

and shall not be required to perform a criminal background check if the state licensing authority has already performed a criminal background check on the applicant.

Sec. 6-211. Licensing requirements—Retail Marijuana Stores.

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

- (a) *Tax bond.* Before the director issues a local license to an applicant for a retail marijuana store, the applicant shall procure and file with the city evidence of good and sufficient bond in the amount of twenty thousand dollars (\$20,000.00) with corporate surety thereon duly licensed to do business with the State of Colorado, approved as to form by the city attorney, and conditioned that the applicant shall report and pay all city sales and use taxes as provided by law. A corporate surety shall not be required to make payments to the city claiming under such bond until a final determination of failure to pay taxes due to the city has been made by the manager of finance or a court of competent jurisdiction. All bonds required pursuant to this subsection shall be renewed at such times as the bondholder's license is renewed. The renewal may be accomplished through a continuation certificate issued by the surety.
- (b) *Area maps.* All applications for retail marijuana store licensing submitted pursuant to this article V shall include an area map drawn to scale indicating land uses of other properties within a 1,000-foot radius of the property upon which the applicant is seeking a license. The map shall depict the proximity to the property to any school or child care establishment; to any other retail marijuana store; to any medical marijuana center, or to any alcohol or drug treatment facility.
- (c) *Prohibited locations.* No retail marijuana store license shall be issued for the following locations:

- (1) In any residential zone district as defined by the zoning code of the city, in any MS-2, MS-2x, MX-2, MX-2A or MX-2x zone district as defined by the zoning code of the city, or in any location where retail sales are prohibited by the zoning code or by any ordinance governing a planned unit development. The restriction against licensing a retail marijuana store in any MS-2, MS-2x, MX-2, MX-2A or MX-2x zone district shall not apply to any location where the director previously issued a medical marijuana center license under article XII of chapter 24 and a licensed medical marijuana center has existed in continuous operations at the subject location since the time of original licensing.
- (2) Within one thousand (1,000) feet of any school, with the distance computed by

in a straight line

the nearest portion of the building in which the retail marijuana store is located, ~~using a route of direct pedestrian access.~~

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

(4) Within one thousand (1,000) feet of any child care establishment or alcohol or drug treatment facility. The 1,000-foot distance shall be computed by direct measurement *in a straight line* ~~from the nearest property line of the land used for the child care establishment or alcohol or drug treatment facility to the nearest portion of the property upon which the retail marijuana store is proposed to be located, using a route of direct pedestrian access.~~ This restriction shall not apply to any location where the director previously issued a medical marijuana center license under article XII of chapter 24, and a licensed medical marijuana center has existed in continuous operations at the subject location since the time of original licensing.

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

(e) *Signs and advertising.*

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

(2) Except as otherwise provided in this subsection (2), it shall be unlawful for any person licensed under this article or any other person to advertise any retail marijuana or retail marijuana product anywhere in the city where the advertisement is visible to members of the public from any street, sidewalk, park

1 **Sec. 24-503. - Effective date; applicability.**

- 2 (3) Notwithstanding the provisions of paragraphs (1) and (2) of this
3 subsection (a), if the owner of any pre-existing medical marijuana
4 business has not obtained both a state and city license to lawfully
5 continue in operation by July 1, 2014, the business shall cease operation
6 immediately as of that date. On and after July 1, 2014 it shall be unlawful
7 for any person to operate any business involving the cultivation,
8 manufacture or sale of medical marijuana or medical marijuana-infused
9 products without holding a current state and city license.

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12 **Section 4.** Amend paragraph (3) of subsection (c) of section 24-508, D.R.M.C., by deleting
13 the language stricken and adding the language underlined, to read as follows:

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

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

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20 (3) Within one thousand (1,000) feet of any other medical marijuana center licensed
21 premises or of any premises licensed under article XI of this chapter 24 or any
22 retail marijuana store licensed under article V of chapter 6, with the distance
23 computed by direct measurement from the nearest portion of the building in
24 which ~~one (1) the center is proposed to be~~ located to the nearest portion of the
25 building in which the other center or the retail marijuana store is located, ~~using a~~
26 ~~route of direct pedestrian access~~. *in a straight line* This restriction shall not apply to any location
27 where the director previously issued a medical marijuana dispensary license
28 under article XI of this ~~chapter 24~~, a licensed dispensary commenced operations
29 at the subject location, and a licensed medical marijuana dispensary or center
30 has existed in continuous operations at the subject location since the time of
31 original licensing.

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33 **Section 5.** Amend Article II of Chapter 32, D.R.M.C. concerning licensing fees by adding a
34 new section 32-92 to read as follows:

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38 **Sec. 32-93. Marijuana licensing.**

39 Application and license fees for retail marijuana stores, retail marijuana
40 cultivation facilities, retail marijuana products manufacturers, and retail marijuana
41 testing facilities are as follows: