may complete and return the enclosed form indicating the action you are taking to comply with Ordinance No. 182190. Thank you for your anticipated cooperation in these matters.

Sincerely,

WILLIAM W. CARTER
Chief Deputy City Attorney
Los Angeles City Attorney's Office

RESPONSE TO NOTIFICATION LETTER
RE MEDICAL MARIJUANA BUSINESS AT:

Name of Medical Marijuana Business: _____

Date property leased to/by above Business: _____

Name of Landlord: _____

Name of Tenant: _____

Present Status of Business: _____

Action to be taken to comply with LAMC § 45.19.6.2: _____

Additional Comments: _____

Form completed by: (Print Name): _____

Person completing form: Tenant Landlord Other _____

Signature: _____ Date: _____

Please mail to:

City Attorney's Office
Medical Marijuana Section
200 N. Main Street
Room 966
Los Angeles, CA 90012