



CITY MANAGER'S OFFICE
Telephone (909) 931-4106
Facsimile (909) 931-4107

December 2015

Dear Business Owner/Property Owner/Property Manager/Real Estate Broker,

It has come to the attention of the City of Upland ("the City") that certain individuals are soliciting local property owners and property managers, such as yourselves, to use property in the City to operate a medical marijuana dispensary ("MMD"). By and through this letter, the City asks for your cooperation to not engage in any type of business activity with these individuals and to immediately report any such solicitation, or planned or ongoing MMD activity to Upland Code Enforcement, located at the Upland Police Department.

Please take notice that the City has expressly banned all MMDs within the City: **"No medical marijuana dispensary as defined in Section 17.14.020 shall be permitted in any zone within the city."** (Upland Municipal Code § 17.12.050(E) (bold added).) An MMD is "a facility or location, whether fixed or mobile, which provides, makes available or distributes marijuana to a primary caregiver, a qualified patient or a person with an identification card issued in accordance with California Health and Safety Code Sections 11362.5 et seq." (Upland Municipal Code § 17.14.020.)

Please take further notice that the City has a zero-tolerance policy towards any individuals or business entities who illegally operate MMDs within its jurisdiction. This includes property owners, property managers, tenants or lessees, and MMD operators, and each of their agents. Any and all parties involved will be cited and fined by Upland Code Enforcement for violation(s) of the Upland Municipal Code. Any and all individuals involved will also be sued for nuisance abatement by and through the City Attorney under local law and state law, including, but not limited to, the Narcotics Abatement Law, California Health & Safety Code section 11570, et seq. In a nuisance abatement action, the City will seek a permanent injunction against all involved parties, a one-year closure of the property for any use whatsoever, a \$25,000 civil penalty against each involved party, and recovery of all of attorney's fees and investigation costs.

In order to avoid being cited and sued by the City, it is recommended that you carefully vet out all potential tenants and existing tenants. For example, you should obtain copies of tenants' formal identification (such as a California Driver's License) in order to verify their identity. As another example, you should obtain copies of tenants' business licenses prior to their move-in date in order to verify with the City that those businesses are legitimate and authorized. These types of measures may help to prevent an unfortunate yet commonplace situation where a tenant secretly opens an MMD without the property owner's express knowledge.

The City asks your full cooperation and compliance with all applicable laws in Upland. Do not operate an MMD in the City. Do not rent any property under your control to third parties so that they may operate an MMD in the City.

Please contact me if you have any questions about the contents of this letter.

Sincerely,
CITY OF UPLAND

Rod B. Butler
City Manager