

ORDINANCE NO. 104, 2021  
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 UPDATE, CLARIFY  
AND ALIGN CITY CODE WITH STATE LAW

WHEREAS, the City has regulated and licensed medical marijuana businesses since 2010 and changes to marijuana industry practice, administrative regulations and state law continue to emerge on a regular basis; and

WHEREAS, in November 2017, voters approved an amendment to the City Code that allows the City Council to adopt amendments to or add provisions to Chapter 15 pertaining to medical marijuana licensing to stay current with applicable state laws, rules and regulations, so long as such amendments or additions are not contrary to and do not eliminate any of the 2012 voter-approved provisions; and

WHEREAS, City staff conducts regular quarterly meetings with City marijuana business licensees and at the last meeting of Quarter 2, 2021, the marijuana business licensees requested the City to consider removing the seven day waiting period between the sale of medical marijuana to patients and instead align the City Code with 2020 Colorado Revised Statutes Section 44-10-501(10)(a), which currently permits the daily purchase of not more than two ounces of medical marijuana flower, forty grams of medical marijuana concentrate, or medical marijuana products containing a combined total of twenty thousand milligrams to a patient in a single business day; and

WHEREAS, staff is also recommending changes to the City Code regarding medical Marijuana businesses to do the following:

- Amend Section 15-462 of the City Code to allow the Chief Municipal Judge or their designee to act as the Licensing Authority, which would align with current practice for the Liquor Authority and provide additional local control and potential cost savings since, to date, the City has been contracting out for this service;
- Amend Section 15-474 of the City Code to change the restriction on criminal backgrounds of licensees to align with current state criminal background check requirements and address social equity concerns to access into lawful marijuana licensure; and
- Amend Section 15-482 of the City Code to mirror state law by changing the allowable sale amount of medical marijuana from two ounces within a seven-day period to daily limits to align with current industry sales records practice and state regulations and provide consistency in public expectation and licensing enforcement; and

WHEREAS, Council has determined that the proposed amendments will be beneficial and will advance the interests of the Fort Collins community by updating local provisions to conform to state law and in general.

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WHEREAS, Council has determined that the proposed amendments will be beneficial and will advance the interests of the Fort Collins community by updating local provisions to conform to state law and in general.

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 15-462 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-462. Composition.**

The Authority shall be the Chief Municipal Judge or their designee.

Section 3. That Section 15-474(1) 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 three (3) 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;

...

Section 4. That Section 15-482(b)(2) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-482. Prohibited acts.**

...

(b) It shall be unlawful for any licensee holding a medical marijuana store license, or for any agent, manager or employee thereof, to:

...

- (2) sell, give, dispense or otherwise distribute to any patient or primary caregiver who is not a licensee any amount of marijuana flower, marijuana concentrate or marijuana product in excess of the daily limits prescribed in Section 44-10-501(10)(a), C.R.S. or any state administrative rule governing the same.

...

Section 5. That Section 2 of this Ordinance is not effective until January 1, 2022.

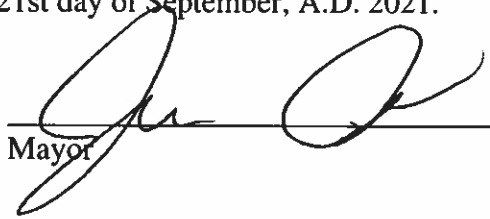
Introduced, considered favorably on first reading, and ordered published this 7th day of September, A.D. 2021, and to be presented for final passage on the 21st day of September, A.D. 2021.


  
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Mayor

ATTEST:  
  
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Interim City Clerk



Passed and adopted on final reading on this 21st day of September, A.D. 2021.

  
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Mayor

ATTEST:  
  
\_\_\_\_\_  
Interim City Clerk

