

1 **BY AUTHORITY**

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

COUNCIL BILL NO. CB17-0614  
COMMITTEE OF REFERENCE:  
Special Issues Marijuana

5 **A BILL**

6 **For an ordinance amending Article V of Chapter 6 (Denver Retail Marijuana Code),**  
7 **Article XII of Chapter 24 (Denver Medical Marijuana Code), and Chapter 32 by**  
8 **adding provisions requiring a local license for Marijuana Transporters and**  
9 **Marijuana off-premises storage facilities licensed and permitted by the State of**  
10 **Colorado pursuant to the Colorado Retail Marijuana Code and the Colorado**  
11 **Medical Marijuana Code.**

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

13 **Section 1.** Section 6-207 of the Denver Revised Municipal Code shall be amended by adding  
14 the language underlined to read as follows:

15 **Sec. 6-207. - Classes of licensing authorized.**

16 For the purpose of regulating the cultivation, manufacture, testing, transportation, storage,  
17 distribution, offering for sale, and sale of retail marijuana, the director in the director's discretion,  
18 upon application in the prescribed form made to the director, may issue and grant to the applicant a  
19 local license from any of the following classes, and the city hereby authorizes issuance of the  
20 licenses of the following classes by the state licensing authority in locations in the city, subject to the  
21 provisions and restrictions set forth in this article V:

- 22 (1) Retail marijuana store.
- 23 (2) Retail marijuana cultivation facility.
- 24 (3) Retail marijuana products manufacturer.
- 25 (4) Retail marijuana testing facility.
- 26 (5) Retail marijuana transporter.
- 27 (6) Retail marijuana off-premises storage facility.

28 **Section 2.** Section 6-210 of the Denver Revised Municipal Code shall be amended by adding  
29 the language underlined and deleting the language stricken to read as follows:

30 **Sec. 6-210. - Licensing requirements—Provisions applicable to all licenses.**

31 (b) *Application forms and supplemental materials.* All applications for local licensing shall be made  
32 upon forms provided by the director and shall include such supplemental materials as required  
33 by this article V, the Colorado Retail Marijuana Code and rules adopted pursuant thereto,  
34 including by way of example: proof of possession of the licensed premises, disclosures related  
35 to ownership of the proposed business, fingerprints of the applicants, building plans, floor plans

1 designating the proposed licensed premises outlined in red, and security plans, and a  
2 community engagement plan that includes, at minimum the following information:

3 (5) Written policies and procedures to timely address any concerns or complaints expressed by  
4 residents and businesses within the neighborhood surrounding the ~~licenses~~ licensed  
5 premises;

6 (h) Records. A licensee must provide on-demand access to on-premises records following a  
7 request from the department during normal business hours or hours of apparent operation,  
8 and must provide access to off-premises records within three business days following a  
9 request from the department.

10 **Section 3.** Section 6-211 of the Denver Revised Municipal Code shall be amended by adding  
11 the language underlined to read as follows:

12 **Sec. 6-211. - Licensing requirements—Retail marijuana stores.**

13 (b) *Prohibited locations.* No retail marijuana store license shall be issued for the following  
14 locations:

15 (2) Within one thousand (1,000) feet of any school, with the distance computed by direct  
16 measurement in a straight line from the nearest property line of the land used for the school  
17 to the nearest portion of the building in which the retail marijuana store is located.

18 **Section 4.** Section 6-213 of the Denver Revised Municipal Code shall be amended by adding  
19 the language underlined and deleting the language stricken to read as follows:

20 **Sec. 6-213. - Licensing requirements—Retail marijuana products manufacturer.**

21 In addition to the requirements set forth in the Colorado Retail Marijuana Code and any  
22 rules or regulations adopted pursuant thereto, the following requirements shall apply to the  
23 issuance of any local license for ~~medical marijuana-infused products manufacturing~~ retail  
24 marijuana products manufacturer:

25 **Section 5.** Article V of Chapter 6, of the Denver Revised Municipal Code shall be amended  
26 by the addition of a new section 6-214.1, to read as follows:

27 **Sec. 6-214.1. - Licensing requirements—Retail marijuana transporter license.**

28 In addition to the requirements set forth in this article V, the Colorado Retail Marijuana Code  
29 and any rules or regulations adopted pursuant thereto, the following requirements shall apply to the  
30 issuance of any local license for a retail marijuana transporter license:

31 (1) *Compliance with zoning.* A retail marijuana transporter license may be issued in any zone district  
32 where, at the time of application for the license, “terminal, freight, air courier services” is  
33 authorized as a permitted use under the zoning code.

1 (2) *Method of storage; prohibited activity.* The licensed premises of a retail marijuana transporter  
2 facility may be used only for storage or transport of the finished goods inventory of a licensed  
3 medical marijuana business or retail marijuana establishment.

4 (a) It shall be unlawful for any person to possess un-sealed packages or containers of marijuana  
5 or marijuana product on the licensed premises, to open sealed packages or containers of  
6 marijuana or marijuana product on the licensed premises, or to re-package marijuana or  
7 marijuana product on the licensed premises.

8 (b) It shall be unlawful for any person to sell, cultivate, manufacture, process, test, or consume  
9 marijuana or marijuana product upon the licensed premises.

10 (3) *Co-location of a retail and medical marijuana transporter facilities.* A retail marijuana transporter  
11 in common ownership with a medical marijuana transporter may be licensed at the same location  
12 and may share the same licensed premises, to the extent allowed by the Colorado Retail  
13 Marijuana Code and any rules and regulations adopted pursuant thereto.

14 **Section 6.** Article V of Chapter 6, of the Denver Revised Municipal Code shall be amended  
15 by the addition of a new section 6-214.2, to read as follows:

16 **Sec. 6-214.2. - Licensing requirements—Retail marijuana off-premises storage.**

17 In addition to the requirements set forth in the Colorado Retail Marijuana Code and any rules  
18 or regulations adopted pursuant thereto, the following requirements shall apply to the issuance of  
19 any local license for a retail marijuana off-premises storage facility:

20 (1) *Licensing required.* The director shall not issue any license for a local retail marijuana off-  
21 premises storage facility unless the applicant is, at the time of application, currently licensed as:

22 (a) A retail marijuana store, a retail marijuana cultivation facility, or a retail marijuana products  
23 manufacturer under this article V and by the state licensing authority under the Colorado  
24 Retail Marijuana Code, and in compliance with any and all applicable laws; or

25 (b) A retail marijuana transporter by the state licensing authority under the Colorado Retail  
26 Marijuana Code, and in compliance with any and all applicable laws.

27 (2) *Compliance with zoning.*

28 (a) A local retail marijuana off-premises storage license issued pursuant to subsection (1)(a) of  
29 this section may be issued in any zone district where, at the time of application for the license,  
30 “wholesale trade or storage, general” is authorized as a permitted use under the zoning code.

31 (b) A local retail marijuana off-premises storage license issued pursuant to subsection (1)(b) of  
32 this section may be issued in any zone district where, at the time of application for the license,  
33 “terminal, freight, air courier services” is authorized as a permitted use under the zoning code.

1 (3) *Method of storage; prohibited activity.* The licensed off-premises storage facility may be used  
2 only for storage of finished goods inventory of the corresponding retail marijuana store, retail  
3 marijuana cultivation facility, retail marijuana products manufacturer, or retail marijuana  
4 transporter.

5 (a) It shall be unlawful for any person to possess un-sealed packages or containers of marijuana  
6 or marijuana product on the licensed premises, to open sealed packages or containers of  
7 marijuana or marijuana product on the licensed premises, or to re-package marijuana or  
8 marijuana product on the licensed premises.

9 (b) It shall be unlawful for any person to sell, cultivate, manufacture, process, test, or consume  
10 any marijuana or marijuana product upon the licensed premises.

11 (4) *Allowed number of licenses.* Only one (1) retail marijuana off-premises storage license shall be  
12 issued for each corresponding retail marijuana cultivation license, retail marijuana store license  
13 or retail marijuana products manufacturer license. If a retail marijuana cultivator, retail marijuana  
14 store, or retail marijuana products manufacturer already has an off-premises storage license,  
15 the director shall deny any application for additional retail marijuana off-premises storage  
16 licenses for the corresponding licenses.

17 (5) *Co-location of a retail and medical marijuana off-premises storage facilities.* A retail marijuana  
18 off-premises storage facility in common ownership with a medical marijuana off-premises  
19 storage facility may be licensed at the same location and may share the same licensed premises,  
20 to the extent allowed by the Colorado Retail Marijuana Code and any rules and regulations  
21 adopted pursuant thereto.

22 **Section 7.** Section 6-216 of the Denver Revised Municipal Code shall be amended by adding  
23 the language underlined to read as follows:

24 **Sec. 6-216. - Transfer of Ownership.**

25 (f) *Retail Marijuana Off-Premises Storage.*

26 (1) Upon receipt of an application for transfer of ownership of any local retail marijuana license,  
27 the director shall not approve the application and issue a license to the proposed new owner  
28 unless the corresponding off-premises storage license is also transferred to the same new  
29 owner or surrendered.

30 (2) Upon receipt of an application for transfer of ownership of a local retail marijuana off-premises  
31 storage license, the director shall not approve the application and issue a license to the  
32 proposed new owner unless:

1 a. The corresponding retail marijuana cultivation license, retail marijuana store license, or  
2 retail marijuana products manufacturer license is also transferred to the same new owner;  
3 and

4 b. The applicant produces written documentation from the state approving the same transfer  
5 of ownership of the corresponding state permit recorded upon the face of the local license.

6 (g) Retail Marijuana Transporter. The director shall not receive or act upon any application for a  
7 transfer of ownership of a retail marijuana transporter license.

8 **Section 8.** Section 6-219 of the Denver Revised Municipal Code shall be amended by adding  
9 the language underlined and deleting the language stricken to read as follows:

10 **Sec. 6-219. - Disciplinary actions; sanctions; penalties.**

11 (a) *{Disciplinary actions.}* Procedures for investigation of license violations and for suspension,  
12 revocation or other licensing sanctions as a result of any such violation shall be as provided  
13 in chapter 32 of the Code and any rules and regulations promulgated by the director.

14 (b) *{Civil penalties in lieu for fine.}* In lieu of the maximum fine for license violations set forth  
15 in section 32-30(c), the director is hereby authorized to impose civil penalties for license  
16 violations to the same extent and according to the same standards as are utilized by the  
17 Colorado Marijuana Enforcement Division in imposing fines for state license violations under the  
18 Colorado Retail Marijuana Code and any and all applicable rules and regulations adopted  
19 pursuant thereto.

20 (f) Retail Marijuana Off-Premises Storage. A licensed retail marijuana off-premises storage facility  
21 shall constitute an extension of the licensed premises of the corresponding retail marijuana  
22 store, retail marijuana cultivation facility, retail marijuana products manufacturer, or retail  
23 marijuana transporter. All retail marijuana off-premises storage licenses shall be deemed  
24 surrendered, suspended or revoked if the corresponding retail marijuana store, retail marijuana  
25 cultivation facility, retail marijuana products manufacturing, or retail marijuana transporter license  
26 is expired, surrendered, suspended, or revoked.

27 **Section 9.** Section 24-501 of the Denver Revised Municipal Code shall be amended by  
28 adding the language underlined and deleting the language stricken to read as follows:

29 **Sec. 24-501. - Purpose and legislative intent.**

30 The Colorado Medical Marijuana Code, Article 43.3 of Title 12, C.R.S., (the CMMC) affords  
31 to counties and municipalities the local option to determine whether or not to allow and to license  
32 certain medical marijuana businesses within their respective jurisdictions. The purpose of this article  
33 XII is to affirmatively authorize such licensing in the City and County of Denver as provided in § 12-

1 43.3-301(2)(a), C.R.S., as amended, and to establish specific standards and procedures for local  
2 licensing of medical marijuana centers, medical marijuana infused products manufacturers, and  
3 optional premises medical marijuana cultivation operations, medical marijuana testing facilities,  
4 medical marijuana transporter licenses, and medical marijuana off-premises storage facilities.  
5 Furthermore, this article XII is intended to exercise the authority granted by the CMMC for the city to  
6 adopt licensing requirements that are, in some cases, supplemental to or stricter than the  
7 requirements set forth in state law.

8 **Section 10.** Section 24-506 of the Denver Revised Municipal Code shall be amended by  
9 adding the language underlined to read as follows:

10 **Sec. 24-506. - Classes of licensing authorized.**

11 For the purpose of regulating the cultivation, manufacture, testing, transportation, storage  
12 distribution, offering for sale, and sale of medical marijuana, the director in the director's discretion,  
13 upon application in the prescribed form made to the director, may issue and grant to the applicant a  
14 local license from any of the following classes, subject to the provisions and restrictions provided in  
15 this article XII and the Colorado Medical Marijuana Code:

- 16 (a) Medical marijuana center license; provided, however, that effective May 1, 2016, the  
17 director shall not receive or act upon any application for a new medical marijuana  
18 center license;
- 19 (b) Optional premises cultivation license; provided, however, that effective May 1, 2016,  
20 the director shall not receive or act upon any application for a new medical marijuana  
21 optional premises cultivation license;
- 22 (c) Medical marijuana-infused products manufacturing license;
- 23 (d) Medical marijuana testing facility license;
- 24 (e) Medical marijuana transporter license;
- 25 (f) Medical marijuana off-premises storage facility

26 **Section 11.** Section 24-507 of the Denver Revised Municipal Code shall be amended by  
27 adding the language underlined to read as follows:

28 **Sec. 24-507. - Licensing requirements—Provisions applicable to all licenses.**

- 29 (b) *Application forms and supplemental materials.* All applications for local licensing shall be made  
30 upon forms provided by the state or local licensing authority, and shall include such  
31 supplemental materials as required by this article XII, the Colorado Medical Marijuana Code and  
32 rules adopted pursuant thereto, including by way of example: Proof of possession of the licensed  
33 premises, disclosures related to ownership of the proposed business, fingerprints of the

1 applicants, building plans, floor plans designating the proposed licensed premises outlined in  
2 red, and security plans. The director may, at the director's discretion, require additional  
3 documentation associated with the application as may be necessary to enforce the requirements  
4 of the Colorado Medical Marijuana Code and this article XII, and rules adopted pursuant thereto.

5 (h) Records. A licensee must provide on-demand access to on-premises records following a  
6 request from the department during normal business hours or hours of apparent operation, and  
7 must provide access to off-premises records within three business days following a request  
8 from the department.

9 **Section 12.** Section 24-508 of the Denver Revised Municipal Code shall be amended by  
10 deleting the language stricken to read as follows:

11 **Sec. 24-508. - Licensing requirements—Medical marijuana centers.**

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

14 (3) Within one thousand (1,000) feet of any other medical marijuana center licensed premises  
15 ~~or of any premises licensed under article XII of this chapter 24,~~ or any retail marijuana store  
16 licensed under article V of chapter 6, with the distance computed by direct measurement in  
17 a straight line from the nearest portion of the building in which the center is proposed to be  
18 located to the nearest portion of the building in which the other center or the retail marijuana  
19 store is located. This restriction shall not apply to any location where the director previously  
20 issued a medical marijuana dispensary license under article XI of this chapter 24, a licensed  
21 dispensary commenced operations at the subject location, and a licensed medical  
22 marijuana dispensary or center has existed in continuous operations at the subject location  
23 since the time of original licensing. Upon receipt of two (2) or more applications for a retail  
24 marijuana store license or a medical marijuana center licenses with proposed locations  
25 within one thousand (1,000) feet of each other, the director shall act upon only the first  
26 complete application received and shall reject all subsequent applications.

27 **Section 13.** Section 24-508.5 of the Denver Revised Municipal Code shall be amended by  
28 adding the language underlined and deleting the language stricken to read as follows:

29 **24-508.5. - Licensing requirements—Medical marijuana centers—Public hearing**  
30 **requirement.**

31 (c) *Results of investigation; decision of director.*

32 (4) Before entering any decision approving or denying the application, the director shall consider,  
33 except where this article specifically provides otherwise, the facts and evidence adduced as

1 a result of its investigation and the public hearing required by this section, and any other  
2 pertinent matters affecting the qualifications of the applicant for the conduct of business as  
3 a ~~retail marijuana store~~ medical marijuana center.

4 **Section 14.** Article XII of Chapter 24, of the Denver Revised Municipal Code shall be  
5 amended by the addition of a new section 24-510.1, to read as follows:

6 **Sec. 24-510.1. - Licensing requirements—Medical marijuana transporter license.**

7 In addition to the requirements set forth in this article XII, the Colorado Medical Marijuana  
8 Code, and any rule or regulations adopted pursuant thereto, the following requirements shall apply  
9 to the issuance of any local license for a retail marijuana transporter license:

10 (1) *Compliance with zoning.* A medical marijuana transporter license may be issued in any zone  
11 district where, at the time of application for the license, “terminal, freight, air courier services” is  
12 authorized as a permitted use under the zoning code.

13 (2) *Method of storage; prohibited activity.* The licensed premises of a medical marijuana transporter  
14 facility may be used only for storage or transport of the finished goods inventory of a licensed  
15 medical marijuana business.

16 (a) It shall be unlawful for any person to possess un-sealed packages or containers of marijuana  
17 or marijuana product on the licensed premises, to open sealed packages or containers of  
18 marijuana or marijuana product on the licensed premises, or to re-package marijuana or  
19 marijuana product on the licensed premises.

20 (b) It shall be unlawful for any person to sell, cultivate, manufacture, process, test, or consume  
21 any marijuana or marijuana product upon the licensed premises.

22 (3) *Co-location of a medical and retail marijuana transporter facilities.* A medical marijuana  
23 transporter in common ownership with a retail marijuana transporter may be licensed at the  
24 same location and may share the same licensed premises, to the extent allowed by the Colorado  
25 Medical Marijuana Code and any rules and regulations adopted pursuant thereto.

26 **Section 15.** Article XII of Chapter 24, of the Denver Revised Municipal Code shall be  
27 amended by the addition of a new section 24-510.2, to read as follows:

28 **Sec. 24-510.2. - Licensing requirements—Medical marijuana off-premises storage.**

29 In addition to the requirements set forth in the Colorado Retail Marijuana Code and any rules  
30 or regulations adopted pursuant thereto, the following requirements shall apply to the issuance of  
31 any local license for a medical marijuana off-premises storage facility:

32 (1) *Licensing required.* The director shall not issue any license for a local medical marijuana off-  
33 premises storage facility unless the applicant is, at the time of application for a local license,



1 currently licensed as:

2 (a) A medical marijuana center, a medical marijuana optional premises cultivation facility, or a  
3 medical marijuana infused-products manufacturer under this article XII and by the state  
4 licensing authority under the Colorado Medical Marijuana Code, and in compliance with any  
5 and all applicable laws; or

6 (b) A medical marijuana transporter by the state licensing authority under the Colorado Medical  
7 Marijuana Code and in compliance with any and all applicable laws.

8 (2) *Compliance with zoning.*

9 (a) A local medical marijuana off-premises storage license issued pursuant to subsection (1)(a)  
10 of this section may be issued in any zone district where, at the time of application for the  
11 license, “wholesale trade or storage, general” is authorized as a permitted use under the  
12 zoning code.

13 (b) A local medical marijuana off-premises storage license issued pursuant to subsection (1)(b)  
14 of this section may be issued in any zone district where, at the time of application for the  
15 license, “terminal, freight, air courier services” is authorized as a permitted use under the  
16 zoning code.

17 (3) *Method of storage; prohibited activity.* The licensed off-premises storage facility may be used  
18 only for storage of finished goods inventory of the corresponding medical marijuana center,  
19 medical marijuana optional premises cultivation facility, medical marijuana infused-products  
20 manufacturer, or medical marijuana transporter.

21 (a) It shall be unlawful for any person to possess un-sealed packages or containers of marijuana  
22 or marijuana product on the licensed premises, to open sealed packages or containers of  
23 marijuana or marijuana product on the licensed premises, or to re-package marijuana or  
24 marijuana product on the licensed premises.

25 (b) It shall be unlawful for any person to sell, cultivate, manufacture, process, test, or consume  
26 any marijuana or marijuana product upon the licensed premises.

27 (4) *Allowed number of licenses.* Only one (1) medical marijuana off-premises storage license shall  
28 be allowed for each corresponding medical marijuana cultivation license, medical marijuana  
29 store license, or medical marijuana products manufacturer. If a medical marijuana optional  
30 premises cultivator, medical marijuana center, or medical marijuana infused-products  
31 manufacturer already has an off-premises storage license, the director shall deny any application  
32 for additional medical marijuana off-premises storage licenses for the corresponding licenses.

33 (5) *Co-location of a retail and medical marijuana off-premises storage facilities.* A medical marijuana

1 off-premises storage facility in common ownership with a retail marijuana off-premises storage  
2 facility may be licensed at the same location and may share the same licensed premises, to the  
3 extent allowed by the Colorado Medical Marijuana Code and any rules and regulations adopted  
4 pursuant thereto.

5 **Section 16.** Section 24-511 of the Denver Revised Municipal Code shall be amended by  
6 adding the language underlined and deleting the language stricken to read as follows:

7 **Sec. 24-511. - Transfer of ownership.**

8 (b) *Medical marijuana center licenses.* Any transfer of ownership of a medical marijuana center  
9 license shall not affect any exemption that the licensed premises may enjoy from the spacing or  
10 other location restrictions set forth in subsection 24-508(eb).

11 (f) *Medical Marijuana Off-Premises Storage.*

12 (1) Upon receipt of any application for transfer of ownership of a local license, the director shall  
13 not approve the application and issue a license to the proposed new owner unless the  
14 corresponding off-premises storage license is also transferred to the same new owner or  
15 surrendered.

16 (2) Upon receipt of any application for transfer of ownership of a local medical marijuana off-  
17 premises storage license, the director shall not approve the application and issue a license to  
18 the proposed new owner unless:

19 a. The corresponding medical marijuana optional premises cultivation license, medical  
20 marijuana center license, or medical marijuana infused-products manufacturer license is  
21 also transferred to the same new owner; and

22 b. The applicant produces written documentation from the state approving the same transfer  
23 of ownership of the corresponding state permit recorded upon the face of the local license.

24 (g) *Medical Marijuana Transporter.* The director shall not receive or act upon any application for a  
25 transfer of ownership of a medical marijuana transporter license.

26 **Section 17.** Section 24-512 of the Denver Revised Municipal Code shall be amended by  
27 adding the language underlined and deleting the language stricken to read as follows:

28 **Section 24-512. - Change of location; modification of premises.**

29 (e) Effective May 1, 2016, in the case of a medical marijuana optional premises cultivation license  
30 that is co-located with any other optional premises cultivation licenses, any retail marijuana  
31 cultivation facility, or both at the same location, ~~may any~~ change in location of the medical  
32 marijuana optional premises cultivation licenses shall not be approved by the director unless:

1 (f) Prohibited locations. Effective May 1, 2016, no medical marijuana optional premises cultivation  
2 license shall be permitted to change to the following locations:

3 (1) Within one thousand (1,000) feet of any school, with the distance computed by direct  
4 measurement in a straight line from the nearest property line of the land used for school to  
5 the nearest portion of the building in which the ~~retail marijuana cultivation~~ medical marijuana  
6 optional premises cultivation facility is located; or

7 (2) Within one thousand (1,000) feet of any residential district as defined in the Denver Zoning  
8 Code or former chapter 59, with the distance computed by direct measurement in a straight  
9 line from the nearest property line of any property in the residential district to the nearest  
10 portion of the building in which the ~~retail marijuana cultivation~~ medical marijuana optional  
11 premises cultivation facility is located.

12 **Section 18.** Section 24-514 of the Denver Revised Municipal Code shall be amended by  
13 adding the language underlined to read as follows:

14 **Sec. 24-514. - Disciplinary actions; sanctions; penalties.**

15 (f) *Medical Marijuana Off-Premises Storage.* A licensed medical marijuana off-premises storage  
16 facility shall constitute an extension of the licensed premises of the corresponding medical  
17 marijuana center, optional premises cultivation facility, medical marijuana-infused products  
18 manufacturer or medical marijuana transporter. All medical marijuana off-premises storage  
19 licenses shall be deemed surrendered, suspended or revoked if the corresponding medical  
20 marijuana center, optional premises cultivation facility, medical-marijuana infused-products  
21 manufacturing, or medical marijuana transporter license is expired, surrendered, suspended, or  
22 revoked.

23 **Section 19.** Section 32-2 of the Denver Revised Municipal Code shall be amended by adding  
24 the language underlined to read as follows:

25 **Sec. 32-2. Application.**

26 (c) Any application for local licensing submitted pursuant to this chapter 32 shall be completed  
27 within one (1) year of the date the application is filed and the application fee paid. Except as  
28 provided in this subsection (c), applications that remain pending after the expiration of the one-  
29 year time period shall be administratively closed and the director shall deny the issuance of a  
30 license. Once an application expires, the applicant must begin the licensing process anew. At  
31 the director's discretion, the director may extend the application period or approve the issuance  
32 of a license for applications that remain pending beyond the one-year time period if the applicant  
33 can produce, within thirty (30) days after the expiration of the one-year time period, documentary

1 or other empirical evidence to establish good cause for the failure to complete the application  
2 process. For purposes of this subsection (c), the term "good cause" means the failure to  
3 complete the application process occurred due to circumstances outside of the applicant's  
4 control.

5 **Section 20.** Section 32-16 of Denver Revised Municipal Code shall be amended by adding  
6 the language underlined to read as follows:

7 **Sec. 32-16. Compliance with conditions of license.**

8 (1) It shall be unlawful for any licensee to fail to comply with all conditions printed or attached to the  
9 license issued.

10 (2) It shall be unlawful for any licensee to fail to comply with any licensing provisions applicable to  
11 the particular license under state or local law.

12 **Section 21.** Section 32-22 of Denver Revised Municipal Code shall be amended by adding  
13 the language underlined and deleting the language stricken to read as follows:

14 **Sec. 32-22. - Revocation.**

15 (7) The licensee has failed to maintain the premises in compliance with the requirements of the  
16 ~~building inspection division of the department of public works or the fire or environmental health~~  
17 ~~departments~~ Denver Building and Fire Code; the electrical code of the City and County of  
18 Denver; the zoning code; or Department of Environmental Health; or that

19 (8) The licensee, or any of the agents, servants or employees of the licensee, have violated any  
20 ordinance of the city or any state or federal law on the premises or have permitted such a  
21 violation on the premises by any other person; provided, however, this paragraph shall not  
22 apply to permitted behavior on the premises concerning the possession, consumption,  
23 display, or use of cannabis or cannabis accessories as may otherwise be permitted by the  
24 Revised Municipal Code or state law.; or that

25 **Section 22.** Section 32-92 of the Denver Revised Municipal Code shall be amended by  
26 adding the language underlined and deleting the language stricken to read as follows:

27 **Sec. 32-92. - Marijuana licensing.**

28 Application and license fees for retail marijuana stores, retail marijuana cultivation facilities,  
29 retail marijuana products manufacturers, ~~and~~ retail marijuana testing facilities, retail marijuana  
30 transporters, and retail marijuana off-premises storage facilities are as follows:

31 (1) Application fee for retail off-premises storage facilities: \$500

32 (42) Annual operating fee, per year: \$5,000.00 for all classes of licenses.

33 (23) Criminal background check fee, per person checked: Actual costs.

- 1 (34) Transfer of ownership: \$100.00, plus cost of background check.
- 2 (45) Transfer of location: \$750.00
- 3 (56) Modification of premises: \$150.00

4 **Section 23.** Section 32-93 of the Denver Revised Municipal Code shall be amended by  
5 adding the language underlined and deleting the language stricken to read as follows:

6 **Sec. 32-93. - Medical marijuana licensing.**

7 Application and license fees for medical marijuana centers, medical marijuana-infused  
8 products manufacturersing, and medical marijuana optional premises cultivation facilities licenses,  
9 medical marijuana testing facilities, medical marijuana transporters, and medical marijuana off-  
10 premises storage facilities are as follows:

- 11 (1) Application fees: \$2,000.00 for all classes of licenses.

12 ~~Medical marijuana center ..... \$2,000.00~~

13 ~~Provided, however, that a business currently licensed in Denver as a medical~~  
14 ~~marijuana dispensary, applying for a license as a medical marijuana center at~~  
15 ~~the same location as the dispensary, shall not be required to pay an application~~  
16 ~~fee~~

17 ~~Medical marijuana-infused products manufacturer ..... 2,000.00~~

18 ~~Optional premises cultivation license ..... 2,000.00~~

- 19 (2) Criminal background check fee, per person checked ..... Actual costs
- 20 (3) License fee, per year, for all classes of licenses ..... \$3,000.00
- 21 (4) Transfer of ownership, plus cost of background check ..... \$100.00
- 22 (5) Transfer of location ..... \$750.00
- 23 (6) Modification of premises ..... \$150.00


24 **[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

1 COMMITTEE APPROVAL DATE: June 12, 2017

2 MAYOR-COUNCIL DATE: June 20, 2017

3 PASSED BY THE COUNCIL: July 10, 2017

4  - PRESIDENT

5 APPROVED:  - MAYOR Jul 11, 2017

6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER  
9

10 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_; \_\_\_\_\_

11  
12 PREPARED BY: Anshul Bagga, Assistant City Attorney DATE: June 22, 2017  
13

14 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
15 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
16 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
17 § 3.2.6 of the Charter.

18  
19 Kristin Bronson, Denver City Attorney

20 BY: , Assistant City Attorney DATE: Jun 22, 2017