



# **Marijuana Licensing Clean-up Bills Denver Excise & Licenses**



MJ Licensing Ordinance currently rests in 4 separate part of the DRMC.

- \*General Licensing (Chapter 32)
- \*Medical Dispensary Code
- \*Medical MJ Code (Chapter 24)
- \*Retail MJ Code (Chapter 6)



**Dispensary Code  
#1**

## Repeal the Medical Dispensary Code

*Repeal the entire Medical Marijuana  
Dispensary Code since it has been replaced by  
the Medical Marijuana Code (24-401)*

## License Application Expiration

Licensing application must be completed within 1 year of the date that the application is filed.

- Director may grant licenses for applications pending more than 1 year if the applicant can show good cause.
- Currently, there are 46 pending marijuana license applications that are 18 months or older and 127 for “liquor type” applications.
- Requirement is being added to medical, retail and the overall licensing ordinance (Chapter 32)

## Hours of Operation the same as Retail

- Hours of operation for Medical Centers have previously referred to state statute and regulation. This change adds the hours into ordinance.
- 8am-7pm

## Consistent Proximity Measurements

- Medical - Change method of measurement from direct pedestrian access to straight line for all prohibited locations, to be consistent with Retail.
- Retail and Medical - Change the points of measurement for alcohol and drug treatment facilities to be from the property line of the treatment facility to the actual building of the Store.

## Issue a medical testing facility license

Add a section allowing the licensing of Medical Marijuana Testing Facilities in proper zone districts

- This is to mirror the creation of a medical testing facility license at the State level.
- A local medical marijuana testing facility license may be issued in any zone district where, at the time of application for the license, the land use denominated "laboratory, research, development and technological services" is allowed by the zoning code.

## Define: Continuous operations

- Defines which locations are given "grandfathering" rights to be within close proximity of other prohibited locations.
- Evidence that continuous operation was broken could include the stoppage of marijuana sales, the ownership of the building for another purpose, or the absence of a state license at that location.



## Deadline: Licensed, but not Operating

A license may be suspended or revoked if it is determined that the licensed premises have been inactive or unoccupied by the licensee for at least one year.

- This proposal would mirror the state statute which allows the MED to revoke inactive licenses.

## Delinquent Renewals

If a completed renewal application is not filed expiration date listed on the license, the business is required to cease operations until the license is active.

- Current process allows for sales to occur without an active license.
- Liquor stores are currently required to cease operations (sales) if they pass their expiration date for renewal.
- "Operations" could be defined as "to manufacture, sell, serve, give away, distribute, transfer, transport or otherwise remove marijuana from the licensed premises or allow adults over the age of 21 to enter the licensed premises of any retail MJ store."

## Renewal application documentation

- Require licensees to provide a copy of any disciplinary action taken against any of the licenses upon renewal as well as a verification of a valid State license in good standing.
- Also allowing the Director discretion to require a public hearing upon renewal under certain circumstances.

## **Amend restrictions on cultivation facilities within certain zone districts.**

- Repeal the renewal hearing requirement for cultivation facilities operating as non-conforming use. Appx 100 hearings/year.
- Remove limitations on transfers of ownership.

## Public Hearing for Transfers of Location

- Codify existing practice by adding language requiring a hearing upon a transfer of location application.

## Tethering State & Local Licenses

- Tether State and Local Licenses in Transfer of Ownership. The director shall deny an application for a transfer of ownership **of** a local license unless the applicant produces written documentation from the state approving the transfer of ownership of the state license.

## Disciplinary Action Standards

- Restrict transfers of ownership if the licenses are subject to disciplinary action by the state or local licensing authority.
- The Director may enter a summary suspension order for immediate suspension of a license if the Director finds probable cause that a licensee has engaged in a deliberate and willful violation of any applicable law or regulation or that public health, safety or welfare requires immediate action.

## Production management changes

- Restrict licensed premises to one retail cultivation license and prevent the sale of a local license that was tied to a surrendered state license.
- This is to mirror the production management changes that are currently proposed at the State.
- Will modify, if needed, based on final changes.





## Minor Changes #15-17

### Miscellaneous minor administrative changes

*The changes proposed here are all administrative in nature. They consist of removing obsolete language or typos, making the retail and medical codes consistent with one another or codifying existing processes.*

#### Sections 24-502 and 6-201. Defined Terms (#15)

- Add definitions contained in MED regulations
- Add definition of “school” (medical only)

#### Section 24-503. Effective date; applicability (#16)

- Repeal the dispensary transition language allowing operation without a license prior to July 1, 2014.
- Add processing to the list of business activities prohibited without both licenses.

#### Section 24-504 and 6-205. Relationship to Colorado Medical/Retail Marijuana Code; other laws. (#17)

- Add specific reference to Chapter 32 to existing language which states that in the event of a conflict between state and local law, the more restrictive provision shall apply.

## Miscellaneous minor administrative changes, continued

### Sections 24-507 and 6-210. Licensing requirements-Provisions applicable to all licenses (#18)

- Clarify that applications must include any supplemental material that the director requires under this Article.

### Section 24-508. Licensing requirements-Medical marijuana centers (#19)

- Reconcile the language in grandfathering for zone districts with all of the other grandfathering provisions.

### Sections 24-508 and 6-211. Licensing requirements-Medical marijuana centers/Retail marijuana stores (#20)

- Add language requiring that a sign located on the licensed premises is only exempt from advertising restrictions if it is “fixed.”
- Add language clarifying that the definition of “advertising” includes promotion of medical and retail marijuana-infused product.

## **Miscellaneous minor administrative changes, continued**

### **Sections 24-513 and 6-218. Term of licenses; renewals (#21)**

- Add language stating that renewal is subject to additional restrictions that the Director provides under this Article.

### **Section 24-514. Disciplinary actions; sanctions; penalties (#22)**

- Incorporate changes to reconcile the medical marijuana disciplinary procedures with retail.

### **Sections 24-515 and 6-220. Rules and Regulations (#23)**

- Add new section specifically allowing the Director to promulgate rules and regulations.

### **Section 6-204. Local Licensing Authority (#24)**

- Repeal provision relating to the state's failure to act



**2015 MARIJUANA POLICY AND LICENSING ORDINANCE CHANGES**

	DESCRIPTION	PROPOSAL	ORDINANCE SECTION	PURPOSE
1	Hours of Operation	Shall be unlawful for any person to sell marijuana or marijuana products at a licensed MMC at any time other than between the hours of 8am and 7pm daily.	24-508 (e) Licensing requirements-Medical marijuana centers	Changes in state statute require us to define medical hours in ordinance
2	License Application Expiration	Licensing application must be completed within 1 year of the date that the application is filed and the fee is paid. Director may grant licenses for applications pending more than 1 year if the applicant can show good cause.	6-210 (e); Licensing requirements-provisions application to all licenses; 24-507 (e); Licensing requirements-provisions application to all licenses; 32 2 (c ); Application	Currently, 46 marijuana applications that are 18 months or older and 127 liquor type applications. Adding requirement to retail, medical and overall licensing ordinance.
3	Post-Licensing Operating Deadline	A license may be suspended or revoked if it is determined that the licensed premises have been inactive or unoccupied by the licensee for at least one year.	6-219 (c ); Disciplinary actions; sanctions; penalties; 24-514 (c ) Disciplinary actions; sanctions; penalties	This would mirror the state statute which allows the MED to revoke inactive licenses. Locations are getting licensed and then not opening/operating or collecting sales taxes.
4	Delinquent Renewals	If a completed renewal application is not filed and the fee is not paid, the business is required to cease operations.	6-218; Term of licenses; renewals, 24-513 (c ); Term of licenses; renewals	Current process allows for sales to occur without an active license. This is also the existing process for liquor
5	Continuous Operations Definition	A location shall not be deemed to have existed in continuous operation unless the applicant has demonstrated that the sale of MJ has occurred without interruption. Evidence that continuous operation was broken could include suspension or cessation of the sale of marijuana at the subject location lasting more than 90 days, any period during which the subject location is owned, leased or otherwise occupied for a use other than the sale of marijuana, or expiration, nonrenewal, surrender, suspension, transfer of location, or revocation of the state or local marijuana license for the subject location.	6-211 (b) (5); Licensing requirements-Retail marijuana stores, 24-508 (a) (6); Licensing requirements-Medical marijuana centers	Defines which locations are given "grandfathering" rights to be within close proximity of other prohibited locations.
6	Consistent proximity measurements	Change method of measurement for medical centers from direct pedestrian access to straight line for all prohibited locations	6-211 (b); Licensing Requirements-retail marijuana stores, 24-508; Licensing requirements-Medical marijuana centers	Currently, proximity measurements are different between retail and medical and between different types of prohibited locations. Only 2 existing locations would be affected and they would be grandfathered.
7	License Revocation Disciplinary Action Standards	Provides the Director of EXL Summary Suspension authority and restricts transfers of ownership if the licenses are subject to disciplinary action by the state or local licensing authority.	6-216; Transfer of ownership, 6-219; Disciplinary actions; sanctions; penalties; 24-514 Disciplinary actions; sanctions; penalties, 24-511. Transfer of ownership	Strengthens the regulatory ability of the Department of EXL.
8	Amend restrictions on cultivation facilities within certain zone districts.	Amend the requirement for a public hearing on renewal of a cultivation facility license within certain zone districts and remove the restriction that prevents license owners within those zone districts from transferring ownership of the license.	6-214 (a) (3); Licensing requirements-Retail marijuana cultivation facility; 6-216 (d) Transfer of Ownership, 24-510; Licensing requirements-Optional premises cultivation licenses; 24-511 (d) Transfer of Ownership	Very costly and difficult to administer; over 130 hearings in 2014; low opposition (only 2). Transfer of ownership is not restricted for other types of non-conforming land uses.
9	Public Hearing for Transfer of Locations of retail stores	The Director shall conduct a public hearing and issue written findings for the new location upon receipt of an application for a change of location.	6-217. Change of location; modification of premises	Codifying existing processes.
10	Create a medical testing facility license	A local medical marijuana testing facility license may be issued in any zone district where, at the time of application for the license, the land use denominated "laboratory, research, development and technological services" is allowed by the zoning code.	24-510.5 Licensing Requirements-MMJ Testing Facilities, 24-506. Classes of licensing authorized	Medical testing is now approved by the state as well as the creation of a medical testing facility license by the State.
11	Production Management changes	Restrict licensed premises to one retail cultivation license and requiring all local licenses to be surrendered upon the first renewal of a state license in order to be collapsed into one surviving license.	6-214. License requirements-Retail cultivation facility	These changes are to align with changes occurring to State licensing to control and manage production limits.

	DESCRIPTION	PROPOSAL	ORDINANCE SECTION	PURPOSE
12	Tethering State and Local Licenses in Transfer of Ownership	The director shall deny a application for a transfer of ownership of a local license unless the applicant produces written documentation from the state approving the transfer of ownership of the state license.	24-511. Transfer of Ownership, 6-216. Transfer of Ownership	This change strengthens the dual licensing structure (like in liquor).
13	Renewal application requirements	Require licensees to provide a copy of any disciplinary action taken against any of the licenses upon renewal as well as a verification of a valid State license in good standing. Also allowing the Director discretion to require a public hearing upon renewal under certain circumstances.	6-218. Terms of licenses; renewals, 24-513. Terms of licenses, renewals	State statute requires the MED to publish a report of the disciplinary actions taken on all licenses in the previous years.
14	Repeal dispensary ordinance	•Repeal the entire Medical Marijuana Dispensary Code since it has been replaced by the Medical Marijuana Code.	24-601. Medical Marijuana Dispensary Code	
15	Public hearing requirements	Create a public hearing process for medical centers (new and transfer of location)	24-508 .5. Licensing requirements-Medical marijuana centers-Public hearing requirement, 24-512. Change of location; modification of premises	Allows for more neighborhood input and consideration of their needs and desires.
		Add needs and desire criteria in addition to health, safety and welfare criteria for retail hearings (new and transfer of location)	6-212. Licensing requirements-Retail marijuana stores-Public hearing requirement, 6-217. Change of location; modification of premises	
16	Miscellaneous minor changes	•Add definitions contained in MED regulations	Sections: 24-502 and 6-201. Defined Terms	These are all administrative in nature and include fixing typos, removing obsolete language, standardizing procedures, harmonizing sections of the Code, accommodating changes in state law, and creating consistency, where possible, amongst the Code and with liquor laws and procedures.
		•Add definition of "school" (medical only)		
		•Repeal the dispensary transition language allowing operation without a license prior to July 1, 2014.	Section 24-503. Effective date; applicability	
		•Add processing to the list of business activities prohibited without both licenses.		
		•Add specific references to Chapter 32 to existing language which states that in the event of a conflict between state and local law, the more restrictive provision shall apply.	Section 24-504 and 6-205. Relationship to Colorado Medical/Retail Marijuana Code; other laws.	
		•Clarify that applications must include any supplemental material that the director requires under this Article, including a floor plan of the licensed premise.	Sections 24-507 and 6-210. Licensing requirements-Provisions applicable to all licenses	
		•Reconcile the language in grandfathering for zone districts with all of the other grandfathering provisions.	Section 24-508. Licensing requirements-Medical marijuana centers	
		•Add language requiring that a sign located on the licensed premises is only exempt from advertising restrictions if it is "faded."	Sections 24-508 and 6-211. Licensing requirements-Medical marijuana centers/Retail marijuana stores	
		•Add language clarifying that the definition of "advertising" includes promotion of medical and retail marijuana-infused product.		
		•Add language stating that renewal is subject to additional restrictions that the Director provides under this Article.	Sections 24-513 and 6-218. Term of licenses; renewals	
•Incorporate changes to reconcile the medical marijuana disciplinary procedures with retail.	Section 24-514. Disciplinary actions; sanctions; penalties			
•Add new section specifically allowing the Director to promulgate rules and regulations.	Sections 24-515 and 6-220. Rules and Regulations			
•Repeal provision relating to the state's failure to act	Section 6-204. Local Licensing Authority			

BY AUTHORITY

1           ORDINANCE NO. \_\_\_\_\_  
2  
3           SERIES OF 2015

COUNCIL BILL NO. \_\_\_\_\_  
COMMITTEE OF REFERENCE:

4                     Business Development

5                     A BILL

6           For an ordinance amending Article V of Chapter 6 (Denver Retail Marijuana Code)  
7           by updating some provisions to address certain challenges experienced over the  
8           past two years, deleting provisions that have become obsolete over time,  
9           standardizing procedures between the Denver Retail Marijuana Code and the  
10           Denver Medical Marijuana Code, harmonizing sections within this Code, adding  
11           or amending provisions to accommodate changes in state law.

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

13           **Section 1.** Section 6-201 of the Denver Revised Municipal Code shall be amended by  
14 adding the language underlined and deleting the language stricken to read as follows:

15                     **Sec. 6-201. Defined terms.**

16           The definitions set forth in subsection 16(2) of article XVIII of the Colorado Constitution as  
17 well as the Colorado Retail Marijuana Code, § 12-43.4-103, C.R.S., as amended, and rules  
18 adopted pursuant thereto, shall apply equally to this article V. In addition, the following terms shall  
19 have the meanings respectively assigned to them:

20  
21           **Section 2.** Section 6-204(c) 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. 6-204. Local Licensing Authority.**

24 (c) Under no circumstances shall the director receive or act upon any application for local licensing  
25 of a retail marijuana establishment in circumstances where the state has failed to act in  
26 accordance with section 16 of Article XVIII of the Colorado Constitution, it being the intent of  
27 this article that no retail marijuana establishment may lawfully exist in Denver absent the  
28 issuance of a state license and full regulatory oversight of the retail marijuana establishment by  
29 the state as well as the city. Accordingly, the director shall not receive or act upon any  
30 application for licensing submitted independently and in lieu of state licensing nor shall the  
31 director receive or act upon any application for licensing if the state fails to act within 90 days  
32 on any specific application for licensing of a retail marijuana establishment in accordance with  
33 paragraph 16(5)(g)(iii) of Article XVIII of the Colorado Constitution. ef:

- 1 ~~(1) If state has failed to begin receiving and processing applications for state licensing by~~  
2 ~~October 1, 2013, in accordance with paragraph 16(5)(g) of Article XVIII of the Colorado~~  
3 ~~Constitution;~~  
4 ~~(2) If the state fails to act within 90 days on any specific application for licensing of a retail~~  
5 ~~marijuana establishment in accordance with paragraph 16(5)(g)(iii) of Article XVIII of the~~  
6 ~~Colorado Constitution; or~~  
7 ~~(3) If the state has not issued any retail marijuana licenses by January 1, 2014, in accordance~~  
8 ~~with paragraph 16(5)(h) of Article XVIII of the Colorado Constitution.~~

9  
10 **Section 2. Section 6-206 of the Denver Revised Municipal Code shall be amended by**  
11 **adding the language underlined and deleting the language stricken to read as follows:**  
12 **Sec. 6-206. Relationship to Colorado Retail Marijuana Code; other laws.**  
13 Except as otherwise specifically provided herein, this article V incorporates the requirements and  
14 ~~provisions set forth in the Colorado~~ Retail Marijuana Code. In the event of any conflict between  
15 the provisions of this article V or Chapter 32 and the provisions of the Colorado Retail Marijuana  
16 ~~Code or any other~~ applicable state or local law, the more restrictive ~~provision~~ shall control.

17  
18 **Section 4. Section 6-206 of the Denver Revised Municipal Code shall be amended by**  
19 **adding the language underlined and deleting the language stricken to read as follows:**  
20 **Sec. 6-206. Unlawful acts.**

- 21 (a) It shall be unlawful for any person to operate any retail marijuana establishment in the city  
22 without a license duly issued therefor by the state ~~issuing~~ authority under the Colorado Retail  
23 Marijuana Code and in compliance with any and all applicable ~~state~~ laws.  
24 (b) It shall ~~be~~ unlawful ~~for~~ any person ~~to~~ operate any ~~retail~~ marijuana establishment ~~in the~~ city  
25 without a license duly issued therefor by the director under this article ~~V and~~ in compliance with  
26 any and all applicable city laws.  
27 (d) It shall ~~be unlawful~~ for any person to sell marijuana or marijuana products at a licensed retail  
28 marijuana store at any time other than between the hours of 8:00 a.m. ~~and~~ 7:00 p.m. daily.  
29  
30 **Section 5. Section 6-209 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. 6-209. Screening and response to state license applications.**



1 (2) Determine, in consultation with the manager of the department of community planning and  
2 development, whether or not the location proposed for licensing complies with any and all  
3 zoning and land use laws of the city, and any and all restrictions on location of retail  
4 marijuana establishments set forth in this article V. If the director makes an initial  
5 determination that the proposed license would be in violation of any zoning law or other  
6 restriction on location set forth in city laws, the director shall, no later than forty-five (45)  
7 days from the date the application was originally received by the state licensing authority,  
8 notify the state licensing authority and the applicant for state licensing in writing that the  
9 application is disapproved by the city. The failure of the director to make such a  
10 determination upon the initial review of a state license application shall not preclude the  
11 director from later determining that the proposed license is in violation of city zoning laws  
12 or any other restriction on location set forth in city laws, and disapprove the issuance of a  
13 state or city license on this basis.

14  
15 **Section 6.** Section 6-210 of the Denver Revised Municipal Code shall be amended by  
16 adding the language underlined and deleting the language stricken to read as follows:

17 **Sec. 6-210. Licensing requirements – Provisions applicable to all licenses.**

18 (b) *Application forms and supplemental materials.* All applications for local licensing shall be made  
19 upon forms provided by the director and shall include such supplemental materials as required  
20 by this article V, the Colorado Retail Marijuana Code, and rules adopted pursuant thereto,  
21 including by way of example: proof of possession of the licensed premises, disclosures related  
22 to ownership of the proposed business, fingerprints of the applicants, building plans, floor plans  
23 designating the proposed licensed premises outlined in red, and security plans. To the extent  
24 any of the foregoing supplemental materials have been included with the applicant's state  
25 license application and forwarded to the city by the state licensing authority, the director may  
26 rely upon the information forwarded from the state without requiring resubmittal of the same  
27 materials in conjunction with the local license application. The director may, at the director's  
28 discretion, require additional documentation associated with the application as may be  
29 necessary to enforce the requirements of the Colorado Retail Marijuana Code and this article  
30 V.

31 (e) Expiration of applications. Any application for local licensing submitted pursuant to this article  
32 V must be completed within one (1) year of the date the application is filed and the application  
33 fee paid. Except as provided in this subsection (e), for applications that remain pending after

1 the expiration of the one (1) year time period, the director shall deny the issuance of a local  
2 license and the applicant must begin the local licensing process anew. The director may  
3 approve the issuance of a license for applications that remain pending beyond the one (1) year  
4 time period if the applicant can produce, within thirty (30) days after the expiration of the one  
5 (1) year time period, documentary or other empirical evidence to establish good cause for the  
6 failure to complete the application process. For purposes of this subsection (e), the term "good  
7 cause" means the failure to complete the application process occurred due to extraordinary  
8 circumstances out of the applicant's control.

9 Corresponding state license. The director shall deny the issuance of a local license unless the  
10 applicant produces a corresponding license duly issued by the state licensing authority under  
11 the Colorado Retail Marijuana Code.

12  
13 **Section 7. Section 24.11 of the Denver Revised Municipal Code shall be amended by**  
14 **adding the language underlined and deleting the language stricken to read as follows:**

15 **Sec. 24.11. Licensing requirements – Retail marijuana stores.**

16 (a) Area maps. All applications for retail marijuana store licensing submitted pursuant to this article  
17 V shall include an area map drawn to scale indicating land uses of other properties within a  
18 1,000-foot radius of the property upon which the applicant is seeking a license. ~~The map~~ shall  
19 depict the proximity ~~to~~ of the property to any school or child ~~care~~ establishment; to any other  
20 ~~retail~~ marijuana store; to any medical marijuana center, ~~or~~ to any alcohol or drug treatment  
21 facility.

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

- 23 (3) Within one thousand (1,000) feet of any other ~~retail marijuana store or medical~~  
24 marijuana center licensed ~~under article XI of chapter 24, with the distance computed~~  
25 by direct measurement in ~~straight lines from the~~ nearest portion of the building in which  
26 one (1) store or center is located to the nearest portion of the building in which the other  
27 ~~store~~ or center is located. This restriction shall ~~not apply~~ to any location proposed for  
28 licensing as a retail marijuana store where the director previously issued a medical  
29 marijuana center ~~license~~ under article XI of chapter 24 and a licensed ~~medical~~  
30 marijuana center has existed in continuous operations at the subject location ~~since the~~  
31 ~~time~~ of original licensing, nor shall ~~this~~ restriction be construed to prohibit the licensing  
32 of a retail marijuana store ~~under common ownership with and~~ at the ~~same~~ location as  
33 a ~~licensed medical marijuana center~~. In the event that the department receives two or

1 more applications for a retail marijuana store license or a medical marijuana center  
2 license with proposed locations within 1000' of each other, the director shall act upon  
3 only the first complete application received and shall deny all subsequent applications.  
4

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

13 (5) For purposes of this subsection (b), the term "continuous operations" means that the regular  
14 sale of medical marijuana has occurred at the subject location without interruption by a  
15 medical marijuana center licensed under article XII of chapter 24 in compliance with all  
16 state and city laws, and regulations adopted pursuant thereto. Prima facie evidence that a  
17 medical marijuana center has not existed in continuous operations shall include:

- 18 a. Any suspension or cessation of the sale of medical marijuana at the subject  
19 location lasting longer than ninety (90) consecutive days; or
- 20 b. Any period during which the subject location is owned, leased or otherwise occupied  
21 for a use other than the sale of marijuana; or
- 22 c. Expiration, nonrenewal, surrender, suspension, transfer of location, or revocation  
23 of the state or local medical marijuana license issued for the subject location.

24 (d) Signs and advertising.

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

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

1 ~~any~~ of the ~~following~~ ~~rules~~. Any billboard ~~or other outdoor~~ general advertising device ~~is~~  
2 defined by the zoning code; any sign mounted on a vehicle, any hand-held or other portable  
3 sign; or any handbill, leaflet or flier directly handed to any person ~~in~~ a public place, left upon  
4 a motor vehicle, or posted upon any public or private property without the consent of the  
5 property owner. The prohibition set forth in this paragraph (2) shall not apply to:

- 6 a. ~~Any~~ ~~located~~ located on the same zone lot as a retail marijuana store which exists  
7 solely for the purpose of identifying the ~~location~~ of the retail marijuana store and  
8 which ~~otherwise~~ complies with the Denver Zoning Code and ~~any~~ other applicable  
9 city laws and regulations; or  
10 b. Any advertisement contained ~~within~~ a newspaper, ~~magazine~~, or other periodical of  
11 general circulation within the city; or  
12 c. Advertising ~~which is purely~~ incidental to sponsorship of a ~~charitable event~~ by a  
13 retail marijuana store or a retail marijuana products manufacturer.  
14 (4) For purposes of this subsection ~~(ed)~~, the terms "advertise," "advertising" or  
15 "advertisement" mean the act of drawing the public's attention to a retail marijuana ~~store~~  
16 retail ~~marijuana~~ products manufacturer in order to promote the ~~sale~~ of ~~retail~~ marijuana or  
17 retail marijuana product by the store or the manufacturer.

18 ~~Section 6.212~~ Section 6-212 of the Denver Revised Municipal Code shall be ~~amended~~ by  
19 adding the language underlined and deleting the language stricken to read as follows:

20 ~~Sec. 6-212. Licensing requirements-Retail marijuana stores-Public hearing requirement.~~

- 21 (a) Public notice; posting ~~and~~ publication.  
22 (1) Upon receipt of ~~an~~ application ~~for a~~ local ~~retail~~ marijuana store ~~license~~, the  
23 director shall schedule ~~a~~ public hearing ~~upon~~ the application ~~not less than 30 days from the~~  
24 ~~date of the application~~ and shall ~~publish~~ publish the public notice thereof not less than ten  
25 (10) ~~days prior to~~ such hearing. Public notice shall ~~be given~~ by the posting ~~of a sign in a~~  
26 conspicuous place on the premises for which application has been made and by publication  
27 in ~~a~~ newspaper of general circulation.  
28

29 ~~Section 6.214~~ Section ~~6-214~~ of the Denver Revised Municipal Code shall ~~be~~ amended by  
30 adding the ~~language underlined and~~ deleting the language stricken to read as follows:

31 ~~Sec. 6-214. Licensing requirements - Retail ~~marijuana~~ cultivation facility.~~

- 32 (a) Compliance ~~with~~ current zoning.

1 (3) At the director's discretion, a public hearing may be scheduled for a protested license  
2 renewal of any retail marijuana cultivation license granted pursuant to subsection (a)(2) of this  
3 section upon a zone lot where plant husbandry is not a permitted use under the zoning code shall  
4 be ~~subject to a public hearing prior to any renewal of the license~~ if requested by a party in interest  
5 as defined in section 6-212. Such request for a public hearing must be submitted in the form of a  
6 petition prepared by the Department and must contain at least twenty-five (25) valid signatures. The  
7 director shall assign a hearing officer to conduct the public hearing. The hearing shall not be  
8 conducted until the director has posted or caused to be posted a notice of hearing on the licensed  
9 premises for a period of ten (10) days, and provided notice to each of the following at least ten (10)  
10 days prior to the hearing: the licensee; the city council representative for the district in which the  
11 licensed premises is located; and any registered neighborhood association entitled to receive notice  
12 as provided in section 12-96. At the public hearing, the incumbent licensee and any other interested  
13 party shall be entitled to speak and present evidence supporting or opposing renewal of the license  
14 in the location where plant husbandry is not a permitted use. The hearing officer shall receive and  
15 give due consideration to any evidence or testimony submitted by the city council member  
16 representing the district in which the licensed premises are located, either in support or opposition  
17 to the renewal of the license. The retail marijuana cultivation license shall be eligible for renewal,  
18 subject to additional considerations as provided in subsection (c) and section 6-218 for all license  
19 renewals. In its current compliant or nonconforming location unless it is shown by a preponderance  
20 of the evidence presented at the hearing that:

- a. The existence of the retail marijuana cultivation facility on the licensed premises  
21 has frustrated the implementation of the city's comprehensive plan and any  
22 adopted neighborhood plan applicable to the subject property;
- b. The existence of the retail marijuana cultivation facility on the licensed premises  
23 has negatively affected nearby properties or the neighborhood in general, including  
24 by way of example any adverse effects caused by excessive noise, odors,  
25 vehicular traffic, or any negative effects on nearby property values;
- c. The existence of the retail marijuana cultivation facility has caused crime rates to  
26 increase in the surrounding neighborhood;-er
- d. The continued existence of a licensed retail marijuana cultivation facility in the  
27 subject location will have a deleterious impact on public health, safety and the  
28 general welfare of the neighborhood or the city;\_or

1 e. The applicant or any person from whom the applicant acquired a retail marijuana  
2 business failed to meet one or more of the requirements specified in paragraph (2)  
3 of this subsection (a).

4 (c) Permitted number of licenses; multiple licenses. Only one (1) local retail marijuana cultivation  
5 facility license shall be permitted at each licensed premises. Upon the first renewal of a state  
6 license at the retail marijuana cultivation facility, all of the retail marijuana cultivation facility's  
7 local licenses shall be collapsed into one surviving license, and all additional local licenses shall  
8 be surrendered and shall be of no further force and effect. Fees shall be prorated for the non-  
9 expiring licenses that are surrendered.

10  
11 **Section 10. Section 6-216 of the Denver Revised Municipal Code shall be amended by**  
12 **adding the language below and deleting the language stricken to read as follows:**

13 **Sec. 6-216. Transfer of ownership.**

14 (a) In general. Transfer of ownership of any local license issued pursuant to this article V shall be  
15 governed by the standards and procedures set forth in the Colorado Retail Marijuana Code and  
16 any regulations adopted pursuant thereto, and the director shall administer transfers of local  
17 licenses in the same manner as the state licensing authority administers transfers of state  
18 licenses, subject to the any additional restrictions on transfer as provided in this article V and  
19 any rules and regulations promulgated by the director. The director shall deny a transfer of  
20 ownership application if it is determined that the state or local marijuana license is subject to  
21 disciplinary action.

22 (d) Retail marijuana cultivation licenses. Any retail marijuana cultivation license issued pursuant to  
23 subsection 6-214(e)(2) in a location where plant husbandry is not a permitted use under the  
24 zoning code shall not be transferable to a new owner in that location unless the applicant for  
25 the transfer proves to the satisfaction of the director that:

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

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

32 (3) In circumstances where the retail marijuana cultivation license is located at the same location  
33 and under common ownership with an optional premises medical marijuana cultivation license;

~~the transfer of ownership is required because a medical marijuana center or a medical marijuana infused products manufacturing license with which the optional premises cultivation license is associated is being transferred to a new owner.~~

(e) Corresponding state license. The director shall deny any application for transfer of ownership of a local license, unless the applicant produces written documentation from the state approving the same transfer of ownership of the corresponding state license recorded upon the face of the local license.

**Section 11.** Section 6-217 of the Denver Revised Municipal Code shall be amended by adding the language underlined and deleting the language stricken to read as follows:

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

Change of location of any license or any modification of the licensed premises shall be governed by the standards and procedures set forth in the Colorado Retail Marijuana Code, this article V, and any regulations adopted pursuant thereto, and the director shall administer applications to change location or modify premises in the same manner as the state licensing authority administers changes of location and modification of premises for state licenses. Any proposed modification and any new location to which an existing licensed business is transferred shall fully comply with the spacing requirements and the requirements for conformance with current zoning as set forth this article V. Upon receipt of an application for change of location of a retail marijuana store, the director shall hold a public hearing in accordance with the requirements of section 6-212 and shall issue written findings for the new location.

**Section 12.** Section 6-218 of the Denver Revised Municipal Code shall be amended by adding the language underlined and deleting the language stricken to read as follows:

**Sec. 6-218. Term of licenses; renewals.**

(a) Any local license issued pursuant to this article V shall be valid for a period of one (1) year from the date of issuance. Any renewal of the license shall be governed by the standards and procedures set forth in the Colorado Retail Marijuana Code and any regulations adopted pursuant thereto, and the director shall administer license renewals in the same manner as the state licensing authority administers renewals of state licenses, subject to ~~the any~~ additional restrictions on renewal as provided in this article V of retail marijuana cultivations facility licenses in certain locations as provided in section 6-214(e)(3).

1 (b) If the licensee has received notice of violation of any law or regulation, including disciplinary  
2 action against any past or current retail or medical marijuana licenses, the renewal application  
3 shall include a copy of the notice or disciplinary action and shall also include verification that  
4 the business has a valid state license in good standing at the time of renewal.

5 (c) Upon receipt of an application for renewal of any local license, the director shall set a public  
6 hearing on the application for renewal if there is probable cause to believe that:

7 (1) The licensee is not in full compliance with the Colorado Retail Marijuana Code,  
8 this article V, or any other applicable state or city law or regulation; or

9 (2) There are grounds for suspension, revocation or other licensing sanctions as  
10 provided in this article; or

11 (3) There have been any significant changes in the licensee, the principals, the  
12 licensed premises, or the adjacent grounds.

13 (d) Except as otherwise provided in subsection (e), it shall be unlawful for any person to  
14 manufacture, sell, distribute, transfer, transport, or otherwise remove marijuana or marijuana  
15 products from the premises of a licensed retail marijuana establishment after the expiration date  
16 recorded upon the face of any local license issued pursuant to this article V for that location.

17 (e) A licensee who files a complete renewal application and pays the requisite fees may continue  
18 to operate until the director takes final action to approve or deny the application.

19  
20 Section 13. Section 6-219 of the Denver Revised Municipal Code shall be amended by  
21 adding the language underlined and deleting the language stricken to read as follows:

22 **Sec. 6-219. Disciplinary sanctions; penalties.**

23 (c) Inactive licenses. The director, in the director's discretion, may suspend or revoke any license  
24 if it is determined that the licensed premises have been inactive or unoccupied by the licensee  
25 for at least one (1) year.

26 (d) Summary suspension. If the director finds that probable cause exists that a licensee has  
27 engaged in deliberate and willful violation of any applicable law or regulation, or that the public  
28 health, safety, or welfare requires emergency action, the director may enter a summary  
29 suspension order for the immediate suspension of such license, pending further investigation.

30 (1) The summary suspension order shall be in writing and shall state the reasons therefor. The  
31 director shall schedule a hearing within 30 days of the date of the order.



1 (2) Proceedings for summary suspension hearings shall be as provided in chapter 32, and any  
2 rules and regulations promulgated by the director. This section shall be in addition to any  
3 other penalties specified in this article V or chapter 32.  
4 (e) State license. The director may suspend or revoke any license if it is determined that the state  
5 marijuana license is no longer active and is either expired, surrendered, suspended, or revoked.  
6

7 **Section 14.** Section 6-220 of the Denver Revised Municipal Code shall be amended by  
8 adding the language underlined and deleting the language stricken to read as follows:

9 **Sec. 6-220. Rules and Regulations.**

- 10 (a) The director may make such reasonable rules and regulations as may be necessary for the  
11 purpose of administering and enforcing the provisions of this article and any other ordinances  
12 or laws relating to and affecting the licensing and operation of retail marijuana establishments.  
13 (b) It shall be unlawful for any person to violate a rule or regulation adopted by the director pursuant  
14 to this section.  
15

16 COMMITTEE APPROVAL DATE:

17 MAYOR-COUNCIL DATE:

18 PASSED BY THE COUNCIL: \_\_\_\_\_, 2015

19 \_\_\_\_\_ - PRESIDENT

20 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2015

21 ATTEST: \_\_\_\_\_

22 - CLERK AND RECORDER,  
23 EX-OFFICIO CLERK OF THE  
CITY AND COUNTY OF DENVER

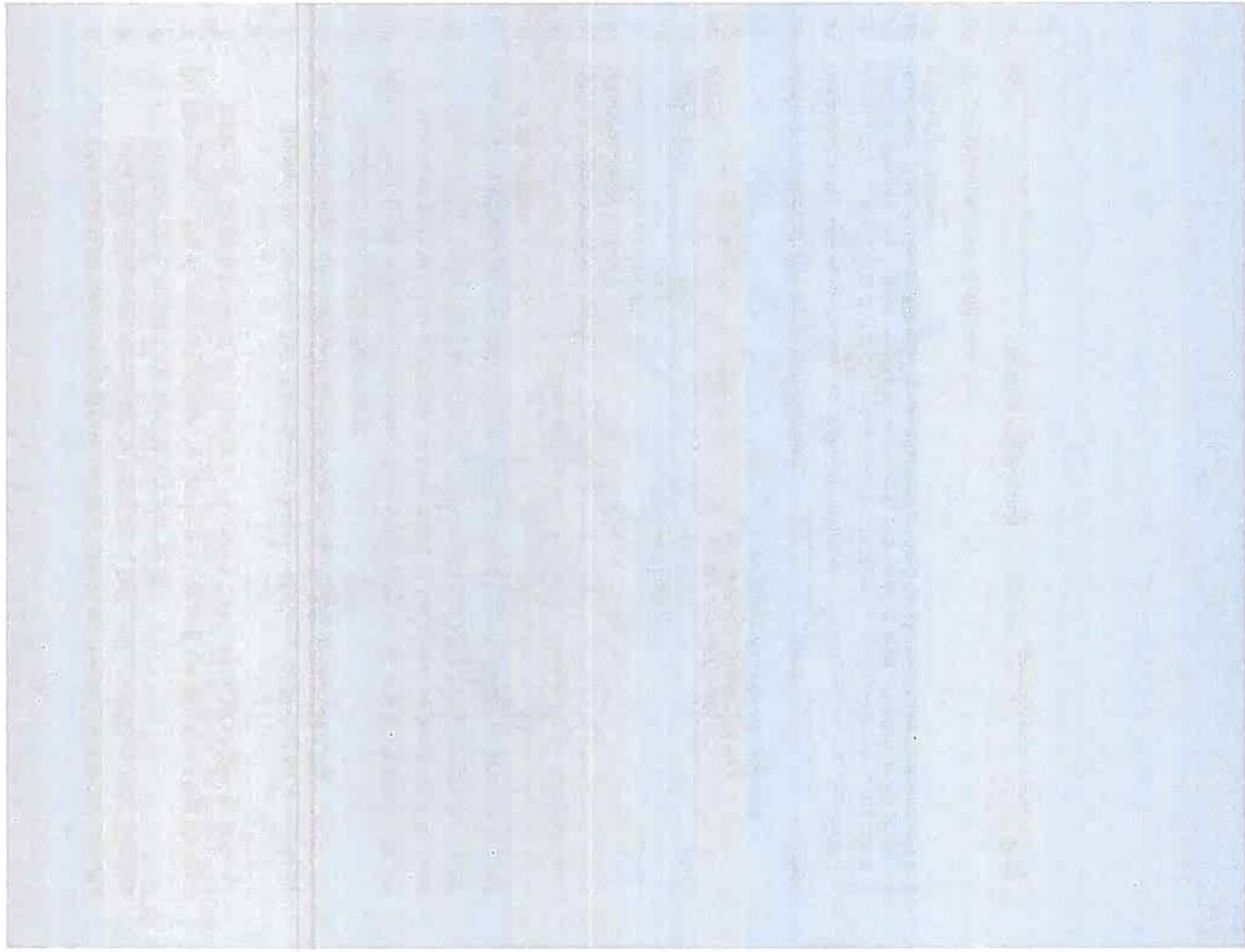
24 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2015;

25 PREPARED BY: Marley Bordovsky, Assistant City Attorney DATE: \_\_\_\_\_, 2015

26 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
27 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
28 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
29 3.2.6 of the Charter.

30 D. Scott Martinez, Denver City Attorney

31 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2015



**BY AUTHORITY**

1           ORDINANCE NO. \_\_\_\_\_  
2  
3           SERIES OF 2015

                  COUNCIL BILL NO. \_\_\_\_\_  
                  COMMITTEE OF REFERENCE:  
                  Business Development

4  
5           **A BILL**

6           For an ordinance amending Article XI of Chapter 24 (Medical Marijuana  
7           Dispensary Code) by repealing the entire Medical Marijuana Dispensary Code  
8           since it has been replaced by the Denver Medical Marijuana Code in Article XII of  
9           Chapter 24 and has been rendered obsolete.

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

11          Section 1. Section 24-401 of the Denver Revised Municipal Code shall be amended by  
12          adding the language underlined and deleting the language stricken to read as follows:

13          ~~Sec. 24-401. Purpose and legislative intent:~~

14          ~~Although the possession and use of marijuana is and remains unlawful under Federal Law,~~  
15          ~~Section 14 of Article XVIII of the Colorado Constitution ("Amendment 20") provides an exception~~  
16          ~~to prosecution under state criminal laws when marijuana is possessed and used for medicinal~~  
17          ~~purposes by a patient who has been diagnosed with a debilitating medical condition and by the~~  
18          ~~patient's primary caregiver. Amendment 20 does not, however, contain any provision for the lawful~~  
19          ~~sale or distribution of marijuana to patients and, to date, the State of Colorado has failed to adopt~~  
20          ~~laws or regulations to clearly explain how and whether marijuana may be lawfully sold or~~  
21          ~~otherwise distributed to patients. As a result of this ambiguity in the state law, unregulated medical~~  
22          ~~marijuana dispensaries have proliferated in Denver and elsewhere in Colorado. The purpose of~~  
23          ~~this article is to license and regulate medical marijuana dispensaries in the interest of public~~  
24          ~~health, safety and general welfare. In particular, this article is intended to regulate the sale and~~  
25          ~~distribution of marijuana in the interest of patients who qualify to obtain, possess and use~~  
26          ~~marijuana for medical purposes under Amendment 20, while promoting compliance with other~~  
27          ~~state laws that prohibit trafficking in marijuana for nonmedical purposes. Nothing in this article is~~  
28          ~~intended to promote or condone the sale, distribution, possession or use of marijuana in violation~~  
29          ~~of any applicable law. Compliance with the requirements of this article shall not provide a defense~~  
30          ~~to criminal prosecution under any applicable law.~~

31          Section 2. Section 24-402 of the Denver Revised Municipal Code shall be amended by  
32          adding the language underlined and deleting the language stricken to read as follows:

33          ~~Sec. 24-402. Definitions.~~

1 The following words and phrases, when used in this article, shall have the meanings  
2 respectively assigned to them:

3 (1) Director means the director of the department of excise and licenses, or the  
4 director's duly authorized representative.

5 (2) Marijuana shall have the same meaning as the term "usable form of marijuana"  
6 as set forth in Article XVIII, Section 14(1)(f) of the Colorado Constitution, or as may be more  
7 fully defined in any applicable state law or regulation.

8 (3) Medical marijuana dispensary means a business that sells or otherwise  
9 distributes marijuana through one (1) or more primary caregivers to six (6) or more patients  
10 for medical use, along with any cultivation of marijuana associated with such sale or  
11 distribution. The term "medical marijuana dispensary" shall not include any person or entity  
12 that distributes marijuana for medical use exclusively to five (5) or fewer patients, and shall  
13 not include the private possession and medical use of marijuana by an individual patient or  
14 caregiver to the extent permitted by Article XVIII, Section 14 of the Colorado Constitution  
15 and any other applicable state law or regulation.

16 (4) Medical use shall have the same meaning as is set forth in Article XVIII, Section  
17 14(1)(b) of the Colorado Constitution, or as may be more fully defined in any applicable  
18 state law or regulation.

19 (5) Parent shall have the same meaning as set forth in Article XVIII, Section 14  
20 (1)(e) of the Colorado Constitution, or as may be more fully defined in any applicable state  
21 law or regulation.

22 (6) Patient shall have the same meaning as is set forth in Article XVIII, Section  
23 14(1)(d) of the Colorado Constitution, or as may be more fully defined in any applicable  
24 state law or regulation.

25 (7) Primary caregiver shall have the same meaning as is set forth in Article XVIII,  
26 Section 14(1)(f) of the Colorado Constitution, or as may be more fully defined in any  
27 applicable state law or regulation.

28 (8) School or child care establishment means any public or private school meeting  
29 all requirements of the compulsory education laws of the state and providing instruction to  
30 students in kindergarten through grade twelve (12); any public or private schools or  
31 preschools that provide preparatory schooling for children of any age younger than the state  
32 age of mandatory attendance; or any child care establishment as defined by and regulated  
33 under chapter 14 of this Code.

1 Section 3. Section 24-403 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 **Sec. 24-403. License required.**

4 ~~(a) On and after March 1, 2010, and prior to July 1, 2012, it shall be unlawful for any~~  
5 ~~person to sell or otherwise distribute any marijuana for medical use in Denver without obtaining a~~  
6 ~~license to operate as a medical marijuana dispensary pursuant to the requirements of this article.~~  
7 ~~This licensing requirement shall apply regardless of whether or not a medical marijuana dispensary~~  
8 ~~has commenced operation prior to March 1, 2010. Any medical marijuana dispensary that has~~  
9 ~~commenced operation prior to March 1, 2010, and for which a license application has been filed~~  
10 ~~pursuant to this article prior to that date may continue in operation pending final action by the director~~  
11 ~~on the application. Any such preexisting medical marijuana dispensary that does not or cannot meet~~  
12 ~~the licensing requirements set forth in this article and therefore fails to obtain a license shall be~~  
13 ~~terminated immediately upon such denial.~~

14 ~~(b) The license requirement set forth in this article shall be, in addition to, and not in lieu~~  
15 ~~of, any other licensing and permitting requirements imposed by any other federal, state, or city law~~  
16 ~~including, by way of example, a retail sales tax license, a retail food establishment license if~~  
17 ~~applicable, any applicable zoning or building permit, and an alarm system permit.~~

18 ~~(c) Applications for medical marijuana dispensary licenses may be accepted by the director~~  
19 ~~pursuant to this article until close of business on July 1, 2010. After July 1, 2010, no further~~  
20 ~~applications for medical marijuana dispensaries shall be accepted or acted upon by the director~~  
21 ~~pursuant to this article.~~

22 ~~(d) Notwithstanding any other provision of this code to the contrary, any medical~~  
23 ~~marijuana dispensary license issued or renewed by the director pursuant to this article shall expire~~  
24 ~~no later than June 30, 2012. Upon the face of any license issued or renewed after July 1, 2010, the~~  
25 ~~director shall include an advisement to the licensee that, in order to lawfully continue operating a~~  
26 ~~medical marijuana dispensary on and after July 1, 2012, the licensee shall be required to apply, pay~~  
27 ~~all fees and meet all qualifications for licensing as a medical marijuana center under the~~  
28 ~~requirements of Article 43.9 of Title 12, C.R.S., and any applicable city laws and regulations.~~

29 Section 4. Section 24-404 of the Denver Revised Municipal Code shall be amended by  
30 adding the language underlined and deleting the language stricken to read as follows:

31 **Sec. 24-404. General licensing procedures.**

32 Except as otherwise specifically provided in this article, the general procedures and  
33 requirements for issuance and administration of licenses by the director, as more fully set forth in

1 article 1 of chapter 32, shall apply to medical marijuana dispensary licenses. To the extent there is  
2 any conflict between the provisions of this article and article 1 of chapter 32, the provisions of this  
3 article shall control.

4 Section 5. Section 24-405 of the Denver Revised Municipal Code shall be amended by  
5 adding the language underlined and deleting the language stricken to read as follows:

6 **Sec. 24-405. Application.**

7 (a) ~~Application for a medical marijuana dispensary license shall be made to the director~~  
8 ~~upon forms provided by the director for that purpose. In addition to the information required by~~  
9 ~~chapter 32 of this Code, the application shall include the following information:~~

10 (1) ~~Name and address of the owner or owners of the medical marijuana dispensary in~~  
11 ~~whose name the license is proposed to be issued.~~

12 (2) ~~If the owner is a corporation, the name and address of any officer or director of the~~  
13 ~~corporation, and of any person holding ten (10) percent or more of the issued and outstanding~~  
14 ~~capital stock of the corporation.~~

15 (3) ~~If the owner is a partnership, association or company, the name and address of any~~  
16 ~~member holding ten (10) percent or more of the interest therein.~~

17 (4) ~~Name and address of any manager or managers of the medical marijuana dispensary,~~  
18 ~~if the manager is proposed to be someone other than the owner.~~

19 (5) ~~A statement of whether or not any of the foregoing persons have:~~

20 a. ~~Been denied an application for a medical marijuana dispensary license pursuant to~~  
21 ~~this article or any similar state or local licensing law, or had such a license suspended or revoked.~~

22 b. ~~Been convicted of a felony or has completed any portion of a sentence due to a felony~~  
23 ~~conviction within the preceding five (5) years.~~

24 (6) ~~Proof of ownership or legal possession of the licensed premises for the term of the~~  
25 ~~proposed license. If the licensed premises will be leased, the application shall include written~~  
26 ~~consent by the owner of the property to the licensing of the premises for a medical marijuana~~  
27 ~~dispensary.~~

28 (7) ~~An operating plan for the proposed medical marijuana dispensary including the~~  
29 ~~following information:~~

30 a. ~~A description of the products and services to be provided by the medical marijuana~~  
31 ~~dispensary, including an indication of whether or not the dispensary proposes to engage in the retail~~  
32 ~~sale of food for human consumption.~~

1        b. ~~A floor plan, drawn to scale, showing the layout of the medical marijuana dispensary~~  
2        ~~and the principal uses of the floor area depicted therein, including a depiction of where any services~~  
3        ~~other than the dispensing of medical marijuana are proposed to occur on the licensed premises.~~  
4        c. ~~A security plan indicating how the applicant intends to comply with the requirements~~  
5        ~~of subsection 24-408 (g), including an indication of whether or not the applicant intends to utilize~~  
6        ~~licensed security guards.~~

7        ~~(8) An area map, drawn to scale, indicating, within a radius of one-quarter mile from the~~  
8        ~~boundaries of the property upon which the medical marijuana dispensary is located, the proximity~~  
9        ~~of the property to any school or child care establishment, to any other medical marijuana dispensary,~~  
10       ~~or to any residential zone district.~~

11       ~~(b) Any application for a medical marijuana dispensary permit shall be accompanied by~~  
12       ~~the application fee, criminal background check fee, and annual fee as required by section 32-93.~~

13       ~~(c) Upon receipt of an application for a medical marijuana dispensary license, the director~~  
14       ~~shall circulate the application to the department of community planning and development, the~~  
15       ~~department of finance, the department of environmental health, the Denver Police Department, and~~  
16       ~~the Denver Fire Department to determine whether the proposed dispensary is in full compliance~~  
17       ~~with any and all laws, rules and regulations administered by the respective departments.~~

18       ~~(d) The director shall perform a criminal background investigation for each applicant or~~  
19       ~~manager to determine compliance with section 24-406.~~

20       ~~(e) The director shall perform an inspection of the proposed licensed premises to~~  
21       ~~determine compliance with any applicable requirement of this article.~~

22       ~~(f) The director shall deny any application for a license that is not in full compliance with~~  
23       ~~this article, any other applicable city law or regulation, or any state law or regulation governing~~  
24       ~~medical marijuana dispensaries. The director shall also deny any application that contains any false~~  
25       ~~or incomplete information.~~

26       **Section 6.** Section 24-406 of the Denver Revised Municipal Code shall be amended by  
27       adding the language underlined and deleting the language stricken to read as follows:

28       **Sec. 24-406. Persons prohibited as licensees and managers.**

29       ~~(a) No license provided by this article shall be issued to or held by:~~

30       ~~(1) Any person who, in the immediately preceding twelve (12) months had a medical~~  
31       ~~marijuana dispensary license revoked by the city.~~

32       ~~(2) Any person who has been convicted of a felony or has completed any portion of a~~  
33       ~~felony sentence within the preceding five (5) years, with this prohibition applying to:~~

- 1 a. ~~Any owner who is a natural person.~~
- 2 b. ~~If the owner is a corporation, any officer or director of the corporation, and any person~~
- 3 ~~holding ten (10) percent or more of the issued and outstanding capital stock of the corporation.~~
- 4 c. ~~If the owner is a partnership, association or company, any member holding ten (10)~~
- 5 ~~percent or more of the interest therein.~~
- 6 (b) ~~No licensed premises shall be managed by any person who has been convicted of a~~
- 7 ~~felony or has completed any portion of a felony sentence within the preceding five (5) years.~~

8 **Section 24-407** of the Denver Revised Municipal Code shall ~~be~~ amended by

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

10 **Sec. 24-407. Prohibited locations.**

11 (a) ~~All medical marijuana dispensary licenses shall be issued for a specific fixed location~~

12 ~~which shall be considered the licensed premises. All sales or distribution of medical marijuana shall~~

13 ~~be made directly by a primary caregiver to a patient upon the licensed premises, or via personal~~

14 ~~delivery of the medical marijuana by the primary caregiver from the licensed premises to the patient~~

15 ~~of the premises.~~

16 (b) ~~No medical marijuana dispensary license shall be issued for the following locations:~~

17 (1) ~~In any residential zone district as defined by the zoning code of the city as of March~~

18 ~~1, 2010, or in any other location where retail sales are prohibited by the zoning code as of March 1,~~

19 ~~2010.~~

20 (2) ~~Within one thousand (1,000) feet of any school or child care establishment, with the~~

21 ~~distance computed by direct measurement from the nearest property line of the land used for school~~

22 ~~or child care purposes to the nearest portion of the building in which the medical marijuana~~

23 ~~dispensary is located, using a route of direct pedestrian access. This restriction shall not apply to~~

24 ~~any applicant who submits a license for a medical marijuana dispensary prior to March 1, 2010, for~~

25 ~~any location where the same applicant had commenced operation of a dispensary on or before~~

26 ~~December 15, 2009, as evidenced by the fact that the applicant submitted an application for a retail~~

27 ~~sales license for the dispensary which was date stamped as being received by the treasury division~~

28 ~~of the Denver Department of Finance on or before December 15, 2009, and thereby obtained a~~

29 ~~retail sales license for that location bearing an effective date of December 15, 2009 or earlier.~~

30 (3) ~~Within one thousand (1,000) feet of any other medical marijuana dispensary, with the~~

31 ~~distance computed by direct measurement from the nearest portion of the building in which one (1)~~

32 ~~medical marijuana dispensary is located to the nearest portion of the building in which the other~~

33 ~~medical marijuana dispensary is located, using a route of direct pedestrian access. This restriction~~



1 shall not apply to any applicant who submits a license for a medical marijuana dispensary prior to  
2 March 1, 2010, for any location where the same applicant had commenced operation of a  
3 dispensary on or before December 15, 2009, as evidenced by the fact that the applicant submitted  
4 an application for a retail sales license for the dispensary which was date stamped as being received  
5 by the treasury division of the Denver Department of Finance on or before December 15, 2009, and  
6 thereby obtained a retail sales license for that location bearing an effective date of December 15,  
7 2009, or earlier.

8 **Section 8.** Section 24-408 of the Denver Revised Municipal Code shall be amended by  
9 adding the language underlined and deleting the language stricken to read as follows:

10 **~~Sec. 24-508. Requirements related to licensed premises.~~**

11 (a) ~~No marijuana shall be smoked, eaten or otherwise consumed or ingested on the~~  
12 ~~licensed premises.~~

13 (b) ~~No person under eighteen (18) years of age shall be permitted on the licensed~~  
14 ~~premises, unless the person has been qualified to possess marijuana for medical use in accordance~~  
15 ~~with Article XVIII, Section 14(6) of the Colorado Constitution and the person is accompanied by a~~  
16 ~~parent.~~

17 (c) ~~The name and contact information for the owner or owners and any manager of the~~  
18 ~~medical marijuana dispensary shall be conspicuously posted in the dispensary.~~

19 (d) ~~Any and all cultivation, processing, storage, display, sales or other distribution of~~  
20 ~~marijuana shall occur within an enclosed building and shall not be visible from the exterior of the~~  
21 ~~building.~~

22 (e) ~~No licensed premises shall be managed by any person other than the owner or the~~  
23 ~~manager listed on the application for the license.~~

24 (f) ~~The medical marijuana dispensary shall be closed to the public, and no sale or other~~  
25 ~~distribution of marijuana shall occur upon the licensed premises or via delivery from the licensed~~  
26 ~~premises between the hours of 9:00 p.m. and 7:00 a.m.~~

27 (g) ~~The licensed premises shall be monitored and secured twenty-four (24) hours per day~~  
28 ~~including, at a minimum, the following security measures:~~

29 (1) ~~Installation and use of security cameras to monitor all areas of the licensed premises~~  
30 ~~where persons may gain or attempt to gain access to marijuana or cash maintained by the medical~~  
31 ~~marijuana dispensary. Recordings from security cameras shall be maintained for a minimum of~~  
32 ~~seventy-two (72) hours in a secure off-site location.~~

1           (2) ~~Installation and use of a safe for overnight storage of any processed marijuana, and~~  
2 ~~cash on the licensed premises, with the safe being incorporated into the building structure or~~  
3 ~~securely attached thereto.~~

4           (3) ~~Installation of a monitored user alarm system pursuant to division 2 of article IV of~~  
5 ~~chapter 42 of this Code.~~

6           (4) ~~To the extent the licensee utilizes security guards to patrol the licensed premises, any~~  
7 ~~such guards shall be duly licensed in accordance with article V of chapter 42 of this Code.~~

8           Section 9. Section 24-408.5 of the Denver Revised Municipal Code shall be amended by  
9 adding the language underlined and deleting the language stricken to read as follows:  
10       **Sec. 24-408.5. Changing, altering, or modifying licensed premises.**

11           (a) ~~After issuance of a medical marijuana dispensary license, the licensee shall make no~~  
12 ~~physical change, alteration, or modification of the licensed premises which materially or substantially~~  
13 ~~alters the licensed premises or the usage of the licensed premises from the plans and specifications~~  
14 ~~submitted at the time of obtaining the original license without the prior written consent of the director.~~  
15 ~~For purposes of this section, physical changes, alterations, or modifications requiring prior written~~  
16 ~~consent shall include, but not be limited to:~~

17           (1) ~~Any increase in the total size or capacity of the licensed premises.~~

18           (2) ~~The sealing off, creation of or relocation of a common entryway, doorway or passage~~  
19 ~~or other such means of public ingress or egress.~~

20           (3) ~~Any substantial or material enlargement of a sales counter, or relocation of a sales~~  
21 ~~counter, or addition of a separate sales counter.~~

22           (4) ~~Any material change in the interior of the premises that would affect the basic~~  
23 ~~character of the premises or the physical structure that existed in the plan on file with the application.~~  
24       ~~The foregoing shall not apply to painting and redecorating of premises; the installation or~~  
25 ~~replacement of electric fixtures or equipment; the lowering of a ceiling; the installation and~~  
26 ~~replacement of floor coverings; the replacement of furniture and equipment; nor to any~~  
27 ~~nonstructural remodeling of a licensed premises where the remodel does not expand the existing~~  
28 ~~approved area.~~

29           (b) ~~In making a decision with respect to any proposed changes, alterations, or~~  
30 ~~modifications, the director shall consider whether the premises, as changed, altered, or modified,~~  
31 ~~will comply with the requirements of this article XI and any other applicable law or regulation.~~

32           Section 10. Section 24-409 of the Denver Revised Municipal Code shall be amended by  
33 adding the language underlined and deleting the language stricken to read as follows:

1           **Sec. 24-409. Labeling.**

2           All marijuana sold or otherwise distributed by the licensee shall be packaged and labeled in  
3           a manner that advises the purchaser that the marijuana is intended for use solely by the patient to  
4           whom it is sold, and that any resale or redistribution of the marijuana to any third person is a  
5           criminal violation.

6           Section 11. Section 24-410 of the Denver Revised Municipal Code shall be amended by  
7           adding the language underlined and deleting the language stricken to read as follows:

8           **Sec. 24-410. Compliance with state law.**

9           (a) ~~To the extent the state has adopted or adopts in the future any additional or stricter~~  
10          ~~law or regulation governing the sale or distribution of marijuana for medical use, the additional or~~  
11          ~~stricter regulation shall control the establishment or operation of any medical marijuana dispensary~~  
12          ~~in the city. Compliance with any applicable state law or regulation shall be deemed an additional~~  
13          ~~requirement for issuance or denial of any license under this article, and noncompliance with any~~  
14          ~~applicable state law or regulation shall be grounds for revocation or suspension of any license~~  
15          ~~issued hereunder.~~

16          (b) ~~Any medical marijuana dispensary licensed pursuant to this article may be required to~~  
17          ~~demonstrate, upon demand by the director or by law enforcement officers, that the source and~~  
18          ~~quantity of any marijuana found upon the licensed premises is in full compliance with any applicable~~  
19          ~~state law or regulation.~~

20          (c) ~~If the state prohibits the sale or other distribution of marijuana through medical~~  
21          ~~marijuana dispensaries, any license issued pursuant to this article shall be deemed to be~~  
22          ~~immediately revoked by operation of law, with no ground for appeal or other redress on behalf of~~  
23          ~~the licensee.~~

24          (d) ~~The issuance of any license pursuant to this article shall not be deemed to create an~~  
25          ~~exception, defense, or immunity to any person in regard to any potential criminal liability the person~~  
26          ~~may have for the cultivation, possession, sale, distribution, or use of marijuana.~~

27          Section 12. Section 24-411 of the Denver Revised Municipal Code shall be amended by  
28          adding the language underlined and deleting the language stricken to read as follows:

29          **Sec. 24-411. Transition provisions.**

30          (a) ~~Intent of section. By virtue of the adoption of HB 10-1284 and HB 11-1043, codified at~~  
31          ~~Article 43.3 of Title 12, C.R.S. as the Colorado Medical Marijuana Code, the State of Colorado has~~  
32          ~~provided for the regulation and licensing of certain commercial medical marijuana businesses.~~  
33          ~~These licensing requirements are to be fully implemented by July 1, 2012. Prior to July 1, 2012, a~~

1 "locally approved" medical marijuana business may lawfully commence or remain in business if the  
2 business meets certain requirements as set forth in section 12-43.3-103 of the state code. The intent  
3 and purpose of this section is to clarify the relationship of city and state law during the period from  
4 July 1, 2010 to July 1, 2012.

5 (b) Medical marijuana centers. For purposes of section 12-43.3-103(1)(a) of the Colorado  
6 Medical Marijuana Code, a business shall be deemed "locally approved" and potentially eligible for  
7 licensing as a medical marijuana center under the state code prior to July 1, 2012, if, on or before  
8 July 1, 2010, the business was operating as a licensed medical marijuana dispensary in Denver in  
9 compliance with the requirements of this article XI or the business owner or a previous owner of the  
10 same business had applied for a medical marijuana dispensary license in accordance with the  
11 requirements of this article XI and the application for a medical marijuana dispensary has not been  
12 denied by the Director. A licensed medical marijuana dispensary qualifying as a "locally approved"  
13 business within the meaning of this subsection (b) shall be potentially eligible for licensing under the  
14 Colorado Medical Marijuana Code as a medical marijuana center prior to July 1, 2012, regardless  
15 of any change of ownership or change of location of the business after July 1, 2010, so long as the  
16 business meets all applicable requirements for licensing as set forth in state and city laws.

17 (c) Medical marijuana infused products manufacturers. For purposes of section 12-43.3-  
18 103(1)(a) of the Colorado Medical Marijuana Code, a business shall be deemed "locally approved"  
19 and potentially eligible for licensing as a medical marijuana infused products manufacturer under  
20 the state code prior to July 1, 2012 if:

21 (1) On or before July 1, 2010, the business owner or a previous owner of the same  
22 business had applied for or received any and all city licenses or permits generally applicable to the  
23 manufacturing and wholesale distribution of products designed for human consumption, including,  
24 but not limited to, edible products, ointments and tinctures; and

25 (2) The business is located or proposed to be located on a site where commercial  
26 manufacturing and wholesale distribution of manufactured products is permitted by applicable city  
27 zoning laws.

28 A medical marijuana infused products manufacturer qualifying as a "locally approved"  
29 business within the meaning of this subsection (c) shall be potentially eligible for licensing under  
30 the Colorado Medical Marijuana Code as a medical marijuana infused products manufacturer prior  
31 to July 1, 2012 regardless of any change of ownership or change of location of the business after  
32 July 1, 2010, so long as the business meets all applicable requirements for licensing as set forth in  
33 state and city laws.

1           ~~(d) Optional premises cultivation operations. For purposes of section 12-43.3-103(1)(a)~~  
2           ~~of the Colorado Medical Marijuana Code, a business shall be deemed "locally approved" and~~  
3           ~~potentially eligible for licensing as an optional premises cultivation operation under the state code~~  
4           ~~prior to July 1, 2012 if:~~  
5           ~~(1) On or before July 1, 2010, the business owner or a previous owner of the same~~  
6           ~~business had applied for or received any and all city license and permits generally applicable to~~  
7           ~~commercial plant husbandry or was leasing or subleasing property for the purpose of medical~~  
8           ~~marijuana cultivation from another property owner or business owner who had applied for or~~  
9           ~~received such licenses and permits.~~  
10          ~~(2) The business is located or proposed to be located on a site where commercial plant~~  
11          ~~husbandry and wholesale distribution of plant products is permitted by applicable city zoning laws;~~  
12          ~~and~~  
13          ~~(3) The business is owned in common with either a medical marijuana center or a medical~~  
14          ~~marijuana infused products manufacturer meeting the requirements of any and all applicable state~~  
15          ~~and local laws.~~  
16          ~~A commercial plant husbandry operation qualifying as a "locally approved" business within~~  
17          ~~the meaning of this subsection (e) shall be potentially eligible for licensing under the Colorado~~  
18          ~~Medical Marijuana Code as an optional premises cultivation operation prior to July 1, 2012~~  
19          ~~regardless of any change of ownership or change of location of the business after July 1, 2010, so~~  
20          ~~long as the business meets all applicable requirements for licensing as set forth in state and city~~  
21          ~~laws.~~  
22          ~~(e) No entitlement to licensing. Nothing in this section shall be deemed to create any~~  
23          ~~property interest, vested right, or entitlement to receive a future license to operate a medical~~  
24          ~~marijuana center, a medical marijuana infused products manufacturer, or an optional premises grow~~  
25          ~~operation under the Colorado Medical Marijuana Code. In order to lawfully remain in existence on~~  
26          ~~and after July 1, 2012, any and all commercial medical marijuana businesses shall be required to~~  
27          ~~qualify for state and local licensing under the state code and otherwise comply fully with the~~  
28          ~~requirements of any other applicable state or city laws.~~

29  
30  
31  
32  
33           COMMITTEE APPROVAL DATE:  
34           MAYOR-COUNCIL DATE:

1 PASSED BY THE COUNCIL: \_\_\_\_\_, 2015  
2 \_\_\_\_\_ - PRESIDENT  
3 APPROVED: \_\_\_\_\_ - MAYOR  
4 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
5 EX-OFFICIO CLERK OF THE  
6 CITY AND COUNTY OF DENVER

7 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2015; \_\_\_\_\_, 2015

8 PREPARED BY: Marley Bordovsky, Assistant City Attorney DATE: \_\_\_\_\_, 2015

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

13  Scott Martinez, Denver City Attorney

14 BY: \_\_\_\_\_, Assistant ~~City~~ Attorney DATE: \_\_\_\_\_, 2015

FILED

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2015

COUNCIL BILL NO. \_\_\_\_\_  
COMMITTEE OF REFERENCE:  
Business Development

A BILL

For an ordinance amending Article XII of Chapter 24 (Denver Medical Marijuana Code) by updating some provisions to address certain challenges experienced over the past two years, deleting provisions that have become obsolete over time, standardizing procedures between the Denver Retail Marijuana Code and the Denver Medical Marijuana Code, harmonizing sections within this Code, and adding or amending provisions to accommodate changes in state law.

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

**Section 1.** Section 24-502 of the Denver Revised Municipal Code shall be amended by adding the language underlined and deleting the language stricken to read as follows:

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

The definitions set forth in the CMMC, § 12-43.3-104, C.R.S., as amended, and rules adopted pursuant thereto, shall apply equally to this article XII. In addition, the following terms shall have the meanings respectively assigned to them:

(5) School means a public or private preschool or a public or private elementary, middle, junior high, or high school.

**Section 2.** Section 24-503 of the Denver Revised Municipal Code shall be amended by adding the language underlined and deleting the language stricken to read as follows:

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

(a) Effective date. On and after July 1, 2011, it shall be unlawful to operate any business in Denver for which a license is required under the Colorado Medical Marijuana CodeMAMG without first having obtained a local license under this article XII and a state license under the state code; provided, however that certain pre-existing medical marijuana businesses that have submitted applications for licensing under the CMMC may continue in operation on and after July 1, 2011 until final action on the business's state and local license applications under the CMMC, subject to the following requirements:

~~(4) An applicant for medical marijuana center licensing may continue in operation on and after July 1, 2011, if the applicant or a previous owner of the same business:~~

1 a. Applied for a medical marijuana dispensary license from Denver prior to July 1,  
2 2010 in the same location or in any other location in Denver in accordance with  
3 Article XI of this Chapter 24, and was not denied the license by the director; and  
4 b. Applied for a license for the same business as a medical marijuana center with  
5 the state licensing authority by August 1, 2010, under the requirements of section  
6 12-43-3-103 of the Colorado Medical Marijuana Code; and  
7 c. Has not had the application for a medical marijuana center denied by either the  
8 state or local licensing authority.

9 (2) [Other licenses.] An applicant for a medical marijuana infused products manufacturing  
10 license or an optional premises cultivation operations license may continue in operation on  
11 end after July 1, 2011, if the applicant or a previous owner of the same business:

12 a. Met the requirements for a locally approved medical marijuana business as of July  
13 1, 2010, as set forth in section 24-41-1 in the same location or in any other location  
14 in Denver; and

15 b. Applied for a license for the same business as a medical marijuana infused  
16 products manufacturing or optional premises cultivation with the state licensing  
17 authority by August 1, 2010 under the requirements of section 12-43-3-103 of the  
18 Colorado Medical Marijuana Code; and

19 c. Has not had the application for medical marijuana infused products manufacturing  
20 or optional premises cultivation denied by either the state or local licensing  
21 authority.

22 (3) Notwithstanding the provisions of paragraphs (1) and (2) of this subsection (a), if the owner  
23 of any pre-existing medical marijuana business has not obtained both a state and city  
24 license to lawfully continue in operation by July 1, 2014, the business shall cease operation  
25 immediately as of that date. On and after July 1, 2014 it shall be unlawful for any person to  
26 operate any business involving the cultivation, manufacture or sale of medical marijuana or  
27 medical marijuana infused products without holding a current state and city license. If the  
28 owner of any pre-existing medical marijuana business has not applied for a city license to  
29 lawfully continue in operation prior to October 1, 2013, the business shall cease operation  
30 immediately as of that date. On and after October 1, 2013, it shall be unlawful for any person  
31 to continue to operate any business involving the cultivation, manufacture or sale of medical  
32 marijuana or medical marijuana infused products without having applied for local license  
33 under this Article XII and the CMMG.



~~(e) Receipt of applications for new licensing. At such time as application forms are made available by the state licensing authority, the director shall begin to receive and process applications for licensing under the CMMC and this article XII.~~  
~~(e) Prohibition on new medical marijuana businesses prior to July 1, 2012. It shall be unlawful for any person to commence operation of any business of selling, offering for sale, distributing, cultivating or manufacturing medical marijuana prior to July 1, 2012, unless the person had applied for a license or permit from the city on or before July 1, 2010, in accordance with section 24-411, had applied for state licensing on or before August 1, 2010, in accordance with § 12-43.3-103(1)(b), C.R.S., and was otherwise fully in compliance with the requirements of article XI of this chapter and the CMMC.~~

**Section 3.** Section 24-504 of the Denver Revised Municipal Code shall be amended by adding the language underlined and deleting the language stricken to read as follows:

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

Except as otherwise specifically provided herein, this article XII incorporates the requirements and procedures set forth in the Colorado Medical Marijuana CodeMMG. In the event of any conflict between the provisions of this article XII or Chapter 32 and the provisions of the Colorado Medical Marijuana CodeMMG or any other applicable state or local law, the more restrictive provision shall control.

**Section 4.** Section 24-506 of the Denver Revised Municipal Code shall be amended by adding the language underlined and deleting the language stricken to read as follows:

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

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

- (a) Medical marijuana center license;
- (b) Optional premises cultivation license;
- (c) Medical marijuana-infused products manufacturing license;
- (d) Medical marijuana testing facility license

1 Section 5. Section 24-507 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 **Sec. 24-507. Licensing requirements – Provisions applicable to all licenses.**

4 (a) *Criteria for licensing; waiver of public hearings.* ~~The~~ director shall consider and act upon all  
5 local license applications in accordance with the standards and procedures set forth in the Colorado  
6 Medical Marijuana CodeMMC and this ~~article~~ XII; ~~provided, however, no public hearing shall be~~  
7 ~~required for any class of licensing pursuant to § 12-43-3-302, C.R.S., as amended, and the director's~~  
8 ~~decision to grant or deny a license shall be made solely upon the results of the director's~~  
9 ~~investigation and findings pursuant to section 12-43-3-305, C.R.S., as amended.~~ The director shall  
10 ~~deny any application for a license that is not in full compliance with the Colorado Medical Marijuana~~  
11 ~~CodeMMC, this article XII, and any other applicable state or city law or regulation.~~ The director shall  
12 also deny any application ~~that~~ contains any false or incomplete information.

13 ~~(b) Applications forms and supplemental materials.~~ All applications for local licensing shall be made  
14 ~~per forms provided by the state, and shall include such supplemental materials as required by~~  
15 ~~this article XII, the Colorado Medical Marijuana CodeMMC, and rules adopted pursuant thereto,~~  
16 including by way of example: proof of possession of the licensed ~~premises, disclosures~~ related  
17 to ownership of the proposed business, fingerprints of the applicants, ~~building~~ plans, floor plans  
18 ~~designating the proposed licensed premises outlined in red, and security plans.~~ The director  
19 ~~may,~~ at the director's discretion, require additional documentation ~~associated with the~~  
20 application as may be necessary to enforce the requirements of the Colorado Medical Marijuana  
21 CodeMMC and this article XII.

22 ~~(e) Expiration of applications. Any application for local licensing submitted pursuant to this article~~  
23 ~~XII must be completed within one (1) year of the date the application is filed and the application~~  
24 ~~fee paid. Except as provided in this paragraph (e), for applications that remain pending after the~~  
25 ~~expiration of the one (1) year time period, the director shall disapprove the issuance of a local~~  
26 ~~license and the applicant must begin the local licensing process anew.~~ The director may  
27 ~~approve the issuance of a license for applications that remain pending beyond the one (1) year~~  
28 ~~time period if the applicant can produce, within thirty (30) days after the expiration of the one~~  
29 ~~(1) year time period, documentary or other empirical evidence to establish good cause for the~~  
30 ~~failure to complete the application process. For purposes of this subsection (e), the term "good~~  
31 ~~cause" means the failure to complete the application process occurred due to extraordinary~~  
32 ~~circumstances out of the applicant's control.~~

33 **Section 6. Section 24-508 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 **Sec. 24-508. Licensing requirements – Medical marijuana centers.**

3 (a) *Area maps.* All applications for medical marijuana center licensing submitted pursuant to  
4 this article XII shall include an area map drawn to scale indicating land uses of other  
5 properties within a 1,000-foot radius of the property upon which the applicant is seeking a  
6 license. The map shall depict the proximity ~~to~~ of the property to any school or child care  
7 establishment; to any other medical marijuana center; to any alcohol or drug treatment  
8 facility; or to any residential or U-MS-2x zone district.

9 (b) Prohibited locations. No medical marijuana center license shall be issued for the following  
10 locations:

11 (1) In any residential zone district as defined by the zoning code of the city, in any MS-2, MS-  
12 2x, MX-2, MX-2A or MX-2x zone district as defined by the zoning code of the city, or in any  
13 location where retail sales are prohibited by the zoning code or by any ordinance governing  
14 a planned unit development. The restriction against licensing a medical marijuana center in  
15 any MS-2, MS-2x, MX-2, MX-2A or MX-2x zone district shall not apply to any location where  
16 the director previously issued a medical marijuana dispensary license under article XI of  
17 this chapter 24, a licensed dispensary commenced operations at the subject location, and  
18 a licensed medical marijuana dispensary or center has existed in continuous operations at  
19 the subject location since the time of original licensing.

20 (2) Within one thousand (1,000) feet of any school ~~or child-care establishment~~, with the distance  
21 computed by direct measurement in a straight line from the nearest property line of the land  
22 used for ~~the school or child-care purposes~~ to the nearest portion of the building in which the  
23 medical marijuana center dispensary is located, using a route of direct pedestrian access.  
24 This restriction shall not apply to any location where the director previously issued a medical  
25 marijuana dispensary license under article XI of this chapter 24, a licensed dispensary  
26 commenced operations at the subject location, and a licensed medical marijuana  
27 dispensary or center has existed in continuous operations at the subject location since the  
28 time of original licensing.

29 (3) Within one thousand (1,000) feet of any other medical marijuana center licensed premises  
30 or of any premises licensed under article XII of this chapter 24, or any retail marijuana store  
31 licensed under article V of chapter 6, with the distance computed by direct measurement in  
32 a straight line from the nearest portion of the building in which the center is proposed to be  
33 located to the nearest portion of the building in which the other center or the retail marijuana

1 store is located. ~~This~~ restriction shall not apply to any location where the director previously  
2 issued a medical marijuana dispensary license under article XI of this chapter 24, a licensed  
3 dispensary commenced operations ~~at~~ the subject location, ~~and~~ a licensed medical  
4 marijuana dispensary or center has existed ~~in~~ continuous operations at the subject location  
5 since the time of original licensing. In the event that the department receives two or more  
6 applications for a retail marijuana store license or a medical marijuana center license with  
7 proposed locations within 1000' of each other, the director shall act upon only the first

complete application received and shall deny all subsequent applications.

8 ~~(4)~~ ~~Within one~~ thousand (1,000) ~~feet~~ of ~~any~~ alcohol or drug treatment ~~facility~~ or child care  
9 establishment. ~~The~~ 1,000-foot distance shall be computed by direct measurement in a  
10 straight line ~~from~~ the ~~nearest~~ property line of the land used ~~for alcohol~~ or ~~drug~~ treatment  
11 facility or child care purposes to ~~the~~ nearest portion of the property upon building in which  
12 the medical marijuana center license is proposed to be located, using a route of direct  
13 pedestrian-access. This restriction ~~shall~~ not apply to ~~any~~ location where the director  
14 previously ~~issued~~ a medical marijuana dispensary license under article ~~XI~~ of this chapter  
15 24; ~~a~~ licensed ~~dispensary~~ commenced operations ~~at~~ the subject ~~location~~, ~~and~~ a licensed  
16 ~~medical~~ marijuana dispensary or center has existed in continuous operations at the subject  
17 location since the time of original licensing.

18 (5) The spacing requirements set forth ~~in~~ paragraphs (2), (3) and (4) of this subsection (c) shall  
19 ~~be~~ enforced in lieu of the spacing requirements set forth ~~in~~ the ~~Open-Book Medical Marijuana~~  
20 CodeMMC, § 12-43.3-308 (1)(d)(i), C.R.S. as amended.

21 (6) The spacing restrictions set forth in paragraphs (2) and (4) of this subsection (c) shall not  
22 apply to any location where the director previously issued a medical marijuana center  
23 license under this article XII.

24 (7) For purposes of this subsection (b), the term "continuous operations" means that the  
25 applicant can show that the regular sale of medical marijuana has occurred at the subject  
26 location without interruption by a medical marijuana center licensed under article XII of  
27 chapter 24 in compliance with all state and city laws, and any regulations adopted pursuant  
28 thereto. Prima facie evidence that a medical marijuana center has not existed in continuous  
29 operations shall include:

30 a. Any suspension or cessation of the sale of medical marijuana at the subject  
31 location lasting longer than ninety (90) consecutive days; or  
32

1 b. Any period during which the subject location is owned, leased or otherwise  
2 occupied for a use other than the sale of marijuana; or  
3 c. Expiration, nonrenewal, surrender, suspension, transfer of location, or revocation  
4 of the state or local medical marijuana license issued for the subject location.  
5 (c) *Off-site delivery of product by licensee prohibited.* All sales and distribution of medical  
6 marijuana by a licensed medical marijuana center shall occur only upon the licensed premises,  
7 and the licensee shall be strictly prohibited from delivering medical marijuana to any person at  
8 any other location. Nothing herein shall preclude a primary care-giver from purchasing medical  
9 marijuana on behalf of a patient at a licensed medical marijuana center and delivering the  
10 medical marijuana to a homebound patient in accordance with § 25-1.5-106 (7)(d) and (e),  
11 C.R.S., as amended.  
12 (d) Signs and advertising.  
13 (3) Except as otherwise provided in this subsection (3), it shall be unlawful for any person  
14 licensed under this article or any other person to advertise any medical marijuana or medical  
15 marijuana-infused product anywhere in the city where the advertisement is visible to members  
16 of the public from any street, sidewalk, park or other public place, including advertising utilizing  
17 any of the following media: any billboard or other outdoor general advertising device as defined  
18 by the zoning code; any sign mounted on a vehicle, any hand-held or other portable sign; or  
19 any handbill, leaflet or flier directly handed to any person in a public place, left upon a motor  
20 vehicle, or posted upon any public or private property without the consent of the property owner.  
21 The prohibition set forth in this paragraph (3) shall not apply to:  
22 (i) Any fixed sign located on the same zone lot as a medical marijuana center which  
23 exists solely for the purpose of identifying the location of the medical marijuana  
24 center and which otherwise complies with the Denver Zoning Code and any other  
25 applicable city laws and regulations; or  
26 (4) For purposes of this subsection (ed), the terms "advertise," "advertising" or  
27 "advertisement" means the act of drawing the public's attention to a medical marijuana  
28 center or medical marijuana infused products manufacturer in order to promote the sale of  
29 medical marijuana or medical marijuana-infused product by the center or the manufacturer.  
30 (e) Hours of operation. It shall be unlawful for any person to sell medical marijuana or medical  
31 marijuana products at a licensed medical marijuana center at any time other than between the  
32 hours of 8:00 a.m. and 7:00 p.m. daily.  
33

1 Section 7. Section 24-510 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 **Sec. 24-510. Licensing requirements -- Optional premises cultivation licenses.**  
4 **(a) Compliance with current zoning.**

5 ~~At the director's discretion, a public hearing may be scheduled for a protested license~~  
6 ~~renewal of any ~~premises~~ premises cultivation licenses granted pursuant to subsection (a)(2) of this~~  
7 ~~section upon ~~the~~ lot where plant husbandry is not a permitted use under the zoning code shall~~  
8 ~~be subject to a public hearing prior to any renewal of the license if requested by a party in interest~~  
9 ~~as defined in section 24-508.5(b)(1). Such request for a public hearing must be submitted in the~~  
10 ~~form of a petition prepared by the Department and must contain at least twenty-five (25) valid~~  
11 ~~signatures.~~ The director shall ~~assign a hearing~~ officer to conduct the public hearing ~~as provided~~ in  
12 section 24-505. The hearing shall ~~not be~~ conducted until ~~the~~ director has posted ~~or renewed~~ to ~~be~~  
13 posted a notice of hearing on the licensed premises in the manner described in ~~§ 12-43-302 (4)~~  
14 C.R.S. for a period of ten (10) days, and provided notice to each of the following ~~at~~ least ten (10)  
15 days prior to the ~~hearing~~ the licensee; the city council representative for the district in ~~which~~ the  
16 licensed premises is located; and any registered neighborhood association entitled to receive notice  
17 provided in section 12-96. At the public hearing, the incumbent licensee and any other interested  
18 party shall ~~be~~ entitled to speak and present evidence supporting or opposing renewal of the license  
19 in the location where plant husbandry is not a permitted use. The hearing officer shall receive and  
20 give due consideration to any evidence or testimony submitted by the city council member  
21 representing the district in which the licensed premises are located, either in support or opposition  
22 to the renewal of the license. The optional premises cultivation license shall be eligible for renewal,  
23 ~~subject to additional considerations as provided in section 24-513 for all license renewals, in its~~  
24 ~~current compliant or nonconforming location unless it is shown by a preponderance of the evidence~~  
25 ~~presented at the hearing that:~~

- 26 a. The existence of the medical marijuana cultivation on the licensed premises has
- 27 frustrated the implementation of the city's comprehensive plan and any adopted
- 28 neighborhood plan applicable to the subject property;
- 29 ~~■~~ The existence of the medical marijuana cultivation operation on the licensed
- 30 premises has negatively affected nearby properties or the neighborhood in
- 31 general, including by way of example any adverse effects caused by excessive
- 32 noise, odors, vehicular traffic, or any negative effects on nearby property values;

- 1 c. The existence of the medical marijuana cultivation operation has caused crime  
2 rates to increase in the surrounding neighborhood; ~~or~~  
3 d. The continued existence of a licensed medical marijuana cultivation operation in  
4 the subject location will have a deleterious impact on public health, safety and the  
5 general welfare of the neighborhood or the city; or  
6 e. The applicant or any person from whom the applicant acquired a medical  
7 marijuana business failed to meet one or more of the requirements specified in  
8 paragraph (2) of this subsection (a).  
9

10 **Section 8.** Section 24-510.5 of the Denver Revised Municipal Code shall be amended by  
11 adding the language underlined and deleting the language stricken to read as follows:  
12 **Sec. 24-510.5. Licensing requirements – Medical Marijuana Testing Facilities.**  
13 In addition to the requirements set forth in the Colorado Medical Marijuana Code and any rules  
14 or regulations adopted pursuant thereto, the following requirement shall apply to the issuance of  
15 any local license for a medical marijuana testing facility: a local medical marijuana testing facility  
16 license may be issued in any zone district where, at the time of application for the license, the land  
17 use denominated "laboratory, research, development, and technological services" is allowed by the  
18 zoning code.  
19

20 **Section 9.** Section 24-511 of the Denver Revised Municipal Code shall be amended by  
21 adding the language underlined and deleting the language stricken to read as follows:

22 **Sec. 24-511. Transfer of ownership.**  
23 **(a) In general.** Transfer of ownership of any license issued pursuant to this article XII shall be  
24 governed by the standards and procedures set forth in the Colorado Medical Marijuana Code  
25 MMC and any regulations adopted pursuant thereto, and any additional restrictions on transfer  
26 of ownership as provided in this article XII and any rules and regulations promulgated by the  
27 director.

28 ~~(e) Cultivation licenses. Any optional premises cultivation license issued pursuant to subsection~~  
29 ~~24-510(e)(2) in a location where plant husbandry is not a permitted use under the zoning code~~  
30 ~~shall not be transferable to a new owner in that location unless the applicant for the transfer~~  
31 ~~proves to the satisfaction of the director that:~~

32 ~~(1) The transfer of ownership is required due to extraordinary circumstances forcing the~~  
33 ~~incumbent licensee to divest its interest in the existing optional premises cultivation~~

operation including, by way of example, death, divorce, bankruptcy, court order, or any force majeure that may prevent the incumbent licensee from continuing to operate in the subject location;

(2) ~~The transfer of ownership is required due merely to corporate restructuring or any other change in the legal structure of the incumbent owner and licensee; or~~  
(3) ~~The transfer of ownership is required because the medical marijuana center or the medical marijuana-infused products manufacturing license with which the optional premises cultivation license is associated is being transferred to a new owner.~~

(e) Disciplinary action. The director shall deny a transfer of ownership application if it is determined that the state or local marijuana license is subject to disciplinary action.

(f) Corresponding state license. The director shall deny any application for transfer of ownership of a local license, unless the applicant produces written documentation from the state approving the same transfer of ownership of the corresponding state license recorded upon the face of the local license.

~~Section 10. Section 24-502 of the Denver Revised Municipal Code shall be amended by adding the language underlined and deleting the language stricken to read as follows:~~

~~Sec. 24-502.~~ Change of location; modification of premises.  
~~Change~~ of location of any ~~location license premises~~ or any modification of the licensed premises shall be governed by the standards and procedures set forth in the Colorado Medical Marijuana Code MMC, this article XII, and any regulations adopted pursuant thereto. Any proposed modification and ~~any new~~ location to which ~~an~~ existing licensed business is transferred shall fully comply with the spacing requirements and the requirements for conformance with current zoning as set forth in sections 24-508, 24-509, or 24-510 of ~~this article~~ XII. Upon receipt of an application for change of location of a medical marijuana center, the director shall hold a public hearing in accordance with the requirements of section 24-508.5 and shall issue written findings for the new location.

~~Section 11.~~ Section 24-513 of ~~the~~ Denver Revised Municipal Code shall be amended by adding the language underlined and deleting the language stricken to read as follows:

~~Sec. 24-513.~~ Term of licenses; renewals.

(a) Effective March 1, 2014, any local license issued pursuant to this article ~~200~~ shall be valid for a period of one (1) year from the date of issuance. Any renewal of the license shall be governed



1 by the standards and procedures set forth in the GMMC Colorado Medical Marijuana Code and  
2 any regulations adopted pursuant thereto, subject to any additional restrictions on renewal fee  
3 ~~certificants of licenses in certain locations~~ as provided in this article XII.

4 (b) Concerning existing two-year licenses previously issued pursuant to this article XII, on or before  
5 the one-year anniversary date of any two-year license issued pursuant to this article XII, the  
6 licensee shall demonstrate to the satisfaction of the director that the licensee has applied for  
7 and received a one-year renewal of the licensee's state license from the state licensing authority  
8 and shall pay the annual licensing fee for the second year of the local license as provided in  
9 section 32-93(3). Failure of the licensee to renew and keep current the state license or to make  
10 timely payment of the local licensing fee shall be grounds for immediate revocation of any  
11 license issued pursuant to this article XII.

12 (c) Regardless of whether the license was previously issued for a one- and two-year period,  
13 renewal or any license issued pursuant to this article XII shall be for a period not to exceed one  
14 (1) year.

15 (d) If the licensee has received notice of violation of any law or regulation, including disciplinary  
16 action against any past or current retail or medical marijuana licenses, the renewal application  
17 shall include a copy of the notice or disciplinary action and shall also include verification that  
18 the business has a valid state license in good standing at the time of renewal.

19 ~~(e) Upon receipt of an application for renewal of any local license, the director shall set a public~~  
20 ~~hearing on the application for renewal if there is probable cause to believe that:~~

21 (1) The licensee is not in full compliance with the Colorado Medical Marijuana Code, this article  
22 XII, or any other applicable state or city law or regulation; or

23 (2) There are grounds for suspension, revocation or other licensing sanctions as provided in  
24 this article; or

25 (3) There have been any significant changes in the licensee, the principals, the licensed  
26 premises, or the adjacent grounds.

27 (f) Except as otherwise provided in subsection (g), it shall be unlawful for any person to manufacture,  
28 sell, distribute, transfer, transport, or otherwise remove medical marijuana or medical marijuana  
29 products from the premises of a licensed medical marijuana establishment after the expiration date  
30 listed upon the face of any local license issued pursuant to this article XII for that location.

31 (g) A licensee who files a complete renewal application and pays the requisite fees may continue  
32 to operate until the director takes final action to approve or deny the application.

1 ~~Section 12~~, Section 24-514 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 24-514~~. **Disciplinary actions; sanctions; penalties.**

4 ~~Procedures for suspension or revocation of licenses issued pursuant to this article XII and~~  
5 ~~other fines, sanctions and penalties shall be as provided in the CMMC and any regulations~~  
6 ~~adopted pursuant thereto.~~

7 ~~(a) Procedures. Procedures for investigation of license violations and for suspension, revocation~~  
8 ~~or other licensing sanctions as a result of any such violation shall be as provided in chapter 32~~  
9 ~~of the Code and any rules and regulations promulgated by the director.~~

10 ~~(b) Penalties. In lieu of the maximum fine for license violations set forth in section 32-30(c), the~~  
11 ~~director is hereby authorized to impose civil penalties for license violations to the same extent~~  
12 ~~and according to the same standards as are utilized by the Colorado Marijuana Enforcement~~  
13 ~~Division in imposing fines for state license violations under the Colorado Medical Marijuana~~  
14 ~~Code and any and all applicable rules and regulations adopted pursuant thereto.~~

15 ~~(c) Inactive licenses. The director, in the director's discretion, may suspend or revoke any license~~  
16 ~~if it is determined that the licensed premises have been inactive or unoccupied by the licensee~~  
17 ~~for at least one (1) year.~~

18 ~~(d) Summary suspension. If the director finds that probable cause exists that a licensee has~~  
19 ~~engaged in deliberate and willful violation of any applicable law or regulation, or that the public~~  
20 ~~health, safety, or welfare requires emergency action, the director may enter a summary~~  
21 ~~suspension order for the immediate suspension of such license, pending further investigation.~~

22 (1) The summary suspension order shall be in writing and shall state the reasons therefor. The  
23 director shall schedule a hearing within 30 days of the date of the order.

24 (2) Procedures for summary suspension hearings shall be as provided in section 32, and any  
25 rules and regulations promulgated by the director. This section shall be in addition to any  
26 other penalties specified in this article XII or chapter 32.

27 (e) State License. The director may suspend or revoke any license if it is determined that the state  
28 marijuana license for the subject location is expired, surrendered, suspended, or revoked.

29  
30 **Section 13.** Section 24-515 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. 24-515. Rules and Regulations.

1 (a) The director may make such reasonable rules and regulations as may be necessary for the  
2 purpose of administering and enforcing the provisions of this article and any other ordinances  
3 or laws relating to and affecting the licensing and operation of medical marijuana  
4 establishments.

5 (b) It shall be unlawful for any person to violate a rule or regulation adopted by the director pursuant  
6 to this section.

7  
8  
9 COMMITTEE APPROVAL DATE:

10 MAYOR-COUNCIL DATE:

11 PASSED BY THE COUNCIL: \_\_\_\_\_, 2015

12 \_\_\_\_\_ - PRESIDENT

13 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2015

14 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
15 EX-OFFICIO CLERK OF THE  
16 CITY AND COUNTY OF DENVER

17 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2015; \_\_\_\_\_, 2015

18 PREPARED BY: Marley Bordovsky, Assistant City Attorney DATE: \_\_\_\_\_, 2015

19 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
20 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
21 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
22 3.2.6 of the Charter.

23 D. Scott Martinez, Denver City Attorney

24 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2015



BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2015

COUNCIL BILL NO. \_\_\_\_\_  
COMMITTEE OF REFERENCE:  
Business Development

A BILL

For an ordinance amending Article I of Chapter 32 (Licenses. In General.) by adding provisions that provide for the expiration of applications that have not been completed within one year and that explicitly authorize the director of the Department of Excise and Licenses to promulgate rules and regulations to administer the licensing of businesses in the city.

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

**Section 1.** Section 32-2 of the Denver Revised Municipal Code shall be amended by adding the language underlined and deleting the language stricken to read as follows:

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

(c) Any application for local licensing submitted pursuant to this chapter 32 shall be completed within one (1) year of the date the application is filed and the application fee paid. Except as provided in this subsection (c), for applications that remain pending after the expiration of the one (1) year time period, the director shall deny the issuance of a license and the applicant must begin the licensing process anew. The director may approve the issuance of a license for applications that remain pending beyond the one (1) year time period if the applicant can produce, within thirty (30) days after the expiration of the one (1) year time period, documentary or other empirical evidence to establish good cause for the failure to complete the application process. For purposes of this subsection (c), the term "good cause" means the failure to complete the application process occurred due to extraordinary circumstances out of the applicant's control.

**Section 2.** Section 32-11 of the Denver Revised Municipal Code shall be amended by adding the language underlined and deleting the language stricken to read as follows:

**Sec. 32-11. Issuance or denial.**

No license authorized under this Code shall issue unless:

(7) No fraudulent, misrepresented, or false statement of material or relevant fact is contained within the application; and

(8) The application is completed within one (1) year of the date that the application is filed as provided in subsection 32-2(c).

**Section 3.** Section 32-31 of the Denver Revised Municipal Code shall be amended by adding the language underlined and deleting the language stricken to read as follows:

1 **Sec. 32-31. Rules and regulations.**

2 (a) The director may make such reasonable rules and regulations as may be necessary for  
3 the purpose of administering and enforcing the provisions of this article and any other ordinances  
4 or laws relating to and affecting the licensing of businesses and individuals that operate in the city.  
5 (b) It shall be unlawful for any person to violate a rule or regulation adopted by the director  
6 pursuant to this section.  
7

8 COMMITTEE APPROVAL DATE:

9 MAYOR-COUNCIL DATE:

10 ~~PREPARED~~ BY THE COUNCIL: \_\_\_\_\_, 2015

11 - PRESIDENT

12 APPROVED: \_\_\_\_\_, 2015

- MAYOR

13 ATTEST: \_\_\_\_\_  
14 - CLERK AND RECORDER,  
15 EX-OFFICIO CLERK OF THE  
CITY AND COUNTY OF DENVER

16 NOTICE PUBLISHED IN ~~THE~~ DAILY JOURNAL: \_\_\_\_\_, 2015; ~~2015~~

17 PREPARED BY: Marley Bordovsky, Assistant City Attorney DATE: \_\_\_\_\_, ~~2015~~

18 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been ~~reviewed~~ by the ~~office~~ of  
19 the City Attorney. We find no irregularity as to form, and have no legal ~~objection~~ to the proposed  
20 ordinance. The proposed ordinance is ~~not~~ submitted to the City Council for approval pursuant to §  
21 3.2.6 of the Charter.

22 D. Scott Martinez, Denver City Attorney

23 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2015