



Received during  
Unscheduled Communication  
8-20-2015 Council Meeting  
from Rick Morse.

Douglas T. Sloan  
City Attorney

August 4, 2015

**VIA CERTIFIED MAIL**

**Re: Violation of Fresno Municipal Code Sections 12-306-N-56 and 10-605:  
Medical Marijuana Dispensary At 334 East Olive Avenue, Fresno, California 93728**

Dear Property Owner:

Pursuant to complaints from the public, the City has discovered there is an ongoing operation of an illegal marijuana dispensary referred to as "MEDMAR CLINIC" at 334 East Olive Avenue in the City of Fresno. We believe you are the property owner of 334 East Olive Avenue. Section 12-306-N-56 of the Fresno Municipal Code allows such a dispensary, collective or cooperative only in zones that allow for medical offices and only if operated consistent with both state and federal law. All marijuana cultivation, possession, and use is currently prohibited by federal law. Therefore, no dispensaries may legally operate in Fresno. A copy of Section 12-306-N-56 is attached to this letter. Additionally, any property in violation of Section 12-306-N-56 is considered a public nuisance.

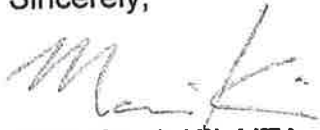
As to public nuisances, Fresno Municipal Code section 10-605 states that it is unlawful for any person, corporation, or other entity that owns, leases, occupies, controls, or has charge of any property in the City of Fresno to keep, maintain, or deposit any public nuisance on the property. Should you continue to allow operation of the medical marijuana dispensary, you will be in violation of Section 12-306-N-56, as well as Section 10-605.

**Please consider this letter to be official notice to you that you are allowing the operation of a medical marijuana dispensary, collective or cooperative in violation of Fresno Municipal Code section 12-306-N-56, and all dispensary activity on the site must cease and desist immediately. Failure to do so could result in issuance of City citations, the filing of a civil complaint against you and the business owner, and the assessment of any resultant fines, costs, fees, or other penalties.**

L- Property Owner, Re: Violation of Fresno Municipal Code- Medical Marijuana  
Dispensary  
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Should you have any questions regarding this matter, please contact me at your earliest convenience at (559) 621-7500.

Sincerely,



MONICA J. KILAITA  
Deputy City Attorney

Enclosure

cc: Mike Brogdon, Police Lieutenant, Fresno Police Department  
George Wilson, Jr., Police Sergeant, Fresno Police Department  
Manager, Community Revitalization  
Douglas T. Sloan, City Attorney

MK:js [68686js/mk]

**FRESNO MUNICIPAL CODE- SECTION 12-306(N)(56):****N. SPECIAL STANDARDS OF PRACTICE AND REGULATIONS**

The following standards of practice and regulations shall apply to the special uses and conditions listed, as follows:

56. Medical Marijuana is defined as set forth in California Health and Safety Code section 11362.5 et seq.

a. A "Medical Marijuana Dispensary" means any facility or location, whether fixed or mobile, where medical marijuana is made available to, distributed by, or distributed to one or more of the following: (1) a qualified patient, (2) a person with an identification card, or (3) a primary caregiver. All three of these terms are defined in strict accordance with California Health and Safety Code section 11362.6 et seq. Unless otherwise regulated by this Code or applicable law, a "medical marijuana dispensary" shall not include the following uses: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code section 11362.5 et seq.

b. A "Medical Marijuana Cooperative" involves two or more persons collectively or cooperatively cultivating, using, transporting, possessing, administering, delivering, or giving away medical marijuana.

c. A medical marijuana dispensary and/or medical marijuana cooperative shall be allowed only in a zone district designated for medical offices and only if consistent with state and federal law.