

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10 or near locations where previous applications have been denied or withdrawn.
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12

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- 6 withdrawn prior to final action by the director on the application.
- 7

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.
- 29

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:

32

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

1
2 In addition to the requirements set forth in the CMMC, the following requirements
3 shall apply to the issuance of any local license for a medical marijuana center:
4

5 (b) *Prohibited locations.* No medical marijuana center license shall be issued for the
6 following locations:
7

8 (8) No application for a medical marijuana center license shall be received or
9 acted upon by the director if the application concerns a particular location that
10 either:
11

12 a. Is the same location or within one thousand feet of a location where,
13 within the two years preceding the date of the application, the director
14 denied an application for a medical marijuana center license or a retail
15 marijuana store license for the reason that the reasonable requirements of
16 the neighborhood and the desires of the adult inhabitants were satisfied by
17 the existing outlets; or
18

19 b. Is the same location where, within the one year preceding the date of
20 the application, the director scheduled a public hearing for an application
21 for a medical marijuana center license or a retail marijuana store license,
22 and the application was subsequently withdrawn prior to final action by the
23 director on the application.
24

25 **Section 4.** That section 24-512, D.R.M.C. shall be amended by adding a new subsection (d),
26 to read as follows:
27

28 **Sec. 24-512. Change of location; modification of premises.**
29

30 (d) No application for change of location of a medical marijuana center license shall
31 be received or acted upon by the director if the proposed change is to a location that
32 either:
33

1. 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
2. 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 5. This ordinance shall be effective upon final publication and shall apply to any application for a new retail marijuana store license or a new medical marijuana center license or for a change of location of any such license submitted on and after that date. In addition, this ordinance shall apply to any application for a new retail marijuana store license or a new medical marijuana center license or for a change of location of any such license that was submitted after May 1, 2016 but prior to the effective date of this ordinance and was not yet acted upon by the Director of Excise and Licenses as of the effective date 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: _____