

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1847
Series of 2015

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A BILL FOR AN ORDINANCE AMENDING ARTICLE 14 OF CHAPTER 18 OF THE NORTHGLENN MUNICIPAL CODE CONCERNING MEDICAL MARIJUANA BUSINESSES AND ARTICLE 16 OF CHAPTER 18 OF THE NORTHGLENN MUNICIPAL CODE CONCERNING RETAIL MARIJUANA ESTABLISHMENTS, AND REPEALING ORDINANCE NO. 1669, SERIES OF 2014

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

Section 1. Section 18-14-7 of the Northglenn Municipal Code is hereby amended to read as follows:

Section 18-14-7. 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 application fee to defray the costs incurred by the City for background investigations and inspections of the proposed premises, as well as any other costs associated with the processing of the application. In addition, the applicant shall present for recording one (1) of the following forms of identification:

~~(1) an identification card, issued in accordance with Section 42-2-302, C.R.S.;~~

~~(2) a valid state driver's license~~

~~(3) a military identification card;~~

~~(4) an alien registration card; or~~

~~(5) a valid passport.~~

(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 medical marijuana business, and all persons having a ten percent (10%) or more financial interest in the medical marijuana business 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) 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 medical marijuana business, including records of deposit, withdrawals, balances and loans;

(4) 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;

(5) the name and complete address of the proposed medical marijuana business, 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;

(6) 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 medical marijuana ~~center~~ BUSINESS;

(7) 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;

(8) evidence of a valid sales tax license for the business;

(9) if the medical marijuana center will be providing medical 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;

(10) a "to scale" diagram of the premises, showing, without limitation, a site plan, building layout, all entry ways and exits to the marijuana center and cultivation facility, loading zones and all areas in which medical marijuana will be stored, grown or dispensed;

(11) a comprehensive business operation plan for the medical marijuana business which shall contain, without limitation, the following:

(a) a security plan meeting the requirements of Section 18-14-22 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; and

(d) a plan for the disposal of medical marijuana and related byproducts to ensure that such disposal is in compliance with all applicable federal, state and local laws or regulations.

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

(13) AN ACKNOWLEDGEMENT THAT APPLICANT WILL BE REQUIRED AT THE PUBLIC HEARING TO MAKE A SHOWING WITH AFFIRMATIVE EVIDENCE THAT APPROVAL OF THE APPLICATION WILL RESULT IN NO DEMONSTRABLE NEGATIVE IMPACTS ON THE NEIGHBORHOOD; 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 medical marijuana center, cultivation facility, and medical marijuana-infused products manufacturing operation including, without limitation, 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 AS FOLLOWS:

(1) 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. The notice shall also contain the names and addresses of the officers, directors and/or managers of the facility to be licensed; AND

(2) THE APPLICANT SHALL PAY THE ACTUAL COSTS OF HAVING THE CITY CLERK'S OFFICE MAIL A NOTICE VIA UNITED STATES MAIL TO ALL NORTHGLENN LANDOWNERS WITHIN A ONE-HALF MILE RADIUS OF THE PROPOSED LICENSED PREMISES. SUCH PAYMENT SHALL BE MADE AT LEAST FIFTEEN (15) DAYS PRIOR TO SUCH HEARING TO CAUSE THE CITY CLERK'S OFFICE TO MAIL SUCH NOTICE POSTMARKED AT LEAST SEVEN (7) DAYS, BUT NO EARLIER THAN FOURTEEN (14) DAYS, PRIOR TO THE DATE OF THE PUBLIC HEARING ON THE APPLICATION. THE CITY CLERK'S OFFICE SHALL PROVIDE THE MARIJUANA LICENSING AUTHORITY AN AFFIDAVIT OF SAID MAILING. UNLESS OTHERWISE PROHIBITED BY LAW, THE MAILED NOTICE SHALL STATE THE ADDRESS OF THE PROPOSED LICENSED PREMISES, THE TYPE OF MEDICAL MARIJUANA BUSINESS, THE

DATE, TIME AND PLACE OF THE PUBLIC HEARING ON THE LICENSE APPLICATION, THE NAME OF THE APPLICANT, THE TRADE NAME OF THE LICENSED PREMISES UNDER WHICH IT WILL BE DOING BUSINESS, AND A PROMINENT STATEMENT, WHICH READS AS FOLLOWS:

“THIS APPLICATION WILL BE UNDER REVIEW BY THE MARIJUANA LICENSING AUTHORITY FOR THE CITY OF NORTHGLEN. AS A PART OF THIS REVIEW PROCESS, THE AUTHORITY WILL CONSIDER THE NUMBER, TYPE AND AVAILABILITY OF MEDICAL MARIJUANA BUSINESSES IN OR NEAR THE PREMISES UNDER CONSIDERATION. COMMENTS REGARDING THIS APPLICATION MAY BE SENT TO THE MARIJUANA LICENSING AUTHORITY FOR THE CITY OF NORTHGLEN AT THE FOLLOWING ADDRESS: CITY OF NORTHGLEN MARIJUANA LICENSING AUTHORITY, P.O. BOX 330061, NORTHGLEN, CO 80233. ADDITIONALLY, PUBLIC COMMENTS ON THE APPLICATION MAY BE PRESENTED AT THE PUBLIC HEARING TO BE HELD ON _____, 20____, AT _____ P.M., IN THE CITY COUNCIL CHAMBERS, 11701 COMMUNITY CENTER DRIVE, NORTHGLEN, CO 80233.”

(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 medical marijuana centers, optional premises cultivation operations, or medical marijuana-infused products manufacturers 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. IN ADDITION, THE LOCAL LICENSING AUTHORITY SHALL CONSIDER WHETHER APPROVAL OF THE APPLICATION WOULD RESULT IN ANY OF THE FOLLOWING DEMONSTRABLE NEGATIVE IMPACTS ON THE SURROUNDING NEIGHBORHOOD:

(1) AN UNDUE CONCENTRATION OF A CERTAIN CLASS OF MEDICAL MARIJUANA BUSINESS THAT WOULD REQUIRE THE USE OF ADDITIONAL LAW ENFORCEMENT RESOURCES;

(2) AN INCREASE IN TRAFFIC CONGESTION;

(3) A SHORTAGE OF AVAILABLE PARKING; OR

(4) OTHER DEMONSTRABLE NEGATIVE IMPACTS CAUSED BY THE NEW MEDICAL MARIJUANA BUSINESS.

(i) The local licensing authority shall issue its decision within thirty (30) days of the completion of the public hearing thereon. 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.

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

Section 2. Section 18-14-11 of the Northglenn Municipal Code is hereby amended to read as follows:

Section 18-14-11. Location criteria.

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

(a) No medical marijuana business 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~~ 1000 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 marijuana business, under this Article 14, or under Article 16 of this Chapter 18;

(7) within any building or structure that contains a residential unit; or

(8) upon any City of Northglenn owned property.

(b) The distances described in subsection (a) shall be computed by ~~USE OF 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 medical marijuana using a route of direct pedestrian access~~ A RADIUS FROM THE PROPERTY LINES OF THE LOCATIONS SET FORTH IN SUBSECTION (a) TO THE UNIT WITHIN A BUILDING OR STRUCTURE HOUSING THE MEDICAL MARIJUANA BUSINESS.

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

(d) The suitability of a location for a medical marijuana business 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 medical marijuana business 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 3. Section 18-14-15 of the Northglenn Municipal Code is hereby amended to read as follows:

Section 18-14-15. Annual license fee; OTHER FEES.

(a) Annual license 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 ~~local licensing authority~~ CITY BY SEPARATE RESOLUTION to be sufficient to cover the annual cost of inspections conducted pursuant to Section 18-14-32 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.

(b) IN ADDITION TO THE ANNUAL LICENSE FEE, THE LICENSEE SHALL PAY TO THE CITY FEES IN AN AMOUNT DETERMINED BY THE CITY BY SEPARATE RESOLUTION TO BE SUFFICIENT TO COVER THE ADMINISTRATIVE COSTS OF THE CITY ASSOCIATED WITH APPLICATIONS

FOR TRANSFER OF OWNERSHIP, CHANGE OF LOCATION, A CHANGE IN FINANCIAL OWNERSHIP CONSISTING OF MORE THAN TEN PERCENT (10%) OF THE OWNERSHIP INTEREST, OR A MODIFICATION TO THE LICENSED PREMISES.

Section 4. Section 18-14-18 of the Northglenn Municipal Code is hereby amended to read as follows:

Section 18-14-18. 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 18-14-17 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 medical marijuana ~~establishment~~ BUSINESS 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~~ TRANSFER APPLICATION shall be required for any transfer of the capital stock of a ~~public~~ corporation OR ANY OTHER INTEREST 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 medical marijuana business that is the subject of a license shall be a person having a criminal history as described in subsections 18-14-12(a)(11) and (12) of this Article.

(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 THAT DOES NOT REQUIRE A TRANSFER APPLICATION IN ACCORDANCE WITH SUBSECTION (b) ABOVE, 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 5. Section 18-14-19, subsection (a) of the Northglenn Municipal Code is hereby amended to read as follows:

(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 AND, WHERE APPLICABLE, THE LOCAL 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 Medical 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 medical marijuana ~~establishment~~ BUSINESS 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.

Section 6. Section 18-14-38 of the Northglenn Municipal Code is hereby amended to read as follows:

Section 18-14-38. Rules and regulations; ADMINISTRATIVE APPROVALS.

(a) 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.

(b) IN THE EVENT THAT THERE HAVE BEEN NO VIOLATIONS OF THE COLORADO MEDICAL OR RETAIL MARIJUANA CODE DURING THE PRECEDING YEAR, AND IF THERE IS NO OTHER DEROGATORY INFORMATION REGARDING THE LICENSEE, ITS PARTNERS, OFFICERS, DIRECTORS, MANAGERS, OR SHAREHOLDERS, THEN THE CITY CLERK MAY GRANT THE RENEWAL OF A MEDICAL MARIJUANA LICENSE, TRANSFER OF OWNERSHIP, CHANGE OF CORPORATE STATUS, A REQUEST FOR MODIFICATION OF THE LICENSED PREMISES THAT DOES NOT INCLUDE AN EXPANSION OF THE LICENSED PREMISES, OR MANAGER REGISTRATION ON BEHALF OF THE LICENSING AUTHORITY. IF, HOWEVER, THE CITY CLERK'S INVESTIGATION DISCLOSES ANY PROVED OR ALLEGED VIOLATIONS OF THE COLORADO MEDICAL OR RETAIL MARIJUANA CODE OR DEROGATORY INFORMATION AS DESCRIBED ABOVE, THE CLERK SHALL SCHEDULE ACTION ON THE APPLICATION BEFORE THE LICENSING AUTHORITY.

Section 7. Section 18-16-7 of the Northglenn Municipal Code is hereby amended to read as follows:

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) AN ACKNOWLEDGEMENT THAT APPLICANT WILL BE REQUIRED AT THE PUBLIC HEARING TO MAKE A SHOWING WITH AFFIRMATIVE EVIDENCE THAT APPROVAL OF THE APPLICATION WILL RESULT IN NO DEMONSTRABLE NEGATIVE IMPACTS ON THE NEIGHBORHOOD.

(15) 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 AS FOLLOWS:

(1) 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; AND

(2) THE APPLICANT SHALL PAY THE ACTUAL COSTS OF HAVING THE CITY CLERK'S OFFICE MAIL A NOTICE VIA UNITED STATES MAIL TO ALL NORTHGLENN LANDOWNERS WITHIN A ONE-HALF MILE RADIUS OF THE PROPOSED LICENSED PREMISES. SUCH PAYMENT SHALL BE MADE AT LEAST FIFTEEN (15) DAYS PRIOR TO SUCH HEARING TO CAUSE THE CITY CLERK'S OFFICE TO MAIL SUCH NOTICE POSTMARKED AT LEAST SEVEN (7) DAYS, BUT NO EARLIER THAN FOURTEEN (14) DAYS, PRIOR TO THE DATE OF THE PUBLIC HEARING ON THE APPLICATION. THE CITY CLERK'S OFFICE SHALL PROVIDE THE MARIJUANA LICENSING AUTHORITY AN AFFIDAVIT OF SAID MAILING. UNLESS OTHERWISE PROHIBITED BY LAW, THE MAILED NOTICE SHALL STATE THE ADDRESS OF THE PROPOSED LICENSED PREMISES, THE TYPE OF RETAIL MARIJUANA ESTABLISHMENT, THE DATE, TIME AND PLACE OF THE PUBLIC HEARING ON THE LICENSE APPLICATION, THE NAME OF THE APPLICANT, THE TRADE NAME OF THE LICENSED PREMISES UNDER WHICH IT WILL BE DOING BUSINESS, AND A PROMINENT STATEMENT, WHICH READS AS FOLLOWS:

“THIS APPLICATION WILL BE UNDER REVIEW BY

THE MARIJUANA LICENSING AUTHORITY FOR THE CITY OF NORTHGLENN. AS A PART OF THIS REVIEW PROCESS, THE AUTHORITY WILL CONSIDER THE NUMBER, TYPE AND AVAILABILITY OF RETAIL MARIJUANA ESTABLISHMENTS IN OR NEAR THE PREMISES UNDER CONSIDERATION. COMMENTS REGARDING THIS APPLICATION MAY BE SENT TO THE MARIJUANA LICENSING AUTHORITY FOR THE CITY OF NORTHGLENN AT THE FOLLOWING ADDRESS: CITY OF NORTHGLENN MARIJUANA LICENSING AUTHORITY, P.O. BOX 330061, NORTHGLENN, CO 80233. ADDITIONALLY, PUBLIC COMMENTS ON THE APPLICATION MAY BE PRESENTED AT THE PUBLIC HEARING TO BE HELD ON _____, 20____, AT _____ P.M., IN THE CITY COUNCIL CHAMBERS, 11701 COMMUNITY CENTER DRIVE, NORTHGLENN, CO 80233.”

(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. IN ADDITION, THE LOCAL LICENSING AUTHORITY SHALL CONSIDER WHETHER APPROVAL OF THE APPLICATION WOULD RESULT IN ANY OF THE FOLLOWING DEMONSTRABLE NEGATIVE IMPACTS ON THE SURROUNDING NEIGHBORHOOD:

(1) AN UNDUE CONCENTRATION OF A CERTAIN CLASS OF RETAIL MARIJUANA ESTABLISHMENT THAT WOULD REQUIRE THE USE OF ADDITIONAL LAW ENFORCEMENT RESOURCES;

(2) AN INCREASE IN TRAFFIC CONGESTION;

(3) A SHORTAGE OF AVAILABLE PARKING; OR

(4) OTHER DEMONSTRABLE NEGATIVE IMPACTS
CAUSED BY THE NEW RETAIL MARIJUANA ESTABLISHMENT.

(i) 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.

(j) 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 8. Section 18-16-13 of the Northglenn Municipal Code is hereby amended to read as follows:

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~~ 1000 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 ~~USE OF 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~~ A RADIUS FROM THE PROPERTY LINES OF THE LOCATIONS SET FORTH IN SUBSECTION (a) TO THE UNIT WITHIN A BUILDING OR STRUCTURE HOUSING THE RETAIL MARIJUANA ESTABLISHMENT.

(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 9. Section 18-16-17 of the Northglenn Municipal Code is hereby amended to read as follows:

Section 18-16-17. Annual operations fee; OTHER FEES.

(a) 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.

(b) IN ADDITION TO THE ANNUAL OPERATIONS FEE, THE LICENSEE SHALL PAY TO THE CITY FEES IN AN AMOUNT DETERMINED BY THE CITY BY SEPARATE RESOLUTION TO BE SUFFICIENT TO COVER THE ADMINISTRATIVE COSTS OF THE CITY ASSOCIATED WITH APPLICATIONS FOR TRANSFER OF OWNERSHIP, CHANGE OF LOCATION, A CHANGE IN FINANCIAL OWNERSHIP CONSISTING OF MORE THAN TEN PERCENT (10%) OF THE OWNERSHIP INTEREST, OR A MODIFICATION TO THE LICENSED PREMISES.

Section 10. Section 18-16-20 of the Northglenn Municipal Code is hereby amended to read as follows:

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~~ TRANSFER APPLICATION shall be required for any transfer of the capital stock of a ~~public~~ corporation OR ANY OTHER INTEREST 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 THAT DOES NOT REQUIRE A TRANSFER APPLICATION IN ACCORDANCE WITH SUBSECTION (b) ABOVE, 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 11. Section 18-16-21, subsection (a) of the Northglenn Municipal Code is hereby amended to read as follows:

(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 AND, WHERE APPLICABLE, THE LOCAL 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.

Section 12. Section 18-16-22 of the Northglenn Municipal Code is hereby amended to read as follows:

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~~ 8:00 p.m. the same day. A retail marijuana business may be open seven (7) days a week.

Section 13. Section 18-16-40 of the Northglenn Municipal Code is hereby amended to read as follows:

Section 18-16-40. Rules and regulations; ADMINISTRATIVE APPROVALS.

(a) 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.

(b) IN THE EVENT THAT THERE HAVE BEEN NO VIOLATIONS OF THE COLORADO MEDICAL OR RETAIL MARIJUANA CODE DURING THE PRECEDING YEAR, AND IF THERE IS NO OTHER DEROGATORY INFORMATION REGARDING THE LICENSEE, ITS PARTNERS, OFFICERS, DIRECTORS, MANAGERS, OR SHAREHOLDERS, THEN THE CITY CLERK MAY GRANT THE RENEWAL OF A RETAIL MARIJUANA LICENSE, TRANSFER OF OWNERSHIP, CHANGE OF CORPORATE STATUS, A REQUEST FOR MODIFICATION OF THE LICENSED PREMISES THAT DOES NOT INCLUDE AN EXPANSION OF THE LICENSED PREMISES, OR MANAGER REGISTRATION ON BEHALF OF THE LICENSING AUTHORITY. IF, HOWEVER, THE CITY CLERK'S INVESTIGATION DISCLOSES ANY PROVED OR ALLEGED VIOLATIONS OF THE COLORADO MEDICAL OR RETAIL MARIJUANA CODE OR DEROGATORY INFORMATION AS DESCRIBED ABOVE, THE CLERK SHALL SCHEDULE ACTION ON THE APPLICATION BEFORE THE LICENSING AUTHORITY.

Section 14. Ordinance No. 1669, Series of 2014, is hereby repealed on the effective date of this Ordinance.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2015.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____,
2015.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney