

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2025

COUNCIL BILL NO. CB25-0500
COMMITTEE OF REFERENCE:

Business, Arts, Workforce, Climate & Aviation Services

A BILL

For an ordinance amending Chapters 6 and 32 of the Code to change the way businesses are regulated within the City to align with state law, and in connection therewith, update regulatory provisions for marijuana licenses and clarify requirements for court-appointed receivers managing licensed businesses.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. Amend Article V of Chapter 6 by adding the language underlined and deleting the language stricken, to read as follows:

ARTICLE V. – DENVER MARIJUANA CODE

Sec. 6-204. – Defined terms.

Except as provided below, the definitions set forth in subsection 16(2) of article XVIII of the Colorado Constitution and the definitions set forth in the Colorado Marijuana Code, shall apply equally to this article V. In addition, the following terms shall have the meanings respectively assigned to them:

(21) *Social equity applicant* means a person applying for a new marijuana business license, or being transferred a marijuana business license, who holds a valid finding of suitability as a social equity licensee from the state licensing authority. ~~who is or has one or more beneficial owners who hold, or collectively hold, an ownership percentage of at least fifty-one percent, each of whom satisfy the following criteria:~~

~~a. Is a Colorado resident;~~

~~b. Has not been the beneficial owner of a license subject to disciplinary or legal action from the state licensing authority or the department resulting in the revocation of any marijuana business license issued by the department or the state licensing authority;~~

~~c. Has demonstrated at least one of the following:~~

~~i. The applicant has resided for at least fifteen (15) years between the years 1980 and 2010 in a census tract designated by the Colorado Office of Economic Development and International Trade as an opportunity zone or designated by the state licensing authority as a disproportionate impacted area;~~

~~ii. The applicant or the applicant's parent, legal guardian, sibling,~~

~~spouse, child, or minor in their guardianship was arrested for a marijuana offense, convicted of a marijuana offense, or was subject to civil asset forfeiture related to a marijuana investigation; or~~
~~iii. The applicant's household income in the year prior to application did not exceed an amount determined by the state licensing authority rule governing social equity license qualifications.~~

Sec. 6-209. - Marijuana store licenses.

(b) *Proximity Restrictions.* No medical or retail marijuana store license shall be issued if the proposed location is within 1,000 feet of one or more of the following locations:

(1) Any school, with the distance computed by direct measurement in a straight line from the nearest legal parcel line of the land used for the school to the nearest external portion of the building in which the marijuana store is proposed to be located.

(2) Any child care establishment, with the distance computed by direct measurement in a straight line from the nearest legal parcel line of the land used for the child care establishment to the nearest external portion of the building in which the marijuana store is proposed to be located.

(3) Any other medical or retail marijuana store licensed pursuant to this article V, with the distance computed by direct measurement in a straight line from the nearest external portion of the building in which one (1) store is located to the nearest external portion of the building in which the other store is proposed to be located. In the event that the department receives two or more applications for a medical or retail marijuana store with proposed locations within one thousand (1,000) feet of each other, the director shall act upon only the first complete application received and shall not issue a license to subsequent applications proposing to be located within one thousand (1,000) feet, except as set forth in subsection (6).

(4) Any alcohol or drug treatment facility, with the distance computed by direct measurement in a straight line from the nearest external portion of the building in which the alcohol or drug treatment facility is located to the nearest external portion of the building in which the marijuana store is proposed to be located.

(5) Any location where, within the two (2) years preceding the date of the application, the director denied an application for a medical or retail marijuana store license because the reasonable requirements of the neighborhood and the desires of the adult inhabitants were satisfied by the existing outlets or the adult inhabitants did not otherwise need or desire an additional medical or retail marijuana store license.

(6) The proximity restrictions in paragraphs (1), (2), (3) and (4) shall not apply to any application for a retail marijuana store that proposes to share a location with a licensed medical

1 marijuana store that has existed in continuous operation and can demonstrate common ownership
2 with that same medical marijuana store license.

3 (d) *Public hearing.* A public hearing ~~may~~ shall be required prior to the issuance of a medical
4 or retail marijuana store license. A public hearing shall be required upon the receipt of relevant
5 substantial requests from parties in interest in the neighborhood under consideration. All such public
6 hearings shall be subject to the following provisions:

7 (7) Unless additional time is necessary to fully investigate an application, any decision
8 of the director approving or denying an application shall be in writing stating the reasons therefor,
9 within thirty (30) days after the date of the public hearing, and a copy of such decision shall be sent
10 ~~by certified mail~~ to the applicant at the physical or electronic address shown in the application. The
11 failure of the director to issue a final decision within thirty (30) days after the date of the public
12 hearing shall not preclude the director from later determining that the application should be approved
13 or denied.

14 **Sec. 6-217. – Marijuana hospitality business licenses.**

15 (f) *Public hearing—required.* A public hearing in compliance with section 6-209 ~~may~~ shall be
16 required prior to the issuance of a marijuana hospitality business license at a fixed location, but shall
17 not be required for an application proposing to operate a marijuana hospitality business solely on a
18 mobile premises. A public hearing shall be required for a marijuana hospitality business license at
19 a fixed location upon the receipt of relevant substantial requests from parties in interest in the
20 neighborhood under consideration. The requirements for public notice, posting, publication,
21 conduct, results of investigation, and decision of the director shall be the same as those for medical
22 and retail marijuana stores.

23 **Sec. 6-218. – Retail marijuana hospitality and sales business licenses.**

24 (d) *Public hearing—Required.* A public hearing in compliance with section 6-209 ~~may~~ shall
25 be required prior to the issuance of a retail marijuana hospitality and sales business license. A public
26 hearing shall be required upon the receipt of relevant substantial requests from parties in interest in
27 the neighborhood under consideration. The requirements for public notice, posting, publication,
28 conduct, results of investigation, and decision of the director shall be the same as those for medical
29 and retail marijuana stores.

30
31 **Section 2.** Amend Article 1 of Chapter 32 by adding the language underlined and deleting
32 the language stricken, to read as follows:

33 **ARTICLE I. – IN GENERAL**

1 **Sec. 32-3. – Definitions.**

2 The following definitions apply unless more specific provisions are applicable for the license
3 type:

4 ~~(2)~~ "Court appointee" means a person appointed by a court as a receiver, personal
5 representative, executor, administrator, guardian, conservator, trustee, or similarly situated
6 person, who is authorized by the court to take possession of, operate, manage, or control a
7 licensed business.

8 ~~(2)~~ (3) *Department* means the Denver Department of Excise and Licenses.

9 ~~(3)~~ (4) *Director* means the director of the Denver Department of Excise and Licenses.

10 ~~(4)~~ (5) *Good moral character* means having a criminal background or licensing history that
11 demonstrates honesty, fairness, and respect for the rights of others and for local, state, and
12 federal law.

13 ~~(5)~~ (6) *Identification card* means a card or badge issued to an individual licensee or
14 permittee to conduct or engage activity for which a license is required.

15 ~~(6)~~ (7) *Law enforcement officer* has the meaning set forth in section 38-116 of this Code.

16 ~~(7)~~ (8) *License* means a license granted to a person to engage in or conduct activities for
17 which a license is required pursuant to state or local law. The term "license" is synonymous with
18 the term "permit" and all general license provisions of this Code shall equally apply to any permit
19 granted by the department.

20 ~~(8)~~ (9) *Licensed premises* means the premises specified in an application for a license
21 pursuant to this Code, that is owned or in possession of the licensee, and within which the
22 licensee is authorized to conduct activities permitted by such license.

23 ~~(9)~~ (10) *Licensee or permittee* means any person holding a valid license or permit issued by
24 the department.

25 ~~(10)~~ (11) *Person* has the meaning set forth in section 1-2 of this Code.

26
27 **Sec. 32-8. - Provisions applicable to all licenses.**

28 (f) Court appointees. Prior to accepting a court appointment, a court appointee shall certify
29 to the appointing court that they are not prohibited from being issued a license under this chapter
30 or any applicable statutory authority. A court appointee may take any action that a licensee is
31 permitted to take, including, but not limited to, transferring, surrendering, or renewing the license. A
32 license held by a court appointee is subject to the terms of this chapter and any applicable statutory
33 authority, including discipline for any violations committed by the court appointee. The court

1 appointee shall notify the appointing court of any action taken against the license by the department.

2 **Sec. 32-19. – Rules and regulations.**

3 The director may make such reasonable rules and regulations as may be necessary for the
4 purpose of administering and enforcing the provisions of this article and any other ordinances or
5 laws relating to and affecting the licensing and operation of businesses and individuals that operate
6 in the city.

7
8 COMMITTEE APPROVAL DATE: April 16, 2025

9 MAYOR-COUNCIL DATE: April 22, 2025

10 PASSED BY THE COUNCIL: _____

11 _____ - PRESIDENT

12 APPROVED: _____ - MAYOR _____

13 ATTEST: _____ - CLERK AND RECORDER,
14 EX-OFFICIO CLERK OF THE
15 CITY AND COUNTY OF DENVER

16 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

17 PREPARED BY: Reginald Nubine, Assistant City Attorney DATE: April 22, 2022

18 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
19 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
20 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
21 3.2.6 of the Charter.

22 Katie McLoughlin, Acting Denver City Attorney

23 BY: _____, Assistant City Attorney DATE: _____