

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2017

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE:

4
5 A BILL

6
7 For an ordinance amending the Denver Retail Marijuana Code and the Denver Medical
8 Marijuana Code to provide waiting periods for application for certain licensing actions at
9 or near a location where a previous application has been denied or withdrawn.
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12 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

13
14 **Section 1.** That section 6-211, D.R.M.C. shall be amended by adding a new paragraph (b)(6),
15 to read as follows:

16
17 **Sec. 6-211. Licensing requirements—retail marijuana stores.**

18
19 The following requirements shall apply to the issuance of any local license for a retail
20 marijuana store:

21
22 (b) *Prohibited locations.*

23
24 (6) No application for a retail marijuana store license shall be received or
25 acted upon by the director if the application concerns a particular
26 location that either:

- 27
28 a. Is the same location or within one thousand (1000) feet of a
29 location where, within the two years preceding the date of the
30 application, the director denied an application for a retail marijuana
31 store license or a medical marijuana center license for the reason
32 that the reasonable requirements of the neighborhood and the
33 desires of the adult inhabitants were satisfied by the existing outlets;
34 or
35

- 1 b. Is the same location where, within the one year preceding the
2 date of the application, the director scheduled a public hearing for
3 an application for a retail marijuana store license or a medical
4 marijuana center license, and the application was subsequently
5 withdrawn prior to final action by the director on the application.
6

7 **Section 2.** That section 6-217, D.R.M.C. shall be amended by adding a new subsection (d), to
8 read as follows:

9
10 **Sec. 6-217. Change of location; modification of premises.**

11
12 (d) No application for change of location of a retail marijuana store license
13 shall be received or acted upon by the director if the application proposes a change
14 to a location that either

- 15
16 1. Is the same location or within one thousand (1000) feet of a location
17 where, within the two years preceding the date of the application, the
18 director denied an application for a retail marijuana store or a medical
19 marijuana center for the reason that the reasonable requirements of the
20 neighborhood and the desires of the adult inhabitants were satisfied by the
21 existing outlets; or
22
23 2. Is the same location where, within the one year preceding the date of
24 the application, the director scheduled a public hearing for an application
25 for a retail marijuana store or a medical marijuana center, and the
26 application was subsequently withdrawn prior to final action by the director
27 on the application.
28

29 **Section 3.** That section 24-508, D.R.M.C. shall be amended by adding a new paragraph (b)(8),
30 to read as follows:

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32 **Sec. 24-508. Licensing requirements—Medical marijuana centers.**
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1 In addition to the requirements set forth in the CMMC, the following requirements
2 shall apply to the issuance of any local license for a medical marijuana center:

3
4 (b) *Prohibited locations.* No medical marijuana center license shall be issued for the
5 following locations:

6
7 (8) No application for a medical marijuana center license shall be received or
8 acted upon by the director if the application concerns a particular location that
9 either:

10
11 a. Is the same location or within one thousand feet of a location where,
12 within the two years preceding the date of the application, the director
13 denied an application for a medical marijuana center license or a retail
14 marijuana store license for the reason that the reasonable requirements of
15 the neighborhood and the desires of the adult inhabitants were satisfied by
16 the existing outlets; or

17
18 b. Is the same location where, within the one year preceding the date of
19 the application, the director scheduled a public hearing for an application
20 for a medical marijuana center license or a retail marijuana store license,
21 and the application was subsequently withdrawn prior to final action by the
22 director on the application.

23
24 **Section 4.** That section 24-512, D.R.M.C. shall be amended by adding a new subsection (d) ,
25 to read as follows:

26
27 **Sec. 24-512. Change of location; modification of premises.**

28
29 (d) No application for change of location of a medical marijuana center license shall
30 be received or acted upon by the director if the proposed change is to a location that
31 either:

32
33 1. Is the same location or within one-thousand feet of a location where,
34 within the two years preceding the date of the application, the director

1 denied an application for a medical marijuana center license or a retail
2 marijuana store license for the reason that the reasonable requirements of
3 the neighborhood and the desires of the adult inhabitants were satisfied by
4 the existing outlets; or

5
6 2. Is the same location where, within the one year preceding the date of
7 the application, the director scheduled a public hearing for an application
8 for a medical marijuana center license or a retail marijuana store license,
9 and the application was subsequently withdrawn prior to final action by the
10 director on the application.

11
12 **Section 5.** This ordinance shall be effective upon final publication and shall apply to any
13 application for a new retail marijuana store license or a new medical marijuana center license or for a
14 change of location of any such license submitted after May 1, 2016, and which was not yet acted
15 upon by the Director of Excise and Licenses as of the effective date of this ordinance.

16
17 COMMITTEE APPROVAL DATE: _____, 2017.

18 MAYOR-COUNCIL DATE: _____, 2017.

19 PASSED BY THE COUNCIL _____ 2017

20 _____ - PRESIDENT

21 APPROVED: _____ - MAYOR _____ 2017

22 ATTEST: _____ - CLERK AND RECORDER,
23 EX-OFFICIO CLERK OF THE
24 CITY AND COUNTY OF DENVER
25

26 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2017; _____ 2017

27
28 PREPARED BY: David W. Broadwell, Asst. City Attorney; DATE: May 1, 2017
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30 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
31 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
32 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
33 3.2.6 of the Charter.
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35 Kristin M. Bronson
36 City Attorney
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1 BY: _____, _____ City Attorney

2 DATE: _____

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