

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2017

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE:

4
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
14 adding 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
19 a 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
21 the 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
29 adding 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
32 made upon forms provided by the director and shall include such supplemental materials as
33 required by this article V, the Colorado Retail Marijuana Code and rules adopted pursuant
34 thereto, including by way of example: proof of possession of the licensed premises,
35 disclosures related to ownership of the proposed business, fingerprints of the applicants,

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

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

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

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

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

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

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

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

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

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

26 **Section 5.** Section 6-214.1 of the Denver Revised Municipal Code shall be amended by
27 adding the language underlined to read as follows:

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

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

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

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

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

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

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

17 **Section 6.** Section 6-214.2 of the Denver Revised Municipal Code shall be amended by
18 adding the language underlined to read as follows:

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

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

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

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

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

30 (2) Compliance with zoning.

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

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

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

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

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

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

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

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

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

28 (f) Retail Marijuana Off-Premises Storage.

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

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

4 a. The corresponding retail marijuana cultivation license, retail marijuana store license, or
5 retail marijuana products manufacturer license is also transferred to the same new owner;

6 and

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

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

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

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

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

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

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

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

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

1 The Colorado Medical Marijuana Code, Article 43.3 of Title 12, C.R.S., (the CMMC) affords
2 to counties and municipalities the local option to determine whether or not to allow and to license
3 certain medical marijuana businesses within their respective jurisdictions. The purpose of this article
4 XII is to affirmatively authorize such licensing in the City and County of Denver as provided in § 12-
5 43.3-301(2)(a), C.R.S., as amended, and to establish specific standards and procedures for local
6 licensing of medical marijuana centers, medical marijuana infused products manufacturers, and
7 optional premises medical marijuana cultivation operations, medical marijuana testing facilities,
8 medical marijuana transporter licenses, and medical marijuana off-premises storage facilities.
9 Furthermore, this article XII is intended to exercise the authority granted by the CMMC for the city
10 to adopt licensing requirements that are, in some cases, supplemental to or stricter than the
11 requirements set forth in state law.

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

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

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

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

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

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

1 (b) *Application forms and supplemental materials.* All applications for local licensing shall be made
2 upon forms provided by the state or local licensing authority, and shall include such
3 supplemental materials as required by this article XII, the Colorado Medical Marijuana Code
4 and rules adopted pursuant thereto, including by way of example: Proof of possession of the
5 licensed premises, disclosures related to ownership of the proposed business, fingerprints of
6 the applicants, building plans, floor plans designating the proposed licensed premises outlined
7 in red, and security plans. The director may, at the director's discretion, require additional
8 documentation associated with the application as may be necessary to enforce the
9 requirements of the Colorado Medical Marijuana Code and this article XII, and rules adopted
10 pursuant thereto.

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

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

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

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

20 (3) Within one thousand (1,000) feet of any other medical marijuana center licensed premises
21 ~~or of any premises licensed under article XII of this chapter 24, or any retail marijuana store~~
22 licensed under article V of chapter 6, with the distance computed by direct measurement
23 in a straight line from the nearest portion of the building in which the center is proposed to
24 be located to the nearest portion of the building in which the other center or the retail
25 marijuana store is located. This restriction shall not apply to any location where the director
26 previously issued a medical marijuana dispensary license under article XI of this chapter
27 24, a licensed dispensary commenced operations at the subject location, and a licensed
28 medical marijuana dispensary or center has existed in continuous operations at the subject
29 location since the time of original licensing. Upon receipt of two (2) or more applications for
30 a retail marijuana store license or a medical marijuana center licenses with proposed
31 locations within one thousand (1,000) feet of each other, the director shall act upon only
32 the first complete application received and shall reject all subsequent applications.

33 **Section 13.** Section 24-508.5 of the Denver Revised Municipal Code shall be amended by

1 adding the language underlined and deleting the language stricken to read as follows:

2 **24-508.5. - Licensing requirements—Medical marijuana centers—Public hearing**
3 **requirement.**

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

5 (4) Before entering any decision approving or denying the application, the director shall
6 consider, except where this article specifically provides otherwise, the facts and evidence
7 adduced as a result of its investigation and the public hearing required by this section, and
8 any other pertinent matters affecting the qualifications of the applicant for the conduct of
9 business as a ~~retail marijuana store~~ medical marijuana center.

10 **Section 14.** Section 24-510.1 of the Denver Revised Municipal Code shall be amended by
11 adding the language underlined to read as follows:

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

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

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

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

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

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

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

32 **Section 15.** Section 24-510.2 of the Denver Revised Municipal Code be amended by adding
33 the language underlined to read as follows:

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

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

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

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

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

14 (2) *Compliance with zoning.*

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

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

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

27 (a) It shall be unlawful for any person to possess un-sealed packages or containers of marijuana
28 or marijuana product on the licensed premises, to open sealed packages or containers of
29 marijuana or marijuana product on the licensed premises, or to re-package marijuana or
30 marijuana product on the licensed premises.

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

33 (4) *Allowed number of licenses.* Only one (1) medical marijuana off-premises storage license shall

1 be allowed for each corresponding medical marijuana cultivation license, medical marijuana
2 store license, or medical marijuana products manufacturer. If a medical marijuana optional
3 premises cultivator, medical marijuana center, or medical marijuana infused-products
4 manufacturer already has an off-premises storage license, the director shall deny any
5 application for additional medical marijuana off-premises storage licenses for the corresponding
6 licenses.

7 (5) Co-location of a retail and medical marijuana off-premises storage facilities. A medical marijuana
8 off-premises storage facility in common ownership with a retail marijuana off-premises storage
9 facility may be licensed at the same location and may share the same licensed premises, to the
10 extent allowed by the Colorado Medical Marijuana Code and any rules and regulations adopted
11 pursuant thereto.

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

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

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

18 (f) Medical Marijuana Off-Premises Storage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 **Sec. 32-2. Application.**

29 (c) Any application for local licensing submitted pursuant to this chapter 32 shall be completed
30 within one (1) year of the date the application is filed and the application fee paid. Except as
31 provided in this subsection (c), applications that remain pending after the expiration of the one-
32 year time period shall be administratively closed and the director shall deny the issuance of a
33 license. Once an application expires, the applicant must begin the licensing process anew. At

1 the director's discretion, the director may extend the application period or approve the issuance
2 of a license for applications that remain pending beyond the one-year time period if the applicant
3 can produce, within thirty (30) days after the expiration of the one-year time period,
4 documentary or other empirical evidence to establish good cause for the failure to complete the
5 application process. For purposes of this subsection (c), the term "good cause" means the
6 failure to complete the application process occurred due to circumstances outside of the
7 applicant's control.

8 **Section 20.** Section 32-22 of Denver Revised Municipal Code shall be amended by adding
9 the language underlined and deleting the language stricken to read as follows:

10 **Sec. 32-22. - Revocation.**

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

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

21 **Section 21.** Section 32-92 of the Denver Revised Municipal Code shall be amended by
22 adding the language underlined and deleting the language stricken to read as follows:

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

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

- 27 (1) Application fee for retail off-premises storage facilities: \$500
- 28 (42) Annual operating fee, per year: \$5,000.00 for all classes of licenses.
- 29 (23) Criminal background check fee, per person checked: Actual costs.
- 30 (34) Transfer of ownership: \$100.00, plus cost of background check.
- 31 (45) Transfer of location: \$750.00
- 32 (56) Modification of premises: \$150.00

33 **Section 22.** Section 32-93 of the Denver Revised Municipal Code shall be amended and

1 shall read as follows:

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

3 Application and license fees for medical marijuana centers, medical marijuana-infused
4 products manufacturersing, and medical marijuana optional premises cultivation facilitieslicenses,
5 medical marijuana testing facilities, medical marijuana transporters, and medical marijuana off-
6 premises storage facilities are as follows:

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

8 ~~Medical marijuana center \$2,000.00~~

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

13 ~~Medical marijuana-infused products manufacturer 2,000.00~~

14 ~~Optional premises cultivation license 2,000.00~~

15 (2) Criminal background check fee, per person checked Actual costs

16 (3) License fee, per year, for all classes of licenses \$3,000.00

17 (4) Transfer of ownership, plus cost of background check \$100.00

18 (5) Transfer of location \$750.00

19 (6) Modification of premises \$150.00

20

21 COMMITTEE APPROVAL DATE:

22 MAYOR-COUNCIL DATE:

23 PASSED BY THE COUNCIL: _____, 2017

24 _____ - PRESIDENT

25 APPROVED: _____ - MAYOR _____, 2017

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

29 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2017; _____, 2017

30 PREPARED BY: Anshul Bagga, Assistant City Attorney DATE: _____, 2017

31 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
32 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
33 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
34 3.2.6 of the Charter.

35 Kristin Bronson, Denver City Attorney

36 BY: _____, Assistant City Attorney DATE: _____, 2017