

DENVER HOURS OF OPERATION

A CASE FOR EXTENDED HOURS

presented by:



CURRENT MJ REGULATIONS: OVERVIEW

Regulation	Retail	Medical
State Hours* (R308; M308)	8AM and 12AM, MST, Mon - Sun.	8AM and 12AM, MST, Mon – Sun
Denver Hours** (Sec. 6-296 D.R.M.C.; Sec. 24-508.)	It shall be unlawful for any person to sell marijuana or marijuana products at a licensed retail marijuana store at any time other than between the hours of 8:00 a.m. and 7:00 p.m.	It shall be unlawful for any person to sell medical marijuana or medical marijuana products at a licensed medical marijuana center at any time other than between the hours of 8:00 a.m. and 7:00 p.m. daily.

At the time the original parameters were established, the marijuana program was still in its infancy. There was no specific reason to terminate dispensary hours at 7PM.



*Source: Marijuana Enforcement Division Current Amalgamated Rules R 308 – Selling and Serving Retail Marijuana and Retail Marijuana Product – Hours of Operation; Current Amalgamated Rules M308 Selling and Serving Medical Marijuana and Medical Marijuana Infused Product - Hours of Options. ** Source: Denver Revised Municipal Code Article V – Denver Retail Marijuana Code Sec. 6.

OTHER MUNICIPALITIES ALLOW MJ SALES 10PM+

MUNICIPALITY	HOURS OF OPERATION	
Aurora	8 AM – 10PM	REC – cap: 24
Boulder	8AM – 10PM	MED/REC- zoning/ distance limited
Commerce City	8AM – 10PM Retail 8AM – 10PM Med	MED/REC – no cap
Denver	8AM – 7PM	MED/REC - cap
Edgewater	8AM – 12AM	MED/REC – cap: 7 operating, 5 permitted
Glendale	8AM-12AM	MED/REC – 5 centers, zoning limited

*Source: Aurora – Code of Ordinances/Chapter 6, Article II. Sec. 6-310

** Source: Boulder Ordinance 8157

***Source: Commerce City Ordinance 2050

****Source: Denver CB 15-0192

*****Source: City of Edgewater Ordinance 2015-07

*****Source: City of Glendale Ordinance 2016-1

COMPARISON TO LIQUOR REGULATIONS

Regulation	Retail
State Hours* (R308; M308)	Off-premises Liquor Licenses - Licensees who sell alcohol beverages for consumption off the premises (Liquor Stores, Drug Stores, and Brew Pub “to go” sales) may sell from 8:00AM to midnight every day except Christmas.
Denver Hours** (Sec. 6-296 D.R.M.C.; Sec. 24-508.)	Hours of Sale. It shall be unlawful for any person to sell fermented malt beverages between the hours of 12 midnight and 7 a.m.

* Source: Department of Revenue Enforcement Division

<https://www.colorado.gov/pacific/enforcement/liquor-frequently-asked-questions>

** Source: Denver Revised Municipal Code, Article 2, Section 6-12., v. Feb 24, 2017

WHY ARE HOURS OF OPERATION BEING REVIEWED?

- Other business, such as restaurants, bars, convenience stores, liquor stores and gas stations, are permitted to serve their communities later than MJ businesses. Those businesses have the choice to operate consistent with the needs of their communities.
- The MJ business community has demonstrated their commitment to responsible operations, and already exceed thresholds required by other businesses, including but not limited to Odor Control plans, community engagement plans, good neighbor agreements, extraordinary security requirements, special taxes. We have worked with the City to address these issues and more.
- Community members should have the same access as Edgewater, Aurora, Glendale, Commerce City, Mountainview, and Boulder.
- The longer storefronts are lit and open, the more welcoming a commercial corridor is, and the lower the opportunity for crime.

Denver is in rulemaking for i300*, a voter-initiated ordinance which allows non-MJ businesses to apply for social consumption permits. Consumers need to have safe access to cannabis without driving over city limits to neighboring municipalities or accessing illegal markets. Later hours will help.

*Source: <https://www.denvergov.org/content/denvergov/en/denver-business-licensing-center/marijuana-licenses/social-consumption-advisory-committee.html>

EXISTING SECURITY PROTOCOLS

Commercial Locking Mechanisms: commercial grade, non-residential locks

Security Alarm Systems

Hard wire, RFID, cellular, private radio, motion detectors, pressure switches, duress alarms (silent alarms), hold up alarms – minimum requirement on all perimeter entry points

Continuous Monitoring

Controlled Access

Video Surveillance: Cameras w/ date/time stamps in all Limited Access Areas, POS, ingress & egress for interior & exterior areas, all areas where product is handled, grown, stored or sold, 20' visibility to clearly identify individuals & facial features, including exterior vantage points and low-light conditions. Stored in secure area, digital/network video recorders, cameras & video monitors, digital archiving, failure notification system & battery backup

Other (Opt-In): Motion lights, physical security barriers, roaming security patrols, onsite guards

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HOW HAS DENVER BEEN IMPACTED BY MJ CRIME?

Marijuana Policy Group:

Legal marijuana sales are increasing due to a supply shift — away from gray and black market suppliers, toward licensed suppliers.”

Total marijuana crime comprises less than 1% of all crime in Denver, and has been trending down every year since 2012.

Denver Marijuana-Related Crime	Industry Related Crime 2015-2016	Non-Industry Related Crime 2015-2016
Violent Crime	-63%	-32%
Property Crime	+23%	-14%
Public Order Crime	-45%	-50%
All Other crimes	-67%	-33%

DPD Arrests/Citations for MJ Violations 2015-2016:

- Fell by 220 incidents and 13%.
- Of the 220 citations, 200 were for illegal and unlicensed activity

Every significant measure of MJ crime was reduced from 2015-2016 – except burglaries. It is more likely that burglaries occur when businesses are closed.

HOW HAVE OTHER COMMUNITIES BEEN IMPACTED BY MJ CRIME?

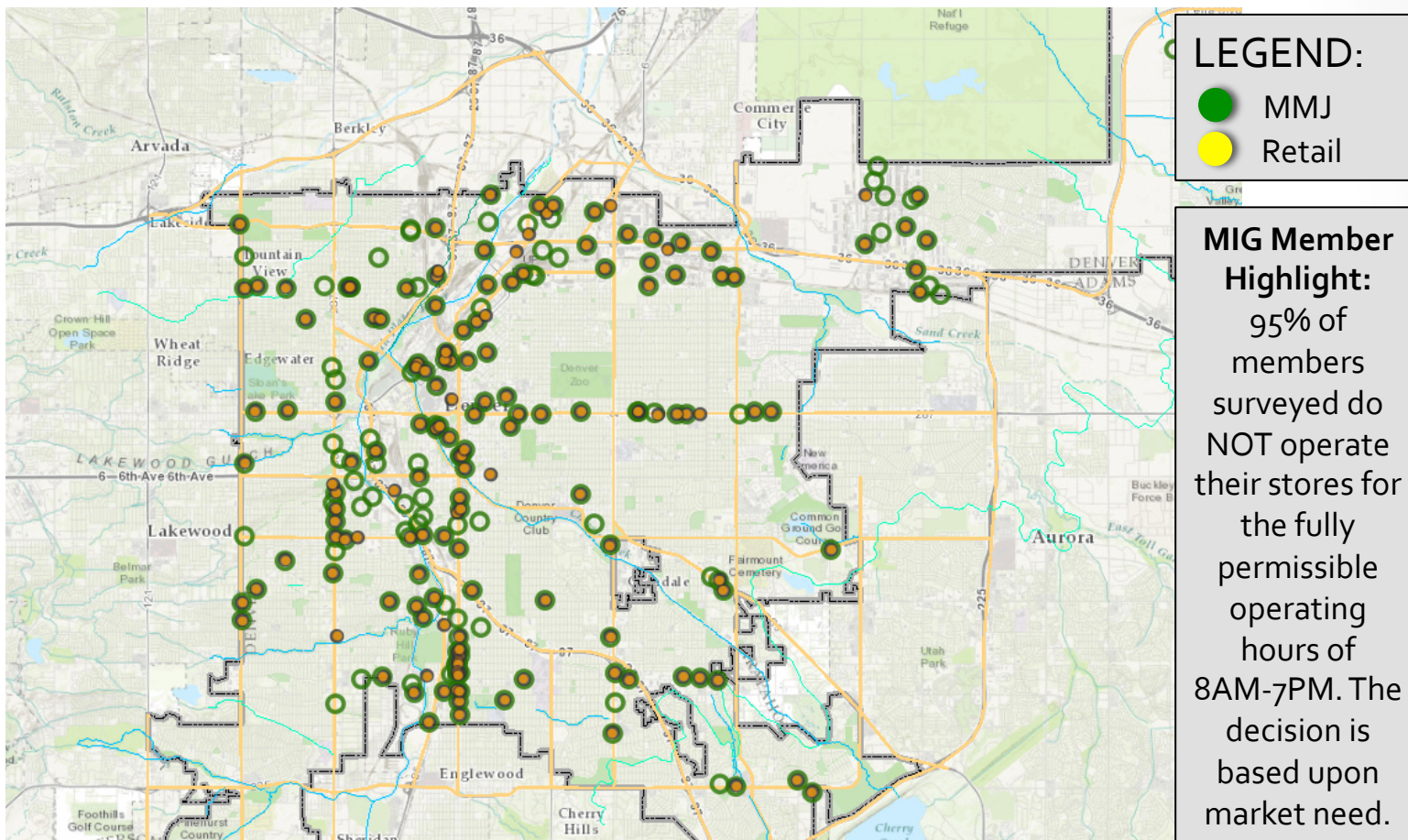


AURORA:

"Few incidents have been reported at licensed marijuana businesses in Aurora, likely because the City diligently establishes guidelines for license-holders when implementing legalized marijuana."

- From 10/10/14-12/31/16, APD initiated 154 reports occurring at licensed mj establishments (attempt to align w/ business start dates), of which 130 were founded, including traffic violations, warrants/arrests, suspicious/arrests, lost/found property.
- Between 2012 and 2016, APD investigated 698 illegal marijuana growing operations, and an increase of 50% since 2012. The marijuana team has seized 27K mj plants and almost 8,100 lbs of mj with street value of \$8.7M>
- Increase of DUID arrests (197%) since 2014.

DENVER DISPENSARIES ARE CLUSTERED AROUND MAJOR THOROUGHFARES IN THE CITY



OTHER VEHICLES FOR COMMUNITY IMPACT

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Draft Conceptual Odor Control Plan Outline
Marijuana Cultivation Template

Table of Contents

- Facility Information
 - Name of facility
 - Name and email of facility owner
 - Name, email, and phone number of facility operator or business, and of any authorized designee
 - Facility physical address
 - Facility mailing address (if different from physical address)
 - Facility type
 - Facility hours of operation
 - Description of facility operations
 - Emergency contact information
 - Business license application number(s) and/or business file number(s) of applicant(s)
 - AP permit and permit number of applicant(s)
- Facility odor emissions information
 - Facility floor plan
This section would include a facility floor plan, with locations of odor emitting activities and emissions locations specified. Relevant information may include, but are not limited to, doors, windows, ventilation systems, and other intake locations. If specific odor emitting activities and locations were already specified in the business license application floor plan, the business file number(s) and specific sections within may be referenced instead of attaching a new floor plan to the OCP.
 - Specific odor emitting activity/ies
This section would describe the odor-producing activities or processes (e.g., cultivation) that take place at the facility, the specific source (e.g., building plants) of those odors, the specific location from where they are emitted (e.g., flowering room).
 - Phenyl Ethyl Alcohol (PEA) of odor emitting activity/ies
This section would describe the phenyl ethyl alcohol odor-producing activities that take place at the facility (e.g., harvesting), with what frequency they take place (e.g., every two weeks on Tuesdays), and for how long they last (e.g., 48 hours).

Odor Control Plan

VOLUNTARY AGREEMENT FORM

This Agreement is entered into as of this ____ day of _____, 20____, between the West Highland Neighborhood Association ("WHNA") and _____ ("Applicant").

WHEREAS, Applicant has applied for a _____ liquor license at _____, Denver, Colorado, from the Denver Department of Excise and Licenses, City and County of Denver; and

WHEREAS, WHNA is a recognized neighborhood organization in Denver, Colorado, whose neighborhood contains the premises at _____, WHNA is and has engaged its efforts to protect and improve the safety and quality of life in the neighborhood surrounding _____ and all parties want to continue to protect and improve the safety and quality of life of the neighborhood;

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

- WHNA **WILL NOT Oppose License**: WHNA agrees not to oppose the granting of the Applicant's liquor license or the Applicant's liquor license.
- Renewal**: WHNA agrees to at least 30 days notice of that the Applicant is renewing its license. Assuming such notice is provided and the other terms of this agreement are met, WHNA will not oppose renewal of the Applicant's liquor license.
- Property Leases**: Applicant agrees to have this agreement attached to the property lease at _____.
- Applicant will strictly adhere to the Colorado Liquor Code**: Applicant to comply with the Colorado Liquor Code, including refraining sale of any alcoholic beverage to any visibly intoxicated person or to any minor. In addition, Applicant will ensure that any employee who serves alcoholic beverages will attend a training seminar which teaches Colorado rules and regulations governing liquor sales.
- Hours of Operation**: If the property line of an establishment is located within 100 feet of the property line of a residence, applicant agrees to not conduct business between the hours of 12:00 a.m. and 6:00 a.m. If the property line of an establishment is not located within 100 feet of the property line of a residence OR the establishment is located on one of the streets of the WHNA (Federal, Sheridan and 70th Ave), applicant agrees to not conduct business between the hours of 2:00 a.m. and 6:00 a.m.

Applicant agrees to make the hours of operation clause of this agreement a condition of their license with the City and County of Denver's Department of Excise and Licenses.

- Neighborhood Concerns**: Applicant agrees to make its manager or owner available to any resident or the WHNA upon two (2) days' advance notice to discuss concerns regarding Applicant's business and the manager or owner will remain accountable by telephone. Applicant will provide WHNA the telephone number and/or cell phone number by which WHNA can reach the Applicant's manager or owner and encourage WHNA to report any noise, disturbance or other problems.

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Good Neighbor Agreement

City and County of Denver DEPARTMENT OF EXCISE AND LICENSES
201 West Colfax Avenue, Dept 206
Denver, Colorado 80202
720-865-2740

DENVER
THE MILE HIGH CITY

COMMUNITY ENGAGEMENT PLAN
Applicant Details

Business File Number (BFN): _____

Entity Name: _____

Trade Name (DBA): _____

Facility Address: _____ State: _____ Zip Code: _____

City: _____ State: _____ Zip Code: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Party Responsible for Neighborhood Outreach:
Name: _____ Phone: _____ E-mail: _____

Registered Neighborhood Organizations
List all registered neighborhood organizations ("RNO") whose boundaries encompass the location of the proposed licensed premises. Attach additional sheets as needed.

RNO Name:	Contact Name:	Contact Phone:	Contact E-mail:
_____	_____	_____	_____
RNO Name:	Contact Name:	Contact Phone:	Contact E-mail:
_____	_____	_____	_____
RNO Name:	Contact Name:	Contact Phone:	Contact E-mail:
_____	_____	_____	_____
RNO Name:	Contact Name:	Contact Phone:	Contact E-mail:
_____	_____	_____	_____
RNO Name:	Contact Name:	Contact Phone:	Contact E-mail:
_____	_____	_____	_____

Community Engagement Plan

Needs & Desires Hearings

SPOTLIGHT:

REAL BUSINESSES 7+PM vs. DENVER TAXES

	2016*	Ex A**: Aurora Rec 18%	Ex. B**: Aurora Rec 25%	Ex. C**: Edgewater Med/Rec 26%
Retail Special Sales Tax (3.5%)	\$10,174,443	\$1,831,400	\$2,543,611	\$2,645,355
Retail Base Sales Tax (3.65%)	\$10,610,491	\$1,909,888	\$2,652,623	\$2,758,728
Medical Base Sales Tax (3.65%)	\$7,749,876	\$—	\$—	\$2,014,968
State Shareback	\$4,359,247	\$784,664	\$1,089,812	\$1,133,404
Total	\$32,894,057			
Estimated Incremental Taxes		\$4,525,953	\$6,286,045	\$8,552,455
Projected New Total		\$37,420,010	\$39,180,102	\$41,446,512

The incremental resources could to be used for City projects, philanthropy, youth prevention or other desired outcomes under the general fund. For similar budgets, Edgewater is building a new civic center, and already repaved all of the sidewalks and potholes in the community.

EXTENDED HOURS OF OPERATION: SUMMARY OF NEEDS

Parents, Traditional Workers, Those Relying on
Public Transportation Need Extended Access

Aligns Business Practice w/
Other Community
Businesses

1300 Social
Consumption

Another
Shift =
More Jobs

Vibrant Streetscapes/
Less Opportunity for
Burglaries

Consistent Hours w/ Neighboring
Municipalities Discourages
Impaired Driving



THANK YOU.

CONTACT: EXECDIRECTOR@MARIJUANAINDUSTRYGROUP.COM
WWW.MARIJUANAINDUSTRYGROUP.ORG