

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S RESOLUTION

NO. CB-1816
Series of 2013

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

A PUBLIC HEARING WILL BE HELD ON CB-1816, SERIES OF 2013, ENTITLED "A BILL FOR AN ORDINANCE AMENDING CHAPTER 11 OF THE NORTHGLENN MUNICIPAL CODE TO ADD A NEW ARTICLE 57 CONCERNING MARIJUANA ESTABLISHMENTS AND PROHIBITING MARIJUANA CLUBS" ON DECEMBER 16, 2013 AT 7:00 P.M., CITY HALL COUNCIL CHAMBERS, 11701 COMMUNITY CENTER DRIVE, NORTHGLENN.

DATED this 9th day of December, 2013.

/s/
JOYCE DOWNING
Mayor

ATTEST:

/s/
JOHANNA SMALL, CMC
City Clerk

AFFIDAVIT OF POSTING:

I, _____, certify that CB-1816 was posted at the authorized posting places in the City of Northglenn this _____ day of _____, 2013.

Deputy City Clerk

**PLANNING & DEVELOPMENT DEPARTMENT
MEMORANDUM 13-51**

DATE: December 9th, 2013
TO: Honorable Mayor Joyce Downing and City Council Members
FROM: John Pick, City Manager 
Brook Svoboda, Director of Planning and Development 
SUBJECT: CB-1816 Marijuana Social Clubs

BACKGROUND

Attached to this memo is a draft ordinance for consideration that, if adopted, would prohibit Marijuana Social Clubs in the City of Northglenn.

In November of 2012, Colorado voters approved Amendment 64 to the Colorado Constitution that makes the personal use, possession and limited home growing of marijuana, for adults twenty-one years of age or older, legal under state law. As a result of the passage of Amendment 64, municipalities are experiencing the phenomenon of Marijuana Social Clubs. A Marijuana Social Club is a facility that offers patrons, who pay a membership or fee, access to the premises as a social gathering place to smoke marijuana. Amendment 64 is silent on the concept of Marijuana Social Clubs.

If adopted, the proposed ordinance would prohibit Marijuana Social Clubs throughout the City of Northglenn. The following are the relevant issues for consideration by the Council regarding the proposed ordinance:

Amendment 64's prohibition of open and public consumption of Marijuana:

Language included in Amendment 64 considered the personal and private consumption of marijuana and prohibits the "open and public consumption of marijuana", however, it does not provide a definition for what constitutes "open and public consumption of marijuana". Insofar as a Marijuana Social Club is a social gathering place, the city may take the position that consumption within Marijuana Social Clubs is a form of open and public consumption not authorized under Amendment 64.

The City's authority to regulate land uses in a manner to curb the impacts to the surrounding community:

Justification for regulating Marijuana Social Clubs can be established through the City's interest in curbing the perceived secondary impacts of these establishments, including protecting property values, preserving quality of life, and maintaining the character of nearby neighborhoods and businesses. It is well within the authority of the City to establish regulations on the issue of Marijuana Social Clubs as a valid exercise of land use authority.

Per the requirements of the municipal code any amendment to Chapter 11 must be reviewed by the Planning Commission. The Commission provided a recommendation regarding the proposed ordinance at their October 15, 2013 meeting. The Commission initially reviewed the ordinance in August of 2013 and elected to table the issue based on requests for additional information. Staff

provided updated information at the October 15, 2013 meeting. The Commission unanimously recommended adoption of the ordinance to the City Council. Staff reports from those meetings are attached (**ATTACHMENT A**).

BUDGET/TIME IMPLICATIONS:

There are no perceived budget implications. Passage of an ordinance may be important prior to public inquiries or inquiries about operations of a Marijuana Social Club in the City.

STAFF REFERENCE

Brook Svoboda, Dir. of Planning & Development bsvoboda@northglenn.org 303.450.8937

ATTACHMENT A

PLANNING AND DEVELOPMENT DEPARTMENT PLANNING COMMISSION MEMORANDUM

DATE: October 1, 2013
TO: Northglenn Planning Commission
FROM: Travis Reynolds, Senior Planner
SUBJECT: Marijuana Social Clubs – Continued from August 6, 2013 meeting

In August, staff presented a draft ordinance, regarding Marijuana Social Clubs (MSC), that would soon be considered by the City Council. As required by the City's ordinance (11-37-2), the Planning Commission must hear and provide a recommendation to the City Council regarding any change to Chapter 11 of the Municipal Code. At the August meeting, a series of questions arose regarding the various considerations surrounding Marijuana Social Clubs. After much deliberation, the Commission decided to table the issue and take more time to gather information. The following information is the staff's best attempt to provide insight into the unresolved questions. The original memo provided to the Commission for the August meeting is also attached (ATTACHMENT A).

What is the City's current position on Retail Marijuana?

In August of this year, the City Council passed an ordinance to regulate retail marijuana in the City (ATTACHMENT B). In summary, the ordinance provides parameters for the operation of retail marijuana stores, marijuana testing facilities, marijuana products manufacturing facilities, and marijuana cultivation facilities. In general, the location requirements for any of the above establishments are as follows:

- (a) No retail marijuana establishment shall be located at the following locations:
 - (1) within 200 feet of any single or multi-family residential structure or unit, or parcel or lot;
 - (2) within 500 feet of a licensed child care facility;
 - (3) within 500 feet of any educational institution or school, college or university, either public or private;
 - (4) within 500 feet of any public park, public pool, or public or private recreational facility;
 - (5) within 1000 feet of any halfway house or correctional facility;
 - (6) within 1000 feet of any other retail marijuana business;

- (7) within 1000 feet of any medical marijuana business;
- (8) within 1000 feet of any dual operation marijuana business;
- (9) within any building or structure that contains a residential unit; or
- (10) upon any City of Northglenn owned property.

Additionally, the ordinance allows for co-location of medical marijuana dispensaries and retail marijuana stores. Zoning for these facilities traditionally occurs on properties zoned C-1 – C-5 Commercial or I-2 Industrial. Cultivation facilities may occur on I-2 Industrial zoned properties and A-1 Agricultural zoned properties.

How are other communities dealing with Marijuana Social Clubs?

Staff contacted a number of other “marijuana friendly” communities throughout the region. To date most continue to grapple with the retail marijuana question in the context of Amendment 64. None of the communities contacted were pursuing an ordinance to regulate Marijuana Social Clubs.

What are the revenue impacts?

As mentioned in our initial memo, Marijuana Social Clubs would not sell the marijuana product, but simply act as a gathering place for public consumption. However, they could potentially contain a retail component that would sell marijuana smoking paraphernalia much like some tattoo parlors, gas stations, etc... Any paraphernalia would be taxed at the City’s 4% sales tax. Investigation into the revenue impacts through our Finance Department indicate that the revenue generated would be nominal.

Additionally, Marijuana Social Clubs may be subject to Admission tax that the City collects for businesses charging admission to a facility. Again, investigation into the revenue impacts indicates that revenue would be limited.

What are the impacts?

Through our outreach to other communities and our own local experience, there are few known Marijuana Social Clubs operating in the State of Colorado. Analysis of the impacts is difficult to conduct and draw parallels to other land uses of a similar nature. Bars and Taverns where individuals collect to consume alcohol are similar in their use of the property by groups of people, however, their operations are different (no sale of product at a MSC) and proponents of marijuana consumption would indicate that the biological effects are very different. These differences, one could argue, lead to incomparable impacts between Bars/Taverns and MSC’s. Without appropriate experience it is difficult to speculate.

Copy of Amendment 64

Commissioners requested a copy of Amendment 64. Please see ATTACHMENT C

PROCESS:

As required by the City's ordinance (11-37-2), the Planning Commission must hear and provide a recommendation to the City Council any change to Chapter 11 of the Municipal Code.

The City Council will hold a public hearing regarding the proposed ordinance at a future date.

RECOMMENDATION:

Staff maintains its original recommendation that the Planning Commission endorse the attached ordinance as submitted, in accordance with the prepared Commission resolution outlining the findings of fact.

STAFF REFERENCE:

Travis Reynolds, Senior Planner - treynolds@northglenn.org or 303.450.8836

ATTACHMENTS:

ATTACHMENT A – Previous Commission Memo

ATTACHMENT B - Council Bill 1808

ATTACHMENT C - Amendment 64

Original Commission Resolution 13-11

ATTACHMENT A

PLANNING AND DEVELOPMENT DEPARTMENT PLANNING COMMISSION MEMORANDUM

DATE: August 6, 2013
TO: Northglenn Planning Commission
FROM: Travis Reynolds, Senior Planner
SUBJECT: Marijuana Social Clubs

Attached to this memo is a Commission resolution that, if adopted, would make a formal recommendation to the City Council for adoption of an Ordinance prohibiting Marijuana Social Clubs in the City of Northglenn (**ATTACHMENT A**).

BACKGROUND:

In November of 2012, Colorado voters approved Amendment 64 to the Colorado Constitution that makes the personal use, possession and limited home growing of marijuana, for adults twenty-one years of age or older, legal under state law. As a result of the passage of Amendment 64, municipalities are experiencing the phenomenon of Marijuana Social Clubs. A Marijuana Social Club is a facility that offers patrons, who pay a membership or fee, access to the premises as a social gathering place to smoke marijuana. Amendment 64 is silent on the concept of Marijuana Social Clubs.

STAFF ANALYSIS:

If adopted, the proposed ordinance would prohibit Marijuana Social Clubs throughout the City of Northglenn. Staff believes the following issues should be considered by the Commission for any recommendation forwarded to the Council:

Amendment 64's prohibition of open and public consumption of Marijuana:

Language included in Amendment 64 considered the personal and private consumption of marijuana and prohibits the "open and public consumption of marijuana", however, it does not provide a definition for what constitutes "open and public consumption of marijuana". Insofar as a Marijuana Social Club is a social gathering place, the city may take the position that consumption within Marijuana Social Clubs is a form of open and public consumption not authorized under Amendment 64.

The City's authority to regulate land uses in a manner to curb the impacts to the surrounding community:

Justification for regulating Marijuana Social Clubs can be established through the City's interest in curbing the perceived secondary impacts of these establishments, including protecting

property values, preserving quality of life, and maintaining the character of nearby neighborhoods and businesses. It is well within the authority of the City to establish regulations on the issue of Marijuana Social Clubs as a valid exercise of land use authority.

PROCESS:

As required by the City's ordinance (11-37-2), the Planning Commission must hear and provide a recommendation to the City Council any change to Chapter 11 of the Municipal Code.

The City Council will hold a public hearing regarding the proposed ordinance at a future date.

RECOMMENDATION:

Staff recommends the Planning Commission endorse the attached ordinance as submitted, in accordance with the prepared Commission resolution outlining the findings of fact.

STAFF REFERENCE:

Travis Reynolds, Senior Planner - treynolds@northglenn.org or 303.450.8836

ATTACHMENTS:

Commission Resolution 13-11

**RESOLUTION 2013-11
NORTHGLENN PLANNING COMMISSION**

**A RESOLUTION PROVIDING A RECOMMENDATION OF APPROVAL FOR AN
ORDINANCE AMENDING CHAPTER 11 OF THE NORTHGLENN MUNICIPAL CODE TO
ADD A NEW ARTICLE 57 CONCERNING MARIJUANA ESTABLISHMENTS AND
PROHIBITING MARIJUANA CLUBS**

WHEREAS, Northglenn Ordinance 11-37-1 requires that all amendments to Chapter 11 of the Municipal Code be referred to the Northglenn Planning Commission for review, study, and recommendation prior to final action by the City Council; and

WHEREAS, City Council will soon hear an Ordinance to amend Chapter 11 of the Northglenn Municipal Code to add a new Article 57 concerning marijuana establishments and prohibiting marijuana clubs; and

WHEREAS, the Northglenn Planning Commission therefore desires to make its recommendation as required by law.

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The City of Northglenn Planning Commission hereby provides a favorable recommendation for the Ordinance to prohibit Marijuana Social Clubs throughout the City based on the following findings of fact:

Findings of Fact:

1. Amendment 64 makes no considerations for the establishment of Marijuana Social Clubs.
2. Amendment 64 expressly prohibits the open and public consumption of Marijuana.
3. The City has the land use authority to establish regulations to curb the perceived secondary impacts of these Marijuana Social Clubs, including protecting property values, preserving quality of life, and maintaining the character of nearby neighborhoods and businesses.

DATED this _____ day of _____, 2013

Sonia Di Carlo
Planning Commission Chair

ATTEST:

Travis Reynolds
Secretary

SPONSORED BY:

COUNCILMAN'S BILL

ORDINANCE NO.

No. _____
Series of 2013

_____ Series of 2013

A BILL FOR AN ORDINANCE AMENDING CHAPTER 11 OF THE NORTHGLENN MUNICIPAL CODE TO ADD A NEW ARTICLE 57 CONCERNING MARIJUANA ESTABLISHMENTS AND PROHIBITING MARIJUANA CLUBS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Chapter 11 of the Northglenn Municipal Code is hereby amended by the addition of a new Article 57 to read as follows:

ARTICLE 57

MARIJUANA ESTABLISHMENTS

Section 11-57-1. Marijuana clubs – prohibited.

THE USE OF PROPERTY AS A MARIJUANA CLUB SHALL BE A USE PROHIBITED IN ANY ZONING DISTRICT IN THE CITY. FOR PURPOSES OF THIS SECTION, THE TERM “MARIJUANA CLUB” MEANS AN ORGANIZATION THAT ALLOWS MEMBERS AND THEIR GUESTS TO CONSUME MARIJUANA OR MARIJUANA PRODUCTS ON THE PREMISES IN A NON-RESIDENTIALLY ZONED AREA.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2013.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

ATTACHMENT B

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1808
Series of 2013

Series of 2013

A BILL FOR AN ORDINANCE AMENDING THE NORTHGLENN MUNICIPAL CODE BY THE ADDITION OF A NEW ARTICLE 16 OF CHAPTER 18 ENTITLED RETAIL MARIJUANA ESTABLISHMENTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The Northglenn Municipal Code is hereby amended by the addition of a new Article 16 of Chapter 18 entitled "Retail Marijuana Establishments" to read as follows:

ARTICLE 16

Retail Marijuana Establishments

Section 18-16-1. Findings.

The City Council makes the following legislative findings:

(a) The City Council finds that on November 6, 2012, the voters of the State of Colorado approved Amendment 64. Amendment 64 added § 16 of Article 18 to the Colorado Constitution, and legalized the possession, use, display, purchase, transport, transfer, and consumption of marijuana accessories or one ounce or less of marijuana by persons twenty-one years of age or older ("Adult Use Marijuana") within the State of Colorado (as opposed to federal law).

(b) The City Council finds and determines that the enactment by the Colorado Legislature of the Colorado Retail Marijuana Code, C.R.S. § 12-43.4-101, *et seq.*, clarifies Colorado law regarding the scope and extent of Amendment 64 to the Colorado Constitution.

(c) The City Council finds and determines that the Colorado Retail Marijuana Code now provides a statutory framework for the regulation of retail marijuana establishments.

(d) The City Council finds and determines that, by requiring that retail marijuana businesses be operated in a manner that minimizes potential health and safety risks, it mitigates the negative impacts that retail marijuana establishments might have on surrounding properties and persons.

(e) The City Council finds and determines that through this Ordinance it intends to establish a nondiscriminatory mechanism by which the City can control, through appropriate regulation, the location and operation of retail marijuana establishments within the City.

(f) The City Council recognizes and affirms the protections afforded by Article XVIII, Section 16 of the Colorado Constitution and desires to affirm the ability of persons twenty-one (21) years of age and older the protections of Article XVIII, Section 16 of the Colorado Constitution, the Retail Marijuana Code, and all associated regulations, as the same may be amended from time to time.

Section 18-16-2. Purpose.

The purpose of this Article is to implement the provisions of the Colorado Retail Marijuana Code, C.R.S. § 12-43.4-101, *et seq.*, which authorizes the licensing and regulation of retail marijuana businesses and affords local government the option to determine whether or not to allow retail marijuana businesses within their respective jurisdictions and to adopt licensing requirements that are supplemental to or more restrictive than the requirements set forth in state law.

Section 18-16-3. Incorporation of state law.

The provisions of the Colorado Retail Marijuana Code, and any rules and regulations promulgated thereunder as the same may be amended from time to time, are incorporated herein by reference except to the extent that more restrictive or additional regulations are set forth in this Article.

Section 18-16-4. Authority.

The City Council hereby finds, determines and declares that it has the power to adopt this Article pursuant to:

- (a) Article XVIII, Section 16 of the Colorado Constitution;
- (b) The Colorado Retail Marijuana Code, C.R.S. § 12-43.4-101, *et seq.*;
- (c) The Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.;
- (d) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers);
- (e) Section 31-15-103, C.R.S. (concerning municipal police powers);
- (f) Section 31-15-401, C.R.S. (concerning municipal police powers);
- (g) Section 31-15-501, C.R.S. (concerning municipal authority to regulate businesses).

Section 18-16-5. Definitions.

(a) For purposes of this Article, the following terms shall have the following meanings:

Applicant means a person twenty-one (21) years of age or older who has submitted an

application for a license or renewal of a license issued pursuant to this Article. If the applicant is an entity and not a natural person, *applicant* shall include all persons who are the members, managers, officers and directors of such entity.

Colorado Medical Marijuana Code means Article 43.3 of Title 12, Colorado Revised Statutes.

Consumer means a person twenty-one (21) years of age or older who purchases marijuana or marijuana products for personal use by a person twenty-one (21) years of age or older, but not for resale to others.

Cultivation or *cultivate* means the process by which a person grows a marijuana plant.

Dual operation means a business that operates as both a licensed medical marijuana business and a licensed retail marijuana establishment in accordance with Section 18-16-12 of this Code.

Industrial Hemp means the plant of the genus cannabis and any part of such plant, whether growing or not, with a Delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths percent on a dry weight basis.

Good cause (for the purpose of refusing or denying a license renewal under this Article) means: (1) the licensee has violated, does not meet, or has failed to comply with any of the terms, conditions or provisions of this Article and any rule and regulation promulgated pursuant to this Article; (2) the licensee has failed to comply with any special terms or conditions that were placed on its license at the time the license was issued, or that were placed on its license in prior disciplinary proceedings or that arose in the context of potential disciplinary proceedings; or (3) the licensee's retail marijuana store, retail marijuana products manufacturing operation, or retail marijuana cultivation facility has been operated in a manner that adversely affects the public health, welfare or safety of the immediate neighborhood in which the retail marijuana store, retail marijuana products manufacturing operation, or retail marijuana cultivation facility is located. Evidence to support such a finding can include: (i) a continuing pattern of offenses against the public peace, as defined in Article 4 of Chapter 9 of the Northglenn Municipal Code; (ii) a continuing pattern of drug-related criminal conduct within the premises of the retail marijuana store, retail marijuana products manufacturing operation, or retail marijuana cultivation facility or in the immediate area surrounding the retail marijuana store, retail marijuana product manufacturing operation, or retail marijuana cultivation facility arising out of the operation of the establishment; or (iii) a continuing pattern of criminal conduct directly related to or arising from the operation of the retail marijuana store, retail marijuana products manufacturing operation, or retail marijuana cultivation facility.

License means a document issued by the City officially authorizing an applicant to operate a retail marijuana store, retail marijuana products manufacturing operation, or retail marijuana cultivation facility pursuant to this Article.

Licensee means the person to whom a license has been issued pursuant to this Article.

Licensed premises means the premises specified in an application for a license under this Article, which is owned or in possession of the licensee and within which the license is

authorized to cultivate, manufacture, distribute, or sell retail marijuana or retail marijuana products in accordance with state and local law.

Local licensing authority means the City Council of the City of Northglenn.

Marijuana means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. *Marijuana* does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

Marijuana accessories means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

Medical marijuana business means a medical marijuana center, optional premises cultivation operation, or medical marijuana-infused products manufacturer as defined in the Colorado Medical Marijuana Code.

Person means a natural person, partnership, association, company, corporation, limited liability company or organization.

Retail marijuana means marijuana that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment.

Retail marijuana products means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients that are intended for use or consumption, such as but not limited to, edible products, ointments and tinctures.

Retail marijuana cultivation facility means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

Retail marijuana establishment means a retail marijuana store, a retail marijuana cultivation facility, or a retail marijuana products manufacturing operation.

Retail marijuana product manufacturing facility means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

Retail marijuana store means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

Retail marijuana testing facility means an entity licensed by the City and State of Colorado to analyze and certify the safety and potency of marijuana.

State licensing authority means the authority created by the Colorado Department of Revenue for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, sale and testing of retail marijuana in the State of Colorado pursuant to C.R.S. § 12-43.4-201.

(b) In addition to the definitions provided in Subsection (a) hereof, other terms used in this Article shall have the meaning ascribed to them in Article XVIII, § 16 of the Colorado Constitution, or the Colorado Retail Marijuana Code, and such definitions are hereby incorporated into this Article by reference.

Section 18-16-6. License required for Operation of a Retail Marijuana Establishment.

The City hereby authorizes the operation of retail marijuana establishments in the City as set forth in this Article. It shall be unlawful for any person to establish or operate a retail marijuana establishment in the City without first having obtained a license for such business from the local licensing authority. Such license shall be kept current at all times, and the failure to maintain a current license shall constitute a violation of this Section.

Section 18-16-7. Requirements of application for license; payment of application fee; denial of license.

(a) A person seeking a license or renewal of a license issued pursuant to this Article shall submit an application to the local licensing authority on forms provided by the City Clerk. At the time of application, each applicant shall pay a nonrefundable operating fee to the City in an amount to be determined by the City by separate Resolution to defray the costs incurred by the City for costs including but not limited to inspection, administration, and enforcement of retail marijuana establishments. In addition, the applicant shall present one (1) of the following forms of identification:

- (1) an operator's, chauffer's or similar type of driver's license issued by any state within the United States or a U.S. Territory;
- (2) an identification card, issued by any state for purpose of proving age using requirements similar to those in C.R.S. §§ 42-2-302 and 42-2-303;
- (3) a United States military identification card;
- (4) a valid passport; or
- (5) an enrollment card issued by the government authority of a federally recognized tribe located in the state of Colorado.

(b) The applicant shall also provide the following information on a form approved by, or acceptable to the City, which information shall be required for the applicant, all employees, including the proposed manager of the retail marijuana establishment, and all persons having a ten percent (10%) or more financial interest in the retail marijuana establishment that is the

subject of the application or, if the applicant is an entity, having a ten percent (10%) or more financial interest in the entity:

- (1) name, address, date of birth;
- (2) a complete set of fingerprints;
- (3) suitable evidence of proof of lawful presence, residence, if applicable, and good character and reputation that the City may request;
- (4) an acknowledgment and consent that the City will conduct a background investigation, including a criminal history check, and that the City will be entitled to full and complete disclosure of all financial records of the retail marijuana establishment, including records of deposit, withdrawals, balances and loans;
- (5) if the applicant is a business entity, information regarding the entity, including, without limitation, the name and address of the entity, its legal status, and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State, as applicable;
- (6) the name and complete address of the proposed retail marijuana establishment, including the facilities to be used in furtherance of such business, whether or not such facilities are, or are planned to be, within the territorial limits of the City;
- (7) if the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a retail marijuana establishment;
- (8) a copy of any deed, lease, contract or other document reflecting the right of the applicant to possess the proposed licensed premises along with the conditions of occupancy of the premises;
- (9) evidence of a valid sales tax license for the business;
- (10) if the retail marijuana establishment will be providing retail marijuana products in edible form, evidence of at a minimum a pending application for any food establishment license or permit that may be required by the State;
- (11) a "to scale" diagram of the premises, showing, without limitation, a site plan, building layout, all entry ways and exits to the marijuana store and cultivation facility, loading zones and all areas in which retail marijuana will be stored, grown or dispensed;
- (12) a comprehensive business operation plan for the retail marijuana establishment which shall contain, without limitation, the following:
 - a. a security plan meeting the requirements of Section 18-16-24 of this Article;
 - b. a description by category of all products to be sold;

c. a signage plan that is in compliance with all applicable requirements of this Article and other applicable provisions of the Northglenn Municipal Code, as well as the Colorado Retail Marijuana Code and all rules and regulations promulgated thereunder; and

d. a plan for the disposal of marijuana and related byproducts meeting the requirements of Section 18-16-30 of this Article.

(13) for retail marijuana products manufacturing operation license applications, a copy of any and all contracts between the applicant and any retail marijuana cultivation operation from which it will be purchasing retail marijuana for use in the production of retail marijuana products; and

(14) any additional information that the local licensing authority reasonably determines to be necessary in connection with the investigation and review of the application.

(c) The applicant shall verify the truthfulness of the information required by this Section by the applicant's signature on the application.

(d) A license issued pursuant to this Article does not eliminate the need for the licensee to obtain other required permits or licenses related to the operation of the retail marijuana establishment, including, without limitation, a license from the state licensing authority and any development approvals or building permits required by this Article and any other applicable provisions of the Northglenn Municipal Code.

(e) Upon receipt of a completed application, the local licensing authority shall circulate the application to all affected departments of the City to determine whether the application is in full compliance with all applicable laws, rules and regulations.

(f) Upon receipt of an application for a new license, the local licensing authority shall schedule a public hearing on the application to be held not less than thirty (30) days after the date of the completed application. The local licensing authority shall cause a notice of such hearing to be posted in a conspicuous place upon the proposed licensed premises and published in a newspaper of general circulation within the City not less than ten (10) days prior to the hearing. Such posted notice given by posting shall include a sign of suitable material, not less than twenty-two (22) inches wide and twenty-six (26) inches high, composed of letters of not less than one (1) inch in height. Both the posted and the published notice shall state the type of license applied for, the date of the hearing, the name and address of the applicant, and such other information as may be required to fully apprise the public of the nature of the application.

(g) Not less than five (5) days prior to the date of the public hearing for a new license, the local licensing authority shall cause its preliminary findings based on its investigation to be known in writing to the applicant and other parties in interest. The local licensing authority shall deny any application that does not meet the requirements of this Article. The local licensing authority shall also deny any application that contains any false, misleading or incomplete information. The local licensing authority shall also deny or refuse to issue a license for good cause. Denial of an application for a license shall not be subject to further administrative review but only to review by a court of competent jurisdiction.

(h) Before entering a decision approving or denying the application for a local license, the local licensing authority may consider, except where this Article specifically provides otherwise, the facts and evidence adduced as a result of its investigation, as well as any other facts pertinent to the type of license for which application has been made, including the number, type and availability of retail marijuana establishments located in or near the premises under consideration, and any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed. The local licensing authority shall issue its decision within ninety (90) days of the receipt of the complete license application. Such decision shall be by Resolution and shall state the reasons for the decision. The Resolution shall be sent via certified mail to the state licensing authority and the applicant at the address shown in the application.

(i) The City shall, prior to issuance of the license, perform an inspection of the proposed licensed premises, including, without limitation, any associated dual operation facility, if applicable, to determine compliance with any applicable requirements of this Article or other applicable requirements of the Northglenn Municipal Code.

Section 18-16-8. Retail Marijuana Stores.

(a) A licensed retail marijuana store may sell retail marijuana or retail marijuana products to persons twenty-one (21) years of age or older in the following quantities:

(1) Up to one (1) ounce of retail marijuana or its equivalent in retail marijuana products during a single sales transaction to Colorado residents; or

(2) Up to one-quarter (1/4) ounce of retail marijuana or its equivalent in retail marijuana products during a single sales transaction to a non-Colorado resident.

(b) The following forms of identification may be accepted for purposes of determining Colorado residency: a valid state of Colorado Driver's license; a valid state of Colorado identification card; or any other valid government-issued picture identification that demonstrates that the holder of the identification is a Colorado resident.

(c) The retail marijuana offered for sale and distribution must be packaged and labeled in accordance with state law.

(d) From January 1, 2014 to September 30, 2014, a retail marijuana store licensee shall only sell retail marijuana that was grown in its commonly-owned retail marijuana cultivation facility and subsequently purchased or transferred from the cultivation, with the following exceptions:

(1) A retail marijuana store licensee may purchase not more than thirty percent (30%) of its total on-hand retail marijuana inventory, in aggregate, from other retail marijuana establishments with which it does not share common ownership.

(2) A retail marijuana store licensee may sell not more than thirty percent (30%) of its total on-hand retail marijuana inventory, in aggregate, to other retail marijuana establishments with which it does not share common ownership.

(3) For purposes of calculating the percentage limitations detailed in this subpart (d), the licensee shall use the total weight of its on-hand inventory at the end of the month preceding the purchase.

(e) Retail marijuana store licensees are prohibited from selling, soliciting or receiving orders for retail marijuana or retail marijuana products over the internet.

(f) Retail marijuana store licensees are prohibited from selling or giving away any consumable product that is not a retail marijuana product, including but not limited to cigarettes or tobacco products, alcohol beverages, and food products or non-alcohol beverages that are not retail marijuana products.

Section 18-16-9. Retail marijuana products manufacturer facilities.

(a) Licensed retail marijuana products manufacturers may manufacture, prepare, package and label retail marijuana products, whether in concentrated form or that are comprised of marijuana and other ingredients intended for use or consumption. Licensed retail marijuana products manufacturers may sell retail marijuana products of its own manufacture to persons holding a retail marijuana store license or other licensed retail marijuana products manufacturers. Licensed retail marijuana products manufacturers are prohibited from selling retail marijuana or retail marijuana products to any consumer.

(b) From January 1, 2014 to September 30, 2014, licensed retail products manufacturers are prohibited from selling any retail marijuana that was cultivated in a commonly-owned retail marijuana cultivation facility to any other retail marijuana establishment; rather, such retail marijuana must be used solely in retail marijuana products produced by the licensed retail marijuana products manufacturer.

(c) Licensed retail marijuana products manufacturers are prohibited from manufacturing, preparing, packaging or labeling retail marijuana products in a location that is operated as a retail food establishment or a wholesale food registrant.

(d) All retail marijuana products shall be sealed and conspicuously labeled in compliance with state law.

Section 18-16-10. Retail marijuana cultivation facilities.

(a) Licensed retail marijuana cultivation facilities may propagate, cultivate, harvest, prepare, cure, package and label retail marijuana, whether in concentrated form or otherwise. Subject to the limitations set forth in subpart (b) of this Section, licensed retail marijuana cultivation facilities may sell retail marijuana that they cultivate to a person licensed by the City of Northglenn to operate a retail marijuana store, retail marijuana products manufacturing facility or another retail marijuana cultivation facility. Licensed retail marijuana cultivation facilities are prohibited from selling retail marijuana to any consumer.

(b) A retail marijuana cultivation facility license shall only be issued to a person who has also been issued a retail marijuana store license or retail marijuana products manufacturing facility license by the City of Northglenn. Any retail marijuana that is grown in a licensed retail

marijuana cultivation facility must be sold or transferred to its commonly-owned retail marijuana store or retail marijuana products manufacturing facility, except that a retail marijuana cultivation facility may sell up to thirty percent (30%) of its processed and finished retail marijuana inventory to other retail marijuana establishments not in common-ownership.

(c) All retail marijuana products shall be sealed and conspicuously labeled in compliance with state law.

Section 18-16-11. Retail marijuana testing facilities.

Retail marijuana testing facilities are prohibited in the City.

Section 18-16-12. Dual operations.

(a) A licensed medical marijuana business may share its existing licensed premises with a retail marijuana establishment as follows:

(1) An optional premises cultivation operation and a retail marijuana cultivation facility may share their licensed premises in order to operate a dual cultivation business operation.

(2) A medical marijuana-infused products manufacturing business licensee may apply to hold a retail marijuana product manufacturing facility license and operate a dual manufacturing business at a shared licensed premises.

(3) A medical marijuana center that does not authorize patients under the age of twenty-one (21) years to be on the premises may hold a retail marijuana store license and operate a dual operation retail business at a shared licensed premises.

(b) Licensees operating dual cultivation operations must maintain either physical or virtual separation of the facilities, marijuana plants and marijuana inventory. Record keeping for the business operations and labeling of products must allow the City to clearly distinguish the inventories and business transactions of medical marijuana from retail marijuana.

(c) Licensees operating dual product manufacturing operations shall maintain either physical or virtual separation of the facilities, product ingredients, product manufacturing and final product inventory. Record keeping for the business operations and labeling of products must allow the City to clearly distinguish the inventories and business transactions of medical marijuana-infused products from retail marijuana products.

(d) Provided that a medical marijuana center licensee posts signage that clearly conveys that persons under the age of twenty-one (21) years may not enter, such licensee may share the same entrances and exits to the shared premises with the retail marijuana store and medical and retail marijuana may be separately displayed on the same floor. Record keeping for the business operations of both businesses must allow the City to clearly distinguish the inventories and business transactions of medical marijuana and medical marijuana-infused products from retail marijuana and retail marijuana products.

(e) Licensees who operate a medical marijuana business and a retail marijuana establishment dual operation shall maintain separate and distinct inventory tracking processes for medical and retail marijuana inventories. The inventories must be clearly tagged or labeled so that the products can be reconciled to a particular medical or retail business.

Section 18-16-13. Location criteria.

Prior to the issuance of a license for a retail marijuana establishment, the local licensing authority shall determine whether the proposed location of the retail marijuana establishment complies with the requirements of this Section. Failure to comply with the requirements of this Section shall preclude issuance of a license.

(a) No retail marijuana establishment shall be located at the following locations:

- (1) within 200 feet of any single or multi-family residential structure or unit, or parcel or lot;
- (2) within 500 feet of a licensed child care facility;
- (3) within 500 feet of any educational institution or school, college or university, either public or private;
- (4) within 500 feet of any public park, public pool, or public or private recreational facility;
- (5) within 1000 feet of any halfway house or correctional facility;
- (6) within 1000 feet of any other retail marijuana business;
- (7) within 1000 feet of any medical marijuana business;
- (8) within 1000 feet of any dual operation marijuana business;
- (9) within any building or structure that contains a residential unit; or
- (10) upon any City of Northglenn owned property.

(b) The distances described in subsection (a) shall be computed by direct measurement from the nearest property line of the land used for the above purposes to the unit within a building or structure housing the retail marijuana establishment using a route of direct pedestrian access.

(c) Each retail marijuana establishment shall be operated from a permanent location. No retail marijuana establishment shall be permitted to operate from a moveable, mobile or transitory location.

(d) The suitability of a location for a retail marijuana establishment shall be determined at the time of the issuance of the first license for such business. The fact that changes in the neighborhood that occur after the issuance of the first license might render the site

unsuitable for a retail marijuana establishment under this Section shall not be grounds to suspend, revoke or refuse to renew the license for such business so long as the license for the business remains in effect.

Section 18-16-14. Persons prohibited as licensees and employees.

- (a) No license shall be issued to, held by, or renewed by any of the following:
 - (1) Any person until all applicable fees have been paid;
 - (2) Any person who is not of good moral character satisfactory to the local licensing authority;
 - (3) Any corporation, any of whose officers, directors or stockholders are not of good moral character satisfactory to the local licensing authority;
 - (4) Any partnership, association or company, any of whose officers are not of good moral character satisfactory to the local licensing authority;
 - (5) Any person employing, assisted by, or financed in whole or in part by any other person who is not of good character and reputation satisfactory to the local licensing authority;
 - (6) Any sheriff, deputy sheriff, police officer, prosecuting officer, and state or local licensing authority or any of its members, inspectors or employees;
 - (7) Any natural person under twenty-one (21) years of age;
 - (8) Any person for a licensed location that is also a retail food establishment or wholesale food registrant;
 - (9) Any person who has not been a resident of Colorado for at least two (2) years prior to the date of the application;
 - (10) Any person who has discharged a sentence for a felony conviction within the past five (5) years;
 - (11) Any person who, at any time, has been convicted of a felony for drug possession, distribution or use, unless such felony drug charge was based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date he or she applied for the license;
 - (12) Any entity whose directors, shareholders, partners or other persons having a financial interest in said entity do not meet the criteria set forth above;
 - (13) Any person who employs another person at a retail marijuana establishment who has not submitted fingerprints for a criminal record history check or whose criminal record history check reveals the employee is ineligible; or

(14) Any person who has made a false, misleading or fraudulent statement on his or her application.

(b) No licensee shall employ or contract with any person to perform work functions directly related to the possession, cultivation, dispensing, selling, serving or delivering of marijuana for a licensed retail marijuana establishment, any of the following:

(1) Any person who is not of good moral character satisfactory to the local licensing authority;

(2) Any person who is under twenty-one (21) years of age;

(3) Any person who is not currently a resident of Colorado;

(4) Any person who has discharged a sentence for a felony conviction within the past five (5) years;

(5) Any person who, at any time, has been convicted of a felony for drug possession, distribution or use, unless such felony drug charge was based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date he or she applied for the license; or

(6) Any sheriff, deputy sheriff, police officer, prosecuting officer, and state or local licensing authority or any of its members, inspectors or employees.

(c) Jurisdiction.

(1) In investigating the qualifications described herein, the local licensing authority may have access to criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency. In the event the local licensing authority takes into consideration information concerning the applicant's criminal history record, the local licensing authority shall also consider any information provided by the applicant regarding such criminal history record, including but not limited to evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a license.

(2) As used in Subsection (c)(1) of this Section, "criminal justice agency" means any federal, state, or municipal court or any governmental agency or sub-unit of such agency that performs the administration of criminal justice pursuant to a statute or executive order and that allocates a substantial part of its annual budget to the administration of criminal justice.

Section 18-16-15. Issuance of license; duration; renewal.

(a) Upon issuance of a license, the City shall provide the licensee with one (1) original of such license for each retail marijuana establishment to be operated by the licensee in the City. Each such copy shall show the name and address of the licensee, the type of facility or establishment for which it is issued, and the address of the facility at which it is to be displayed.

(b) Each license issued pursuant to this Article shall be valid for one (1) year from the date of issuance and may be renewed only as provided in this Article. All renewals of a license shall be for no more than one (1) year. An application for the renewal of an existing license shall be made to the local licensing authority not more than sixty (60) days and not less than thirty (30) days prior to the date of expiration of the license. A licensee may submit to the local licensing authority a late renewal application on the prescribed forms and pay a non-refundable late application fee in an amount of five hundred dollars (\$500.00) for a renewal application made less than thirty (30) days prior to the date of the expiration of the license. All other provisions concerning renewal applications apply to a late renewal application. The timely filing of a completed renewal application or a late renewal application shall extend the current license until a decision is made on the renewal.

(c) Notwithstanding state law to the contrary, a licensee whose license expires and for which a renewal application has not been received by the expiration date shall be deemed to have forfeited its license under this Article. The City shall not accept renewal applications after the expiration date of such license.

(d) A licensee whose license expires shall not cultivate, process, manufacture, distribute or sell retail marijuana or retail marijuana products until all necessary new licenses have been obtained.

Section 18-16-16. Authority to impose conditions on license.

The local licensing authority shall have the authority to impose such reasonable terms and conditions on a license as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Article and applicable law.

Section 18-16-17. Annual Operations fee.

Upon issuance of a license or any renewal of a license, the licensee shall pay to the City a fee in an amount determined by the City by separate Resolution to be sufficient to cover the annual cost of inspections conducted pursuant to Section 18-16-34 of this Article by the Northglenn Police Department, and such other departments of the City as may be designated by the local licensing authority, for the purpose of determining compliance with the provisions of this Article and any other applicable state or local laws or regulations.

Section 18-16-18. Display of license.

(a) Each license shall be limited to use at the premises specified in the application for such license.

(b) Each license shall be continuously posted in a conspicuous location at the retail marijuana establishment.

Section 18-16-19. Management of licensed premises.

Licensees who are natural persons shall either manage the licensed premises themselves or employ a separate and distinct manager on the premises and report the name of such manager

to the local licensing authority. Licensees that are entities shall employ a manager on the premises and report the name of the manager to the local licensing authority. All managers must be natural persons who are at least twenty-one (21) years of age. No manager shall be a person who has discharged a sentence for a felony conviction within the past five (5) years, or who has been convicted of a felony for drug possession, distribution or use, unless such felony drug charge was based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date he or she applied for the license.

Section 18-16-20. Change in manager; change in financial interest.

(a) Each licensee shall report any change in managers to the local licensing authority within thirty (30) days after the change. Such report shall include all information required for managers under Section 18-16-19 of this Article.

(b) Each licensee shall report in writing to the local licensing authority any transfer or change of financial interest in the license holder or in the retail marijuana establishment that is the subject of the license. Such report must be filed with the local licensing authority within thirty (30) days after any such transfer or change. A report shall be required for any transfer of the capital stock of a public corporation totaling more than ten percent (10%) of the stock in any one (1) year, as well as any transfer of a controlling interest in the corporation whenever a sufficient number of shares have been transferred to effectuate the transfer of a controlling interest. No person having or acquiring a financial interest in the retail marijuana establishment that is the subject of a license shall be a person who has discharged a sentence for a felony conviction within the past five (5) years, or who has been convicted of a felony for drug possession, distribution or use, unless such felony drug charge was based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date he or she applied for the license.

(c) Whenever any licensee causes a change in its officers, directors or manager, and a license addendum is required to be filed with the State, an application fee in the amount of one hundred dollars (\$100.00) shall be paid to the City at the time of filing the addendum with the City.

Section 18-16-21. Transfer of ownership; change of location.

(a) Transfer of ownership. For a transfer of ownership, a license holder shall apply to the state and local licensing authority on forms provided by the state licensing authority. In considering whether to permit a transfer of ownership, the local licensing authority shall consider only the requirements of this Article, the Colorado Retail Marijuana Code, and the regulations promulgated in conformance therewith. The local licensing authority may hold a hearing on the application for a transfer of ownership, but such hearing shall not be held until a notice of such hearing has been posted on the licensed retail marijuana establishment premises for a period of at least ten (10) days prior to such hearing, and the applicant has been provided at least ten (10) days prior notice of such hearing.

(b) Change of location. A licensee from another jurisdiction that has previously obtained a license from the state and any other local licensing authority as applicable may move his or her permanent location to the City of Northglenn so long as the applicant and the new location conform to the requirements of this Article.

Section 18-16-22. Hours of operation.

A retail marijuana business may open no earlier than 9:00 a.m. and shall close no later than 7:00 p.m. the same day. A retail marijuana business may be open seven (7) days a week.

Section 18-16-23. Signage and advertising.

All signage and advertising for a retail marijuana establishment shall comply with all applicable state laws as well as the provisions of this Article and other applicable provisions of the Northglenn Municipal Code, including Chapter 21 of the Northglenn Municipal Code.

Section 18-16-24. Security requirements.

(a) Security measures at retail marijuana establishments shall include at a minimum the following:

(1) security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;

(2) robbery and burglary alarm systems which are professionally monitored and maintained in good working condition;

(3) a locking safe permanently affixed to the premises that is suitable for storage of all marijuana and cash stored overnight on the licensed premises;

(4) exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of this Article and other applicable provisions of the Northglenn Municipal Code; and

(5) deadbolt locks on all exterior doors.

(b) All security recordings shall be preserved for at least seventy-two (72) hours by the licensee and be made available to the Northglenn Police Department upon request for inspection.

Section 18-16-25. Required notices.

There shall be posted in a conspicuous location in each retail marijuana establishment, a legible sign containing the following warnings:

(a) that the use of marijuana or marijuana products may impair a person's ability to drive a motor vehicle or operate machinery, and that it is illegal under state law to drive a motor vehicle or to operate machinery when under the influence of or impaired by marijuana;

(b) that loitering in or around a retail marijuana establishment is prohibited by law;

(c) that possession and distribution of marijuana is a violation of federal law; and

- (d) that no one under the age of twenty one (21) years is permitted on the premises.

Section 18-16-26. Cultivation, growing and processing by licensees.

(a) Subject to the limitations set forth in Section 18-16-28 and C.R.S. § 12-43.3-403 and other applicable laws, the growing, cultivation or processing of marijuana shall be allowed contiguous or not contiguous to the licensed premises of a retail marijuana business that submitted an application to the City pursuant to Section 18-16-8 of this Northglenn Municipal Code. Provided, however, such growing, cultivation or processing shall be limited to agricultural and industrial zoned land.

(b) The cultivation, growing, processing, display or storage of marijuana plants by a licensee shall be conducted only at the cultivation facility shown on the licensee's application.

(c) Access to any cultivation facility that is located in the same building as a retail marijuana store or a retail marijuana products manufacturing operation shall be secured so as to render the cultivation facility inaccessible to any unauthorized persons during all hours of operation of the business facility. All such cultivation facilities shall be independently ventilated so as to prevent odors, debris and dust from entering the retail marijuana store.

(d) To the extent permitted by law, the City shall keep confidential the location of all cultivation facilities.

Section 18-16-27. On-site consumption of marijuana.

The use, consumption, ingestion or inhalation of retail marijuana or retail marijuana products on or within the premises of a retail marijuana establishment is prohibited.

Section 18-16-28. Prohibited acts.

It shall be unlawful for any licensee to:

(a) employ any person at a retail marijuana establishment who is not at least twenty-one (21) years of age or who has a criminal history as described in Subsections 18-16-14 (a)(11) and (12);

(b) purchase or otherwise obtain retail marijuana from any source that is not properly authorized under state and local law to sell or dispense retail marijuana;

(c) dispense retail marijuana in or upon its cultivation facility;

(d) permit the sale or consumption of alcohol beverages on the licensed premises;

(e) post or allow to be posted signs or other advertising materials identifying cultivation facilities as being associated with the use or cultivation of marijuana; or

(f) dispense marijuana to a person that is or appears to be under the influence of alcohol or under the influence of any controlled substance, including marijuana.

Section 18-16-29. Visibility of activities; paraphernalia; control of emissions.

(a) All activities of retail marijuana establishments, including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors. For purposes of this section, greenhouse cultivation shall be deemed to occur indoors.

(b) Devices, contrivances, instruments and paraphernalia for inhaling or otherwise consuming marijuana, including, but not limited to, rolling papers and related tools, water pipes, and vaporizers may lawfully be sold at a retail marijuana store. No retail marijuana or paraphernalia shall be displayed or kept in a retail marijuana establishment so as to be visible from outside the licensed premises.

(c) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a retail marijuana establishment must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a retail marijuana establishment, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

Section 18-16-30. Disposal of marijuana byproducts.

The disposal of marijuana, marijuana products, byproducts and paraphernalia shall be done in accordance with plans and procedures approved in advance by the local licensing authority.

Section 18-16-31. Sales and business license required.

At all times while a permit is in effect the licensee shall possess a valid license issued under Section 5-3-19 of the Northglenn Municipal Code.

Section 18-16-32. Sales tax.

Each licensee shall collect and remit City sales tax on all retail marijuana, retail marijuana products, paraphernalia and other tangible personal property sold by the licensee.

Section 18-16-33. Required books and records.

(a) Every licensee shall maintain an accurate and complete record of all retail marijuana purchased, sold or dispensed by the retail marijuana store in any usable form. Such record shall include the following:

- (1) the identity of the seller and purchaser involved in each transaction;
- (2) the total quantity of, and amount paid for, the retail marijuana and/or the retail marijuana product(s); and

(3) the date, time and location of each transaction.

(b) All transactions shall be kept in a numerical register in the order in which they occur.

(c) All records required to be kept under this Article must be kept in the English language in a legible manner and must be preserved and made available for inspection for a period of three (3) years after the date of the transaction. Information inspected by the Northglenn Police Department or other City departments pursuant to this Article shall be used for regulatory and law enforcement purposes only and shall not be a matter of public record.

Section 18-16-34. Inspection of licensed premises.

During all business hours and other times of apparent activity, all licensed premises shall be subject to inspection by the Northglenn Police Department and all other City departments designated by the local licensing authority for the purpose of investigating and determining compliance with the provisions of this Article and any other applicable state and local laws or regulations. Said inspection may include, but need not be limited to, the inspection of books, records and inventory. Where any part of the licensed premises consists of a locked area, such area shall be made available for inspection, without delay, upon request.

Section 18-16-35. Nonrenewal, suspension or revocation of license.

(a) The local licensing authority may, after notice and hearing, suspend, revoke or refuse to renew a license for good cause, including suspension or revocation of the licensee's state license. The local licensing authority is authorized to adopt rules and procedures governing the conduct of such hearings.

(b) The local licensing authority may, in its discretion, revoke or elect not to renew any license if it determines that the licensed premises has been inactive, without good cause, for at least one year.

Section 18-16-36. Violations and penalties.

In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this Article, any person, including, but not limited to, any licensee, manager or employee of a retail marijuana establishment, or any customer of such business, who violates any of the provisions of this Article, shall be subject to the following penalties:

(a) It shall be a misdemeanor offense for any person to violate any provision of this Article. Any person convicted of having violated any provision of this Article shall be punished as set forth in Section 1-1-10 of the Northglenn Municipal Code.

(b) The operation of a retail marijuana establishment without a valid license issued pursuant to this Article may be enjoined by the City in an action brought in a court of competent jurisdiction, including the Northglenn Municipal Court.

(c) The operation of a retail marijuana establishment without a valid license issued pursuant to this Article is also specifically determined to be a public nuisance pursuant to Section

9-11-3 of the Northglenn Municipal Code.

Section 18-16-37. No City liability; indemnification.

(a) By accepting a license issued pursuant to this Article, the licensee waives and releases the City, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of retail marijuana establishment owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

(b) By accepting a license issued pursuant to this Article, all licensees, jointly and severally, if more than one (1), agree to indemnify, defend and hold harmless the City, its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the retail marijuana establishment that is the subject of the license.

Section 18-16-38. No waiver of governmental immunity.

In adopting this Article, the City Council is relying on and does not waive or intend to waive by any provision of this Article, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, Section 24-10-101, *et seq.*, C.R.S., as from time to time amended, or any other limitation, right, immunity, or protection otherwise available to the City, its officers or its employees.

Section 18-16-39. Other laws remain applicable.

(a) To the extent the State has adopted or adopts in the future any additional or stricter law or regulation governing the sale or distribution of retail marijuana or retail marijuana products, the additional or stricter regulation shall control the establishment or operation of any retail marijuana establishment in the City. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this Article, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

(b) Any licensee may be required to demonstrate, upon demand by the local licensing authority or by law enforcement officers, that the source and quantity of any marijuana found upon the licensed premises are in full compliance with any applicable state law or regulation.

(c) If the State prohibits the sale or other distribution of marijuana through retail marijuana stores, any license issued hereunder shall be deemed immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the licensee.

(d) The issuance of any license pursuant to this Article shall not be deemed to create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the cultivation, possession, sale, distribution or use of marijuana.

Section 18-16-40. Rules and regulations.

The City Manager shall have the authority from time to time to adopt, amend, alter and repeal administrative rules and regulations, and file the same with the City Clerk, as may be necessary for the proper administration of this Article.

Section 18-16-41. Judicial review.

In accordance with Article 18, § 16 of the Colorado Constitution, decisions by the local licensing authority are subject to judicial review pursuant to C.R.S. § 24-4-106.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2013.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2013.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney

PASSED ON SECOND AND FINAL READING this ____ day of _____,
2013.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney

ATTACHMENT C

**Amendment 64
Use and Regulation of Marijuana**

1 **Ballot Title:** Shall there be an amendment to the Colorado constitution
2 concerning marijuana, and, in connection therewith, providing for the regulation
3 of marijuana; permitting a person twenty-one years of age or older to consume or
4 possess limited amounts of marijuana; providing for the licensing of cultivation
5 facilities, product manufacturing facilities, testing facilities, and retail stores;
6 permitting local governments to regulate or prohibit such facilities; requiring the
7 general assembly to enact an excise tax to be levied upon wholesale sales of
8 marijuana; requiring that the first \$40 million in revenue raised annually by such
9 tax be credited to the public school capital construction assistance fund; and
10 requiring the general assembly to enact legislation governing the cultivation,
11 processing, and sale of industrial hemp?

12 **Text of Measure:**

13 *Be it Enacted by the People of the State of Colorado:*

14 Article XVIII of the constitution of the state of Colorado is amended BY THE
15 ADDITION OF A NEW SECTION to read:

16 **Section 16. Personal use and regulation of marijuana**

17 **(1) Purpose and findings.**

18 (a) IN THE INTEREST OF THE EFFICIENT USE OF LAW ENFORCEMENT
19 RESOURCES, ENHANCING REVENUE FOR PUBLIC PURPOSES, AND INDIVIDUAL
20 FREEDOM, THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT THE
21 USE OF MARIJUANA SHOULD BE LEGAL FOR PERSONS TWENTY-ONE YEARS OF AGE
22 OR OLDER AND TAXED IN A MANNER SIMILAR TO ALCOHOL.

23 (b) IN THE INTEREST OF THE HEALTH AND PUBLIC SAFETY OF OUR
24 CITIZENRY, THE PEOPLE OF THE STATE OF COLORADO FURTHER FIND AND DECLARE
25 THAT MARIJUANA SHOULD BE REGULATED IN A MANNER SIMILAR TO ALCOHOL SO
26 THAT:

27 (I) INDIVIDUALS WILL HAVE TO SHOW PROOF OF AGE BEFORE PURCHASING
28 MARIJUANA;

1 (II) SELLING, DISTRIBUTING, OR TRANSFERRING MARIJUANA TO MINORS
2 AND OTHER INDIVIDUALS UNDER THE AGE OF TWENTY-ONE SHALL REMAIN
3 ILLEGAL;

4 (III) DRIVING UNDER THE INFLUENCE OF MARIJUANA SHALL REMAIN
5 ILLEGAL;

6 (IV) LEGITIMATE, TAXPAYING BUSINESS PEOPLE, AND NOT CRIMINAL
7 ACTORS, WILL CONDUCT SALES OF MARIJUANA; AND

8 (V) MARIJUANA SOLD IN THIS STATE WILL BE LABELED AND SUBJECT TO
9 ADDITIONAL REGULATIONS TO ENSURE THAT CONSUMERS ARE INFORMED AND
10 PROTECTED.

11 (c) IN THE INTEREST OF ENACTING RATIONAL POLICIES FOR THE
12 TREATMENT OF ALL VARIATIONS OF THE CANNABIS PLANT, THE PEOPLE OF
13 COLORADO FURTHER FIND AND DECLARE THAT INDUSTRIAL HEMP SHOULD BE
14 REGULATED SEPARATELY FROM STRAINS OF CANNABIS WITH HIGHER DELTA-9
15 TETRAHYDROCANNABINOL (THC) CONCENTRATIONS.

16 (d) THE PEOPLE OF THE STATE OF COLORADO FURTHER FIND AND DECLARE
17 THAT IT IS NECESSARY TO ENSURE CONSISTENCY AND FAIRNESS IN THE
18 APPLICATION OF THIS SECTION THROUGHOUT THE STATE AND THAT, THEREFORE,
19 THE MATTERS ADDRESSED BY THIS SECTION ARE, EXCEPT AS SPECIFIED HEREIN,
20 MATTERS OF STATEWIDE CONCERN.

21 **(2) Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
22 REQUIRES,

23 (a) "COLORADO MEDICAL MARIJUANA CODE" MEANS ARTICLE 43.3 OF
24 TITLE 12, COLORADO REVISED STATUTES.

25 (b) "CONSUMER" MEANS A PERSON TWENTY-ONE YEARS OF AGE OR OLDER
26 WHO PURCHASES MARIJUANA OR MARIJUANA PRODUCTS FOR PERSONAL USE BY
27 PERSONS TWENTY-ONE YEARS OF AGE OR OLDER, BUT NOT FOR RESALE TO OTHERS.

28 (c) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE OR ITS
29 SUCCESSOR AGENCY.

30 (d) "INDUSTRIAL HEMP" MEANS THE PLANT OF THE GENUS CANNABIS AND
31 ANY PART OF SUCH PLANT, WHETHER GROWING OR NOT, WITH A DELTA-9

1 TETRAHYDROCANNABINOL CONCENTRATION THAT DOES NOT EXCEED THREE-
2 TENTHS PERCENT ON A DRY WEIGHT BASIS.

3 (e) "LOCALITY" MEANS A COUNTY, MUNICIPALITY, OR CITY AND COUNTY.

4 (f) "MARIJUANA" OR "MARIHUANA" MEANS ALL PARTS OF THE PLANT OF
5 THE GENUS CANNABIS WHETHER GROWING OR NOT, THE SEEDS THEREOF, THE RESIN
6 EXTRACTED FROM ANY PART OF THE PLANT, AND EVERY COMPOUND,
7 MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE PLANT, ITS
8 SEEDS, OR ITS RESIN, INCLUDING MARIHUANA CONCENTRATE. "MARIJUANA" OR
9 "MARIHUANA" DOES NOT INCLUDE INDUSTRIAL HEMP, NOR DOES IT INCLUDE FIBER
10 PRODUCED FROM THE STALKS, OIL, OR CAKE MADE FROM THE SEEDS OF THE PLANT,
11 STERILIZED SEED OF THE PLANT WHICH IS INCAPABLE OF GERMINATION, OR THE
12 WEIGHT OF ANY OTHER INGREDIENT COMBINED WITH MARIJUANA TO PREPARE
13 TOPICAL OR ORAL ADMINISTRATIONS, FOOD, DRINK, OR OTHER PRODUCT.

14 (g) "MARIJUANA ACCESSORIES" MEANS ANY EQUIPMENT, PRODUCTS, OR
15 MATERIALS OF ANY KIND WHICH ARE USED, INTENDED FOR USE, OR DESIGNED FOR
16 USE IN PLANTING, PROPAGATING, CULTIVATING, GROWING, HARVESTING,
17 COMPOSTING, MANUFACTURING, COMPOUNDING, CONVERTING, PRODUCING,
18 PROCESSING, PREPARING, TESTING, ANALYZING, PACKAGING, REPACKAGING,
19 STORING, VAPORIZING, OR CONTAINING MARIJUANA, OR FOR INGESTING, INHALING,
20 OR OTHERWISE INTRODUCING MARIJUANA INTO THE HUMAN BODY.

21 (h) "MARIJUANA CULTIVATION FACILITY" MEANS AN ENTITY LICENSED TO
22 CULTIVATE, PREPARE, AND PACKAGE MARIJUANA AND SELL MARIJUANA TO RETAIL
23 MARIJUANA STORES, TO MARIJUANA PRODUCT MANUFACTURING FACILITIES, AND
24 TO OTHER MARIJUANA CULTIVATION FACILITIES, BUT NOT TO CONSUMERS.

25 (i) "MARIJUANA ESTABLISHMENT" MEANS A MARIJUANA CULTIVATION
26 FACILITY, A MARIJUANA TESTING FACILITY, A MARIJUANA PRODUCT
27 MANUFACTURING FACILITY, OR A RETAIL MARIJUANA STORE.

28 (j) "MARIJUANA PRODUCT MANUFACTURING FACILITY" MEANS AN ENTITY
29 LICENSED TO PURCHASE MARIJUANA; MANUFACTURE, PREPARE, AND PACKAGE
30 MARIJUANA PRODUCTS; AND SELL MARIJUANA AND MARIJUANA PRODUCTS TO
31 OTHER MARIJUANA PRODUCT MANUFACTURING FACILITIES AND TO RETAIL
32 MARIJUANA STORES, BUT NOT TO CONSUMERS.

33 (k) "MARIJUANA PRODUCTS" MEANS CONCENTRATED MARIJUANA
34 PRODUCTS AND MARIJUANA PRODUCTS THAT ARE COMPRISED OF MARIJUANA AND

1 OTHER INGREDIENTS AND ARE INTENDED FOR USE OR CONSUMPTION, SUCH AS, BUT
2 NOT LIMITED TO, EDIBLE PRODUCTS, OINTMENTS, AND TINCTURES.

3 (l) "MARIJUANA TESTING FACILITY" MEANS AN ENTITY LICENSED TO
4 ANALYZE AND CERTIFY THE SAFETY AND POTENCY OF MARIJUANA.

5 (m) "MEDICAL MARIJUANA CENTER" MEANS AN ENTITY LICENSED BY A
6 STATE AGENCY TO SELL MARIJUANA AND MARIJUANA PRODUCTS PURSUANT TO
7 SECTION 14 OF THIS ARTICLE AND THE COLORADO MEDICAL MARIJUANA CODE.

8 (n) "RETAIL MARIJUANA STORE" MEANS AN ENTITY LICENSED TO
9 PURCHASE MARIJUANA FROM MARIJUANA CULTIVATION FACILITIES AND
10 MARIJUANA AND MARIJUANA PRODUCTS FROM MARIJUANA PRODUCT
11 MANUFACTURING FACILITIES AND TO SELL MARIJUANA AND MARIJUANA PRODUCTS
12 TO CONSUMERS.

13 (o) "UNREASONABLY IMPRACTICABLE" MEANS THAT THE MEASURES
14 NECESSARY TO COMPLY WITH THE REGULATIONS REQUIRE SUCH A HIGH
15 INVESTMENT OF RISK, MONEY, TIME, OR ANY OTHER RESOURCE OR ASSET THAT THE
16 OPERATION OF A MARIJUANA ESTABLISHMENT IS NOT WORTHY OF BEING CARRIED
17 OUT IN PRACTICE BY A REASONABLY PRUDENT BUSINESSPERSON.

18 **(3) Personal use of marijuana.** NOTWITHSTANDING ANY OTHER PROVISION OF
19 LAW, THE FOLLOWING ACTS ARE NOT UNLAWFUL AND SHALL NOT BE AN OFFENSE
20 UNDER COLORADO LAW OR THE LAW OF ANY LOCALITY WITHIN COLORADO OR BE
21 A BASIS FOR SEIZURE OR FORFEITURE OF ASSETS UNDER COLORADO LAW FOR
22 PERSONS TWENTY-ONE YEARS OF AGE OR OLDER:

23 (a) POSSESSING, USING, DISPLAYING, PURCHASING, OR TRANSPORTING
24 MARIJUANA ACCESSORIES OR ONE OUNCE OR LESS OF MARIJUANA.

25 (b) POSSESSING, GROWING, PROCESSING, OR TRANSPORTING NO MORE
26 THAN SIX MARIJUANA PLANTS, WITH THREE OR FEWER BEING MATURE, FLOWERING
27 PLANTS, AND POSSESSION OF THE MARIJUANA PRODUCED BY THE PLANTS ON THE
28 PREMISES WHERE THE PLANTS WERE GROWN, PROVIDED THAT THE GROWING TAKES
29 PLACE IN AN ENCLOSED, LOCKED SPACE, IS NOT CONDUCTED OPENLY OR PUBLICLY,
30 AND IS NOT MADE AVAILABLE FOR SALE.

31 (c) TRANSFER OF ONE OUNCE OR LESS OF MARIJUANA WITHOUT
32 REMUNERATION TO A PERSON WHO IS TWENTY-ONE YEARS OF AGE OR OLDER.

1 (d) CONSUMPTION OF MARIJUANA, PROVIDED THAT NOTHING IN THIS
2 SECTION SHALL PERMIT CONSUMPTION THAT IS CONDUCTED OPENLY AND PUBLICLY
3 OR IN A MANNER THAT ENDANGERS OTHERS.

4 (e) ASSISTING ANOTHER PERSON WHO IS TWENTY-ONE YEARS OF AGE OR
5 OLDER IN ANY OF THE ACTS DESCRIBED IN PARAGRAPHS (a) THROUGH (d) OF THIS
6 SUBSECTION.

7 **(4) Lawful operation of marijuana-related facilities.** NOTWITHSTANDING ANY
8 OTHER PROVISION OF LAW, THE FOLLOWING ACTS ARE NOT UNLAWFUL AND SHALL
9 NOT BE AN OFFENSE UNDER COLORADO LAW OR BE A BASIS FOR SEIZURE OR
10 FORFEITURE OF ASSETS UNDER COLORADO LAW FOR PERSONS TWENTY-ONE YEARS
11 OF AGE OR OLDER:

12 (a) MANUFACTURE, POSSESSION, OR PURCHASE OF MARIJUANA
13 ACCESSORIES OR THE SALE OF MARIJUANA ACCESSORIES TO A PERSON WHO IS
14 TWENTY-ONE YEARS OF AGE OR OLDER.

15 (b) POSSESSING, DISPLAYING, OR TRANSPORTING MARIJUANA OR
16 MARIJUANA PRODUCTS; PURCHASE OF MARIJUANA FROM A MARIJUANA
17 CULTIVATION FACILITY; PURCHASE OF MARIJUANA OR MARIJUANA PRODUCTS FROM
18 A MARIJUANA PRODUCT MANUFACTURING FACILITY; OR SALE OF MARIJUANA OR
19 MARIJUANA PRODUCTS TO CONSUMERS, IF THE PERSON CONDUCTING THE
20 ACTIVITIES DESCRIBED IN THIS PARAGRAPH HAS OBTAINED A CURRENT, VALID
21 LICENSE TO OPERATE A RETAIL MARIJUANA STORE OR IS ACTING IN HIS OR HER
22 CAPACITY AS AN OWNER, EMPLOYEE OR AGENT OF A LICENSED RETAIL MARIJUANA
23 STORE.

24 (c) CULTIVATING, HARVESTING, PROCESSING, PACKAGING, TRANSPORTING,
25 DISPLAYING, OR POSSESSING MARIJUANA; DELIVERY OR TRANSFER OF MARIJUANA
26 TO A MARIJUANA TESTING FACILITY; SELLING MARIJUANA TO A MARIJUANA
27 CULTIVATION FACILITY, A MARIJUANA PRODUCT MANUFACTURING FACILITY, OR
28 A RETAIL MARIJUANA STORE; OR THE PURCHASE OF MARIJUANA FROM A
29 MARIJUANA CULTIVATION FACILITY, IF THE PERSON CONDUCTING THE ACTIVITIES
30 DESCRIBED IN THIS PARAGRAPH HAS OBTAINED A CURRENT, VAILD LICENSE TO
31 OPERATE A MARIJUANA CULTIVATION FACILITY OR IS ACTING IN HIS OR HER
32 CAPACITY AS AN OWNER, EMPLOYEE, OR AGENT OF A LICENSED MARIJUANA
33 CULTIVATION FACILITY.

34 (d) PACKAGING, PROCESSING, TRANSPORTING, MANUFACTURING,
35 DISPLAYING, OR POSSESSING MARIJUANA OR MARIJUANA PRODUCTS; DELIVERY OR

1 TRANSFER OF MARIJUANA OR MARIJUANA PRODUCTS TO A MARIJUANA TESTING
2 FACILITY; SELLING MARIJUANA OR MARIJUANA PRODUCTS TO A RETAIL MARIJUANA
3 STORE OR A MARIJUANA PRODUCT MANUFACTURING FACILITY; THE PURCHASE OF
4 MARIJUANA FROM A MARIJUANA CULTIVATION FACILITY; OR THE PURCHASE OF
5 MARIJUANA OR MARIJUANA PRODUCTS FROM A MARIJUANA PRODUCT
6 MANUFACTURING FACILITY, IF THE PERSON CONDUCTING THE ACTIVITIES
7 DESCRIBED IN THIS PARAGRAPH HAS OBTAINED A CURRENT, VALID LICENSE TO
8 OPERATE A MARIJUANA PRODUCT MANUFACTURING FACILITY OR IS ACTING IN HIS
9 OR HER CAPACITY AS AN OWNER, EMPLOYEE, OR AGENT OF A LICENSED MARIJUANA
10 PRODUCT MANUFACTURING FACILITY.

11 (e) POSSESSING, CULTIVATING, PROCESSING, REPACKAGING, STORING,
12 TRANSPORTING, DISPLAYING, TRANSFERRING OR DELIVERING MARIJUANA OR
13 MARIJUANA PRODUCTS IF THE PERSON HAS OBTAINED A CURRENT, VALID LICENSE
14 TO OPERATE A MARIJUANA TESTING FACILITY OR IS ACTING IN HIS OR HER
15 CAPACITY AS AN OWNER, EMPLOYEE, OR AGENT OF A LICENSED MARIJUANA
16 TESTING FACILITY.

17 (f) LEASING OR OTHERWISE ALLOWING THE USE OF PROPERTY OWNED,
18 OCCUPIED OR CONTROLLED BY ANY PERSON, CORPORATION OR OTHER ENTITY FOR
19 ANY OF THE ACTIVITES CONDUCTED LAWFULLY IN ACCORDANCE WITH
20 PARAGRAPHS (a) THROUGH (e) OF THIS SUBSECTION.

21 **(5) Regulation of marijuana.**

22 (a) NOT LATER THAN JULY 1, 2013, THE DEPARTMENT SHALL ADOPT
23 REGULATIONS NECESSARY FOR IMPLEMENTATION OF THIS SECTION. SUCH
24 REGULATIONS SHALL NOT PROHIBIT THE OPERATION OF MARIJUANA
25 ESTABLISHMENTS, EITHER EXPRESSLY OR THROUGH REGULATIONS THAT MAKE
26 THEIR OPERATION UNREASONABLY IMPRACTICABLE. SUCH REGULATIONS SHALL
27 INCLUDE:

28 (I) PROCEDURES FOR THE ISSUANCE, RENEWAL, SUSPENSION, AND
29 REVOCATION OF A LICENSE TO OPERATE A MARIJUANA ESTABLISHMENT, WITH
30 SUCH PROCEDURES SUBJECT TO ALL REQUIREMENTS OF ARTICLE 4 OF TITLE 24 OF
31 THE COLORADO ADMINISTRATIVE PROCEDURE ACT OR ANY SUCCESSOR
32 PROVISION;

33 (II) A SCHEDULE OF APPLICATION, LICENSING AND RENEWAL FEES,
34 PROVIDED, APPLICATION FEES SHALL NOT EXCEED FIVE THOUSAND DOLLARS, WITH
35 THIS UPPER LIMIT ADJUSTED ANNUALLY FOR INFLATION, UNLESS THE DEPARTMENT

1 DETERMINES A GREATER FEE IS NECESSARY TO CARRY OUT ITS RESPONSIBILITIES
2 UNDER THIS SECTION, AND PROVIDED FURTHER, AN ENTITY THAT IS LICENSED
3 UNDER THE COLORADO MEDICAL MARIJUANA CODE TO CULTIVATE OR SELL
4 MARIJUANA OR TO MANUFACTURE MARIJUANA PRODUCTS AT THE TIME THIS
5 SECTION TAKES EFFECT AND THAT CHOOSES TO APPLY FOR A SEPARATE
6 MARIJUANA ESTABLISHMENT LICENSE SHALL NOT BE REQUIRED TO PAY AN
7 APPLICATION FEE GREATER THAN FIVE HUNDRED DOLLARS TO APPLY FOR A
8 LICENSE TO OPERATE A MARIJUANA ESTABLISHMENT IN ACCORDANCE WITH THE
9 PROVISIONS OF THIS SECTION;

10 (III) QUALIFICATIONS FOR LICENSURE THAT ARE DIRECTLY AND
11 DEMONSTRABLY RELATED TO THE OPERATION OF A MARIJUANA ESTABLISHMENT;

12 (IV) SECURITY REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS;

13 (V) REQUIREMENTS TO PREVENT THE SALE OR DIVERSION OF MARIJUANA
14 AND MARIJUANA PRODUCTS TO PERSONS UNDER THE AGE OF TWENTY-ONE;

15 (VI) LABELING REQUIREMENTS FOR MARIJUANA AND MARIJUANA
16 PRODUCTS SOLD OR DISTRIBUTED BY A MARIJUANA ESTABLISHMENT;

17 (VII) HEALTH AND SAFETY REGULATIONS AND STANDARDS FOR THE
18 MANUFACTURE OF MARIJUANA PRODUCTS AND THE CULTIVATION OF MARIJUANA;

19 (VIII) RESTRICTIONS ON THE ADVERTISING AND DISPLAY OF MARIJUANA
20 AND MARIJUANA PRODUCTS; AND

21 (IX) CIVIL PENALTIES FOR THE FAILURE TO COMPLY WITH REGULATIONS
22 MADE PURSUANT TO THIS SECTION.

23 (b) IN ORDER TO ENSURE THE MOST SECURE, RELIABLE, AND ACCOUNTABLE
24 SYSTEM FOR THE PRODUCTION AND DISTRIBUTION OF MARIJUANA AND MARIJUANA
25 PRODUCTS IN ACCORDANCE WITH THIS SUBSECTION, IN ANY COMPETITIVE
26 APPLICATION PROCESS THE DEPARTMENT SHALL HAVE AS A PRIMARY
27 CONSIDERATION WHETHER AN APPLICANT:

28 (I) HAS PRIOR EXPERIENCE PRODUCING OR DISTRIBUTING MARIJUANA OR
29 MARIJUANA PRODUCTS PURSUANT TO SECTION 14 OF THIS ARTICLE AND THE
30 COLORADO MEDICAL MARIJUANA CODE IN THE LOCALITY IN WHICH THE
31 APPLICANT SEEKS TO OPERATE A MARIJUANA ESTABLISHMENT; AND

1 (II) HAS, DURING THE EXPERIENCE DESCRIBED IN SUBPARAGRAPH (I),
2 COMPLIED CONSISTANTLY WITH SECTION 14 OF THIS ARTICLE, THE PROVISIONS OF
3 THE COLORADO MEDICAL MARIJUANA CODE AND CONFORMING REGULATIONS.

4 (c) IN ORDER TO ENSURE THAT INDIVIDUAL PRIVACY IS PROTECTED,
5 NOTWITHSTANDING PARAGRAPH (a), THE DEPARTMENT SHALL NOT REQUIRE A
6 CONSUMER TO PROVIDE A RETAIL MARIJUANA STORE WITH PERSONAL
7 INFORMATION OTHER THAN GOVERNMENT-ISSUED IDENTIFICATION TO DETERMINE
8 THE CONSUMER'S AGE, AND A RETAIL MARIJUANA STORE SHALL NOT BE REQUIRED
9 TO ACQUIRE AND RECORD PERSONAL INFORMATION ABOUT CONSUMERS OTHER
10 THAN INFORMATION TYPICALLY ACQUIRED IN A FINANCIAL TRANSACTION
11 CONDUCTED AT A RETAIL LIQUOR STORE.

12 (d) THE GENERAL ASSEMBLY SHALL ENACT AN EXCISE TAX TO BE LEVIED
13 UPON MARIJUANA SOLD OR OTHERWISE TRANSFERRED BY A MARIJUANA
14 CULTIVATION FACILITY TO A MARIJUANA PRODUCT MANUFACTURING FACILITY OR
15 TO A RETAIL MARIJUANA STORE AT A RATE NOT TO EXCEED FIFTEEN PERCENT
16 PRIOR TO JANUARY 1, 2017 AND AT A RATE TO BE DETERMINED BY THE GENERAL
17 ASSEMBLY THEREAFTER, AND SHALL DIRECT THE DEPARTMENT TO ESTABLISH
18 PROCEDURES FOR THE COLLECTION OF ALL TAXES LEVIED. PROVIDED, THE FIRST
19 FORTY MILLION DOLLARS IN REVENUE RAISED ANNUALLY FROM ANY SUCH EXCISE
20 TAX SHALL BE CREDITED TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION
21 ASSISTANCE FUND CREATED BY ARTICLE 43.7 OF TITLE 22, C.R.S., OR ANY
22 SUCCESSOR FUND DEDICATED TO A SIMILAR PURPOSE. PROVIDED FURTHER, NO
23 SUCH EXCISE TAX SHALL BE LEVIED UPON MARIJUANA INTENDED FOR SALE AT
24 MEDICAL MARIJUANA CENTERS PURSUANT TO SECTION 14 OF THIS ARTICLE AND
25 THE COLORADO MEDICAL MARIJUANA CODE.

26 (e) NOT LATER THAN OCTOBER 1, 2013, EACH LOCALITY SHALL ENACT AN
27 ORDINANCE OR REGULATION SPECIFYING THE ENTITY WITHIN THE LOCALITY THAT
28 IS RESPONSIBLE FOR PROCESSING APPLICATIONS SUBMITTED FOR A LICENSE TO
29 OPERATE A MARIJUANA ESTABLISHMENT WITHIN THE BOUNDARIES OF THE
30 LOCALITY AND FOR THE ISSUANCE OF SUCH LICENSES SHOULD THE ISSUANCE BY
31 THE LOCALITY BECOME NECESSARY BECAUSE OF A FAILURE BY THE DEPARTMENT
32 TO ADOPT REGULATIONS PURSUANT TO PARAGRAPH (a) OR BECAUSE OF A FAILURE
33 BY THE DEPARTMENT TO PROCESS AND ISSUE LICENSES AS REQUIRED BY
34 PARAGRAPH (g).

35 (f) A LOCALITY MAY ENACT ORDINANCES OR REGULATIONS, NOT IN
36 CONFLICT WITH THIS SECTION OR WITH REGULATIONS OR LEGISLATION ENACTED
37 PURSUANT TO THIS SECTION, GOVERNING THE TIME, PLACE, MANNER AND NUMBER

1 OF MARIJUANA ESTABLISHMENT OPERATIONS; ESTABLISHING PROCEDURES FOR THE
2 ISSUANCE, SUSPENSION, AND REVOCATION OF A LICENSE ISSUED BY THE LOCALITY
3 IN ACCORDANCE WITH PARAGRAPH (h) OR (i), SUCH PROCEDURES TO BE SUBJECT
4 TO ALL REQUIREMENTS OF ARTICLE 4 OF TITLE 24 OF THE COLORADO
5 ADMINISTRATIVE PROCEDURE ACT OR ANY SUCCESSOR PROVISION; ESTABLISHING
6 A SCHEDULE OF ANNUAL OPERATING, LICENSING, AND APPLICATION FEES FOR
7 MARIJUANA ESTABLISHMENTS, PROVIDED, THE APPLICATION FEE SHALL ONLY BE
8 DUE IF AN APPLICATION IS SUBMITTED TO A LOCALITY IN ACCORDANCE WITH
9 PARAGRAPH (i) AND A LICENSING FEE SHALL ONLY BE DUE IF A LICENSE IS ISSUED
10 BY A LOCALITY IN ACCORDANCE WITH PARAGRAPH (h) OR (i); AND ESTABLISHING
11 CIVIL PENALTIES FOR VIOLATION OF AN ORDINANCE OR REGULATION GOVERNING
12 THE TIME, PLACE, AND MANNER OF A MARIJUANA ESTABLISHMENT THAT MAY
13 OPERATE IN SUCH LOCALITY. A LOCALITY MAY PROHIBIT THE OPERATION OF
14 MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING
15 FACILITIES, MARIJUANA TESTING FACILITIES, OR RETAIL MARIJUANA STORES
16 THROUGH THE ENACTMENT OF AN ORDINANCE OR THROUGH AN INITIATED OR
17 REFERRED MEASURE; PROVIDED, ANY INITIATED OR REFERRED MEASURE TO
18 PROHIBIT THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA
19 PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, OR
20 RETAIL MARIJUANA STORES MUST APPEAR ON A GENERAL ELECTION BALLOT
21 DURING AN EVEN NUMBERED YEAR.

22 (g) EACH APPLICATION FOR AN ANNUAL LICENSE TO OPERATE A
23 MARIJUANA ESTABLISHMENT SHALL BE SUBMITTED TO THE DEPARTMENT. THE
24 DEPARTMENT SHALL:

25 (I) BEGIN ACCEPTING AND PROCESSING APPLICATIONS ON OCTOBER 1, 2013;

26 (II) IMMEDIATELY FORWARD A COPY OF EACH APPLICATION AND HALF OF
27 THE LICENSE APPLICATION FEE TO THE LOCALITY IN WHICH THE APPLICANT DESIRES
28 TO OPERATE THE MARIJUANA ESTABLISHMENT;

29 (III) ISSUE AN ANNUAL LICENSE TO THE APPLICANT BETWEEN FORTY-FIVE
30 AND NINETY DAYS AFTER RECEIPT OF AN APPLICATION UNLESS THE DEPARTMENT
31 FINDS THE APPLICANT IS NOT IN COMPLIANCE WITH REGULATIONS ENACTED
32 PURSUANT TO PARAGRAPH (a) OR THE DEPARTMENT IS NOTIFIED BY THE RELEVANT
33 LOCALITY THAT THE APPLICANT IS NOT IN COMPLIANCE WITH ORDINANCES AND
34 REGULATIONS MADE PURSUANT TO PARAGRAPH (f) AND IN EFFECT AT THE TIME OF
35 APPLICATION, PROVIDED, WHERE A LOCALITY HAS ENACTED A NUMERICAL LIMIT
36 ON THE NUMBER OF MARIJUANA ESTABLISHMENTS AND A GREATER NUMBER OF
37 APPLICANTS SEEK LICENSES, THE DEPARTMENT SHALL SOLICIT AND CONSIDER

1 INPUT FROM THE LOCALITY AS TO THE LOCALITY'S PREFERENCE OR PREFERENCES
2 FOR LICENSURE; AND

3 (IV) UPON DENIAL OF AN APPLICATION, NOTIFY THE APPLICANT IN WRITING
4 OF THE SPECIFIC REASON FOR ITS DENIAL.

5 (h) IF THE DEPARTMENT DOES NOT ISSUE A LICENSE TO AN APPLICANT
6 WITHIN NINETY DAYS OF RECEIPT OF THE APPLICATION FILED IN ACCORDANCE WITH
7 PARAGRAPH (g) AND DOES NOT NOTIFY THE APPLICANT OF THE SPECIFIC REASON
8 FOR ITS DENIAL, IN WRITING AND WITHIN SUCH TIME PERIOD, OR IF THE
9 DEPARTMENT HAS ADOPTED REGULATIONS PURSUANT TO PARAGRAPH (a) AND HAS
10 ACCEPTED APPLICATIONS PURSUANT TO PARAGRAPH (g) BUT HAS NOT ISSUED ANY
11 LICENSES BY JANUARY 1, 2014, THE APPLICANT MAY RESUBMIT ITS APPLICATION
12 DIRECTLY TO THE LOCALITY, PURSUANT TO PARAGRAPH (e), AND THE LOCALITY
13 MAY ISSUE AN ANNUAL LICENSE TO THE APPLICANT. A LOCALITY ISSUING A
14 LICENSE TO AN APPLICANT SHALL DO SO WITHIN NINETY DAYS OF RECEIPT OF THE
15 RESUBMITTED APPLICATION UNLESS THE LOCALITY FINDS AND NOTIFIES THE
16 APPLICANT THAT THE APPLICANT IS NOT IN COMPLIANCE WITH ORDINANCES AND
17 REGULATIONS MADE PURSUANT TO PARAGRAPH (f) IN EFFECT AT THE TIME THE
18 APPLICATION IS RESUBMITTED AND THE LOCALITY SHALL NOTIFY THE DEPARTMENT
19 IF AN ANNUAL LICENSE HAS BEEN ISSUED TO THE APPLICANT. IF AN APPLICATION
20 IS SUBMITTED TO A LOCALITY UNDER THIS PARAGRAPH, THE DEPARTMENT SHALL
21 FORWARD TO THE LOCALITY THE APPLICATION FEE PAID BY THE APPLICANT TO THE
22 DEPARTMENT UPON REQUEST BY THE LOCALITY. A LICENSE ISSUED BY A LOCALITY
23 IN ACCORDANCE WITH THIS PARAGRAPH SHALL HAVE THE SAME FORCE AND EFFECT
24 AS A LICENSE ISSUED BY THE DEPARTMENT IN ACCORDANCE WITH PARAGRAPH (g)
25 AND THE HOLDER OF SUCH LICENSE SHALL NOT BE SUBJECT TO REGULATION OR
26 ENFORCEMENT BY THE DEPARTMENT DURING THE TERM OF THAT LICENSE.
27 A SUBSEQUENT OR RENEWED LICENSE MAY BE ISSUED UNDER THIS PARAGRAPH ON
28 AN ANNUAL BASIS ONLY UPON RESUBMISSION TO THE LOCALITY OF A NEW
29 APPLICATION SUBMITTED TO THE DEPARTMENT PURSUANT TO PARAGRAPH (g).
30 NOTHING IN THIS PARAGRAPH SHALL LIMIT SUCH RELIEF AS MAY BE AVAILABLE TO
31 AN AGGRIEVED PARTY UNDER SECTION 24-4-104, C.R.S., OF THE COLORADO
32 ADMINISTRATIVE PROCEDURE ACT OR ANY SUCCESSOR PROVISION.

33 (i) IF THE DEPARTMENT DOES NOT ADOPT REGULATIONS REQUIRED BY
34 PARAGRAPH (a), AN APPLICANT MAY SUBMIT AN APPLICATION DIRECTLY TO A
35 LOCALITY AFTER OCTOBER 1, 2013 AND THE LOCALITY MAY ISSUE AN ANNUAL
36 LICENSE TO THE APPLICANT. A LOCALITY ISSUING A LICENSE TO AN APPLICANT
37 SHALL DO SO WITHIN NINETY DAYS OF RECEIPT OF THE APPLICATION UNLESS IT
38 FINDS AND NOTIFIES THE APPLICANT THAT THE APPLICANT IS NOT IN COMPLIANCE

1 WITH ORDINANCES AND REGULATIONS MADE PURSUANT TO PARAGRAPH (f) IN
2 EFFECT AT THE TIME OF APPLICATION AND SHALL NOTIFY THE DEPARTMENT IF AN
3 ANNUAL LICENSE HAS BEEN ISSUED TO THE APPLICANT. A LICENSE ISSUED BY A
4 LOCALITY IN ACCORDANCE WITH THIS PARAGRAPH SHALL HAVE THE SAME FORCE
5 AND EFFECT AS A LICENSE ISSUED BY THE DEPARTMENT IN ACCORDANCE WITH
6 PARAGRAPH (g) AND THE HOLDER OF SUCH LICENSE SHALL NOT BE SUBJECT TO
7 REGULATION OR ENFORCEMENT BY THE DEPARTMENT DURING THE TERM OF THAT
8 LICENSE. A SUBSEQUENT OR RENEWED LICENSE MAY BE ISSUED UNDER THIS
9 PARAGRAPH ON AN ANNUAL BASIS IF THE DEPARTMENT HAS NOT ADOPTED
10 REGULATIONS REQUIRED BY PARAGRAPH (a) AT LEAST NINETY DAYS PRIOR TO THE
11 DATE UPON WHICH SUCH SUBSEQUENT OR RENEWED LICENSE WOULD BE EFFECTIVE
12 OR IF THE DEPARTMENT HAS ADOPTED REGULATIONS PURSUANT TO PARAGRAPH
13 (a) BUT HAS NOT, AT LEAST NINETY DAYS AFTER THE ADOPTION OF SUCH
14 REGULATIONS, ISSUED LICENSES PURSUANT TO PARAGRAPH (g).

15 (j) NOT LATER THAN JULY 1, 2014, THE GENERAL ASSEMBLY SHALL ENACT
16 LEGISLATION GOVERNING THE CULTIVATION, PROCESSING AND SALE OF
17 INDUSTRIAL HEMP.

18 **(6) Employers, driving, minors and control of property.**

19 (a) NOTHING IN THIS SECTION IS INTENDED TO REQUIRE AN EMPLOYER TO
20 PERMIT OR ACCOMMODATE THE USE, CONSUMPTION, POSSESSION, TRANSFER,
21 DISPLAY, TRANSPORTATION, SALE OR GROWING OF MARIJUANA IN THE WORKPLACE
22 OR TO AFFECT THE ABILITY OF EMPLOYERS TO HAVE POLICIES RESTRICTING THE
23 USE OF MARIJUANA BY EMPLOYEES.

24 (b) NOTHING IN THIS SECTION IS INTENDED TO ALLOW DRIVING UNDER THE
25 INFLUENCE OF MARIJUANA OR DRIVING WHILE IMPAIRED BY MARIJUANA OR TO
26 SUPERSEDE STATUTORY LAWS RELATED TO DRIVING UNDER THE INFLUENCE OF
27 MARIJUANA OR DRIVING WHILE IMPAIRED BY MARIJUANA, NOR SHALL THIS SECTION
28 PREVENT THE STATE FROM ENACTING AND IMPOSING PENALTIES FOR DRIVING
29 UNDER THE INFLUENCE OF OR WHILE IMPAIRED BY MARIJUANA.

30 (c) NOTHING IN THIS SECTION IS INTENDED TO PERMIT THE TRANSFER OF
31 MARIJUANA, WITH OR WITHOUT REMUNERATION, TO A PERSON UNDER THE AGE OF
32 TWENTY-ONE OR TO ALLOW A PERSON UNDER THE AGE OF TWENTY-ONE TO
33 PURCHASE, POSSESS, USE, TRANSPORT, GROW, OR CONSUME MARIJUANA.

34 (d) NOTHING IN THIS SECTION SHALL PROHIBIT A PERSON, EMPLOYER,
35 SCHOOL, HOSPITAL, DETENTION FACILITY, CORPORATION OR ANY OTHER ENTITY

1 WHO OCCUPIES, OWNS OR CONTROLS A PROPERTY FROM PROHIBITING OR
2 OTHERWISE REGULATING THE POSSESSION, CONSUMPTION, USE, DISPLAY,
3 TRANSFER, DISTRIBUTION, SALE, TRANSPORTATION, OR GROWING OF MARIJUANA
4 ON OR IN THAT PROPERTY.

5 **(7) Medical marijuana provisions unaffected.** NOTHING IN THIS SECTION SHALL
6 BE CONSTRUED:

7 (a) TO LIMIT ANY PRIVILEGES OR RIGHTS OF A MEDICAL MARIJUANA
8 PATIENT, PRIMARY CAREGIVER, OR LICENSED ENTITY AS PROVIDED IN SECTION 14
9 OF THIS ARTICLE AND THE COLORADO MEDICAL MARIJUANA CODE;

10 (b) TO PERMIT A MEDICAL MARIJUANA CENTER TO DISTRIBUTE MARIJUANA
11 TO A PERSON WHO IS NOT A MEDICAL MARIJUANA PATIENT;

12 (c) TO PERMIT A MEDICAL MARIJUANA CENTER TO PURCHASE MARIJUANA
13 OR MARIJUANA PRODUCTS IN A MANNER OR FROM A SOURCE NOT AUTHORIZED
14 UNDER THE COLORADO MEDICAL MARIJUANA CODE;

15 (d) TO PERMIT ANY MEDICAL MARIJUANA CENTER LICENSED PURSUANT TO
16 SECTION 14 OF THIS ARTICLE AND THE COLORADO MEDICAL MARIJUANA CODE TO
17 OPERATE ON THE SAME PREMISES AS A RETAIL MARIJUANA STORE; OR

18 (e) TO DISCHARGE THE DEPARTMENT, THE COLORADO BOARD OF HEALTH,
19 OR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FROM
20 THEIR STATUTORY AND CONSTITUTIONAL DUTIES TO REGULATE MEDICAL
21 MARIJUANA PURSUANT TO SECTION 14 OF THIS ARTICLE AND THE COLORADO
22 MEDICAL MARIJUANA CODE.

23 **(8) Self-executing, severability, conflicting provisions.** ALL PROVISIONS OF
24 THIS SECTION ARE SELF-EXECUTING EXCEPT AS SPECIFIED HEREIN, ARE SEVERABLE,
25 AND, EXCEPT WHERE OTHERWISE INDICATED IN THE TEXT, SHALL SUPERSEDE
26 CONFLICTING STATE STATUTORY, LOCAL CHARTER, ORDINANCE, OR RESOLUTION,
27 AND OTHER STATE AND LOCAL PROVISIONS.

28 **(9) Effective date.** UNLESS OTHERWISE PROVIDED BY THIS SECTION, ALL
29 PROVISIONS OF THIS SECTION SHALL BECOME EFFECTIVE UPON OFFICIAL
30 DECLARATION OF THE VOTE HEREON BY PROCLAMATION OF THE GOVERNOR,
31 PURSUANT TO SECTION 1(4) OF ARTICLE V.

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1816
Series of 2013

Series of 2013

A BILL FOR AN ORDINANCE AMENDING CHAPTER 11 OF THE NORTHGLENN MUNICIPAL CODE TO ADD A NEW ARTICLE 57 CONCERNING MARIJUANA ESTABLISHMENTS AND PROHIBITING MARIJUANA CLUBS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Chapter 11 of the Northglenn Municipal Code is hereby amended by the addition of a new Article 57 to read as follows:

ARTICLE 57

MARIJUANA ESTABLISHMENTS

Section 11-57-1. Marijuana clubs – prohibited.

THE USE OF PROPERTY AS A MARIJUANA CLUB SHALL BE A USE PROHIBITED IN ANY ZONING DISTRICT IN THE CITY. FOR PURPOSES OF THIS SECTION, THE TERM “MARIJUANA CLUB” MEANS AN ORGANIZATION THAT ALLOWS MEMBERS AND THEIR GUESTS TO CONSUME MARIJUANA OR MARIJUANA PRODUCTS ON THE PREMISES IN A NON-RESIDENTIALLY ZONED AREA.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2013.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____,
2013.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

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INTRODUCED, READ AND ORDERED POSTED this 9th day of December, 2013.

/s/
JOYCE DOWNING
Mayor

ATTEST:

/s/
JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____,
2013.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

/s/
COREY Y. HOFFMANN
City Attorney