

SPONSORED BY: MAYOR DODGE

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1913
Series of 2018

1759
Series of 2018

A BILL FOR AN ORDINANCE AMENDING SECTION 5-18-2; SECTION 9-8-12(a); SECTION 9-14-3(2); SECTION 10-19-2; ARTICLE 18-2; ARTICLE 18-14; AND ARTICLE 18-16 OF THE NORTHGLENN MUNICIPAL CODE

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

Section 1. Section 5-18-2 of the Northglenn Municipal Code, "Definitions," is hereby amended to read as follows:

Section 5-18-2. Definitions.

The following terms used in this Article shall have the meaning set forth below:

* * *

(e) **Medical Marijuana** means marijuana that is grown and sold pursuant to ~~Article 43.3 of Title 12~~ ARTICLE 11 OF TITLE 44 of the Colorado Revised Statutes, and includes seeds and immature plants.

(f) **Medical Marijuana Center** means an entity licensed by the Colorado Department of Revenue pursuant to section 14 of article XVIII of the Colorado Constitution and ~~Article 43.3 of Title 12~~ ARTICLE 11 OF TITLE 44 of the Colorado Revised Statutes to sell marijuana and marijuana products, and licensed by the City of Northglenn to sell such products pursuant to Article 14 of Chapter 18 of the Northglenn Municipal Code.

* * *

(k) **Retail Marijuana Store** means an entity licensed to purchase Retail Marijuana from a Retail Marijuana Cultivation Facility and to purchase Retail Marijuana Product from a Retail Marijuana Products Manufacturing Facility and to sell Retail Marijuana and Retail Marijuana Products to consumers pursuant to section 16 of article XVIII of the Colorado Constitution and ~~Article 43.4 of Title 12~~ ARTICLE 12 OF TITLE 44 of the Colorado Revised Statutes, and licensed by the City of Northglenn to sell such products pursuant to Article 16 of Chapter 18 of the Northglenn Municipal Code.

Section 2. Section 9-8-12(a) of the Northglenn Municipal Code is hereby amended to read as follows:

Section 9-8-12. Alcohol Beverages – Violations of State Statutes, State Regulations or City Regulations – Penalties.

(a) It is unlawful for any person to violate: any provision of ~~Article 46~~ ARTICLE 4, Colorado Beer Code, ~~Article 47~~ ARTICLE 3, Colorado Liquor Code, or ~~Article 48~~ ARTICLE 5, Liquors, Special Events Permits of ~~Title 12~~ TITLE 44, C.R.S.; any rule or regulation of the Colorado Department of Revenue promulgated pursuant to such statutes; or any regulation contained in the City of Northglenn Beer and Liquor Regulations, as amended.

* * *

Section 3. Section 9-14-3(2) of the Northglenn Municipal Code is hereby amended to read as follows:

Section 9-14-3. Definitions

As used in this Article, the following terms shall have the meanings indicated herein:

* * *

(2) "**Bar**" means any indoor area that is operated and licensed under ~~article 47 of title 12~~ ARTICLE 3 OF TITLE 44, C.R.S., primarily for the sale and service of alcohol beverages for on-premises consumption and where the service of food is secondary to the consumption of such beverages.

* * *

Section 4. Section 10-19-2(a) of the Northglenn Municipal Code is hereby amended to read as follows:

Section 10-19-2. Growing of Medical Marijuana in Residential Structures.

A primary caregiver for purposes of this Article 19 of Chapter 10 and consistent with Article XVIII, Section 14(1)(f) of the Colorado Constitution is defined as a natural person, other than the patient and the patient's physician, who is eighteen (18) years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating medical condition. In addition to other activities conducted on behalf of the patient, a primary caregiver, a patient or a group of patients cultivating marijuana plants for their own use may cultivate, possess, produce, use or transport marijuana or paraphernalia to administer marijuana for medicinal purposes, subject to the following.

(a) Such cultivation, production, or possession of marijuana plants must be

in full compliance with all applicable provisions of Article XVIII, section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, C.R.S. §~~12-43-3-404~~ § 44-11-101 et seq., and the Medical Marijuana Program, C.R.S. § 25-1.5-106.

* * *

Section 5. Section 18-2-2(c) of the Northglenn Municipal Code is hereby amended to read as follows:

Section 18-2-2. Licensing Authority

* * *

(c) The Authority shall have and is vested with the authority to grant or refuse licenses for the sale at retail of malt, vinous or spirituous liquors and fermented malt beverages, as provided by law, to conduct investigations as are required by law, to allow "tastings," as that term is defined in C.R.S § ~~12-47-103 (37.5)~~44-3-103(56), at licensed retail liquor stores and liquor-licensed drug stores subject to the requirements and limitations contained in C.R.S. § ~~12-47-301~~44-3-301, and to suspend or revoke such licenses for cause in the manner provided by law. Such Authority shall have all the powers of the local liquor licensing authority as set forth in ~~Articles 46 and 47 of Title 12~~ ARTICLE 3 AND 4 OF TITLE 44, C.R.S.

Section 6. Section 18-2-4(b) of the Northglenn Municipal Code is hereby amended to read as follows:

Section 18-2-4. Administrative Approval of Certain Applications

* * *

(b) The City Clerk is further authorized in accordance with the provisions and limitations contained in C.R.S. § ~~12-47-303~~ 44-3-303 to issue a temporary permit during the time in which an application to transfer the ownership of a license is pending; except that no temporary permit shall be issued to a liquor-licensed drugstore that has acquired ownership of licensed retail liquor stores in accordance with C.R.S. § ~~12-47-408(1)(b)~~ 44-3-410(1)(b).

Section 7. Section 18-2-5(a)(1) of the Northglenn Municipal Code is hereby amended to read as follows:

Section 18-2-5. Optional Premises License

(a) "**Optional premises**" means:

(1) A premises specified in an application for a hotel and restaurant license in Section ~~12-47-119~~ 44-3-413, C.R.S. (as amended) with related outdoor sports and recreational facilities for the convenience of guests or the general public located on or adjacent to the hotel or restaurant within

which such licensee is authorized to serve alcoholic beverages in accordance with the provisions of this article and at the discretion of the state and local licensing authorities; or

Section 8. Section 18-2-6 of the Northglenn Municipal Code is hereby amended to read as follows:

Section 18-2-6. Unlawful Acts – Penalty

It shall be unlawful to violate any of the provisions of the Colorado Beer Code, ~~Title 12, Article 46~~, Title 44, Article 4, C.R.S.; the Colorado Liquor Code, ~~Title 12, Article 47~~, Title 44, Article 3, C.R.S.; any rule or regulation of the Colorado Department of Revenue promulgated pursuant to either Code; or any provision of Article 2 of Chapter 18. Violations shall be punishable, upon conviction, as provided in Section 1-1-10(a)(2) of this Code.

Section 9. Section 18-2-8(a) of the Northglenn Municipal Code is hereby amended to read as follows:

Section 18-2-8. Imposing Fines in Lieu of Suspension

(a) The Northglenn Liquor Licensing Authority ("Authority") shall have the power and authority, on its own motion or on complaint, after investigation and public hearing at which the licensee shall be afforded an opportunity to be heard, to suspend or revoke any license or permit issued by such authority for any violation by the licensee or by any of the agents, servants, or employees of such licensee of the Colorado Liquor Code, C.R.S. ~~42-47-101~~ 44-3-101 *et. seq.*, or any of the rules or regulations authorized pursuant to the Colorado Liquor Code or of any of the terms, conditions, or provisions of the license or permit issued by such authority. The Authority has the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing that the licensing authority is authorized to conduct.

Section 10. Section 18-2-8.5(13) of the Northglenn Municipal Code is hereby amended to read as follows:

Section 18-2-8.5. Special Private Occasion Permit

Upon approval by the Liquor Licensing Authority, the City Clerk may issue a special private occasion permit for the possession and consumption of alcoholic beverages in all public places within the City of Northglenn, except for City Parks, and shall provide a copy of such permit to the Northglenn Police Department upon issuance, provided the applicant can demonstrate to the satisfaction of the Liquor Licensing Authority that:

* * *

(13) No Special Private Occasion Permit shall be issued to any person who is not of good moral character as that term is used in C.R.S. § ~~12-47-307~~ 44-3-307.

Section 11. Section 18-2-10(d) of the Northglenn Municipal Code is hereby amended to read as follows:

Section 18-2-10. Guidelines for Violations of the Colorado Liquor or Beer Code.

* * *

(d) The following violations of the Colorado Liquor Code shall be subject to the guidelines set forth in subsection (b) of this Section 18-2-10:

(1) Sale or service of an alcohol beverage to a person under the age of twenty-one (21) years pursuant to C.R.S. § ~~12-47-901(1)(a)~~ 44-3-901(1)(a), unless such person under the age of twenty-one (21) years exhibits a fraudulent proof of age, and the Licensee reasonably relies on such fraudulent proof of age pursuant to C.R.S. § ~~12-47-901(5)(a)(I)~~ 44-3-901(6)(a)(I);

(2) Sale or service of an alcohol beverage to a visibly intoxicated person pursuant to C.R.S. § ~~12-47-901(1)(a)~~ 44-3-901(1)(a);

* * *

(4) Sale or service of an alcohol beverage to consumers for consumption on or off of the licensed premises during any hours where such sale or service is prohibited pursuant to C.R.S. § ~~12-47-901(5)(b)~~ 44-3-901(6)(b) or C.R.S. § ~~12-47-901(5)(e)~~ 44-3-901(5)(c);

(5) Sale of an alcohol beverage at retail outside of the licensed premises pursuant to C.R.S. § ~~12-47-901(5)(b)~~ 44-3-901(6)(b) or C.R.S. § ~~12-47-901(5)(g)~~ 44-3-901(6)(g);

(6) Authorization or permitting of any gambling or the use of any gambling machine pursuant to C.R.S. § ~~12-47-901(5)(n)(I)~~ 44-3-901(6)(n);

(7) Authorization or permitting of any tough person fighting as defined in C.R.S. § 12-10-103 pursuant to C.R.S. § ~~12-47-901(5)(o)~~ 44-3-901(5)(o);

* * *

Section 12. Section 18-14-1(b) of the Northglenn Municipal Code is hereby amended to read as follows:

Section 18-14-1. Findings and Legislative Intent.

The City Council makes the following legislative findings:

* * *

(b) The City Council finds and determines that the Colorado Medical Marijuana Code, C.R.S. § ~~12-43.3-101~~ 44-11-101, *et seq.*, clarifies Colorado law regarding the scope and extent of Amendment 20 to the Colorado Constitution.

Section 13. Section 18-14-2(a) of the Northglenn Municipal Code is hereby amended to read as follows:

Section 18-14-2. Purpose

(a) The purpose of this Article is to implement the provisions of the Colorado Medical Marijuana Code, C.R.S. § ~~12-43.3-101~~ 44-11-101, which authorizes the licensing and regulation of medical marijuana businesses and affords local governments the option to determine whether or not to allow medical 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 14. Section 18-14-4(a) of the Northglenn Municipal Code is hereby amended to read as follows:

Section 18-14-4. Authority

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

(a) The Colorado Medical Marijuana Code, C.R.S. § ~~12-43.3-101~~ 44-11-101, *et seq.*;

Section 15. Section 18-14-24(a) of the Northglenn Municipal Code is hereby amended to read as follows:

Section 18-14-24. Cultivation, growing and processing by licensees.

(a) Subject to the limitations set forth in Section 18-14-24 and C.R.S. § ~~12-43.3-403~~ 44-11-403 and other applicable laws, the growing, cultivation or processing of marijuana shall be allowed contiguous or not contiguous to the licensed premises of a medical marijuana business that submitted an application to the City pursuant to Section 18-14-41 of this Northglenn Municipal Code. Provided, however, such growing, cultivation or processing shall be limited to agricultural and industrial zoned land.

Section 16. Section 18-14-41 of the Northglenn Municipal Code is hereby amended to read as follows:

Section 18-14-41. Permitted Medical Marijuana Business of June 30, 2010

Any previously permitted medical marijuana business (defined by Ordinance No. 1550, Series of 2009 as a permitted medical marijuana dispensary) as of June 30, 2010, may continue to operate within the City pursuant to the provisions of this Article and C.R.S. § ~~12-43-103~~ 44-11-103 only if the licensee on or before August 1, 2010, completes the forms provided by the Department of Revenue and pays the fees established by the Department of Revenue pursuant to C.R.S. § ~~12-43-3-103(1)(b)~~ 44-11-103(1)(b).

Section 17. Section 18-16-1(b) of the Northglenn Municipal Code is hereby amended to read as follows:

Section 18-16-1. Findings

* * *

(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~~ 44-12-101, *et seq.*, clarifies Colorado law regarding the scope and extent of Amendment 64 to the Colorado Constitution.

Section 18. Section 18-16-2 of the Northglenn Municipal Code is hereby amended to read as follows:

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~~ 44-11-101, *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 19. Section 18-16-4(b) of the Northglenn Municipal Code is hereby amended to read as follows:

Section 18-16-4. Authority

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

* * *

(b) The Colorado Retail Marijuana Code, C.R.S. § ~~12-43.4-101-44-12-~~ 101, *et seq.*;

Section 20. Section 18-16-5(a) of the Northglenn Municipal Code is hereby amended to read as follows:

Section 18-16-5. Definitions

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

* * *

Colorado Medical Marijuana Code means Article 11 of Title 44, Colorado Revised Statutes.

* * *

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. § ~~12-43.4-201-44-12-201.~~

Section 21. Section 18-16-26(a) of the Northglenn Municipal Code is hereby amended to read as follows:

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. § ~~12-43.4-403-44-12-403~~ 44-12-403 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.


INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2018.

CAROL A. DODGE
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk


PASSED ON SECOND AND FINAL READING this 24th day of September,
2018.


CAROL A. DODGE
Mayor

ATTEST:


JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:


COREY Y. HOFFMANN
City Attorney