

1 BY AUTHORITY

2 ORDINANCE NO. _____

COUNCIL BILL NO. CB10-1003

3 SERIES OF 2011

COMMITTEE OF REFERENCE:

4 AS AMENDED 2-14-11

Special Issues

5 A BILL

6 For an ordinance adopting a new Article XII of Chapter 24, Denver Revised Municipal
7 Code, in order to establish local licensing procedures and requirements for medical
8 marijuana centers, medical marijuana-infused products manufacturers, and optional
9 premises cultivation licenses.
10

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

12
13 **Section 1.** That a new Article XII shall be added to Chapter 24, D.R.M.C., to read as follows:
14

15 ARTICLE XII

16 DENVER MEDICAL MARIJUANA CODE
17
18
19

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

21
22 The Colorado Medical Marijuana Code, Article 43.3 of Title 12, C.R.S., (the
23 CMMC) affords to counties and municipalities the local option to determine whether
24 or not to allow and to license certain medical marijuana businesses within their
25 respective jurisdictions. The purpose of this Article XII is to affirmatively authorize
26 such licensing in the City and County of Denver as provided in § 12-43.3-301 (2)(a),
27 C.R.S., as amended, and to establish specific standards and procedures for local
28 licensing of medical marijuana centers, medical marijuana infused products
29 manufacturers, and optional premises medical marijuana cultivation operations.
30 Furthermore, this Article XII is intended to exercise the authority granted by the
31 CMMC for the city to adopt licensing requirements that are, in some cases,
32 supplemental to or stricter than the requirements set forth in state law.
33
34

35 **Sec. 24-502. Defined terms.**

36
37 The definitions set forth in the CMMC, § 12-43.3-104, C.R.S., as amended,
38 shall apply equally to this Article XII. In addition, the following terms shall have the
39 meanings respectively assigned to them:
40
41
42

43 (1) "Alcohol or drug treatment facility" means any facility located within a medical
44 office or hospital, as these terms are defined by the zoning code, with the primary

1 purpose of counseling or providing medical services to patients who suffer from
2 addictions to alcohol or drugs.

3
4 (2) “*Child care establishment*” means any child care establishment as defined by
5 and regulated under Chapter 11 of the city code.

6
7 (3) “*Department*” means the Denver department of excise and licenses.

8
9 (4) “*Director*” means the director of the Denver department of excise and licenses.
10

11
12 **Sec. 24-503. Effective date; applicability.**

13
14 (a) *Effective date.* On and after July 1, 2011 it shall be unlawful to operate
15 any business in Denver for which a license is required under the CMMC without first
16 having obtained a local license under this Article XII and a state license under the
17 state code.

18
19 (b) *Previous dispensary licenses.* Any medical marijuana dispensary
20 license previously issued by the director under the authority of Article XI of this
21 Chapter 24 shall expire and shall be of no further force and effect as of July 1, 2011.
22

23
24 (c) *Receipt of applications for new licensing.* At such time as application
25 forms are made available by the state licensing authority, the director shall begin to
26 receive and process applications for licensing under the CMMC and this Article XII.
27

28 (d) *Prohibition on new medical marijuana businesses prior to July 1, 2011.*
29 It shall be unlawful for any person to commence operation of any business of
30 selling, offering for sale, distributing, cultivating or manufacturing medical marijuana
31 prior to July 1, 2011 unless the person had applied for a license or permit from the
32 city on or before July 1, 2010 in accordance with section 24-411, had applied for
33 state licensing on or before August 1, 2010 in accordance with § 12-43.3-103 (1)(b),
34 C.R.S., and was otherwise fully in compliance with the requirements of Article XI of
35 this Chapter and the CMMC.
36

37 (e) *No entitlement or vested right to licensing.* No person shall be deemed
38 to have any entitlement or vested right to licensing under this Article XII or the CMMC
39 by virtue of having received any prior license or permit from the city including, by way
40 of example, any medical marijuana dispensary license, any zoning permit, any
41 wholesale food manufacturer’s license, or any sales tax license. In order to lawfully
42 engage in the business of selling, cultivating, or manufacturing medical marijuana in
43 the city on and after July 1, 2011, any person must qualify for and obtain a license in
44 accordance with the requirements of this Article XII and the CMMC.
45

46 (f) *No intent to regulate primary care-givers.* This Article XII is not
47 intended to regulate the possession, cultivation, manufacturing, sale, offer for sale,
48 or distribution of marijuana by persons who may qualify as primary care-givers within

1 the meaning of Article XVIII, Section 14 of the Colorado Constitution and applicable
2 state statutes governing the conduct of primary care-givers.
3
4

5 **Sec. 24-504. Relationship to Colorado Medical Marijuana Code; other laws.**
6

7 Except as otherwise specifically provided herein, this Article XII incorporates
8 the requirements and procedures set forth in the CMMC. In the event of any conflict
9 between the provisions of this Article XII and the provisions of the CMMC or any
10 other applicable state or local law, the more restrictive provision shall control.
11
12

13 **Sec. 24-505. Designation of local licensing authority.**
14

15 In accordance with § 12-43.3-104 (5), C.R.S., as amended, and § 2.7.1 of the
16 Denver Charter, the director of the department of excise and licenses is designated
17 as the local licensing authority for purposes of administering the CMMC and this
18 Article XII. The director is authorized to appoint one or more hearing officers to
19 conduct such hearings as may be required under the CMMC or this Article XII, to
20 consult with the director with respect thereto, and to certify the record or a summary
21 thereof as required by the director along with the hearing officer's recommended
22 findings, conclusions and decision. Any party to such hearing shall have an
23 opportunity to file with the director written objections to any such summary, and to
24 the recommended findings, conclusions and decisions of the hearing officer, prior to
25 the director's decision thereon.
26
27
28

29 **Sec. 24-506. Classes of licensing authorized.**
30

31 For the purpose of regulating the cultivation, manufacture, distribution, offering
32 for sale, and sale of medical marijuana, the director in the director's discretion, upon
33 application in the prescribed form made to the director, may issue and grant to the
34 applicant a local license from any of the following classes, subject to the provisions
35 and restrictions provided in this Article XII and the CMMC:
36

- 37 (a) Medical marijuana center license;
- 38 (b) Optional premises cultivation license;
- 39 (c) Medical marijuana-infused products manufacturing license.
40
41
42
43

44 **Sec. 24-507. Licensing requirements—provisions applicable to all licenses.**
45

46 (a) *Criteria for licensing; waiver of public hearings.* The director shall
47 consider and act upon all local license applications in accordance with the standards
48 and procedures set forth in the CMMC and this Article XII; provided, however, no
49 public hearing shall be required for any class of licensing pursuant to § 12-43.3-302,

1 C.R.S., as amended, and the director's decision to grant or deny a license shall be
2 made solely upon the results of the director's investigation and findings pursuant to
3 section 12-43.3-302, C.R.S., as amended. The director shall deny any application
4 for a license that is not in full compliance with the CMMC, this Article XII, and any
5 other applicable state or city law or regulation. The director shall also deny any
6 application that contains any false or incomplete information.
7

8 (b) *Application forms and supplemental materials.* All applications for local
9 licensing shall be made upon forms provided by the state, and shall include such
10 supplemental materials as required by the CMMC and rules adopted pursuant
11 thereto, including by way of example: proof of possession of the licensed premises,
12 disclosures related to ownership of the proposed business, fingerprints of the
13 applicants, building plans, and security plans. The director may, at the director's
14 discretion, require additional documentation associated with the application as may
15 be necessary to enforce the requirements of the CMMC and this Article XII.
16

17 (c) *Notice of applications to departments and agencies.* Upon receipt of an
18 application for any class of local license, the director shall give notice of the
19 application to the Department of Community Planning and Development, the
20 Department of Finance, the Department of Environmental Health, the Denver Police
21 Department, and the Denver Fire Department. Any applicant for a license under this
22 Article XII shall obtain any and all necessary permits, licenses and other regulatory
23 approvals from the other affected city departments and agencies prior to the
24 issuance of a license under this Article XII.
25

26 (b) *Background checks and determination of good character.* Prior to the
27 issuance of any local license, the director shall make a finding and determination as
28 to the good moral character of the applicant in accordance with the standards and
29 procedures set forth in the CMMC. In so doing, the director may incorporate any
30 findings as to good character previously made by the state licensing authority, and
31 shall not be required to perform a criminal background check if the state licensing
32 authority has already performed a criminal background check on the applicant.
33
34

35 **Sec. 24-508. Licensing requirements—medical marijuana centers.**

36
37 In addition to the requirements set forth in the CMMC, the following
38 requirements shall apply to the issuance of any local license for a medical marijuana
39 center:
40

41 (a) *Tax bond.* Before the director issues a local license to an applicant for a
42 medical marijuana center license, the applicant shall procure and file with the city
43 evidence of good and sufficient bond in the amount of five thousand dollars
44 (\$5,000.00) with corporate surety thereon duly licensed to do business with the state
45 of Colorado, approved as to form by the city attorney, and conditioned that the
46 applicant shall report and pay all city sales and use taxes as provided by law. A
47 corporate surety shall not be required to make payments to the city claiming under
48 such bond until a final determination of failure to pay taxes due to the city has been
49 made by the Manager of Finance or a court of competent jurisdiction. All bonds

1 required pursuant to this subsection shall be renewed at such times as the
2 bondholder's license is renewed. The renewal may be accomplished through a
3 continuation certificate issued by the surety.
4

5 (b) *Area maps.* All applications for medical marijuana center licensing submitted
6 pursuant to this Article XII shall include an area map drawn to scale indicating land uses of
7 other properties within a 1000-foot radius of the property upon which the applicant is
8 seeking a license. The map shall depict the proximity to the property to any school or child
9 care establishment; to any other medical marijuana center; to any alcohol or drug treatment
10 facility; or to any residential or U-MS-2x zone district.
11

12 (c) *Prohibited locations.* No medical marijuana center license shall be issued
13 for the following locations:
14

15 (1) In any residential zone district as defined by the zoning code of the city,
16 in any ~~U-MS-2x~~ MS-2, MS-2x, MX-2, MX-2A or MX-2x zone district as defined by the
17 zoning code of the city, or in any location where retail sales are prohibited by the
18 zoning code or by any ordinance governing a planned unit development. The
19 restriction against licensing a medical marijuana center in any MS-2, MS-2x, MX-2,
20 MX2A or MX-2x zone district shall not apply to any location where the same
21 applicant submitted a license application for a medical marijuana dispensary under
22 Article XI of this Chapter 24 on or before July 1, 2010 and subsequently received a
23 license under Article XI.
24

25 (2) Within one thousand (1,000) feet of any school or child care
26 establishment, with the distance computed by direct measurement from the nearest
27 property line of the land used for school or child care purposes to the nearest portion
28 of the building in which the medical marijuana dispensary is located, using a route of
29 direct pedestrian access. This restriction shall not apply to any location where the
30 same applicant submitted a license application for a medical marijuana dispensary
31 under Article XI of this Chapter 24 prior to March 1, 2010, was exempt from the
32 spacing requirements set forth in Article XI, and subsequently received a license
33 under Article XI.
34

35 (3) Within one thousand (1,000) feet of any other medical marijuana center
36 licensed premises or of any premises licensed under Article XI of this Chapter 24,
37 with the distance computed by direct measurement from the nearest portion of the
38 building in which one center is located to the nearest portion of the building in which
39 the other center is located, using a route of direct pedestrian access. This restriction
40 shall not apply to any location where the same applicant submitted a license
41 application for a medical marijuana dispensary under Article XI of this Chapter 24
42 prior to March 1, 2010, was exempt from the spacing requirement set forth in Article
43 XI, and subsequently received a license under Article XI.
44

45 (4) Within one thousand (1,000) feet of any alcohol or drug treatment
46 facility. The thousand-foot distance shall be computed by direct measurement from
47 the nearest property line of the land used for alcohol or drug treatment facility
48 purposes to the nearest portion of the property upon which the medical marijuana
49 center license is proposed to be located, using a route of direct pedestrian access.
50 This restriction shall not apply to any location where the same applicant submitted a

1 license application for a medical marijuana dispensary under Article XI of this
2 Chapter 24 on or before July 1, 2010 and subsequently received a license under
3 Article XI.
4

5 (5) ~~a. Notwithstanding the prohibition against licensing in any MS-2x~~
6 ~~zone district as set forth in paragraph (1) of this subsection (c) or the prohibition~~
7 ~~against licensing within 1000 feet of an alcohol or drug treatment facility as set~~
8 ~~forth in paragraph (4) of this subsection (c), prior to July 1, 2011 a medical~~
9 ~~marijuana center license may be issued in these prohibited locations if and only~~
10 ~~if the applicant meets the following requirements:~~
11

- 12 1. ~~A medical marijuana dispensary license was applied for pursuant to Article~~
13 ~~11 of this Chapter 24 upon the same zone lot on or before July 1, 2010;~~
- 14 2. ~~The applicant previously applied for a medical marijuana center license~~
15 ~~upon the same zone lot with the state medical marijuana licensing~~
16 ~~authority on or before August 1, 2010 in accordance with section 12-43.3-~~
17 ~~103 (1)(b), C.R.S.; and~~
- 18 3. ~~The applicant can produce to the satisfaction of the director documentary~~
19 ~~or other empirical evidence that the applicant had in fact commenced the~~
20 ~~sale of medical marijuana on the zone lot prior to January 1, 2011.~~

21 b. ~~Any medical marijuana center license exempted from the prohibition~~
22 ~~against licensing in any U-MS-2x zone district or the prohibition against~~
23 ~~licensing within one thousand (1000) feet of an alcohol or drug~~
24 ~~treatment facility as set forth in sub-paragraph a. of this paragraph (5)~~
25 ~~shall be subject to a public hearing prior to any renewal of the license.~~
26 ~~The director shall assign a hearing officer to conduct the public hearing~~
27 ~~as provided in section 24-505. The hearing shall not be conducted until~~
28 ~~the director has posted or caused to be posted a notice of hearing on~~
29 ~~the licensed premises in the manner described in section 12-43.3-302~~
30 ~~(2), C.R.S. for a period of ten (10) days, and provided notice to each of~~
31 ~~the following at least ten (10) days prior to the hearing: the licensee;~~
32 ~~the city council representative for the district in which the licensed~~
33 ~~premises is located; and any registered neighborhood association~~
34 ~~entitled to receive notice as provided in section 12-96. At the public~~
35 ~~hearing, the incumbent licensee and any other interested party shall be~~
36 ~~entitled to speak and present evidence supporting or opposing renewal~~
37 ~~of the license in the subject location. The hearing officer shall receive~~
38 ~~and give due consideration to any evidence or testimony submitted by~~
39 ~~the city council member representing the district in which the licensed~~
40 ~~premises are located, either in support or opposition to the renewal of~~
41 ~~the license. The medical marijuana center license shall be eligible for~~
42 ~~renewal in its current location unless it is shown by a preponderance of~~
43 ~~the evidence presented at the hearing that:~~

- 44 1. ~~The existence of the medical marijuana center on the licensed~~
45 ~~premises has frustrated the implementation of the city's comprehensive~~
46

1 ~~plan and any adopted neighborhood plan applicable to the subject~~
2 ~~property;~~

3
4 ~~2. The existence of the medical marijuana center on the licensed~~
5 ~~premises has negatively affected nearby properties or the~~
6 ~~neighborhood in general, including by way of example any adverse~~
7 ~~effects caused by excessive noise, odors, vehicular traffic, or any~~
8 ~~negative effects on nearby property values;~~

9
10 ~~3. The existence of the medical marijuana center has caused crime~~
11 ~~rates to increase in the surrounding neighborhood; or~~

12
13 ~~4. The continued existence of a licensed medical marijuana~~
14 ~~center in the subject location will have a deleterious impact on public~~
15 ~~health, safety and the general welfare of the neighborhood or the city.~~

16
17 (6) The spacing requirements set forth in paragraphs (2), (3) and (4) of this
18 subsection (c) shall be enforced in lieu of the spacing requirements set forth in the
19 CMMC, § 12-43.3-308 (1)(d)(I), C.R.S. as amended.
20

21
22 (d) *Off-site delivery of product by licensee prohibited.* All sales and
23 distribution of medical marijuana by a licensed medical marijuana center shall occur
24 only upon the licensed premises, and the licensee shall be strictly prohibited from
25 delivering medical marijuana to any person at any other location. Nothing herein
26 shall preclude a primary care-giver from purchasing medical marijuana on behalf of a
27 patient at a licensed medical marijuana center and delivering the medical marijuana
28 to a homebound patient in accordance with § 25-1.5-106 (7)(d) and (e), C.R.S., as
29 amended.
30

31 (e) *Signs and advertising.* Any person or premises licensed as a medical
32 marijuana center shall comply with all city ordinances regulating signs and
33 advertising. In addition, no licensed medical marijuana center shall use any
34 advertising material that is misleading, deceptive, or false, or that, as evidenced
35 either by the content of the advertising material or by the medium or the manner in
36 which the advertising is disseminated, is designed to appeal to minors.
37
38

39 **Sec. 24-509. Licensing requirements—medical marijuana-infused products**
40 **manufacturing license.**

41
42 In addition to the requirements set forth in the CMMC, the following
43 requirements shall apply to the issuance of any local license for medical marijuana-
44 infused products manufacturing:
45

46 (a) *Compliance with zoning; grandfathering of existing locations.* A local
47 license for medical marijuana infused products manufacturing may be issued for any
48 zone lot where “food preparation and sales” or “manufacturing, fabrication and
49 assembly, general” is permitted by the Denver zoning code. Any zone lot where any

1 person qualified as a “locally approved” medical marijuana-infused product
2 manufacturer as of July 1, 2010 in accordance with section 24-411 (c) and the
3 CMMC may also qualify for licensing under this section provided such manufacturing
4 is considered a compliant or non-conforming use in that location under the zoning
5 code .
6

7 (b) *Sanitation, product labeling, and public health standards.* Sanitary
8 standards for medical marijuana marijuana-infused products manufacturing shall be
9 as provided by the CMMC and any other applicable state laws and regulations. Any
10 and all medical marijuana products packaged by a licensed medical marijuana
11 manufacturer shall be labeled in accordance with state law.
12

13 **Sec. 24-510. Licensing requirements—optional premises cultivation licenses.**

14 In addition to the requirements set forth in the CMMC, the following
15 requirements shall apply to the issuance of any local license for an optional premises
16 cultivation license:
17
18

19 (a) *Compliance with current zoning.*

20 (1) A local optional premises cultivation license may be issued in any zone district
21 where, at the time of application for the license, plant husbandry is authorized as a
22 permitted use under the zoning code.
23

24 (2) Notwithstanding the requirement set forth in paragraph (1) of this subsection (a),
25 prior to July 1, 2011 an optional premises cultivation license may be issued in a location
26 where plant husbandry is not a permitted use but is already occurring as a compliant or
27 non-conforming use under the zoning code, if and only if the applicant meets the following
28 requirements:
29

30 a. A zoning permit for plant husbandry was applied for upon the same
31 zone lot on or before July 1, 2010;

32 b. The applicant or any person from whom the applicant acquired a
33 medical marijuana center or a medical marijuana-infused products
34 manufacturing operation with which the proposed optional cultivation
35 license is associated previously applied for an optional premises
36 cultivation license upon the same zone lot with the state medical
37 marijuana licensing authority on or before August 1, 2010 in accordance
38 with section 12-43.3-103 (1)(b), C.R.S; and

39 c. The applicant or any person from whom the applicant acquired a
40 medical marijuana center or a medical marijuana-infused products
41 manufacturing operation with which the proposed optional cultivation
42 license is associated can produce to the satisfaction of the director
43 documentary or other empirical evidence that the applicant had in fact
44
45
46
47
48
49

1 commenced the cultivation of medical marijuana on the zone lot prior to
2 January 1, 2011.
3

4 (3) Any optional premises cultivation licenses granted pursuant to paragraph
5 (a)(2) of this section upon a zone lot where plant husbandry is not a permitted use
6 under the zoning code shall be subject to a public hearing prior to any renewal of the
7 license. The director shall assign a hearing officer to conduct the public hearing as
8 provided in section 24-505. The hearing shall not be conducted until the director has
9 posted or caused to be posted a notice of hearing on the licensed premises in the
10 manner described in section 12-43.3-302 (2), C.R.S. for a period of ten days, and
11 provided notice to each of the following at least ten days prior to the hearing: the
12 licensee; the city council representative for the district in which the licensed premises is
13 located; and any registered neighborhood association entitled to receive notice as
14 provided in section 12-96. At the public hearing, the incumbent licensee and any other
15 interested party shall be entitled to speak and present evidence supporting or opposing
16 renewal of the license in the location where plant husbandry is not a permitted use.
17 The hearing officer shall receive and give due consideration to any evidence or
18 testimony submitted by the city council member representing the district in which the
19 licensed premises are located, either in support or opposition to the renewal of the
20 license. The optional premises cultivation license shall be eligible for renewal in its
21 current compliant or non-conforming location unless it is shown by a preponderance of
22 the evidence presented at the hearing that:
23

24 a. The existence of the medical marijuana cultivation on the
25 licensed premises has frustrated the implementation of the city's
26 comprehensive plan and any adopted neighborhood plan
27 applicable to the subject property;
28

29 b. The existence of the medical marijuana cultivation operation on
30 the licensed premises has negatively affected nearby properties or
31 the neighborhood in general, including by way of example any
32 adverse effects caused by excessive noise, odors, vehicular traffic,
33 or any negative effects on nearby property values;
34

35 c. The existence of the medical marijuana cultivation operation has
36 caused crime rates to increase in the surrounding neighborhood; or
37

38 d. The continued existence of a licensed medical marijuana
39 cultivation operation in the subject location will have a deleterious
40 impact on public health, safety and the general welfare of the
41 neighborhood or the city.
42

43 (b) *Provisions related to cross-jurisdictional licensing.* Any applicant for a
44 medical marijuana center license or a medical marijuana-infused products license in
45 Denver may obtain an optional premise cultivation license in a jurisdiction other than
46 Denver and shall provide proof of such licensing to the director.
47
48

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

1
2 (a) *In general.* Transfer of ownership of any license issued pursuant to this
3 Article XII shall be governed by the standards and procedures set forth in the CMMC
4 and any regulations adopted pursuant thereto.
5

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

11 (c) *Medical marijuana-infused products manufacturing license.* Any
12 transfer of ownership of a medical marijuana-infused products manufacturing
13 license shall not affect the ability of the new owner to continue to operate under
14 the transferred license in a compliant or non-conforming location as allowed by
15 section 24-509 (a).
16

17 (d) *Cultivation licenses.* Any optional premises cultivation license issued
18 pursuant to section 24-510 (a)(2) in a location where plant husbandry is not a
19 permitted use under the zoning code shall not be transferable to a new owner in
20 that location unless the applicant for the transfer proves to the satisfaction of the
21 director that:
22

23 (1) The transfer of ownership is required due to extraordinary
24 circumstances forcing the incumbent licensee to divest its interest in the
25 existing optional premises cultivation operation including, by way of
26 example, death, divorce, bankruptcy, court order, or any *force majeure*
27 that may prevent the incumbent licensee from continuing to operate in the
28 subject location;
29

30 (2) The transfer of ownership is required due merely to corporate
31 restructuring or any other change in the legal structure of the incumbent
32 owner and licensee; or
33

34 (3) The transfer of ownership is required because the medical marijuana
35 center or the medical marijuana-infused products manufacturing license
36 with which the optional premises cultivation license is associated is being
37 transferred to a new owner.
38

39
40 **Sec. 24-512. Change of location; modification of premises.**
41

42 Change of location of any location premises or any modification of the
43 premises shall be governed by the standards and procedures set forth in the CMMC
44 and any regulations adopted pursuant thereto. Any proposed modification and any
45 new location to which an existing licensed business is transferred shall fully comply
46 with the spacing requirements and the requirements for conformance with current
47 zoning as set forth in sections 24-508, 24-509, or 24-510 of this Article XII.
48
49

1 **Sec. 24-513. Term of licenses; renewals**

2
3 Any local license issued pursuant to this Article XII shall be valid for a period
4 of two years from the date of issuance. Any renewal of the license shall be governed
5 by the standards and procedures set forth in the CMMC and any regulations adopted
6 pursuant thereto, subject to any additional restrictions on renewal for certain classes
7 of licenses in certain locations as provided in this Article XII.
8

9
10 **Sec. 24-514. Disciplinary actions; sanctions; penalties.**

11
12 Procedures for suspension or revocation of licenses issued pursuant to this
13 Article XII and other fines, sanctions and penalties shall be as provided in the CMMC
14 and any regulations adopted pursuant thereto.
15

16
17
18 **Section 2.** That section 32-93, D.R.M.C., shall be repealed and re-enacted to read as
19 follows:

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

21
22 Application and license fees for medical marijuana centers, medical
23 marijuana-infused products manufacturing, and medical marijuana
24 optional premises cultivation licenses are as follows:
25

- 26
27 (1) Application fees:
28
29 Medical marijuana center: \$2,000
30 Medical marijuana infused products manufacturer: \$2,000
31 Optional premises cultivation license: \$2,000
32
33 (2) Criminal background check fee, per person checked : Actual costs
34
35 (3) License fee, per year: \$3,000 for all classes of licenses
36
37 (4) Transfer of ownership: \$100, plus cost of background check.
38
39 (5) Transfer of location: \$750
40
41 (6) Modification of premises: \$150
42
43
44

45 **Section 3.** That paragraph 21 of subsection (c) of section 37-50, D.R.M.C. shall be
46 amended by deleting the language stricken and adding the language underlined, to read as
47 follows:
48

49 **Sec. 39-50. Definitions.**

1
2 (c) *Public Nuisance, Class one (1)*: Any parcel of real property, personal
3 property, or motor vehicle on or in which any of the following illegal activity occurs, or
4 which is used to commit, conduct, promote, facilitate, or aid the commission of or
5 flight from any of the following activities. For purposes of this section, the illegal
6 activity shall have the same definition as that contained in the section of the
7 Colorado Revised Statute (C.R.S.), as amended, or the section of the Denver
8 Revised Municipal Code (D.R.M.C.), as amended, listed after the illegal activity:
9

10 21. Keeping, maintaining, controlling, renting, or making available property for
11 unlawful distribution or manufacture of controlled substances, to C.R.S. § 18-18-411;
12 or the unlawful possession of materials to make amphetamine and
13 methamphetamine, to C.R.S. § 18-18-412.5; or, the unlawful sale or distribution of
14 materials to manufacture controlled substances, C.R.S. § 18-18-412.7; or
15 possession of one or more chemicals or supplies or equipment with intent to
16 manufacture a controlled substance, C.R.S. § 18-18-405; or the unlawful cultivation,
17 manufacturing, sale, offer for sale, or distribution of medical marijuana without a
18 license, Art. XII, Chapter 24, D.R.M.C.; or
19
20
21

22 **Section 4.** That subsection 12-96 (b), Denver Revised Municipal Code concerning required
23 notification to registered neighborhood associations, shall be amended by adding the underlined
24 language to the table appearing in subsection (b):
25

26 **Sec. 12-96. Notification.**
27

28 (b) The following agencies of the city shall be responsible for the following
29 notification:
30

Proposed Action	Responsible City Agency for Notification
<u>New Application, and/or Major Modification to Premises and/or Transfer of Medical Marijuana Center, Medical Marijuana Optional Premises Cultivation or Medical Marijuana Infused Products Manufacturing License; or any action for which a public hearing is required by state or city medical marijuana licensing laws; provided, however, that no notification shall be given for any class of license if the location of the license is required to be confidential under state law.</u>	Excise and Licenses

1 COMMITTEE APPROVAL DATE: January 31, 2011.
2 MAYOR-COUNCIL DATE: February 8, 2011.
3 PASSED BY THE COUNCIL: _____, 2011
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____, 2011
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2011; _____, 2011
10 PREPARED BY: David W. Broadwell, Asst. City Attorney; DATE: February 10, 2011
11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.
15 David R. Fine, City Attorney
16 BY: _____, _____ City Attorney DATE: _____, 2011