

AGENDA ITEM SUMMARY

January 21, 2020

City Council

STAFF

Ginny Sawyer, Policy and Project Manager
Honore Depew, Interim Policy and Project Manager
Bronwyn Scurlock, Legal

SUBJECT

Items Relating to Marijuana Licensing.

EXECUTIVE SUMMARY

- A. Second Reading of Ordinance No. 010, 2020, 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.
- B. Second Reading of Ordinance No. 011, 2020, Amending Chapter 15, Article XVII of the Code of the City of Fort Collins Regulating Retail Marijuana Businesses to Clarify and Align City Code with State Law.

These Ordinances, unanimously adopted on First Reading on January 7, 2020, amend the City Code provisions relating to medical and retail marijuana businesses to align them with recent changes in the State law.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on Second Reading.

ATTACHMENTS

- 1. First Reading Agenda Item Summary, January 7, 2020 (w/o attachments) (PDF)
- 2. Ordinance No. 010, 2020 (PDF)
- 3. Ordinance No. 011, 2020 (PDF)

AGENDA ITEM SUMMARY

City Council

January 7, 2020

STAFF

Ginny Sawyer, Policy and Project Manager
Honore Depew, Interim Policy and Project Manager
Bronwyn Scurlock, Legal

SUBJECT

Items Relating to Marijuana Licensing.

EXECUTIVE SUMMARY

- A. First Reading of Ordinance No. 010, 2020, 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.
- B. First Reading of Ordinance No. 011, 2020, Amending Chapter 15, Article XVII of the Code of the City of Fort Collins Regulating Retail Marijuana Businesses to Clarify and Align City Code with State Law.

The purpose of these items is to amend the City Code provisions relating to medical and retail marijuana businesses to align them with recent changes in the State law.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on First Reading.

BACKGROUND / DISCUSSION

The City of Fort Collins has regulated and licensed 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 2019 legislative session, the Colorado Legislature consolidated and relocated the laws relating to the regulation of marijuana from CRS Title 44, Articles 11 and 12, to a new Article 10. This consolidation, in part, reflects efforts to align the regulation of medical and retail marijuana.

Staff is proposing amendments to Chapter 15 relating to medical and retail marijuana that will:

- Change references to Title 44, Articles 11 (Medical Marijuana) and 12 (Retail Marijuana) to Title 44, Article 10 (Regulated Marijuana).
- Change references to the “Colorado Medical Marijuana Code” and “Colorado Retail Marijuana Code” to the “Colorado Marijuana Code” to reflect that they have been combined into one body of law.
- Change references to “Medical Marijuana Center” to “Medical Marijuana Store” to be consistent with changes in the State law.
- Change the names of other manufacturing licenses to be consistent with revised names in the State law.
- Amend Sections 15-474 and 15-614, Persons Prohibited as Licensees, to clarify which parties involved with a marijuana business must undergo a criminal background check. The City Code currently requires the City to perform background checks on all shareholders in a publicly-traded company (a newly created type of eligible owner). The proposed changes will align with recent changes in the State law and replicate the State criminal background check requirements (anyone with a 10% or greater financial interest in the licensed entity).

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 in order 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. The City sought the 2017 amendment in anticipation of the need for non-substantive changes due to evolution of State law.

PUBLIC OUTREACH

Staff discussed these proposed changes with local marijuana business owners in November. In addition, owners were informally surveyed about the possibility of further changes in the first quarter of 2020 addressing more substantive changes in the State law (new types of licenses, such as hospitality licenses, delivery, etc.). Staff will continue to engage the marijuana industry as additional Code changes are evaluated.

COPY

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

ORDINANCE NO. 011, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 15, ARTICLE XVII OF THE CODE OF THE
CITY OF FORT COLLINS REGULATING RETAIL MARIJUANA
BUSINESSES TO CLARIFY AND ALIGN CITY CODE WITH STATE LAW

WHEREAS, Article XVII of Chapter 15 of the City Code establishes regulations for retail marijuana businesses; and

WHEREAS, since the 2019 legislative session, state laws, rules and regulations regulating retail 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 retail 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 15-601 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 Title 44, Article 10, C.R.S., known as the Colorado Marijuana Code.

Section 3. That Section 15-602 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-602. - 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 15-603 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:

Applicant shall mean any person or entity, having any financial or ownership interest as set forth in the Colorado Marijuana Code, who has submitted an application for a license or renewal of a license issued pursuant to this Article. If the applicant is an entity and not a natural person, *applicant* shall include all persons who are the members, managers, officers, directors and, shareholders, of such entity.

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.

...

Licensed premises shall mean the premises specified in an application for a license under the provisions of this Article, the Colorado Marijuana Code, and rules and regulations promulgated thereunder, that are owned or in the possession of the licensee and within which the licensee is permitted to cultivate, manufacture, distribute, sell or test retail marijuana in accordance with this Article.

...

Medical marijuana business shall mean a medical marijuana store, medical marijuana cultivation facility or medical marijuana products manufacturer, medical marijuana testing facility, a marijuana research and development licensee, or a medical marijuana business operator as defined in the Colorado Marijuana Code.

...

Owner shall mean the person or persons who have an interest in a retail marijuana business as defined in the Colorado Marijuana Code.

...

Retail marijuana business shall mean a retail marijuana store, retail marijuana cultivation facility, a retail marijuana products manufacturer, a retail marijuana testing facility, or a retail marijuana business operator as defined in the Colorado Marijuana Code.

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

Retail marijuana cultivation facility shall mean an entity licensed to cultivate, prepare and package marijuana and sell marijuana to retail marijuana stores, to marijuana products manufacturing facilities and to other marijuana cultivation facilities, but not to consumers.

Retail marijuana products manufacturing facility shall mean an entity licensed to purchase marijuana; manufacture, prepare and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

Retail marijuana store shall mean an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana products manufacturing facilities and to sell marijuana and marijuana products to consumers.

...

(b) In addition to the definitions contained in Subsection (a) above, other terms used in this Article shall have the meaning ascribed to them in Article XVIII, Section 16 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 15-606 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-606. - Functions.

...

(b) The Authority shall consider applications for licensure, new business premises, transfer of ownership, change of location, change of ownership, change of corporate structure, premises modification and any other appropriate application.

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

...

(g) Notwithstanding the provisions of Section 16 of Article XVIII of the Colorado Constitution, the Authority shall not act upon any application for local licensing of a retail marijuana business in circumstances where the State has failed to issue the applicant an annual license within ninety (90) days after its receipt of such application.

Section 6. That Section 15-607 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-607. - License requirements.

No person may operate a retail marijuana business in the City without having obtained a license under the provisions of this Article. No person shall be a retail marijuana business operator without having obtained a license under the provisions of this Article.

Section 7. That Section 15-608 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-608. - Retail marijuana stores.

- (a) Only a licensed medical marijuana store in good standing with state and local licensing authorities may be licensed as, or may operate, a retail marijuana store in the City.
- (b) A retail marijuana store and medical marijuana store held by the same licensee shall be contiguous, located within the same building and under the exclusive control of the licensee.
- (c) All retail marijuana stores shall prohibit the entrance of persons under the age of twenty-one (21) to the licensed premises, including that portion of the premises that is licensed as a medical marijuana store.

Section 8. That Section 15-609 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-609. - Retail marijuana cultivation facilities.

- (a) Only a licensed retail marijuana store or retail marijuana products manufacturer may be licensed as, or may operate, a retail marijuana cultivation facility in the City.

...

- (c) Retail marijuana cultivation facilities may sell or otherwise distribute retail marijuana only to licensed retail marijuana stores or licensed retail marijuana products manufacturers that are in good standing with no pending violation(s) or current suspended sentence as a result of a violation(s) of Article XVII, Chapter 15 of the City Code, or other applicable local regulatory provisions; Article XVIII, Section 16 of the Colorado Constitution; the Colorado Marijuana Code; and the Colorado Marijuana Enforcement Division Rules and Regulations.

Section 9. That Section 15-610 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-610. - Retail marijuana products manufacturers.

Any person who meets the requirements of this Division may be licensed as, and may operate, a retail marijuana products manufacturing facility in the City.

Section 10. That Section 15-611 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-611. - Retail marijuana testing facilities.

Any person who meets the requirements of this Division and is not an owner of a retail marijuana cultivation facility, a retail marijuana products manufacturer, a retail marijuana store or a medical marijuana business may be licensed as, and may operate, a retail marijuana testing facility in the City.

Section 11. That Section 15-611.2 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-611.2. - Retail marijuana business operator license.

Any person who is not an owner of a retail marijuana business, and who meets the requirements of this Division, may be licensed as a retail marijuana business operator.

Section 12. That Section 15-612 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-612. - Requirements of application for license; payment of application fees.

(a) Any person seeking a license for any retail marijuana business under the provisions of the Colorado Marijuana Code and this Article shall submit a completed State application to the Authority. At the time of application, each applicant shall pay a nonrefundable 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.

(b) The applicant shall also provide any information that is deemed necessary by the Authority in connection with the investigation and review of the application regarding the applicant, and any person having a ten (10) percent or greater financial interest in the retail marijuana business that is the subject of the application or, if the applicant is an entity, having a financial interest in the entity.

Section 13. That Section 15-613 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-613. - Denial of application and consequences.

(a) The Authority shall deny any application that does not meet the requirements of the Colorado Marijuana Code, the rules and regulations promulgated thereunder or the provisions of this Article.

...

Section 14. 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:

- (1) Any person who is, at the time of application for a retail marijuana store, not currently licensed to operate a medical marijuana center and in good standing under both the Colorado
- (2) Any person prohibited pursuant to Section 44-10-306, C.R.S;
- (3) 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;
- (4) Any persons with a ten (10) percent or greater financial interest in said entity that has been convicted of any of the offenses set forth in Paragraphs (2) and (3) above;
- (5) Any person whose criminal history renders him or her ineligible under Paragraphs (2) and (3) above, or who employs a person at a retail marijuana business who has a criminal history that renders said person ineligible;
- (6) Any applicant who has made a false, misleading or fraudulent statement, or who has intentionally omitted pertinent information, on his or her application for a license;
- (7) Any applicant whose license for a medical or retail marijuana business in this State or any other state has been revoked.

Section 15. That Section 15-615 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-615. - Location criteria.

...

- (c) The location criteria contained in Subsection (a) above shall not apply to a retail marijuana store that will be located on premises for which a medical marijuana store license has been issued as of March 28, 2014, or for which a medical marijuana store license application was pending as of March 28, 2014.
- (d) A previously licensed medical marijuana store that seeks to change locations and that applies for and receives a retail marijuana store license is subject to the location requirements in Subsection (a) above.

Section 16. That Section 15-617 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-617. - Signage and advertising.

...

(b) It shall be unlawful for any licensee to post, or allow to be posted, signs or other advertising materials identifying premises that cultivate retail marijuana or manufacture retail marijuana products as being associated with a marijuana business.

Section 17. That Section 15-620 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-620. - Prohibited acts.

...

(c) It shall be unlawful for any licensee, or for any agent, manager or employee thereof, to:

(1) sell, give, or otherwise distribute retail marijuana or retail marijuana products from any location other than the licensed premises;

...

(d) It shall be unlawful for retail marijuana businesses to distribute marijuana or marijuana-infused products to a consumer free of charge.

(e) It shall be unlawful for any licensee to fail to designate areas of ingress and egress for limited-access areas or to post signs in conspicuous locations as required by the Colorado Marijuana Code.

(f) It shall be unlawful for any licensee to sell marijuana or marijuana products at a licensed retail marijuana store at any time other than between the hours of 8:00 a.m. and 8:00 p.m. daily.

Section 18. That Section 15-621 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-621. - Visibility of activities; control of emissions.

(a) All activities of retail marijuana businesses, including, without limitation, cultivating, growing, processing, displaying, manufacturing, selling and storage, shall be conducted indoors.

...

(c) No marijuana cultivation activity shall result in the emission of any gas, vapors, odors, smoke, dust, heat or glare that is noticeable at or beyond the property line of the establishment at which the cultivation occurs. Sufficient measures and means of preventing the escape of such substances from a retail marijuana business must be provided at all times. In the event that any gas, vapors, odors, smoke, dust, heat or glare or other substances exit a retail marijuana business,

the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

Section 19. That Section 15-623 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-623. - Nonrenewal, suspension or revocation of license.

(a) The Authority may, after notice and hearing, pursuant to this Article, suspend, revoke or refuse to renew a license for any of the following reasons:

...

(3) the retail marijuana business has been abandoned or operated in a manner that adversely affects the public health, safety or welfare.

(b) Evidence to support a finding under Subsection (a) of this Section may include, without limitation, a continuing pattern of disorderly conduct, a continuing pattern of drug-related criminal conduct within the premises of the retail marijuana business or in the immediate area surrounding such business, a continuing pattern of criminal conduct directly related to or arising from the operation of the retail marijuana business, or an ongoing nuisance condition emanating from or caused by the retail marijuana business.

Section 20. That Section 15-624 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-624. - Violations and penalties.

In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this Article, any person, including, but not limited to, any licensee, manager or employee of a retail marijuana business, or any customer of such business, who violates any of the provisions of this Article, shall be guilty of a misdemeanor punishable in accordance with § 1-15 of this Code.

Section 21. That Section 15-626 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-626. - Other laws remain applicable.

(a) To the extent the State adopts in the future any additional or stricter law or regulation governing the sale or distribution of retail marijuana, the additional or stricter regulation shall control the establishment or operation of any retail marijuana business in the City. Compliance

with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this Article, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

...

(c) If the State prohibits the sale or other distribution of marijuana through retail marijuana businesses, any license issued hereunder shall be deemed immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the licensee.

...

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 the 21st day of January, A.D. 2020.

Mayor

ATTEST:

City Clerk