

1 ; BY AUTHORITY

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2015

COUNCIL BILL NO. CB15-0668  
COMMITTEE OF REFERENCE:  
4 Business Development

5 **A BILL**

6 **For An ordinance authorizing the Director of Excise and Licenses to issue**  
7 **retail marijuana store licenses to applicants without the requirement of a tax**  
8 **bond.**

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

10 **Section 1.** That subsection 6-211 of the Denver Revised Municipal Code be amended by  
11 deleting the language stricken and adding the language underlined, as follows:

12 Section 6-21. Licensing Requirements---Retail marijuana stores:

13 The following requirements shall apply to the issuance of any local license for a retail  
14 marijuana store:

15 ~~(a) Bond in the amount of twenty thousand dollars (\$20,000.00) with corporate surety~~  
16 ~~thereon duly licensed to do business with the State of Colorado, approved as to form by~~  
17 ~~the city attorney, and conditioned that the applicant shall report and pay all city sales and~~  
18 ~~use taxes as provided by law. A corporate surety shall not be required to make~~  
19 ~~payments to the city claiming under such bond until a final determination of failure to pay~~  
20 ~~taxes due to the city has been made by the manager of finance or a court of competent~~  
21 ~~jurisdiction. All bonds required pursuant to this subsection shall be renewed at such~~  
22 ~~times as the bondholder's license is renewed. The Tax bond. Before the director issues~~  
23 ~~a local license to an applicant for a retail marijuana store, the applicant shall procure and~~  
24 ~~file with the city evidence of good and sufficient renewal may be accomplished through a~~  
25 ~~continuation certificate issued by the surety.~~

26 ~~(b)~~(a) Area maps. All applications for retail marijuana store licensing submitted pursuant to  
27 this article V shall include an area map drawn to scale indicating land uses of other  
28 properties within a 1,000-foot radius of the property upon which the applicant is seeking  
29 a license. The map shall depict the proximity to the property to any school or child care  
30 establishment; to any other retail marijuana store; to any medical marijuana center, or to  
31 any alcohol or drug treatment facility.

1            ~~(e)~~(b) Prohibited locations. No retail marijuana store license shall be issued for the following  
2            locations:

3            (1) In any residential zone district as defined by the zoning code of the city, in any MS-2,  
4            MS-2x, MX-2, MX-2A or MX-2x zone district as defined by the zoning code of the city,  
5            or in any location where retail sales are prohibited by the zoning code or by any  
6            ordinance governing a planned unit development. The restriction against licensing a  
7            retail marijuana store in any MS-2, MS-2x, MX-2, MX-2A or MX-2x zone district shall  
8            not apply to any location where the director previously issued a medical marijuana  
9            center license under article XII of chapter 24 and a licensed medical marijuana center  
10           has existed in continuous operations at the subject location since the time of original  
11           licensing.

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

16           (3) Within one thousand (1,000) feet of any other retail marijuana store or medical  
17           marijuana center licensed under article XII of chapter 24, with the distance computed  
18           by direct measurement in a straight line from the nearest portion of the building in  
19           which one (1) store or center is located to the nearest portion of the building in which  
20           the other store or center is located. This restriction shall not apply to any location  
21           proposed for licensing as a retail marijuana store where the director previously issued  
22           a medical marijuana center license under article XII of chapter 24 and a licensed  
23           medical marijuana center has existed in continuous operations at the subject location  
24           since the time of original licensing, nor shall this restriction be construed to prohibit  
25           the licensing of a retail marijuana store under common ownership with and at the  
26           same location as a licensed medical marijuana center.

27           (4) Within one thousand (1,000) feet of any child care establishment or alcohol or drug  
28           treatment facility. The 1,000-foot distance shall be computed by direct measurement  
29           in a straight line from the nearest property line of the land used for the child care  
30           establishment or alcohol or drug treatment facility to the nearest portion of the

1 property upon which the retail marijuana store is proposed to be located. This  
2 restriction shall not apply to any location where the director previously issued a  
3 medical marijuana center license under article XII of chapter 24, and a licensed  
4 medical marijuana center has existed in continuous operations at the subject location  
5 since the time of original licensing.

6 ~~(d)~~(c) Off-site delivery of product by licensee prohibited. All sales and distribution of retail  
7 marijuana by a licensed retail marijuana store shall occur only upon the licensed  
8 premises, and the licensee shall be strictly prohibited from delivering retail marijuana to  
9 any person at any other location.

10 ~~(e)~~(d) Signs and advertising.

11 (1) Any person or premises licensed as a retail marijuana store shall comply with all city  
12 ordinances regulating signs and advertising. In addition, no licensed retail marijuana  
13 store shall use any advertising material that is misleading, deceptive, or false, or that,  
14 as evidenced either by the content of the advertising material or by the medium or the  
15 manner in which the advertising is disseminated, is designed to appeal to minors.

16 (2) Except as otherwise provided in this subsection (2), it shall be unlawful for any  
17 person licensed under this article or any other person to advertise any retail  
18 marijuana or retail marijuana product anywhere in the city where the advertisement is  
19 visible to members of the public from any street, sidewalk, park or other public place,  
20 including advertising utilizing any of the following media: Any billboard or other  
21 outdoor general advertising device as defined by the zoning code; any sign mounted  
22 on a vehicle, any hand-held or other portable sign; or any handbill, leaflet or flier  
23 directly handed to any person in a public place, left upon a motor vehicle, or posted  
24 upon any public or private property without the consent of the property owner. The  
25 prohibition set forth in this paragraph (2) shall not apply to:

26 a. Any sign located on the same zone lot as a retail marijuana store which  
27 exists solely for the purpose of identifying the location of the retail  
28 marijuana store and which otherwise complies with the Denver Zoning  
29 Code and any other applicable city laws and regulations; or

1 b. Any advertisement contained within a newspaper, magazine, or other  
2 periodical of general circulation within the city; or

3 c. Advertising which is purely incidental to sponsorship of a charitable event  
4 by a retail marijuana store or a retail marijuana products manufacturer.

5 (3) For purposes of this subsection (e), the terms "advertise," "advertising" or  
6 "advertisement" means the act of drawing the public's attention to a retail marijuana  
7 store or retail marijuana products manufacturer in order to promote the sale of retail  
8 marijuana by the store or the manufacturer.

9 ~~(f)~~(e) Co-location of retail marijuana store and medical marijuana center. A retail marijuana  
10 store in common ownership with a medical marijuana center may be licensed in the  
11 same location and may share the same licensed premises, to the extent allowed by the  
12 CRMC and regulations promulgated by the Colorado Marijuana Enforcement Division.

13 **Section 2.** That subsection 24-508 of the Denver Revised Municipal Code be amended by  
14 deleting the language stricken and adding the language underlined, as follows:

15 Section 24-508. Licensing Requirements---Retail marijuana centers:

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

18 ~~(a) Tax bond. Before the director issues a local license to an applicant for a medical~~  
19 ~~marijuana center license, the applicant shall procure and file with the city evidence of~~  
20 ~~good and sufficient bond in the amount of five thousand dollars (\$5,000.00) with~~  
21 ~~corporate surety thereon duly licensed to do business with the State of Colorado,~~  
22 ~~approved as to form by the city attorney, and conditioned that the applicant shall report~~  
23 ~~and pay all city sales and use taxes as provided by law. A corporate surety shall not be~~  
24 ~~required to make payments to the city claiming under such bond until a final~~  
25 ~~determination of failure to pay taxes due to the city has been made by the manager of~~  
26 ~~finance or a court of competent jurisdiction. All bonds required pursuant to this~~  
27 ~~subsection shall be renewed at such times as the bondholder's license is renewed. The~~  
28 ~~renewal may be accomplished through a continuation certificate issued by the surety.~~

1        ~~(b)~~(a) Area maps. All applications for medical marijuana center licensing submitted  
2        pursuant to this article XII shall include an area map drawn to scale indicating land uses  
3        of other properties within a 1,000-foot radius of the property upon which the applicant is  
4        seeking a license. The map shall depict the proximity to the property to any school or  
5        child care establishment; to any other medical marijuana center; to any alcohol or drug  
6        treatment facility; or to any residential or U-MS-2x zone district.

7        ~~(c)~~(b) Prohibited locations. No medical marijuana center license shall be issued for the  
8        following locations:

9            (1) In any residential zone district as defined by the zoning code of the city, in any MS-2,  
10           MS-2x, MX-2, MX-2A or MX-2x zone district as defined by the zoning code of the city,  
11           or in any location where retail sales are prohibited by the zoning code or by any  
12           ordinance governing a planned unit development. The restriction against licensing a  
13           medical marijuana center in any MS-2, MS-2x, MX-2, MX-2A or MX-2x zone district  
14           shall not apply to any location where the director previously issued a medical  
15           marijuana dispensary license under article XI of this chapter 24, a licensed medical  
16           marijuana dispensary or center has existed in continuous operations at the subject  
17           location since the time of original licensing.

18           (2) Within one thousand (1,000) feet of any school or child care establishment, with the  
19           distance computed by direct measurement from the nearest property line of the land  
20           used for school or child care purposes to the nearest portion of the building in which  
21           the medical marijuana dispensary is located, using a route of direct pedestrian  
22           access. This restriction shall not apply to any location where the director previously  
23           issued a medical marijuana dispensary license under article XI of this chapter 24, a  
24           licensed dispensary commenced operations at the subject location, and a licensed  
25           medical marijuana dispensary or center has existed in continuous operations at the  
26           subject location since the time of original licensing.

27           (3) Within one thousand (1,000) feet of any other medical marijuana center licensed  
28           premises or of any premises licensed under article XI of this chapter 24, or any retail  
29           marijuana store licensed under article V of chapter 6, with the distance computed by  
30           direct measurement in a straight line from the nearest portion of the building in which

1 the center is proposed to be located to the nearest portion of the building in which the  
2 other center or the retail marijuana store is located. This restriction shall not apply to  
3 any location where the director previously issued a medical marijuana dispensary  
4 license under article XI of this chapter 24, a licensed dispensary commenced  
5 operations at the subject location, and a licensed medical marijuana dispensary or  
6 center has existed in continuous operations at the subject location since the time of  
7 original licensing.

8 (4) Within one thousand (1,000) feet of any alcohol or drug treatment facility. The 1,000-  
9 foot distance shall be computed by direct measurement from the nearest property  
10 line of the land used for alcohol or drug treatment facility purposes to the nearest  
11 portion of the property upon which the medical marijuana center license is proposed  
12 to be located, using a route of direct pedestrian access. This restriction shall not  
13 apply to any location where the director previously issued a medical marijuana  
14 dispensary license under article XI of this chapter 24, a licensed dispensary  
15 commenced operations at the subject location, and a licensed medical marijuana  
16 dispensary or center has existed in continuous operations at the subject location  
17 since the time of original licensing.

18 (5) The spacing requirements set forth in paragraphs (2), (3) and (4) of this subsection  
19 (c) shall be enforced in lieu of the spacing requirements set forth in the CMMC, § 12-  
20 43.3-308 (1)(d)(I), C.R.S. as amended.

21 ~~(d)~~(c) Off-site delivery of product by licensee prohibited. All sales and distribution of medical  
22 marijuana by a licensed medical marijuana center shall occur only upon the licensed  
23 premises, and the licensee shall be strictly prohibited from delivering medical marijuana  
24 to any person at any other location. Nothing herein shall preclude a primary care-giver  
25 from purchasing medical marijuana on behalf of a patient at a licensed medical  
26 marijuana center and delivering the medical marijuana to a homebound patient in  
27 accordance with § 25-1.5-106 (7)(d) and (e), C.R.S., as amended.

28 ~~(e)~~(d) Signs and advertising.

29 (1) Any person or premises licensed as a medical marijuana center shall comply with all  
30 city ordinances regulating signs and advertising. In addition, no licensed medical

1 marijuana center shall use any advertising material that is misleading, deceptive, or  
2 false, or that, as evidenced either by the content of the advertising material or by the  
3 medium or the manner in which the advertising is disseminated, is designed to  
4 appeal to minors.

5 (2) Any person licensed as a medical marijuana center or a medical marijuana-infused  
6 products manufacturer shall include in any advertisement for medical marijuana or  
7 any medical marijuana-infused product the following language: "For registered  
8 Colorado medical marijuana patients only." Provided, however, this language shall  
9 not be required to be displayed upon any sign identifying a medical marijuana center,  
10 as permitted by subparagraph (3)(i) of this subsection (e).

11 (3) Except as otherwise provided in this subsection (3), it shall be unlawful for any  
12 person licensed under this article or any other person to advertise any medical  
13 marijuana or medical marijuana-infused product anywhere in the city where the  
14 advertisement is visible to members of the public from any street, sidewalk, park or  
15 other public place, including advertising utilizing any of the following media: any  
16 billboard or other outdoor general advertising device as defined by the zoning code;  
17 any sign mounted on a vehicle, any hand-held or other portable sign; or any handbill,  
18 leaflet or flier directly handed to any person in a public place, left upon a motor  
19 vehicle, or posted upon any public or private property without the consent of the  
20 property owner. The prohibition set forth in this paragraph (3) shall not apply to:

21 (i) Any sign located on the same zone lot as a medical marijuana center  
22 which exists solely for the purpose of identifying the location of the  
23 medical marijuana center and which otherwise complies with the  
24 Denver Zoning Code and any other applicable city laws and  
25 regulations; or

26 (ii) Any advertisement contained within a newspaper, magazine, or other  
27 periodical of general circulation within the city; or

28 (iii) Advertising which is purely incidental to sponsorship of a charitable  
29 event by a medical marijuana center or a medical marijuana-infused  
30 products manufacturer.

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(4) For purposes of this subsection (e), the terms "advertise," "advertising" or "advertisement" means the act of drawing the public's attention to a medical marijuana center or medical marijuana infused products manufacturer in order to promote the sale of medical marijuana by the center or the manufacturer.



1 COMMITTEE APPROVAL DATE: September 24, 2015  
2 MAYOR-COUNCIL DATE: September 29, 2015 by Consent  
3 PASSED BY THE COUNCIL: \_\_\_\_\_, 2015  
4 \_\_\_\_\_ - PRESIDENT  
5 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
6 EX-OFFICIO CLERK OF THE  
7 CITY AND COUNTY OF DENVER  
8 PREPARED BY: Daniel G. Douglas, Assistant City Attorney DATE: October 1, 2015  
9 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
10 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
11 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
12 3.2.6 of the Charter.  
13 D. Scott Martinez, Denver City Attorney  
14 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2015