

ORDINANCE NO. 010, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 15, ARTICLE XVI OF THE CODE OF THE
CITY OF FORT COLLINS REGULATING MEDICAL MARIJUANA
BUSINESSES TO CLARIFY AND ALIGN CITY CODE WITH STATE LAW

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 the City 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 the 2019 legislative session, state laws, rules and regulations regulating medical marijuana businesses have been modified, including changing terminology and combining the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code into what is now known as the Colorado Marijuana Code; and

WHEREAS, staff recommends updating the City Code provisions governing medical marijuana businesses to include these non-substantive changes; 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 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 Title 44, Article 10, C.R.S., known as the Colorado Marijuana Code.

Section 3. That Section 15-451 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-451. - Incorporation of state law.

The provisions of the Colorado Marijuana Code, and any rules and regulations promulgated thereunder, are incorporated herein by reference except to the extent that more restrictive or additional regulations are set forth in this Article.

Section 4. 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 Marijuana Code shall mean Title 44, Article 10, C.R.S. and any rules or regulations promulgated thereunder.

...

Financial interest shall mean any ownership interest as defined in the Colorado Marijuana Code.

...

Medical marijuana business shall mean any of the following entities licensed pursuant to the Colorado Marijuana Code: a medical marijuana store, a medical marijuana cultivation facility, a medical marijuana products manufacturer, a medical marijuana testing facility, a marijuana research and development licensee, a medical marijuana business operator, or a medical marijuana transporter.

...

(b) In addition to the definitions contained in Subsection (a) of this Section, other terms used in this Article shall have the meaning ascribed to them in Article XVIII, Section 14 of the Colorado Constitution or the Colorado Marijuana Code, and such definitions are hereby incorporated into this Article by this reference.

Section 5. That Section 15-463 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-463. - Functions.

(a) The Authority shall have the duty and authority pursuant to the Colorado Marijuana Code and this Article to grant or refuse licenses; to grant or refuse transfers of ownership or location of the license; and levy penalties against licensees in the manner provided by law.

(b) The Authority shall have all the powers of a Local Licensing Authority as set forth in the Colorado Marijuana Code.

...

Section 6. 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 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 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, all areas in which medical marijuana will be stored, grown, manufactured or sold, and camera locations, directions of camera coverage, and camera numbers;

...

Section 7. That Section 15-473 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-473. - Denial of application.

The Authority may deny any application that does not meet the requirements of the Colorado Marijuana Code or this Article. The Authority may deny any application that contains any false, misleading or incomplete information.

Section 8. That Section 15-474 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-474. - Persons prohibited as licensees.

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

(1) any natural person who has been released within the ten (10) years immediately preceding the application from any form of incarceration or court-ordered supervision, including a deferred sentence, resulting from a conviction of any felony or any crime which under the laws of the State would be a felony; or any crime of which fraud or intent to defraud was an element, whether in the State or elsewhere; or any felonious crime of violence, whether in the State or elsewhere;

(2) any person with a ten percent (10%) or greater financial interest in the entity that has been convicted of any of the offenses set forth in Paragraph (1) above;

...

Section 9. That Section 15-475 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-475. - Location and selection criteria.

(a) No medical marijuana store shall be issued a license if, at the time of application for such license, the proposed location is:

...

(d) No medical marijuana store shall be issued a license if, at the time of application for such license, there is more than one (1) Fort Collins Medical Marijuana Store License per five hundred (500) registered medical marijuana patients in the County according to the Colorado Department of Public Health and Environment. This Subsection shall not affect renewals.

(e) Subsection (a) shall not apply to a business that received a Fort Collins Medical Marijuana Store License prior to November 1, 2011, if the business is proposed to be located on the same parcel it was licensed to operate on prior to November 1, 2011, and the business applies for a license pursuant to this Code within ninety (90) days of the application being made publicly available. The intent of this Subsection is to permit previously licensed medical marijuana centers to apply for and receive a license regardless of the location criteria of this Section.

(f) Subsection (d) above shall not apply to a business that received a Fort Collins Medical Marijuana Store License prior to November 1, 2011, if the business applies for a license pursuant to this Code within ninety (90) days of the application being made publicly available. The intent of this Subsection is to permit previously licensed medical marijuana centers to apply for and

receive a license regardless of the number of medical marijuana center licenses then issued by the City.

Section 10. That Section 15-477 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-477. - Signage and advertising.

All signage and advertising for a medical marijuana store shall comply with all applicable provisions of this Code and the Land Use Code.

...

Section 11. That Section 15-478 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-478. - Warning signs.

The Authority may require any reasonable warning signs to be posted in a conspicuous location in each medical marijuana store.

Section 12. That Section 15-479 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-479. - Security requirements.

Security measures at all licensed premises shall comply with the requirements of the Colorado Marijuana Code and all applicable rules and regulations promulgated thereunder.

Section 13. That Section 15-481 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-481. - Labeling.

All medical marijuana sold or otherwise distributed by the licensee shall be labeled in a manner that complies with the requirements of the Colorado Marijuana Code and all applicable rules and regulations promulgated thereunder.

Section 14. That Section 15-482 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-482. - Prohibited acts.

...

(c) It shall be unlawful for any medical marijuana cultivation facility operator or owner to post or allow to be posted signs or other advertising materials identifying the premises as being associated with the cultivation or use of medical marijuana.

(d) It shall be unlawful for any medical marijuana products manufacturer to post or allow to be posted signs or other advertising materials identifying the premises as being associated with the production or use of medical marijuana.

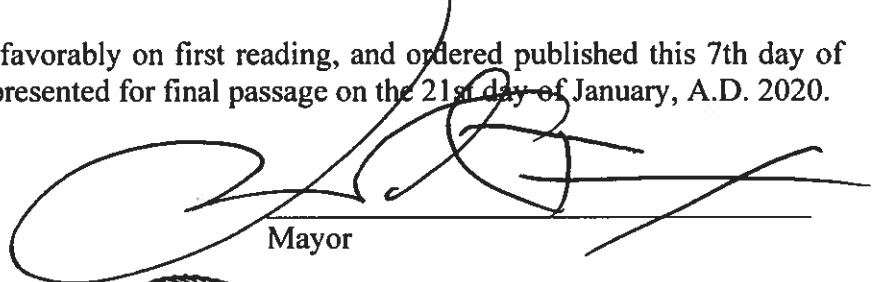
Section 15. That Section 15-489 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-489. - Other laws remain applicable.

...

(b) If the State prohibits the sale or other distribution of marijuana through medical marijuana stores, any license issued hereunder shall be deemed immediately revoked by operation of law.

Introduced, considered favorably on first reading, and ordered published this 7th day of January, A.D. 2020, and to be presented for final passage on the 21st day of January, A.D. 2020.



Mayor

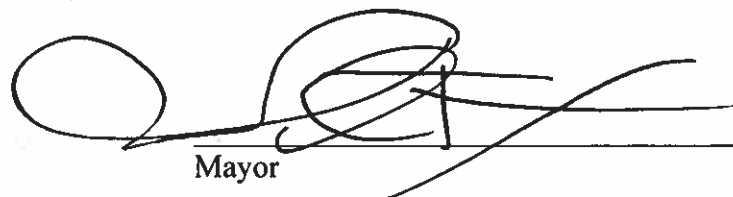
ATTEST:



City Clerk



Passed and adopted on final reading on this 21st day of January, A.D. 2020.



Mayor

ATTEST:



City Clerk

