

AGENDA ITEM SUMMARY

December 4, 2018

City Council

STAFF

Ginny Sawyer, Policy and Project Manager
Bronwyn Scurlock, Legal

SUBJECT

First Reading of Ordinance No. 158, 2018, Amending Chapter 15, Articles XVI and XVII of the Code of the City of Fort Collins Regulating Marijuana Businesses to Align Marijuana Code Statutory References to State Law.

EXECUTIVE SUMMARY

The purpose of this item is to amend the City Code provisions related to marijuana businesses to align with state law.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The City of Fort Collins has regulated and licensed both medical and retail marijuana businesses since 2010 and 2012 respectively. Changes to the marijuana law continue to emerge at the state level on a regular basis. Most recently, in the 2018 legislative session, the Colorado Legislature relocated the laws related to the regulation of marijuana from Title 12, C.R.S. to a new Title 44, as part of the organizational recodification of Title 12.

The current proposed ordinance changes all referenced City Code provisions from Title 12, C.R.S. to Title 44 to be in alignment with state law.

Staff used the decision flowchart (**Attachment 1**) and informed local business owners of the proposed changes prior to scheduling this item on Council's agenda.

PUBLIC OUTREACH

The proposed amendments were addressed at the fall marijuana business owner's meeting. There were no concerns raised.

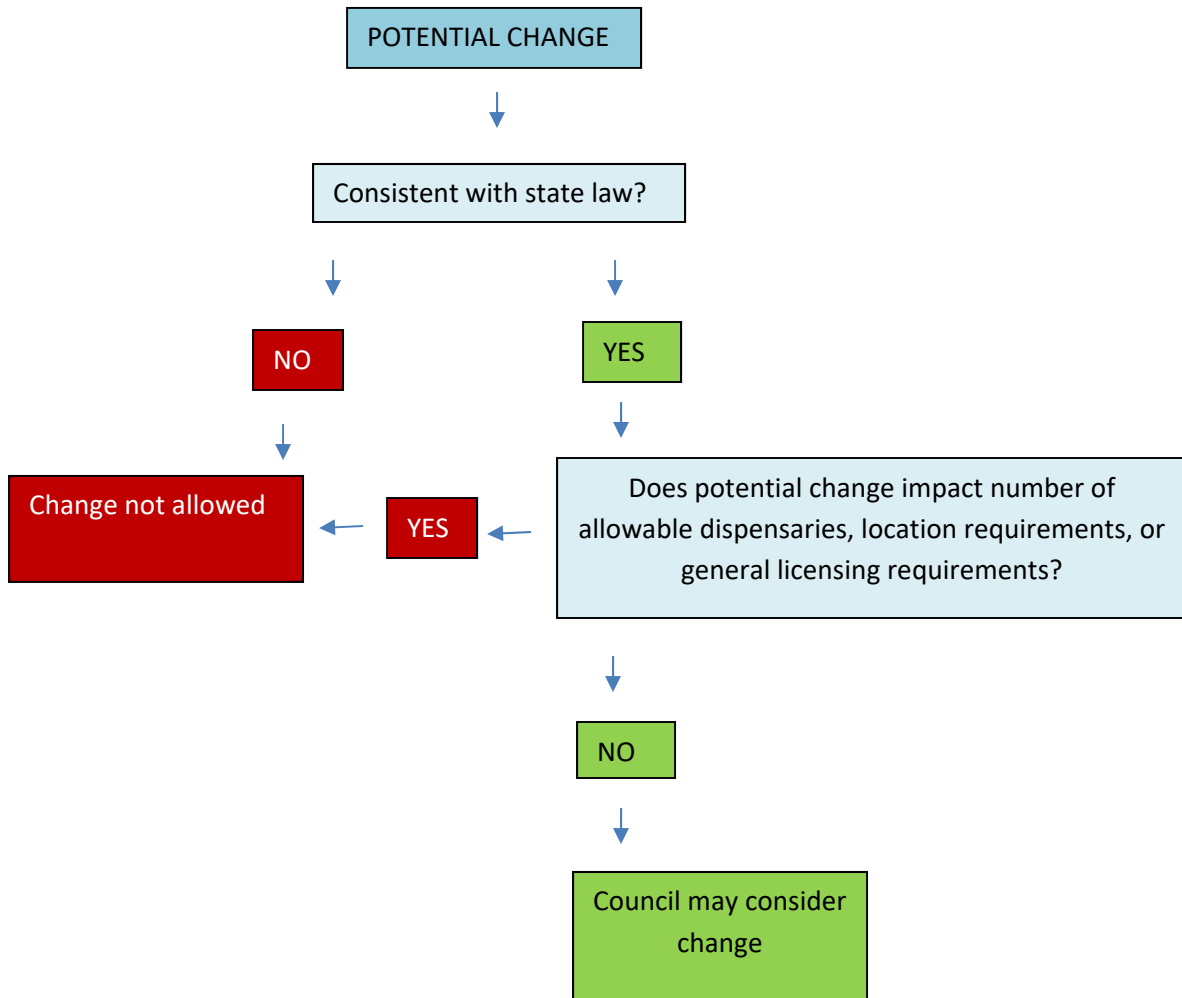
ATTACHMENTS

1. Decision Flowchart (PDF)

In November 2012, Fort Collins voters approved a medical marijuana regulatory and licensing ordinance. The ordinance included provisions for allowing one medical dispensary for every 500 patients registered in Larimer County, zoning and location restrictions, and licensing rules and regulations.

In November 2017, Fort Collins voters approved a ballot measure to allow City Council to make changes to the medical marijuana code if the changes are consistent with state law and they do not change the intent of the original ballot language.

All future proposed changes to the medical marijuana code should align with the following:



ORDINANCE NO. 158, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 15, ARTICLES XVI AND XVII OF THE CODE OF
THE CITY OF FORT COLLINS REGULATING MARIJUANA BUSINESSES
TO ALIGN MARIJUANA CODE STATUTORY REFERENCES TO STATE LAW

WHEREAS, in the 2018 legislative session, the Colorado General Assembly relocated the laws related to the regulation of marijuana from Title 12, Colorado Revised Statutes to a new Title 44, as part of the organizational recodification of Title 12; and

WHEREAS, staff recommends amending City Code citations to the state marijuana laws to be consistent with the renumbered state laws; and

WHEREAS, the City 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 Section 15-450 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-450. - Purpose.

The purpose of this Article is to implement the provisions of ~~Article 43.3 of Title 12, C.R.S.,~~ **Title 44, Article 11, C.R.S.**, known as the Colorado Medical Marijuana Code.

Section 3. That Section 15-452 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-452. - Definitions.

(a) The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

...

Colorado Medical Marijuana Code shall mean ~~Title 12, Article 43.3~~ **Title 44, Article 11, C.R.S.**, ~~of the Colorado Revised Statutes~~ and any rules or regulations promulgated thereunder.

...

Section 4. That Section 15-601 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-601. - Purpose.

The purpose of this Article is to implement the provisions of ~~Article 43.4 of Title 12, C.R.S., Title 44, Article 12, C.R.S.,~~ known as the Colorado Retail Marijuana Code.

Section 5. That Section 15-603 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-603. - Definitions.

(a) The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

...

Colorado Retail Marijuana Code shall mean ~~Article 43.4 of Title 12, C.R.S.,~~ **Title 44, Article 12, C.R.S.,** and any rules or regulations promulgated thereunder.

...

Section 6. That Section 15-614 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-614. - Persons prohibited as licensees.

No license shall be issued to, held by or renewed by any of the following:

...

- (2) any person prohibited pursuant to Section ~~12-43.4-306~~ **44-12-304**, C.R.S.;

...

Introduced, considered favorably on first reading, and ordered published this 4th day of December, A.D. 2018, and to be presented for final passage on the 18th day of December, A.D. 2018.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 18th day of December, A.D. 2018.

Mayor

ATTEST:

City Clerk