

1 BY AUTHORITY

2 ORDINANCE NO. _____

COUNCIL BILL NO. CB10-1002

3 SERIES OF _____

4 COMMITTEE OF REFERENCE:
5 SPECIAL ISSUES

6 A BILL

7 For an ordinance amending Article XI of Chapter 24, Denver Revised Municipal Code,
8 concerning the licensing of medical marijuana dispensaries in order to provide a
9 procedure for modification of the licensed premises
10

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

12 **Section 1.** That Article XI of Chapter 24, D.R.M.C. shall be amended by the addition of a new
13 section 24-408.5 to read as follows:
14

15 **Sec. 24-408.5. Changing, Altering, or Modifying Licensed Premises**

16 (a) After issuance of a medical marijuana dispensary license, the licensee shall make no
17 physical change, alteration, or modification of the licensed premises which materially or
18 substantially alters the licensed premises or the usage of the licensed premises from the
19 plans and specifications submitted at the time of obtaining the original license without the
20 prior written consent of the Director. For purposes of this section, physical changes,
21 alterations, or modifications requiring prior written consent shall include, but not be limited
22 to:

- 23 (1) Any increase in the total size or capacity of the licensed premises.
- 24 (2) The sealing off, creation of or relocation of a common entryway, doorway or
25 passage or other such means of public ingress or egress.
- 26 (3) Any substantial or material enlargement of a sales counter, or relocation of
27 a sales counter, or addition of a separate sales counter.
- 28 (4) Any material change in the interior of the premises that would affect the
29 basic character of the premises or the physical structure that existed in the
30 plan on file with the application.

31
32 The foregoing shall not apply to painting and redecorating of premises; the installation or
33 replacement of electric fixtures or equipment, the lowering of a ceiling; the installation and
34 replacement of floor coverings; the replacement of furniture and equipment; nor to any
35 non-structural remodeling of a licensed premises where the remodel does not expand the

1 existing approved area.

2
3 (b) In making a decision with respect to any proposed changes, alterations, or modifications,
4 the Director shall consider whether the premises, as changed, altered, or modified, will
5 comply with the requirements of this Article XI and any other applicable law or regulation.
6

7 **Section 2.** That Section 32-93, D.R.M.C., shall be amended by adding the language
8 underlined, to read as follows:
9

10 **Sec. 32-93. Medical marijuana dispensaries.**

11 Application and license fees for medical marijuana dispensaries are as follows:

- 12 (1) Application fee \$2,000.00
- 13 (2) Criminal background check fee, per person checked Actual
- 14 costs
- 15 (3) License fee, per year \$3,000.00
- 16 (4) Changing, altering or modifying license premises, \$150.00
- 17

18 COMMITTEE APPROVAL DATE: November 8, 2010.

19 MAYOR-COUNCIL DATE: November 16, 2010.

20 PASSED BY THE COUNCIL _____ 2010

21 _____ - PRESIDENT

22 APPROVED: _____ - MAYOR _____ 2010

23 ATTEST: _____ - CLERK AND RECORDER,
24 EX-OFFICIO CLERK OF THE
25 CITY AND COUNTY OF DENVER

26 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2010; _____ 2010

27 PREPARED BY: David W. Broadwell, Asst. City Attorney; DATE: November 17, 2010

28 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
29 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
30 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
31 3.2.6 of the Charter.

32 David R. Fine, City Attorney

33 BY: _____, _____ City Attorney DATE: _____, 2010