

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10 or near locations where previous applications have been denied or withdrawn.
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13 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

14
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:

17
18 **Sec. 6-211. Licensing requirements—retail marijuana stores.**

19
20 The following requirements shall apply to the issuance of any local license for a retail
21 marijuana store:
22

23 (b) *Prohibited locations.*

24
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6 withdrawn prior to final action by the director on the application.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:
10

11 **Sec. 6-217. Change of location; modification of premises.**
12

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
16

- 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
23
- 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
7
- 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.

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

MAYOR-COUNCIL DATE: May 9, 2017 (consent).

PASSED BY THE COUNCIL _____

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____

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

NOTICE PUBLISHED IN THE DAILY JOURNAL _____ ; _____

PREPARED BY: David W. Broadwell, Asst. City Attorney; DATE: May 1, 2017

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

Kristin M. Bronson, Denver City Attorney

BY:  _____, Assistant City Attorney DATE: May 11, 2017 _____