

1 BY AUTHORITY

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2017

COUNCIL BILL NO. 17-0523  
COMMITTEE OF REFERENCE:  
Special Issues: Marijuana

6 A BILL

8 For an ordinance amending the Denver Retail Marijuana Code and the Denver Medical  
9 Marijuana Code to provide waiting periods for application for certain licensing actions at  
10 or near a location where a previous application has been denied or withdrawn.  
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13 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

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15 **Section 1.** That section 6-211, D.R.M.C. shall be amended by adding a new paragraph (b)(6),  
16 to read as follows:

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18 **Sec. 6-211. Licensing requirements—retail marijuana stores.**

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20 The following requirements shall apply to the issuance of any local license for a retail  
21 marijuana store:  
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23 (b) *Prohibited locations.*

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25 (6) No application for a retail marijuana store license shall be received or  
26 acted upon by the director if the application concerns a particular  
27 location that either:

- 28  
29 a. Is the same location or within one thousand (1000) feet of a  
30 location where, within the two years preceding the date of the  
31 application, the director denied an application for a retail marijuana  
32 store license or a medical marijuana center license for the reason  
33 that the reasonable requirements of the neighborhood and the  
34 desires of the adult inhabitants were satisfied by the existing outlets;  
35 or

- 1  
2 b. Is the same location where, within the one year preceding the  
3 date of the application, the director scheduled a public hearing for  
4 an application for a retail marijuana store license or a medical  
5 marijuana center license, and the application was subsequently  
6 withdrawn prior to final action by the director on the application.  
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8 **Section 2.** That section 6-217, D.R.M.C. shall be amended by adding a new subsection (d), to  
9 read as follows:  
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11 **Sec. 6-217. Change of location; modification of premises.**  
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13 (d) No application for change of location of a retail marijuana store license  
14 shall be received or acted upon by the director if the application proposes a change  
15 to a location that either  
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- 17 1. Is the same location or within one thousand (1000) feet of a location  
18 where, within the two years preceding the date of the application, the  
19 director denied an application for a retail marijuana store or a medical  
20 marijuana center for the reason that the reasonable requirements of the  
21 neighborhood and the desires of the adult inhabitants were satisfied by the  
22 existing outlets; or  
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- 24 2. Is the same location where, within the one year preceding the date of  
25 the application, the director scheduled a public hearing for an application  
26 for a retail marijuana store or a medical marijuana center, and the  
27 application was subsequently withdrawn prior to final action by the director  
28 on the application.  
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30 **Section 3.** That section 24-508, D.R.M.C. shall be amended by adding a new paragraph (b)(8),  
31 to read as follows:  
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33 **Sec. 24-508. Licensing requirements—Medical marijuana centers.**

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In addition to the requirements set forth in the CMMC, the following requirements shall apply to the issuance of any local license for a medical marijuana center:

(b) *Prohibited locations.* No medical marijuana center license shall be issued for the following locations:

(8) No application for a medical marijuana center license shall be received or acted upon by the director if the application concerns a particular location that either:

a. Is the same location or within one thousand feet of a location where, within the two years preceding the date of the application, the director denied an application for a medical marijuana center license or a retail marijuana store license for the reason that the reasonable requirements of the neighborhood and the desires of the adult inhabitants were satisfied by the existing outlets; or

b. Is the same location where, within the one year preceding the date of the application, the director scheduled a public hearing for an application for a medical marijuana center license or a retail marijuana store license, and the application was subsequently withdrawn prior to final action by the director on the application.

**Section 4.** That section 24-512, D.R.M.C. shall be amended by adding a new subsection (d) , to read as follows:

**Sec. 24-512. Change of location; modification of premises.**

(d) No application for change of location of a medical marijuana center license shall be received or acted upon by the director if the proposed change is to a location that either:

1           1.     Is the same location or within one-thousand feet of a location where,  
2                   within the two years preceding the date of the application, the director  
3                   denied an application for a medical marijuana center license or a retail  
4                   marijuana store license for the reason that the reasonable requirements of  
5                   the neighborhood and the desires of the adult inhabitants were satisfied by  
6                   the existing outlets; or

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8           2.     Is the same location where, within the one year preceding the date of  
9                   the application, the director scheduled a public hearing for an application  
10                  for a medical marijuana center license or a retail marijuana store license,  
11                  and the application was subsequently withdrawn prior to final action by the  
12                  director on the application.

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14           **Section 5.** This ordinance shall be effective upon final publication and shall apply to any  
15 application for a new retail marijuana store license or a new medical marijuana center license or for a  
16 change of location of any such license submitted after May 1, 2016, and which was not yet acted  
17 upon by the Director of Excise and Licenses as of the effective date of this ordinance.  
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19 COMMITTEE APPROVAL DATE: \_\_\_\_\_, 2017.

20 MAYOR-COUNCIL DATE: \_\_\_\_\_, 2017.

21 PASSED BY THE COUNCIL \_\_\_\_\_ 2017

22 \_\_\_\_\_ - PRESIDENT

23 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2017

24 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
25 EX-OFFICIO CLERK OF THE  
26 CITY AND COUNTY OF DENVER  
27

28 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ 2017; \_\_\_\_\_ 2017

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30 PREPARED BY: David W. Broadwell, Asst. City Attorney; DATE: May 1, 2017  
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32 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
33 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
34 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §  
35 3.2.6 of the Charter.  
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37 Kristin M. Bronson

1 City Attorney

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3 BY: \_\_\_\_\_, \_\_\_\_\_ City Attorney

4 DATE: \_\_\_\_\_

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