

Proposed Inter-Neighborhood Cooperation Opposition to Initiated Ordinance 300

City of Denver Cannabis Consumption Pilot Program Initiative Ballot Title – Initiated Ordinance 300

- The City of Denver Cannabis Consumption Pilot Program Initiative (Initiative) Article VI., Sec. 6-300 provides: The purpose and intent of this article is to permit cannabis consumption in places that are directly supported by an eligible neighborhood association and to permit persons in the city to obtain a cannabis consumption permit to operate a designated consumption area at any type of business or event provided they obtain the support of an eligible neighborhood association.
- Section 6-301(6) defines an eligible neighborhood organization as **any** of the following organizations that includes within its boundaries all or a portion of the property where a designated consumption area is proposed to be located: (i) a registered neighborhood organization as defined in the Revised Municipal Codes that has been in existence for more than two years; (ii) a business improvement district; or (iii) any other type of association of residents and owners of real property designated by the director as an eligible neighborhood organization.
- This Initiative is dangerously deceptive. A letter of support from **any one** of the above three defined organizations would be evidence of community support – Registered Neighborhood Organizations were organized in 1975 and authorized to represent neighborhoods pursuant to the Revised Municipal Code in 1979. BIDs are a quasi-municipal corporation and political subdivision of the state in which property and businesses elect to make a collective contribution for the maintenance of a commercial district. RNOs and BIDs serve different constituents and purposes.
- Registered Neighborhood Organizations are the only neighborhood organizations authorized to represent the position of the RNO (the neighborhood in the designated area) pursuant to the Excise and Licenses Policies and Procedures. BIDs and other business organizations have no such authority. Homeowner Associations have no such authority.
- The Initiative does not include any requirement for prior “posting” and “notice” of the consumption area for neighbors or neighborhoods which are required in liquor and certain classes of marijuana establishments.
- The Initiative does not include a requirement for “needs and desires” hearings.

- The Initiative provides that a designated consumption area may not be located or operated within one thousand (1,000) feet of any school. The Initiative does not include a requirement that a designated consumption area shall not be located in any residential or other specified zone district or located within 1,000 feet of any childcare establishment or alcohol or drug treatment facility.
- The Cannabis Consumption Pilot Program would allow bars, restaurants or any other businesses to apply for a permit to allow marijuana consumption.
- The Initiative would allow consumption areas in bars, restaurants or other types of businesses until 2:00 a.m.
- The Initiative requires a community engagement plan. Community engagement plans are not binding. The Initiative does not include requirements for Good Neighbor Agreements and hearings to be administered by the Excise and Licenses Department.
- Amendment 64 was a constitutional amendment – it cannot be changed by local ordinance.
- Four short years ago Amendment 64 was passed by registered voters in Colorado. Amendment 64 clearly provides: (d) ...Nothing in this section shall permit consumption of marijuana that is conducted **openly and publicly**. This Initiative allows consumption in bars, restaurants and any other type of public establishment ignoring the common sense meaning of openly and publicly.
- Amendment 64 provides that marijuana shall be regulated in as manner similar to alcohol. This Initiative goes well beyond the intent of Amendment 64. Alcohol is strictly regulated by both State and municipal ordinances. Other than applying for a “permit” the Initiative does not include any protections for Denver residents or neighborhoods.
- The Initiative is a backdoor effort to avoid complying with zoning restriction – Section 6-311 of the Initiative entitled Zoning, location and setback requirements provides: “A designated consumption area shall not require specific zoning permits, and shall be permitted in any zone lot where the underlying business or event is permitted.

- The Initiative as drafted provides a protective cocoon for legal proceedings in state courts by those suffering harm by expressly providing that activities permitted by the Initiative are not unlawful acts.