

ORDINANCE NO. 034, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLE XVI OF CHAPTER 15 OF THE CODE OF THE CITY OF FORT
COLLINS REGULATING MEDICAL MARIJUANA BUSINESSES TO ALIGN MEDICAL
MARIJUANA CODE PROVISIONS TO STATE LAW, RULES AND REGULATIONS

WHEREAS, in November 2012 voters approved a citizen-initiated ordinance regulating medical marijuana businesses which can only be amended by the voters; and

WHEREAS, on November 7, 2017, voters considered and approved a council-initiated ballot measure permitting Council to make amendments or additions to the City Code regulating medical marijuana businesses; and

WHEREAS, such amendments or additions must be current with the state laws, rules, and regulations governing medical marijuana businesses, and cannot be contrary to or eliminate any of the 2012 citizen-initiated provisions, except as provided in Section 15-491(b) (which allows the Council to lessen any restrictions contained in Article XVI of Chapter 15); and

WHEREAS, since 2012, state laws, rules and regulations regulating medical marijuana businesses have changed considerably, including the addition of new types of licenses and business ownership interests; and

WHEREAS, staff recommends updating the City Code provisions governing medical marijuana businesses to include the new state approved ownership interests, and the new license types including medical marijuana testing facility, medical marijuana research and development facility, medical marijuana research and development cultivation, and medical marijuana business operator; and

WHEREAS, staff also recommends eliminating the requirement to file a comprehensive business operation plan, instead specifying the elements of the security plan portion of the comprehensive plan to be added to the diagram of the licensed premises; and

WHEREAS, staff further recommends prohibiting medical marijuana transporter licenses and medical marijuana off-premises storage permits for public health and safety reasons related to potential criminal activity; and

WHEREAS, the Council has determined that the proposed amendments are in the best interest of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the definition “*Medical marijuana business or businesses*” contained in Section 15-452 of the Code of the City of Fort Collins is hereby amended to read as follows:

Medical marijuana business or businesses shall mean a medical marijuana center, optional premises cultivation operation, medical marijuana-infused products manufacturer, medical marijuana testing facility, medical marijuana research and development facility, or medical marijuana research and development cultivation as defined in the Colorado Medical Marijuana Code.

Section 3. That Section 15-452 of the Code of the City of Fort Collins is hereby amended by the addition of a new definition “*Medical marijuana business operator*” which reads in its entirety as follows:

Medical marijuana business operator shall mean an entity or a person that is not an owner of a medical marijuana business and that is licensed to provide professional operational services to a medical marijuana business for direct remuneration from such business.

Section 4. That Section 15-471 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-471. License required.

It shall be unlawful for any person to be a medical marijuana business operator or establish or operate a medical marijuana business in the City without first having obtained from the City and the State a license for each facility to be operated in connection with such business. Such license shall be kept current at all times, and the failure to maintain a current license shall constitute a violation of this Section.

Section 5. That Section 15-472 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-472. Requirements of application for license; payment of application fee; denial of license.

(a) A person seeking a license pursuant to the Colorado Medical Marijuana Code and the provisions of this Article shall submit an application to the City on forms provided by the State and City. At the time of application, each applicant shall pay a nonrefundable application fee to defray the costs incurred by the City for background investigations and inspection of the proposed premises, as well as any other costs associated with the processing of the application. In addition, the applicant shall present a suitable form of identification.

The applicant shall also provide the following information on a form approved by, or acceptable to, the Authority, which information may be required for the applicant, the proposed manager of the medical marijuana business, and all persons having a financial and/or ownership interest, as set forth in the Colorado Medical Marijuana Code, in the medical marijuana business; that is the subject of the application or, if the applicant is an entity, having a financial interest in the entity:

(7) a "to scale" diagram of the proposed licensed premises, no larger than eleven (11) inches by seventeen (17) inches, showing, without limitation, building layout, all entryways and exits to the proposed licensed premises, loading zones, and all areas in which medical marijuana will be stored, grown, manufactured or dispensed, and camera locations, directions of camera coverage, and camera numbers;

(8) any additional information that the City Manager reasonably determines to be necessary in connection with the investigation and review of the application.

(c) The City may, prior to issuance of the license, perform an inspection of the proposed licensed premises to determine compliance with any applicable requirements of this Article or other provisions of this Code or the Land Use Code.

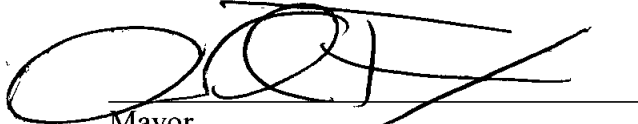
Section 6. That Article XVI of Chapter 15 of the Code of the City of Fort Collins is hereby amended by the addition of a new Section 15-473.5 which reads in its entirety as follows:

Sec. 15-473.5. Licenses and permits prohibited.

The following medical marijuana business licenses and permits shall be prohibited in the City.

- (1) Medical Marijuana Transporter Licenses; and
- (2) Medical Marijuana Off-premises Storage Permits.

Introduced, considered favorably on first reading, and ordered published this 20th day of February, A.D. 2018, and to be presented for final passage on the 6th day of March, A.D. 2018.


Mayor

ATTEST:


City Clerk

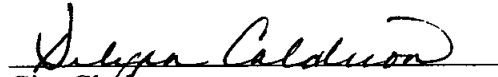


Passed and adopted on final reading on the 6th day of March, A.D. 2018.



Mayor

ATTEST:



City Clerk

