

BE IT ENACTED BY THE TOWN OF NEDERLAND

AN ORDINANCE AMENDING CHAPTER 6 OF THE NEDERLAND MUNICIPAL CODE BY THE ADDITION OF A NEW ARTICLE XI, TO BE ENTITLED "MARIJUANA ESTABLISHMENT REGULATION", DECLARING AN EMERGENCY WHICH SHALL READ:

**ARTICLE XI  
MARIJUANA ESTABLISHMENT REGULATION**

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**6-269: SHORT TITLE: THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "MARIJUANA ESTABLISHMENT REGULATION ORDINANCE."**

**6-270: FINDINGS: THE TOWN OF NEDERLAND ADOPTS THIS ARTICLE BASED UPON THE FOLLOWING FINDINGS:**

**(1) ON NOVEMBER 6, 2012 THE VOTERS OF THE STATE OF COLORADO APPROVED AMENDMENT 64. AMENDMENT 64 ADDED SECTION 16 OF ARTICLE 18 TO THE COLORADO CONSTITUTION AND CREATED A LIMITED EXCEPTION FROM CRIMINAL LIABILITY UNDER COLORADO LAW FOR ADULTS 21 AND OVER TO POSSESS AND CULTIVATE MARIJUANA FOR RECREATIONAL USE AND TO ESTABLISH THE LICENSING AND REGULATION OF MARIJUANA ESTABLISHMENTS IN A MANNER LIKE ALCOHOL AS DESCRIBED IN AMENDMENT 64.**

This is exactly what 55% of Coloradans voted for. Regulating like alcohol from the consumer perspective is the only way to honor the will of the voters.

**(2) THE INTENT OF AMENDMENT 64 WAS TO ENABLE ADULTS 21 AND OVER AND LICENSED MARIJUANA ESTABLISHMENTS WHO COMPLY WITH THE PROVISIONS OF SECTION 16 OF ARTICLE 18 OF THE COLORADO CONSTITUTION TO LEGALLY OBTAIN, PURCHASE, POSSESS, CULTIVATE, GROW, USE, DISTRIBUTE, SELL AND DISPLAY MARIJUANA LIKE ALCOHOL WITHOUT FEAR OF CRIMINAL PROSECUTION UNDER COLORADO LAW.**

**(3) ON APRIL 6, 2010, THE VOTERS OF THE TOWN OF NEDERLAND APPROVED BALLOT ISSUE 1, WHICH REMOVED MUNICIPAL PENALTIES RELATED TO BUYING, SELLING, POSSESSING, CONSUMING, TRANSPORTING, CULTIVATING, MANUFACTURING AND DISPENSING MARIJUANA AND ITS CONCENTRATE AND RELATED PARAPHERNALIA AMONG PERSONS 21 YEARS OF AGE AND OLDER.**

**(4) THE TOWN OF NEDERLAND IS PERMITTED UNDER SECTION 16 OF ARTICLE 18 (5)(E) OF THE COLORADO CONSTITUTION TO REGULATE MARIJUANA-RELATED ESTABLISHMENTS.**

**(5) IF MARIJUANA ESTABLISHMENTS PURSUANT TO SECTION 16 OF ARTICLE 18 OF THE COLORADO CONSTITUTION WERE NOT ALLOWED TO OPERATE BEFORE OCTOBER 1, 2013, COLORADO MARIJUANA CONSUMERS WHO WISH TO OBTAIN MARIJUANA WOULD HAVE NO OPTION BUT TO PURCHASE FROM THE BLACK MARKET, BOLSTERING THE PROFITS OF CRIMINAL ORGANIZATIONS, INCREASING CRIMINAL ACTIVITIES AND ENDANGERING OTHER WISE LAW ABIDING CITIZENS. TO ALLOW RECREATIONAL USE OF MARIJUANA WITHOUT PROVIDING A LAWFUL SOURCE TO PURCHASE MARIJUANA IS DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE.**

**(6) MARIJUANA REGULATIONS AT THE STATE LEVEL HAVE YET TO BE ADOPTED, BUT GIVEN THE THREAT TO PUBLIC HEALTH AND SAFETY, THE TOWN OF NEDERLAND IS ENACTING REGULATIONS TO COMBAT THE ILLEGAL TRAFFICKING OF MARIJUANA. THE MAJORITY OF COLORADANS VOTED TO REGULATE MARIJUANA LIKE ALCOHOL, AND AS SUCH, THE TOWN OF NEDERLAND WILL REGULATE MARIJUANA ESTABLISHMENTS IN A MANNER SIMILAR TO ALCOHOL.**

**(7) THIS ARTICLE IS NECESSARY AND PROPER TO PROVIDE FOR THE SAFETY, PRESERVE THE HEALTH, PROMOTE THE PROSPERITY, AND IMPROVE THE ORDER, COMFORT, AND CONVENIENCE OF THE TOWN AND THE INHABITANTS THEREOF. REGULATORY**

**6-271: PURPOSE: IT IS THE PURPOSE OF THIS ARTICLE TO:**

**(1) REQUIRE THAT A MARIJUANA ESTABLISHMENT, AS DEFINED IN THIS ARTICLE, BE OPERATED IN A SAFE MANNER THAT DOES NOT ENDANGER THE PUBLIC WELFARE.**

**(2) MITIGATE POTENTIAL NEGATIVE IMPACTS THAT A MARIJUANA ESTABLISHMENT MIGHT CAUSE ON SURROUNDING PROPERTIES AND PERSONS.**

**(3) REGULATE THE CONDUCT OF PERSONS OWNING, OPERATING, AND USING A MARIJUANA ESTABLISHMENT IN ORDER TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE.**

**(4) ESTABLISH A NON-DISCRIMINATORY MECHANISM BY WHICH THE TOWN CAN CONTROL, THROUGH APPROPRIATE REGULATION, THE TIME, PLACE AND MANNER OF OPERATION OF MARIJUANA ESTABLISHMENTS WITHIN THE TOWN.**

**(5) IMPOSE FEES TO COVER THE COST TO THE TOWN FOR LICENSING MARIJUANA ESTABLISHMENTS IN AN AMOUNT SUFFICIENT FOR THE TOWN TO RECOVER ITS COSTS OF THE LICENSING AND ENFORCEMENT PROCEDURES.**

**6-272: AUTHORITY: THE TOWN OF NEDERLAND HEREBY FINDS, DETERMINES AND DECLARES THAT IT HAS THE POWER TO ADOPT THIS ARTICLE PURSUANT TO:**

**(1) THE LOCAL GOVERNMENT LAND USE CONTROL ENABLING ACT, ARTICLE 20 OF TITLE 29, C.R.S.; B. PART 3 OF ARTICLE 23 OF TITLE 31, C.R.S. (CONCERNING MUNICIPAL ZONING POWERS);**

Amendment 64 has no prohibition to enacting local licensing prior to October 1st. This would allow local Governments to address the largest black market every created in Colorado rather than relying on the DOR which has yet to fully license all existing MMJ business over two years later.

(e) NOT LATER THAN OCTOBER 1, 2013, EACH LOCALITY SHALL ENACT AN ORDINANCE OR REGULATION SPECIFYING THE ENTITY WITHIN THE LOCALITY THAT IS RESPONSIBLE FOR PROCESSING APPLICATIONS SUBMITTED FOR A LICENSE TO OPERATE A MARIJUANA ESTABLISHMENT WITHIN THE BOUNDARIES OF THE LOCALITY

Not regulating sales of recreational marijuana prior to Oct 1st endangers public safety by allowing the black market to expand under the absence of a lawful regulatory scheme. Millions of Coloradans are using marijuana without a legal means to purchase it.

Amendment 64 gives control to local authorities to regulate the time, place and manner of operation of RMJ establishments.

Current liquor license fees are sufficient for the licensing and regulation of all 14,000 liquor licenses State wide and fees should be no more excessive for recreational marijuana stores if regulated like alcohol.

- (2) SECTION 31-15-103, C.R.S. (CONCERNING MUNICIPAL POLICE POWERS);
- (3) SECTION 31-15-401, C.R.S. (CONCERNING MUNICIPAL POLICE POWERS);
- (4) SECTION 31-15-501, C.R.S. (CONCERNING MUNICIPAL AUTHORITY TO REGULATE BUSINESSES);
- (5) SECTION 16-18 (5)(E) COLO. CONST. (CONCERNING LOCAL REGULATION OF MARIJUANA);
- (6) SECTION 16-18 (5)(F) COLO. CONST. (CONCERNING THE TIME, PLACE AND MANNER OF OPERATION);
- (7) ARTICLE 16 OF TITLE 31, C.R.S (CONCERNING THE COLORADO CLEAN INDOOR AIR ACT)
- (8) ARTICLE 15 OF TITLE 30, C.R.S (CONCERNING THE COLORADO CLEAN INDOOR AIR ACT)

**6-273: DEFINITIONS:** AS USED IN THIS ARTICLE THE FOLLOWING WORDS SHALL HAVE THE FOLLOWING MEANINGS, UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, IN ADDITION TO THE DEFINITIONS PROVIDED IN THIS SECTION, THE OTHER DEFINED TERMS IN SECTION 16 OF ARTICLE 18 OF THE COLORADO CONSTITUTION ARE INCORPORATED INTO THIS ARTICLE BY REFERENCE:

- (1) **“APPROVED”** MEANS THE APPLICATION HAS BEEN SUBMITTED WITH THE APPLICATION FEE AND VETTED THROUGH ALL THE APPROPRIATE TOWN AGENCIES AND HAS BEEN DEEMED TO BE COMPLIANT WITH RESPECT TO ZONING, FIRE AND BUILDING SAFETY AND CRIMINAL BACKGROUND CHECKS.
- (2) **“APPLICANT”** MEANS A U.S CITIZEN AND A COLORADO RESIDENT OF TWO YEARS, WHO IS TWENTY-ONE YEARS OF AGE OR OLDER AND WHO HAS SUBMITTED AN APPLICATION FOR LICENSE PURSUANT TO THIS ARTICLE.
- (3) **“APPLICATION”** MEANS AN APPLICATION FOR A MARIJUANA ESTABLISHMENT LICENSE SUBMITTED PURSUANT TO THIS ARTICLE.
- (4) **“BOARD OF TRUSTEES”** MEANS NEDERLAND’S TOWN GOVERNMENT CONSISTING OF A SEVEN-MEMBER BOARD OF TRUSTEES (INCLUDING THE MAYOR), WHICH MAKES DECISIONS ON BEHALF OF THE TOWN.
- (5) **“CCIAA”** MEANS THE COLORADO CLEAN INDOOR AIR ACT TO PRESERVE AND IMPROVE THE HEALTH, COMFORT, AND ENVIRONMENT OF THE PEOPLE OF THIS STATE BY LIMITING EXPOSURE TO TOBACCO SMOKE.
- (6) **“CLONE”** MEANS A MARIJUANA CUTTING OR PLANT CULTURE THAT DOES NOT HAVE ROOTS, A ROOTBALL, OR ROOT HAIRS OBSERVABLE TO THE NAKED EYE AND SHALL NOT BE CONSIDERED A MARIJUANA PLANT AS DEFINED IN THE FEDERAL GUIDELINES AT 2D1.1, NOTE 17.
- (7) **“CONSUMER”** MEANS A PERSON TWENTY-ONE YEARS OF AGE OR OLDER WHO PURCHASES MARIJUANA OR MARIJUANA PRODUCTS FOR PERSONAL USE BY PERSONS TWENTY-ONE YEARS OF AGE OR OLDER, BUT NOT FOR RESALE TO OTHERS.
- (8) **“DAY”** MEANS A CALENDAR DAY, UNLESS OTHERWISE INDICATED, I.E. BUSINESS DAY.
- (9) **“DISPLAY”** MEANS TO SHOW OR EXHIBIT MARIJUANA, MARIJUANA RESIN OR MARIJUANA PRODUCT; OR OTHERWISE MAKE VISIBLE MARIJUANA, MARIJUANA RESIN OR MARIJUANA PRODUCT INCLUDING A SIGN OR ADVERTISEMENT CONTAINING IMAGES THEREOF, PROVIDED THAT SUCH DISPLAYING DOES NOT ENDANGER THE PUBLIC.

Marijuana is typically smoked and airborne and as such should be treated the same as tobacco with respect to consumption and use on premise were sold. As marijuana is a “plant matter” packaged for smoking and that is legally defined under statute.

(17) **“TOBACCO” MEANS** CIGARETTES, CIGARS, CHEROOTS, STOGIES, AND PERIQUES; GRANULATED, PLUG CUT, CRIMP CUT, READY RUBBED, AND OTHER SMOKING TOBACCO; SNUFF AND SNUFF FLOUR; CAVENDISH; PLUG AND TWIST TOBACCO; FINE-CUT AND OTHER CHEWING TOBACCO; SHORTS, REFUSE SCRAPS, CLIPPINGS, CUTTINGS, AND SWEEPINGS OF TOBACCO; AND OTHER KINDS AND FORMS OF TOBACCO, PREPARED IN SUCH MANNER AS TO BE SUITABLE FOR CHEWING OR FOR SMOKING IN A CIGARETTE, PIPE, OR OTHERWISE, OR BOTH FOR CHEWING AND SMOKING. **“TOBACCO” ALSO INCLUDES CLOVES AND ANY OTHER PLANT MATTER OR PRODUCT THAT IS PACKAGED FOR SMOKING.**

The definition of clones has been hotly contested under the medical program, yet the federal guidelines are clear. These guidelines should apply to all propagation and or sales to consumers to fill the real world demand for cultivation starting materials.

This definition addresses both public safety and commercial needs.

This definition is designed to address public safety concerns (home grows) standards while not limiting agricultural commercial production techniques.

This is a reasonable definition of endanger that addresses public safety concerns.

(10) **“ENCLOSED, LOCKED SPACE”** MEANS TO SURROUND OR ENCOMPASS; TO FENCE OR HEM IN ON ALL SIDES BY SOME VISIBLE OBSTRUCTION THAT SHALL INCLUDE A DEVICE FOR SECURING A DOOR, GATE, LID, DRAWER, OR THE LIKE IN POSITION WHEN CLOSED, CONSISTING OF A BOLT OR SYSTEM OF BOLTS PROPELLED AND WITHDRAWN BY A MECHANISM OPERATED BY A KEY, DIAL, ETC.

(11) **“ENDANGER”** MEANS USING OR DISPLAYING MARIJUANA IN A MANNER THAT CAUSES HARM TO ONESELF OR ANOTHER MEMBER OF THE PUBLIC.

(12) **“GOOD CAUSE”** MEANS FOR PURPOSES OF REFUSING OR DENYING A LICENSE RENEWAL, REINSTATEMENT, OR INITIAL LICENSE ISSUANCE:

(A) THE LICENSEE OR APPLICANT HAS VIOLATED, DOES NOT MEET, OR HAS FAILED TO COMPLY WITH ANY OF THE TERMS, CONDITIONS, OR PROVISIONS OF THIS ARTICLE, ANY RULES PROMULGATED PURSUANT TO THIS ARTICLE, OR ANY SUPPLEMENTAL LOCAL LAW, RULES, OR REGULATIONS;

(B) THE LICENSEE OR APPLICANT HAS FAILED TO COMPLY WITH ANY SPECIAL TERMS OR CONDITIONS THAT WERE PLACED ON ITS LICENSE PURSUANT TO AN ORDER OF THE STATE OR LOCAL LICENSING AUTHORITY;

(C) THE LICENSED PREMISES HAVE BEEN OPERATED IN A MANNER THAT ADVERSELY AFFECTS THE PUBLIC HEALTH OR WELFARE OR THE SAFETY OF THE IMMEDIATE NEIGHBORHOOD IN WHICH THE ESTABLISHMENT IS LOCATED.

(13) **“INDUSTRIAL HEMP”** MEANS ANY PRODUCT THAT IS DERIVED FROM THE GENUS CANNABIS THAT IS INTENDED TO BE USED ONLY FOR INDUSTRIAL AND COMMERCIAL PURPOSES SUCH AS BUT NOT LIMITED TO FOOD MATERIALS, SEED, SEED CAKE, OIL, STALK, LEAF, PULP, FIBER, POLYMERS, CELL FLUID OR BIOFUELS, BUT WILL NOT INCLUDE ANY PRODUCTS OR EXTRACTS THAT CAN INDUCE EUPHORIA. INDUSTRIAL HEMP DOES NOT INCLUDE MARIJUANA OR MARIJUANA PRODUCTS INTENDED FOR RECREATIONAL ADULT USE.

(14) **“LICENSE”** MEANS A LICENSE TO OPERATE A MARIJUANA ESTABLISHMENT ISSUED BY THE TOWN PURSUANT TO THIS ARTICLE.

(15) **“LICENSEE”** MEANS THE PERSON TO WHOM A LICENSE HAS BEEN ISSUED PURSUANT TO THIS ARTICLE.

(16) **“LOCAL LICENSING AUTHORITY”** MEANS THE TOWN CLERK OF THE TOWN OF NEDERLAND WHO HAS THE AUTHORITY TO LICENSE AND REGULATE MARIJUANA ESTABLISHMENTS.

(17) **“LOCATION”** MEANS A PARTICULAR PARCEL OF LAND THAT MAY BE IDENTIFIED BY AN ADDRESS OR OTHER DESCRIPTIVE MEANS.

(18) **“MARIJUANA” OR “MARIHUANA”** MEANS ALL PARTS OF THE PLANT OF THE GENUS CANNABIS WHETHER GROWING OR NOT, THE SEEDS THEREOF, THE RESIN EXTRACTED FROM ANY PART OF THE PLANT, AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE PLANT, ITS SEEDS, OR ITS RESIN, INCLUDING MARIHUANA CONCENTRATE. **“MARIJUANA” OR “MARIHUANA”** DOES NOT INCLUDE INDUSTRIAL HEMP, NOR DOES IT INCLUDE FIBER PRODUCED FROM THE STALKS, OIL OR CAKE MADE FROM THE SEEDS OF THE PLANT, STERILIZED SEED OF THE PLANT WHICH IS CAPABLE OF GERMINATION, OR THE WEIGHT OF ANY OTHER INGREDIENT COMBINED WITH MARIJUANA TO PREPARE TOPICAL OR ORAL ADMINISTRATIONS, FOOD, DRINK, OR OTHER PRODUCT. NOR SHALL MARIJUANA INCLUDE ANY CULTIVATION BY-PRODUCTS SUCH AS BUT NOT LIMITED TO NON-CONSUMABLE GREEN WASTE PLANT MATERIAL OR SOILS.

(19) **“MARIJUANA ACCESSORIES”** MEANS ANY EQUIPMENT, PRODUCTS, OR MATERIALS OF ANY KIND WHICH ARE USED, INTENDED FOR USE, OR DESIGNED FOR USE IN PLANTING, PROPAGATING, CULTIVATING, GROWING, HARVESTING, COMPOSTING, MANUFACTURING, COMPOUNDING, CONVERTING, PRODUCING, PROCESSING,

PREPARING, TESTING, ANALYZING, PACKAGING, REPACKAGING, STORING, VAPORIZING, OR CONTAINING MARIJUANA, OR FOR INGESTING, INHALING, OR OTHERWISE INTRODUCING MARIJUANA INTO THE HUMAN BODY.

(20) "MARIJUANA CULTIVATION FACILITY" MEANS AN ENTITY LICENSED TO CULTIVATE, PREPARE, AND PACKAGE MARIJUANA AND SELL MARIJUANA TO RETAIL MARIJUANA STORES, TO MARIJUANA PRODUCT MANUFACTURING FACILITIES, AND TO OTHER MARIJUANA CULTIVATION FACILITIES, BUT NOT TO CONSUMERS.

(21) "MARIJUANA ESTABLISHMENT" MEANS A MARIJUANA CULTIVATION FACILITY, A MARIJUANA TESTING FACILITY, A MARIJUANA PRODUCT MANUFACTURING FACILITY, OR A RETAIL MARIJUANA STORE.

(21) "MARIJUANA ESTABLISHMENT" MEANS A MARIJUANA CULTIVATION FACILITY, A MARIJUANA TESTING FACILITY, A MARIJUANA PRODUCT MANUFACTURING FACILITY, OR A RETAIL MARIJUANA STORE.

(22) "MARIJUANA PRODUCT" MEANS CONCENTRATED MARIJUANA PRODUCT AND MARIJUANA PRODUCT THAT ARE COMPRISED OF MARIJUANA AND OTHER INGREDIENTS AND ARE INTENDED FOR USE OR CONSUMPTION, SUCH AS, BUT NOT LIMITED TO, EDIBLE PRODUCTS, OINTMENTS, AND TINCTURES.

(23) "MARIJUANA PRODUCT MANUFACTURING FACILITY" MEANS AN ENTITY LICENSED TO PURCHASE MARIJUANA; MANUFACTURE, PREPARE, AND PACKAGE MARIJUANA PRODUCT; AND SELL MARIJUANA AND MARIJUANA PRODUCT TO OTHER MARIJUANA PRODUCT MANUFACTURING FACILITIES AND TO RETAIL MARIJUANA STORES, BUT NOT TO CONSUMERS.

(24) "MARIJUANA RESIN" MEANS RAW MARIJUANA TRICHOMES GATHERED BY MECHANICAL MEANS SUCH AS BUT NOT LIMITED TO DRY SIEVING OR WATER SIEVING METHODS, BUT SHALL NOT INCLUDE MARIJUANA PRODUCT EXTRACTED USING INDUSTRIAL GRADE SOLVENTS SUCH AS BUT NOT LIMITED TO NAPHTHA, BUTANE, PROPANE, HEXANE, NATURAL GAS OR SUPER CRITICAL CO2.

(25) "MARIJUANA TESTING FACILITY" MEANS AN ENTITY LICENSED TO ANALYZE AND CERTIFY THE SAFETY AND POTENCY OF MARIJUANA.

(26) "MATURE FLOWERING PLANT" MEANS THE GAMETOPHYTIC OR REPRODUCTIVE STATE OF MARIJUANA IN WHICH THE PLANT IS IN A DESIGNATED FLOWERING SPACE WITH A LIGHT CYCLE INTENDED TO PRODUCE FLOWERS, TRICHOMES AND CANNABINOIDS CHARACTERISTIC OF RECREATIONAL MARIJUANA.

(27) "MEDICAL MARIJUANA BUSINESS" MEANS ANY BUSINESS AUTHORIZED BY ARTICLE 43.3 OF TITLE 12, C.R.S., WHICH PROVIDES FOR STATE AND LOCAL LICENSING AND REGULATION OF MEDICAL MARIJUANA BUSINESSES.

(28) "OPENLY AND PUBLICLY" MEANS MARIJUANA USED IN A MANNER THAT IS EXPOSED TO THE PUBLIC, BUT SHALL NOT INCLUDE USE ON LICENSED OR PRIVATE PROPERTY THAT MAYBE VISIBLE TO THE PUBLIC I.E THROUGH A WINDOW OF A RETAIL MARIJUANA STORE THAT PERMITS ON PREMISE CONSUMPTION, PROVIDED THAT SUCH USE DOESN'T ENDANGER THE PUBLIC.

(29) "PERSON" MEANS THE SAME AS PROVIDED IN SECTION 1-21 OF THIS CODE.

(30) "PRIMARY ENTRANCE" MEANS THE THRESHOLD OF THE ENTRANCE TO THE MARIJUANA ESTABLISHMENT, WHETHER SUCH ENTRANCE IS INDOORS OR OUTDOORS, THAT IS CUSTOMARILY USED BY THE PUBLIC TO GAIN ACCESS TO THE BUSINESS.

(31) "PREMISES" MEANS A DISTINCT AND DEFINITE LOCATION, WHICH MAY INCLUDE A BUILDING, A PART OF A BUILDING, A ROOM, OR ANY OTHER DEFINITE CONTIGUOUS AREA.

Under the current medical marijuana rules water extracted hash (bubble hash) is not considered an infused product and should not be considered an edible and/or combined product i.e tincture or cannabinoids combined with solvents etc.

Raw marijuana resin is marijuana by definition and should be considered a lawful product for cultivation license holders as it is a common means in which to rectify marijuana waste materials (sugar leaf). Under the MMJ rules a MMC does not need an additional MIP license to manufacture water or dry sieved marijuana resins.

This is a scientifically correct definition and can be used by law enforcement to accurately determine what is a mature recreational marijuana plant and what is not. Since the morphological and hormonal biological changes are discernible to the naked eye and testing if required. This also protects consumers who choose to grow.

This definition is inline with alcohol consumption because a licensed premises (bar) is a private establishment and not a space open to the general public which includes those underage.

Coloradans voted to regulate like alcohol which certainly includes a licensed commercial space for social use i.e marijuana bar. This is a far more acceptable option than unregulated marijuana clubs with respect to diversion. Marijuana has a strong history of social use and it is best to offer a regulated option to meet consumer demand.

(32) "RETAIL MARIJUANA STORE" MEANS AN ENTITY LICENSED TO PURCHASE MARIJUANA FROM MARIJUANA CULTIVATION FACILITIES AND MARIJUANA AND MARIJUANA PRODUCT FROM MARIJUANA PRODUCT MANUFACTURING FACILITIES AND TO SELL MARIJUANA AND MARIJUANA PRODUCT TO CONSUMERS.

Rico Colibri Today, 12:54 PM

This is almost verbatim from the liquor code and should apply to recreational marijuana.

(33) "SEALED CONTAINERS" MEANS ANY CONTAINER USED FOR HOLDING MARIJUANA, MARIJUANA RESIN OR MARIJUANA PRODUCT WHICH CONTAINER IS SEALED WITH THE INTENDED USE FOR OFF PREMISE CONSUMPTION.

(34) "STATE LICENSING AUTHORITY" MEANS THE AUTHORITY CREATED FOR THE PURPOSE OF REGULATING AND CONTROLLING THE LICENSING, CULTIVATION, MANUFACTURE, DISTRIBUTION, AND SALE OF MARIJUANA IN THIS STATE, PURSUANT TO SECTION 16 OF ARTICLE 18 OF THE COLORADO CONSTITUTION.

(35) "TOWN" MEANS THE SAME AS THE MEANING PROVIDED IN SECTION 1-21 OF THIS CODE.

Is not defined under Amendment 64 but should be as it is under current MMJ rule. This could affect those Citizens who choose to grow and or marijuana cultivation facilities.

(36) "VEGETATIVE" MEANS THE SPOROPHYTIC STATE OF THE MARIJUANA PLANT WHICH DOES NOT PRODUCE RESIN OR FLOWERS AND ARE BULKING UP TO A DESIRED PRODUCTION SIZE FOR FLOWERING IN A DESIGNATED SPACE WITH A LIGHT CYCLE NOT INTENDED TO PRODUCE FLOWERS, TRICHOMES AND CANNABINOIDS CHARACTERISTIC OF RECREATIONAL MARIJUANA.

There is no prohibition in Amendment 64 to hemp production prior to the General Assembly enacting regulations by 2014.

6-274: HEMP FARMING: THE PRODUCTION, MANUFACTURE AND PROCESSING OF INDUSTRIAL HEMP SHALL BE LAWFUL UPON ADOPTION OF THIS ARTICLE AND SHALL REQUIRE THE APPROPRIATE LICENSES NEEDED TO PRODUCE ANY OTHER AGRICULTURAL CROP. HEMP PRODUCTS WILL BE TAXED NO MORE THAN OTHER AGRICULTURAL OR RETAIL PRODUCTS LOCALLY AND WILL BE AUTHORIZED FOR IMMEDIATE SALE.

6-275: MARIJUANA ESTABLISHMENT APPLICATION: FOR THE PURPOSE OF SUBMITTING AN APPLICATION FOR A MARIJUANA ESTABLISHMENT THE TOWN CLERK SHALL BE THE LOCAL LICENSING AUTHORITY. THE LOCAL LICENSING AUTHORITY SHALL HAVE THOSE POWERS AND DUTIES AS SET FORTH IN THIS ARTICLE AND SECTION 16 OF ARTICLE 18 OF THE COLORADO CONSTITUTION.

All MMJ business still unlicensed and operating are doing so with an approved application on file. This allows local Governments to begin collecting fees and tax revenue which will be needed to implement regulations.

(1) NO PERSON SHALL OPERATE A MARIJUANA ESTABLISHMENT WITHIN THE TOWN WITHOUT AN APPROVED APPLICATION ON FILE FOR A LICENSE IN ACCORDANCE WITH THIS ARTICLE.

(2) A PERSON SEEKING TO OBTAIN A LICENSE PURSUANT TO THIS ARTICLE SHALL SUBMIT THE APPROPRIATE APPLICATION AND FEES WITH THE LOCAL LICENSING AUTHORITY. UNTIL MARIJUANA REGULATIONS ARE IMPLEMENTED AT THE STATE LEVEL, APPLICANTS SHALL SUBMIT A LOCAL NEW BUSINESS OR SUPPLEMENTAL BUSINESS LICENSE APPLICATION SPECIFYING THE MARIJUANA ESTABLISHMENT LICENSE(S) DESIRED UNDER THE SECTION DESCRIBING THE NATURE OF THE BUSINESS AND INCLUDE THE APPROPRIATE APPLICATION FEES BY CERTIFIED MAIL TO THE TOWN CLERK.

(3) THE TOTAL LOCAL FEES WILL BE THE SUM OF THE APPLICATION FEE, THE LICENSE FEE, AND THE OCCUPATIONAL TAX. THE NONREFUNDABLE LOCAL APPLICATION FEE SHALL BE SUBMITTED WITH A COMPLETED APPLICATION AND DEDUCTED FROM THE TOTAL COSTS OF LICENSING.

The State manages to regulate 14,000 liquor licenses with the current fee schedule. if marijuana is not over regulated like MMJ the same fee schedule should be sufficient. The DOR could fold all RMJ regulations under the existing Liquor enforcement division the same the State did for Tobacco.

(4) THE LOCAL APPLICATION FEE FOR THE ISSUANCE OF A LOCAL LICENSE UNDER THIS ARTICLE SHALL BE THE MAXIMUM AMOUNTS PROVIDED UNDER COLORADO STATUTE FOR THE EQUIVALENT LIQUOR LICENSES UNLESS DETERMINED TO BE MORE BY THE DEPARTMENT OF REVENUE AT A LATER DATE. FOR THE PURPOSE OF LOCAL LICENSING THE FEES SHALL BE AS FOLLOWS:

(A) A MARIJUANA CULTIVATION FACILITY SHALL HAVE THE SAME FEES AS A MANUFACTURER'S LICENSE;

(B) A MARIJUANA PRODUCT MANUFACTURING FACILITY SHALL HAVE THE SAME FEES AS A WHOLESALE' LICENSE;

(C) A MARIJUANA TESTING FACILITY SHALL HAVE THE SAME FEES AS AN OPTIONAL PREMISES LICENSE; AND

The other license fees in A - C are self evident. If Retail marijuana stores are allowed to be non-vertical (manufacture) and have social use (on site consumption) as clearly desired by 55% of voters then the brew pub model is the only "like alcohol" model that fits this description. Many current MMJ business have consolidated and are essentially franchises and the brew pub model would address these larger tax generating entities. Otherwise they would be forced to give up multiple locations if treated like a retail Liquor store under Statute. Brew pubs are also allowed to purchase from manufactures.

**(D) A RETAIL MARIJUANA STORE SHALL HAVE THE SAME FEES AS A BREW PUB LICENSE.**

**(5) UNTIL OCTOBER 1, 2013 EACH APPLICANT SHALL SUBMIT A COMPLETED APPLICATION INCLUDING THE LOCAL APPLICATION FEES VIA CERTIFIED MAIL TO THE TOWN OF NEDERLAND FOR LOCAL APPROVAL OF THE APPLICATION. AFTER OCT 1, 2013 ALL APPLICATION FEES SHALL BE SUBMITTED TO THE DESIGNATED LICENSING AUTHORITY.**

**(6) ANY MEDICAL MARIJUANA BUSINESS CURRENTLY LICENSED WITH THE STATE AND OPERATING LAWFULLY SHALL NOT BE REQUIRED TO PAY MORE THAN A FIVE HUNDRED DOLLAR APPLICATION FEE FOR A MARIJUANA ESTABLISHMENT LICENSE.**

**(7) A LICENSE MUST BE OBTAINED FOR EACH MARIJUANA ESTABLISHMENT LOCATION.**

**(8) A LICENSE ISSUED PURSUANT TO THIS ARTICLE DOES NOT ELIMINATE THE NEED FOR THE LICENSEE TO OBTAIN ALL OTHER REQUIRED TOWN LICENSES AND APPROVALS RELATED TO THE MARIJUANA ESTABLISHMENT.**

**(9) AN APPLICATION FOR A LICENSE UNDER THIS ARTICLE SHALL CONTAIN THE FOLLOWING INFORMATION:**

**(A) THE APPLICANT'S NAME, ADDRESS, TELEPHONE NUMBER AND SOCIAL SECURITY NUMBER;**

**(B) IF THE OWNER IS A CORPORATION, THIS SHALL INCLUDE THE NAME AND ADDRESS OF ANY OFFICER OR DIRECTOR OF THE CORPORATION, AND OF ANY PERSON HOLDING ANY FINANCIAL INTEREST IN THE CORPORATION, WHETHER AS A RESULT OF THE ISSUANCE OF STOCK, INSTRUMENTS OF INDEBTEDNESS, OR OTHERWISE; PROVIDED, HOWEVER, THIS SHALL NOT REQUIRE DISCLOSURE OF INFORMATION PERTAINING TO A BANK, SAVINGS AND LOAN ASSOCIATION OR OTHER COMMERCIAL LENDER WHICH HAS LOANED FUNDS TO THE APPLICANT;**

**(C) IF THE OWNER IS A PARTNERSHIP, ASSOCIATION OR LIMITED LIABILITY COMPANY, THE NAME AND ADDRESSES OF ALL PARTNERS, MEMBERS, OR PERSONS HOLDING ANY FINANCIAL INTEREST IN THE PARTNERSHIP, ASSOCIATION OR LIMITED LIABILITY COMPANY, INCLUDING THOSE HOLDING AN INTEREST AS THE RESULT OF INSTRUMENTS OF INDEBTEDNESS; PROVIDED, HOWEVER, THIS SHALL NOT REQUIRE DISCLOSURE OF INFORMATION PERTAINING TO A BANK, SAVINGS AND LOAN ASSOCIATION OR OTHER COMMERCIAL LENDER WHICH HAS LOANED FUNDS TO THE APPLICANT;**

**(D) IF THE OWNER IS NOT A NATURAL PERSON, THE ORGANIZATION DOCUMENTS FOR ALL ENTITIES IDENTIFIED IN THE APPLICATION, AND THE CONTACT INFORMATION FOR THE PERSON THAT IS AUTHORIZED TO REPRESENT THE ENTITY OR ENTITIES;**

**(E) THE NAME AND ADDRESS OF THE MANAGER OF THE MARIJUANA ESTABLISHMENT, IF THE MANAGER IS PROPOSED TO BE SOMEONE OTHER THAN THE OWNER, OR IF THE OWNER IS AN ENTITY OTHER THAN A NATURAL PERSON;**

**(F) THE NAME AND ADDRESS OF ALL PERSONS HOLDING ANY FINANCIAL INTEREST IN THE MARIJUANA ESTABLISHMENT; AND THE STREET ADDRESS OF THE PROPOSED MARIJUANA ESTABLISHMENT;**

**(G) PROOF OF THE APPLICANT'S RIGHT TO OCCUPY AND USE THE PREMISES WHETHER BY DEED, LEASE OR OTHERWISE;**

**(H) A STATEMENT OF THE APPLICANT'S PERSONAL HISTORY, INCLUDING:**

**(I) IF THE APPLICANT HAS BEEN DENIED AN APPLICATION FOR A MEDICAL MARIJUANA BUSINESS OR LIQUOR LICENSE OR ANY SIMILAR STATE OR LOCAL LICENSING LAW, OR HAD SUCH A LICENSE SUSPENDED OR REVOKED;**

Currently under the medical marijuana code a licensee may be a murderer, child molester, rapist, con artist, prostitute and or pimp all of which are clear violations of moral turpitude.

In contrast applicants cannot have ever been convicted of a drug offense. Yet under the liquor code a drug offense does not disqualify an applicant from obtaining license.

Additionally it is a matter of fact that marijuana prohibition laws have been disproportionately applied to disadvantaged communities especially minorities and as such has created substantial criminal and economic justice issues.

We feel this recommendation is not only fair but air balanced and is necessary to address those inequalities. The language here is verbatim from the original wording of the Denver MMJ dispensary ordinance.

Coloradans voted to regulate marijuana like alcohol, however the federal status of marijuana remains unchanged. When alcohol prohibition was first being repealed by the States it was an intrastate model and not an interstate model.

In the long term there should be no residency requirements for applicants but in the short term it is essential to respect our neighboring States and hopefully not provide the Federal Government a motivation to intervene.

We feel U.S citizenship is even more important considering international treaties, the sources of illegal marijuana coming into our State and for example the quasi legal marijuana system in Amsterdam whose proprietors are supplied mostly by the black market.

Under this ordinance a retail marijuana store does not have to allow on site consumption.

Tracking of consumer information is unlawful under the Constitution and any enforcement concerns can be addressed via DOR rules for sales.

The amendment does not clearly state that a consumer cannot have more than one ounce at home.

So tracking consumer information is not necessary and placing limitations on at home possession of taxed marijuana only denies State and

**(II) IF THE APPLICANT HAS BEEN CONVICTED OF A FELONY OR HAS COMPLETED ANY PORTION OF A SENTENCE DUE TO A FELONY CONVICTION WITHIN THE PRECEDING FIVE (5) YEARS.;**

**(III) IF THE APPLICANT IS A US CITIZEN AND COLORADO RESIDENT OF TWO YEARS AND IS TWENTY-ONE (21) YEARS OF AGE OR OLDER;**

**(IV) IF THE APPLICANT IS A LAW OFFICER AND/OR EMPLOYEE OF THE STATE OR LOCAL LICENSING AUTHORITY, NO LICENSE SHALL BE ISSUED TO A LAW OFFICER AND/OR EMPLOYEE OF THE STATE OR LOCAL LICENSING AUTHORITY; AND**

**(V) A COMPLETED SET OF THE APPLICANT'S AND MANAGER'S FINGERPRINTS ON A FORM APPROVED BY LOCAL LAW ENFORCEMENT.**

**(I) A COPY OF THE APPLICANT'S STATE AND LOCAL SALES TAX LICENSES; AND**

**(J) A FLOOR PLAN OF THE PREMISES, DRAWN TO SCALE, SHOWING PUBLIC AND PRIVATE AREAS, DESIGNATED CONSUMPTION AREAS IF APPLICABLE AS WELL AS AREAS FOR MARIJUANA STORAGE, CULTIVATION, TESTING, MANUFACTURING AND DISPENSING.**

**6-276: CONFIDENTIALITY OF INFORMATION: THE FOLLOWING INFORMATION RELATED TO A MARIJUANA ESTABLISHMENT SHALL BE DEEMED A CONFIDENTIAL RECORD AND THE TOWN SHALL KEEP THE INFORMATION CONFIDENTIAL AND SHALL REDACT THE SAME FROM PUBLIC RECORDS REQUESTED UNDER THE COLORADO OPEN RECORDS ACT OR OTHER PUBLIC RECORDS LAWS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE TOWN MAY SHARE INFORMATION REGARDING A MARIJUANA ESTABLISHMENT WITH A PEACE OFFICER OR A LAW ENFORCEMENT AGENCY IN THE COURSE OF AN INVESTIGATION.**

**(1) THE LOCATION OF A MARIJUANA CULTIVATION FACILITY, MARIJUANA PRODUCT MANUFACTURING FACILITY, MARIJUANA TESTING FACILITY, AND/OR SALES ROOM;**

**(2) ALL IDENTIFYING PERSONAL INFORMATION OR DOCUMENTS PROVIDED BY THE APPLICANT ON AN APPLICATION FOR A MARIJUANA ESTABLISHMENT; AND**

**(3) ANY INFORMATION ABOUT A MARIJUANA CONSUMER GATHERED IN THE COURSE OF BUSINESS BY A MARIJUANA ESTABLISHMENT.**

**6-277: INVESTIGATION OF AN APPLICATION: NO APPLICATION SHALL BE APPROVED OR LICENSE SHALL BE ISSUED IF THE PREMISES AT WHICH THE MARIJUANA ESTABLISHMENT WILL BE OPERATED DOES NOT COMPLY WITH THE TOWN'S BUILDING AND TECHNICAL CODES.**

**(1) UPON RECEIPT OF A PROPERLY COMPLETED APPLICATION BY CERTIFIED MAIL, TOGETHER WITH ALL INFORMATION REQUIRED IN CONNECTION THEREWITH, AND THE PAYMENT OF THE LOCAL APPLICATION FEE AS REQUIRED BY SECTION 6-275, THE TOWN CLERK SHALL TRANSMIT THE REQUIRED INFORMATION TO:**

**(A) THE BUILDING DEPARTMENT;**

**(B) THE FIRE DEPARTMENT;**

**(C) THE POLICE DEPARTMENT; AND**

**(D) ANY OTHER COUNTY OR STATE AGENCY WHICH THE TOWN CLERK DETERMINES SHOULD PROPERLY INVESTIGATE THE APPLICATION.**

(2) THOSE TOWN DEPARTMENTS AND OTHER LOCAL AGENCIES DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL INVESTIGATE AND NOTIFY THE TOWN CLERK THAT ZONING, BUILDING SAFETY, FIRE SAFETY, AND CRIMINAL BACKGROUND CHECK FOR THE APPLICATION HAVE BEEN APPROVED.

Like current MMJ businesses operating without a license. This is an approval for lawful business operation and does not mean a license has been issued.

(3) THE TOWN CLERK SHALL APPROVE, DENY, OR CONDITIONALLY APPROVE A PENDING APPLICATION WITHIN FIFTEEN (15) BUSINESS DAYS OF THE RECEIPT OF THE COMPLETED APPLICATION RECEIVED BY CERTIFIED MAIL.

(4) THE TOWN CLERK SHALL NOTIFY THE APPLICANT OF THE DECISION ON THE PENDING APPLICATION BY MAILING A COPY OF THE TOWN CLERK'S DECISION TO THE APPLICANT BY CERTIFIED MAIL, POSTAGE PREPAID, AT THE ADDRESS DESIGNATED IN THE APPLICATION. NOTICE IS DEEMED TO HAVE BEEN PROPERLY GIVEN UPON MAILING.

(5) UPON APPROVAL OF THE PENDING APPLICATION, THE MARIJUANA ESTABLISHMENT MAY COMMENCE LAWFUL BUSINESS OPERATION PENDING STATE AND LOCAL LICENSING.

(6) THE TOWN CLERK SHALL ISSUE A LICENSE NO LATER THAN NINETY (90) DAYS FROM THE DATE OF APPLICATION TO THE STATE LICENSING AUTHORITY.

(7) IN THE EVENT AN APPLICATION IS CONDITIONALLY APPROVED, THE TOWN CLERK SHALL CLEARLY SET FORTH IN WRITING THE CONDITIONS OF APPROVAL.

**6-278: DENIAL AND APPEAL OF DENIAL:** THE TOWN CLERK SHALL DENY AN APPLICATION FOR A LICENSE UNDER THIS ARTICLE IF THE TOWN CLERK DETERMINES THAT:

(1) INFORMATION CONTAINED IN THE APPLICATION IS FOUND TO BE FALSE IN ANY MATERIAL RESPECT;

(2) THE APPLICATION FAILS TO MEET ANY OF THE STANDARDS SETS FORTH IN SECTION 6-279 OF THIS ARTICLE. IF AN APPLICATION IS DENIED THE APPLICATION FEE SHALL NOT BE REFUNDED;

(3) AN APPLICANT HAS THE RIGHT TO APPEAL THE TOWN CLERK'S DENIAL OR CONDITIONAL APPROVAL OF AN APPLICATION TO THE BOARD OF TRUSTEES;

This is the local liquor code.

(4) AN APPLICANT'S APPEAL OF THE TOWN CLERK'S DENIAL OR CONDITIONAL APPROVAL OF AN APPLICATION SHALL BE PROCESSED IN ACCORDANCE WITH CHAPTER 6, ARTICLE II OF THIS CODE; PROVIDED, HOWEVER, THAT THE APPLICANT'S WRITTEN NOTICE OF APPEAL SHALL BE FILED VIA CERTIFIED MAIL WITH THE TOWN CLERK WITHIN THIRTY (30) BUSINESS DAYS AFTER THE DATE OF MAILING OF THE TOWN CLERK'S DECISION ON THE APPLICATION;

(5) THE APPLICANT SHALL BE PROVIDED WITH NOT LESS THAN FIFTEEN (15) BUSINESS DAYS' PRIOR WRITTEN NOTICE OF THE APPEAL HEARING TO BE HELD BY THE BOARD OF TRUSTEES;

(6) THE BURDEN OF PROOF IN AN APPEAL FILED UNDER THIS SECTION SHALL BE ON THE APPLICANT;

(7) IF THE BOARD OF TRUSTEES FINDS THAT THE TOWN CLERK PROPERLY APPLIED SECTIONS 6-278 AND, 6-279, THE BOARD OF TRUSTEES SHALL UPHOLD THE DECISION OF THE TOWN CLERK. IF THE BOARD OF TRUSTEES FINDS THAT THE TOWN CLERK MISAPPLIED SAID SECTIONS 6-278 AND 6-279, THE TOWN CLERK'S DECISION SHALL BE SET ASIDE AND THE LICENSE ISSUED (IF IT WAS PREVIOUSLY DENIED) OR THE CONDITIONS OF APPROVAL STRICKEN OR MODIFIED;

(8) ANY DECISION MADE BY THE BOARD OF TRUSTEES PURSUANT TO THIS SECTION SHALL BE A FINAL DECISION AND MAY BE APPEALED TO THE DISTRICT COURT PURSUANT TO RULE 106(A)(4) OF THE COLORADO RULES OF CIVIL PROCEDURE. THE APPLICANT'S FAILURE TO TIMELY APPEAL THE DECISION IS A WAIVER OF THE APPLICANT'S RIGHT TO CONTEST THE DENIAL OR CONDITIONAL APPROVAL OF THE APPLICATION; AND

**(9) IF THERE IS ANY CONFLICT BETWEEN THE PROVISIONS AND REQUIREMENTS OF THIS SECTION AND THE PROVISIONS AND REQUIREMENTS OF CHAPTER 6, ARTICLE II OF THIS CODE, THE PROVISIONS AND REQUIREMENTS OF THIS SECTION SHALL CONTROL.**

**6-279: ISSUANCE OF A LICENSE: THE TOWN CLERK SHALL ISSUE A LOCAL LICENSE UNDER THIS ARTICLE WHEN THE TOWN CLERK DETERMINES THAT:**

**(1) THE APPLICATION (INCLUDING ANY REQUIRED ATTACHMENTS AND SUBMISSIONS) IS COMPLETE AND SIGNED BY THE APPLICANT;**

**(2) THE APPLICANT HAS PAID THE FEES REQUIRED BY SECTION 6-275 AND ANY OTHER APPLICABLE FEES;**

**(3) THE APPLICATION DOES NOT CONTAIN A MATERIAL FALSEHOOD OR MISREPRESENTATION;**

**(4) PRIOR TO THE ISSUANCE OF A LICENSE, THE PREMISES AT WHICH THE MARIJUANA ESTABLISHMENT WILL BE OPERATED HAS BEEN INSPECTED BY THE LOCAL AGENCIES DESCRIBED IN SUBSECTION (1) OF 6-277 TO DETERMINE COMPLIANCE WITH THE TOWN'S BUILDING AND TECHNICAL CODES AND IS PERMITTED UNDER SECTION 6-284.**

**(5) THE APPLICATION, APPLICANT AND PROPOSED MARIJUANA ESTABLISHMENT COMPLIES WITH ALL OF THE REQUIREMENTS OF THIS ARTICLE, THIS CODE AND ALL STATE LAWS AND ADMINISTRATIVE REGULATIONS PERTAINING TO THE RECREATIONAL USE OF MARIJUANA;**

**(6) THE APPLICANT AND MANAGER ARE OF GOOD MORAL CHARACTER. IN MAKING THIS DETERMINATION OR WHEN CONSIDERING A CRIMINAL CONVICTION, THE TOWN CLERK SHALL BE GOVERNED BY THE PROVISIONS OF THIS ARTICLE AND SECTION 24-5-101, C.R.S. IF THE TOWN CLERK TAKES INTO CONSIDERATION INFORMATION CONCERNING THE APPLICANT'S CRIMINAL HISTORY RECORD, THE TOWN CLERK SHALL CONSIDER THE PERIOD OF TIME BETWEEN THE APPLICANT'S LAST CRIMINAL CONVICTION AS DESCRIBED IN SECTION 6-275 IN THE CONSIDERATION OF THE APPLICATION FOR A LICENSE;**

**(7) IF THE APPLICATION IS FOR A RETAIL MARIJUANA STORE, THERE SHALL BE A PER CAPITA CAP OF NO MORE THAN (1) RETAIL MARIJUANA STORE LICENSED PER 150 NEDERLAND TOWN RESIDENTS AT ANY ONE TIME AND NO LESS THAN 7 REGARDLESS OF POPULATION;**

**(8) THE PROPOSED MARIJUANA ESTABLISHMENT AND THE APPLICANT, INCLUDING EACH INDIVIDUAL OWNER, INVESTOR AND MANAGER, SATISFY THE REQUIREMENTS OF THIS CODE;**

**(9) IN ANY COMPETITIVE APPLICATION PROCESS THE TOWN CLERK SHALL HAVE AS A PRIMARY CONSIDERATION WHETHER THE APPLICANT HAS ANY PRIOR EXPERIENCE RUNNING A BUSINESS THAT PRODUCED OR DISTRIBUTED MARIJUANA PURSUANT TO SECTION 14 OF ARTICLE 18 OF THE COLORADO CONSTITUTION AND THE DATE OF THE ISSUANCE OF THE LOCAL RETAIL SALES TAX LICENSE OF THE BUSINESS APPLYING;**

**(10) THERE ANY SPECIAL CONDITIONS ON A LICENSE AS MAY BE NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE, AND TO OBTAIN COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE AND OTHER APPLICABLE LAW BUT SUCH CONDITIONS SHALL NOT BE UNREASONABLY IMPRACTICABLE AS DEFINED IN SECTION 16 OF ARTICLE 18 OF THE COLORADO CONSTITUTION; AND**

**(11) THE LICENSE HAS NOT BEEN TRANSFERRED WITHOUT THE APPLICABLE REQUIRED TOWN APPROVAL (CHANGE IN OWNERSHIP, CHANGE IN LOCATION, FEES, ETC.). ANY ATTEMPT TO TRANSFER OR ASSIGN A LICENSE WITHOUT TOWN APPROVAL VOIDS THE LICENSE.**

**6-280: CONTENTS OF A LICENSE: A LICENSE SHALL CONTAIN THE FOLLOWING INFORMATION:**

This criteria applies to liquor license applications.

“(1) (a) Except as otherwise provided in paragraph (b) of this subsection (1), the fact that a person has been convicted of a felony or other offense involving moral turpitude shall not, in and of itself, prevent the person from applying for and obtaining public employment or from applying for and receiving a license, certification, permit, or registration required by the laws of this state to follow any business, occupation, or profession.”

Provides a licensing preference for those who have experience running lawful MMJ businesses that paid taxes, as required by Section 16 of article 18 (5)(b)(l).

Amendment 64 does not preclude the average citizen from owning a business. The average responsible citizen can qualify and afford a liquor license but the same is not true for a MMJ business which are clearly over regulated which this ordinance seeks to address.

- (1) THE NAME OF THE LICENSEE(S);
- (2) THE NAME OF THE BUSINESS THAT THE LICENSEE(S) WILL BE OPERATING;
- (3) THE DATE OF THE ISSUANCE OF THE LICENSE;
- (4) THE ADDRESS AT WHICH THE LICENSEE(S) ARE AUTHORIZED TO OPERATE THE MARIJUANA ESTABLISHMENT;
- (5) THE TYPE OF MARIJUANA ESTABLISHMENT THAT IS BEING LICENSED;
- (6) ANY SPECIAL CONDITIONS OF APPROVAL IMPOSED UPON THE LICENSE BY THE TOWN CLERK;  
AND
- (7) THE DATE OF THE EXPIRATION OF THE LICENSE.

**6-281: RENEWAL OF A LICENSE:**

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, EACH LICENSE ISSUED PURSUANT TO THIS ARTICLE SHALL BE VALID FOR ONE (1) YEAR FROM THE DATE OF ISSUANCE, AND MAY BE RENEWED AS PROVIDED IN THIS SECTION.

Same as a liquor license under statute.

(2) **NINETY (90)** DAYS PRIOR TO THE EXPIRATION DATE OF AN EXISTING LICENSE, THE LOCAL LICENSING AUTHORITY SHALL NOTIFY THE LICENSEE OF SUCH EXPIRATION DATE BY CERTIFIED MAIL AT THE BUSINESS'S LAST-KNOWN MAILING ADDRESS.

Same as a liquor license under statute.

(3) A RENEWAL OF AN EXISTING LICENSE SHALL BE MADE TO THE TOWN CLERK NOT LESS THAN **FORTY-FIVE (45)** DAYS PRIOR TO THE DATE OF EXPIRATION BY CERTIFIED MAIL. NO RENEWAL SHALL BE ACCEPTED BY THE TOWN CLERK AFTER THE DATE OF EXPIRATION. THE TOWN CLERK MAY WAIVE THE FORTY-FIVE (45) DAY TIME REQUIREMENT SET FORTH IN THIS SUBSECTION IN WRITING SENT BY CERTIFIED MAIL IF THE APPLICANT DEMONSTRATES AN ADEQUATE REASON, AS DETERMINED BY THE TOWN CLERK.

(4) AT THE TIME OF RENEWAL OF AN EXISTING LICENSE, THE APPLICANT SHALL PAY THE APPLICABLE FEES.

(5) THE PROVISIONS OF SECTIONS 6-275 THROUGH 6-279, INCLUSIVE, SHALL BE APPLIED TO AN EXISTING APPLICATION ON FILE WITH THE LOCAL LICENSING AUTHORITY TO RENEW A LICENSE. THE TIMELY PAYMENT OF LICENSE FEES SHALL EXTEND THE CURRENT LICENSE UNTIL A FINAL DECISION IS MADE ON THE RENEWAL, INCLUDING ANY APPEAL OF THE TOWN CLERK'S DECISION TO THE BOARD OF TRUSTEES.

(6) IN THE EVENT A MARIJUANA ESTABLISHMENT FAILS TO PROVIDE SALES TAX TO THE TOWN, IT SHALL NOT BE DEEMED TO BE "INACTIVE" IN ACCORDANCE WITH SUBSECTION (7) BELOW.

Same as a liquor license under statute.

(7) THE LOCAL LICENSING AUTHORITY, IN ITS DISCRETION, MAY REVOKE OR ELECT NOT TO RENEW A RETAIL MARIJUANA STORE LICENSE IF IT DETERMINES THAT THE LICENSED PREMISES HAVE BEEN INACTIVE, WITHOUT GOOD CAUSE, FOR AT LEAST A PERIOD OF ONE YEAR AND SAID BUSINESS POSSESSES ONE OF THE MAXIMUM VALID LICENSES FOR RETAIL MARIJUANA STORES IN TOWN, THE LICENSE FOR SUCH ESTABLISHMENT SHALL BE DEEMED "INACTIVE." INACTIVE LICENSES SHALL EXPIRE IMMEDIATELY UPON WRITTEN NOTICE ISSUED BY THE TOWN CLERK BY CERTIFIED MAIL. A LICENSEE WHOSE LICENSE EXPIRES DUE TO INACTIVITY PURSUANT TO THIS SUBSECTION (7) MAY APPEAL THE TOWN CLERK'S DETERMINATION IN ACCORDANCE WITH ARTICLE II OF CHAPTER 6 OF THIS CODE. THE TOWN SHALL NOT ISSUE ANOTHER RETAIL MARIJUANA STORE LICENSE TO TAKE THE PLACE OF ONE OF THE MAXIMUM RETAIL MARIJUANA STORE LICENSES FOUND TO BE INACTIVE UNTIL SUCH DETERMINATION OF INACTIVITY IS FINAL (THROUGH FAILURE OF THE LICENSEE TO APPEAL WITHIN THIRTY (30) BUSINESS DAYS OR THE BOARD OF TRUSTEE'S DECISION ON APPEAL).

**6-282: DUTIES OF A LICENSEE: IT IS THE DUTY AND OBLIGATION OF EACH LICENSEE TO DO THE FOLLOWING:**

(1) COMPLY WITH ALL OF THE TERMS AND CONDITIONS OF THE LICENSE, AND ANY SPECIAL CONDITIONS ON THE LICENSE IMPOSED BY THE TOWN CLERK PURSUANT TO SECTION 6-279;

(2) COMPLY WITH ALL OF THE REQUIREMENTS OF THIS ARTICLE;

(3) COMPLY WITH ALL OTHER APPLICABLE TOWN ORDINANCES;

(4) COMPLY WITH ALL STATE AND LOCAL LAWS AND ADMINISTRATIVE REGULATIONS PERTAINING TO RECREATIONAL MARIJUANA, INCLUDING, BUT NOT LIMITED TO, SECTION 16 OF ARTICLE 18 OF THE COLORADO CONSTITUTION, STATE STATUTES AND THE ADMINISTRATIVE REGULATIONS ISSUED BY THE COLORADO DEPARTMENT OF REVENUE, ALL AS AMENDED FROM TIME TO TIME;

The ordinance defers to State law. So it will be compliant after the legislative session and DOR rule making process.

(5) PERMIT THE INSPECTION OF ITS RECORDS, BUILDING AND/OR STRUCTURE, AND OPERATION BY THE LICENSING AUTHORITIES FOR THE PURPOSE OF DETERMINING THE LICENSEE'S COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE LICENSE AND ALL APPLICABLE LAWS. NOTHING IN THIS SECTION SHALL ABROGATE OR AFFECT ANY APPLICABLE CONFIDENTIALITY PROVISION OF STATE OR FEDERAL LAW;

(6) EACH LICENSEE SHALL COLLECT AND REMIT ALL APPLICABLE TAXES ON ALL MARIJUANA, MARIJUANA PRODUCT AND OTHER TANGIBLE PERSONAL PROPERTY SOLD BY THE LICENSED MARIJUANA ESTABLISHMENT; AND

Would include an excise tax if applicable.

(7) ALL LICENSES SHALL BE CONTINUOUSLY POSTED IN A CONSPICUOUS LOCATION AT THE MARIJUANA ESTABLISHMENT.

**6-283: TIME OF OPERATION:**

(1) HOURS OF OPERATION FOR ON PREMISE CONSUMPTION SHALL BE FROM 7 A.M TO 2 A.M;

Same as a liquor license under statute.

(2) HOURS OF OPERATION FOR OFF PREMISE SALES "TO GO" AND DELIVERIES SHALL BE FROM 8 A.M TO MIDNIGHT THE SAME DAY; AND

Same as a liquor license under statute.

(3) A RETAIL MARIJUANA STORE MAY BE OPEN SEVEN DAYS A WEEK.

Same as a liquor license under statute.

**6-284: PLACE OF OPERATION:**

(1) NO MARIJUANA ESTABLISHMENT SHALL BE LOCATED AT A LOCATION THAT DOES NOT CONFORM TO THE REQUIREMENTS OF THIS SECTION, EXCEPT AS PROVIDED IN SUBSECTION (8) OF THIS SECTION.

(2) NO RETAIL MARIJUANA STORE SHALL BE LOCATED EXCEPT WITHIN ZONING AREAS NEIGHBORHOOD COMMERCIAL (NC), GENERAL COMMERCIAL (GC), AND CENTRAL BUSINESS DISTRICT (CBD).

(3) NO MARIJUANA CULTIVATION FACILITY, MARIJUANA PRODUCT MANUFACTURING FACILITY, SALES ROOM OR TESTING FACILITY SHALL BE LOCATED EXCEPT IN ZONING AREAS NEIGHBORHOOD COMMERCIAL (NC), GENERAL COMMERCIAL (GC), INDUSTRIAL (I). AND MAY ALSO BE LOCATED IN ZONING AREAS CENTRAL BUSINESS DISTRICT (CBD), OR MOUNTAIN RESIDENTIAL (MR) AS A SPECIAL REVIEW USE.

This addresses the shortage of viable cultivation/manufacturing property available in the town limits.

(4) IN ADDITION TO THE ZONE DISTRICT RESTRICTIONS IMPOSED BY SUBSECTION (2) THROUGH (4) ABOVE, NO MARIJUANA ESTABLISHMENT SHALL BE LOCATED:

Especially prior to the enactment of State regulations. But the ordinance provides the Town complete control of any such use.

(A) WITHIN 100 FEET OF A LICENSED CHILD CARE FACILITY;

The Town is too small for a 1000 foot radius and the State regulations should take this into account unless the State wishes to encourage black market sales in small rural communities.

Rural law enforcement agencies lack resources to combat illegal trafficking and small towns can not accommodate a 1000 foot radius.

This gives Local Governments control over how many RMJ establishments they wish have in their communities.

Same as a liquor license under statute.

RMJ signage and advertising should be left up to local communities and not dictated from the State level.

On site consumption of tobacco is allowed at any tobacco business and smoking in such an establishment is exempt under the Colorado Clean Indoor Air Act.

This includes tobacco bars and marijuana bars should be no different. This also provides for employee protections from exposure to smoke.

If marijuana is regulated like alcohol as required by a majority vote of Coloradans, there are no Hops cultivation limitations and or brewing limits for those manufacturing alcohol with a manufacturers license.

This addresses the need for responsible cultivation while not using arbitrary concepts such as grow lights and or plant canopy measurements. A greenhouse does not need grow lights and a licensee cultivating a small number of larger plants would have a radically different canopy measurement than those growing excessive amounts of smaller plants under grow lights in a warehouse.

Additionally propagation should not be limited per the Federal guidelines on what constitutes a plant and common agricultural techniques. This is how plant based products are refined and or product brands built. This model would ultimately limit plant count and provide for fire safety concerns.

Same as liquor code under statute.

RMJ security should not be over regulated like MMJ.

All seed/plant production should

**(B) WITHIN 100 FEET OF ANY EDUCATIONAL INSTITUTION OR SCHOOL, COLLEGE OR UNIVERSITY, EITHER PUBLIC OR PRIVATE;**

**(C) NO RETAIL MARIJUANA STORE SHALL BE IN THE SAME BUILDING AS ANOTHER RETAIL MARIJUANA STORE; AND**

**(D) THE BOARD OF TRUSTEES MAY VARY THE DISTANCE RESTRICTIONS IMPOSED BY THIS SUBSECTION (5) FOR A LICENSE OR MAY ELIMINATE ONE OR MORE TYPES OF SCHOOLS, CAMPUSES OR FACILITIES FROM THE APPLICATION OF A DISTANCE RESTRICTION ESTABLISHED BY OR PURSUANT TO THIS SUBSECTION (5).**

**(6) THE DISTANCES DESCRIBED IN SUBSECTION (5) SHALL BE COMPUTED BY DIRECT MEASUREMENT FROM THE PRIMARY ENTRANCE OF THE STRUCTURE USED FOR CHILD CARE, EDUCATIONAL INSTITUTION OR SCHOOL, COLLEGE, UNIVERSITY PURPOSES TO THE PRIMARY ENTRANCE OF THE STRUCTURE USED FOR A RETAIL MARIJUANA STORE USING A ROUTE OF DIRECT PEDESTRIAN ACCESS.**

**(7) EACH MARIJUANA ESTABLISHMENT SHALL BE OPERATED FROM A PERMANENT AND FIXED LOCATION. NO MARIJUANA ESTABLISHMENT SHALL BE PERMITTED TO OPERATE FROM A MOVEABLE, MOBILE, OR TRANSITORY LOCATION.**

**(8) THE SUITABILITY OF A LOCATION FOR A MARIJUANA ESTABLISHMENT SHALL BE DETERMINED UPON RECEIPT OF AN APPLICATION BY CERTIFIED MAIL. THE FACT THAT CHANGES IN THE NEIGHBORHOOD THAT OCCUR AFTER THE INITIAL ISSUANCE OF THE LICENSE MIGHT RENDER THE SITE UNSUITABLE FOR A MARIJUANA ESTABLISHMENT UNDER THIS SECTION SHALL NOT BE GROUNDS TO SUSPEND, REVOKE OR REFUSE TO RENEW THE LICENSE FOR SUCH AN ESTABLISHMENT SO LONG AS THE LICENSE FOR THE ESTABLISHMENT REMAINS ACTIVE.**

**6-285: MANNER OF OPERATION:**

**(1) ALL SIGNAGE FOR A MARIJUANA ESTABLISHMENT SHALL COMPLY WITH THE REQUIREMENTS OF CHAPTER 18, ARTICLE 5 OF THIS CODE.**

**(2) UNDER THIS CODE WHEN CONSIDERING EXEMPTIONS UNDER 25-14-205(D) C.R.S. AND OPTIONAL PROHIBITIONS UNDER 25-14-206(2) C.R.S. OF THE CCIAA A MARIJUANA ESTABLISHMENT SHALL HAVE THE SAME MEANING AS A "TOBACCO BUSINESS" 25-14-203(18) C.R.S.**

**(3) ALL CULTIVATION OF MARIJUANA SHALL BE IN AN ENCLOSED, LOCKED SPACE AND SHALL NOT HAVE A PLANT COUNT THAT EXCEEDS MORE THAN ONE PLANT PER SQUARE FOOT AND SHALL PROVIDE A MINIMUM OF AT LEAST A THREE (3) FOOT CLEARANCE FOR FIRE SAFETY BETWEEN ALL POINTS OF INGRESS AND EGRESS. THE PLANT PER SQUARE FOOT LIMITATIONS IN THIS SECTION SHALL NOT APPLY TO CLONES OR SEEDLINGS OR OTHER MEANS OF PROPAGATION.**

**(4) NO EMPLOYEE SHALL BE REQUIRED TO UNDERGO A CRIMINAL BACKGROUND CHECK AND EMPLOYMENT OF UNDERAGED PERSONS SHALL HAVE THE SAME RESTRICTIONS AS 12-46-106 C.R.S. PROVIDED THAT THEY ARE NOT PERMITTED ACCESS TO AN AREA DESIGNATED FOR ON PREMISE CONSUMPTION DURING BUSINESS HOURS.**

**(5) ALL MARIJUANA ESTABLISHMENTS SHALL MAINTAIN THE SAME SECURITY REQUIREMENTS AS MANDATED FOR THE EQUIVALENT LIQUOR LICENSE.**

**(6) MARIJUANA CULTIVATION FACILITY LICENSE:**

**(A) A MARIJUANA CULTIVATION FACILITY LICENSE SHALL BE ISSUED TO PERSONS PRODUCING MARIJUANA, MARIJUANA CLONES, MARIJUANA SEEDS, OR MARIJUANA RESIN FOR THE FOLLOWING PURPOSES ONLY:**

**(I) TO CULTIVATE, MANUFACTURE, RECTIFY OR BREED MARIJUANA;**

(II) TO SELL MARIJUANA, MARIJUANA CLONES, MARIJUANA SEEDS, OR MARIJUANA RESIN OF THEIR OWN MANUFACTURE WITHIN THIS STATE. A MARIJUANA CULTIVATION FACILITY LICENSED UNDER THIS ARTICLE MAY SOLICIT BUSINESS DIRECTLY FROM A LICENSED MARIJUANA CULTIVATION FACILITY, MARIJUANA PRODUCT MANUFACTURING FACILITY OR RETAIL MARIJUANA STORE BUT NOT CONSUMERS; ANY MARIJUANA SOLD AT WHOLESALE BY A MARIJUANA CULTIVATION FACILITY SHALL BE SUBJECT TO APPLICABLE WHOLESALE TAXES.

Same as liquor code under statute. This is necessary for retailers to determine product quality. Sampling is how medical marijuana wholesaling was handled under the medical program for a decade.  
This sales room language is almost verbatim from the liquor code.  
Added to be compliant with A64.

(B) ANY MARIJUANA CULTIVATION FACILITY THAT HAS RECEIVED A LICENSE PURSUANT TO THIS SECTION IS AUTHORIZED TO CONDUCT TASTINGS OF MARIJUANA AND MARIJUANA RESINS OF ITS OWN MANUFACTURE ON THE LICENSED PREMISES OF THE MARIJUANA CULTIVATION FACILITY AND AT ONE OTHER LICENSED SALES ROOM LOCATION FOR THE SOLE PURPOSE OF CONDUCTING SALES TO LICENSED MARIJUANA ESTABLISHMENTS (NOT OPEN TO THE GENERAL PUBLIC) AT NO ADDITIONAL COST, WHETHER INCLUDED IN THE LICENSE AT THE TIME OF THE ORIGINAL LICENSE ISSUANCE OR BY SUPPLEMENTAL APPLICATION.

(C) PRIOR TO OPERATING AN ADDITIONAL SALES ROOM LOCATION, A MARIJUANA CULTIVATION FACILITY THAT HAS RECEIVED A LICENSE PURSUANT TO THIS ARTICLE SHALL SEND A COPY OF THE APPLICATION OR SUPPLEMENTAL APPLICATION FOR AN ADDITIONAL SALES ROOM TO THE LOCAL LICENSING AUTHORITY. THE LOCAL LICENSING AUTHORITY MAY DENY THE PROPOSED SALES ROOM LOCATION IF THE LOCAL LICENSING AUTHORITY DETERMINES THAT ISSUANCE OF THE PROPOSED SALES ROOM LICENSE WOULD BE IN CONFLICT WITH THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD.

Gives local control over sales rooms like the liquor code.

(D) MARIJUANA CULTIVATION FACILITY LICENSES MAY BE COMBINED IN A COMMON AREA SOLELY FOR THE PURPOSES OF CULTIVATING, MANUFACTURING, RECTIFYING OR BREEDING MARIJUANA, MARIJUANA CLONES, MARIJUANA SEEDS OR MARIJUANA RESIN AND USED TO PROVIDE MARIJUANA TO MORE THAN ONE LICENSED MARIJUANA ESTABLISHMENT SO LONG AS THE HOLDER OF THE LICENSES IS ALSO A COMMON OWNER OF EACH LICENSED MARIJUANA ESTABLISHMENT TO WHICH MARIJUANA IS PROVIDED.

Address larger franchises who may conduct cultivation for multiple locations in a single warehouse.  
Should be no more than 10%. This allows small business to expand grows without giving up a significant portion of their company ownership/control.

(E) EACH MARIJUANA CULTIVATION FACILITY LICENSEE SHALL RETAIN EVIDENCE OF EACH TRANSACTION OF MARIJUANA, MARIJUANA CLONES, MARIJUANA SEEDS, OR MARIJUANA RESIN WITH A LICENSED MARIJUANA ESTABLISHMENT IN THE FORM OF A RECEIPT SHOWING THE NAME OF THE LICENSED MARIJUANA ESTABLISHMENT, THE DATE OF TRANSACTION, A DESCRIPTION OF THE MARIJUANA, MARIJUANA CLONES, MARIJUANA SEEDS, OR MARIJUANA RESIN, AND THE PRICE PAID FOR EACH. THE LICENSEE SHALL RETAIN ALL RECEIPTS FOR A PERIOD OF 3 YEARS AND MAKE IT AVAILABLE TO THE STATE AND LOCAL LICENSING AUTHORITIES AT ALL TIMES DURING REGULAR BUSINESS HOURS.

Same as liquor code under statute.

**(7) MARIJUANA PRODUCT MANUFACTURING FACILITY LICENSE:**

(A) A MARIJUANA PRODUCT MANUFACTURING FACILITY LICENSE SHALL BE ISSUED TO PERSONS MANUFACTURING AND SELLING MARIJUANA OR MARIJUANA PRODUCTS FOR THE FOLLOWING PURPOSES ONLY:

(I) TO PURCHASE, MANUFACTURE, PREPARE, PACKAGE, AND SELL MARIJUANA OR MARIJUANA PRODUCTS MANUFACTURED WITHIN THIS STATE. A MARIJUANA PRODUCT MANUFACTURING FACILITY LICENSED UNDER THIS SECTION MAY SOLICIT BUSINESS DIRECTLY FROM A LICENSED MARIJUANA CULTIVATION FACILITY, MARIJUANA PRODUCT MANUFACTURING FACILITY OR A RETAIL MARIJUANA STORE BUT NOT CONSUMERS; ANY MARIJUANA OR MARIJUANA PRODUCTS SOLD AT WHOLESALE BY A MARIJUANA PRODUCT MANUFACTURING FACILITY SHALL BE SUBJECT TO APPLICABLE WHOLESALE TAXES.

If an excise tax is passed. Applies to all establishments wholesaling.

(B) ANY MARIJUANA PRODUCT MANUFACTURING FACILITY THAT HAS RECEIVED A LICENSE PURSUANT TO THIS SECTION IS AUTHORIZED TO CONDUCT TASTINGS OF MARIJUANA AND MARIJUANA PRODUCTS ON THE LICENSED PREMISES OF THE MARIJUANA PRODUCT MANUFACTURING FACILITY AND AT ONE OTHER LICENSED SALES ROOM LOCATION FOR THE SOLE PURPOSE OF CONDUCTING SALES TO LICENSED MARIJUANA ESTABLISHMENTS (NOT OPEN TO THE GENERAL PUBLIC) AT NO ADDITIONAL COST, WHETHER INCLUDED IN THE LICENSE AT THE TIME OF THE ORIGINAL LICENSE ISSUANCE OR BY SUPPLEMENTAL APPLICATION.

(C) PRIOR TO OPERATING AN ADDITIONAL SALES ROOM LOCATION, A MARIJUANA PRODUCT MANUFACTURING FACILITY THAT HAS RECEIVED A LICENSE PURSUANT TO THIS ARTICLE SHALL SEND A COPY OF THE APPLICATION OR SUPPLEMENTAL APPLICATION FOR AN ADDITIONAL SALES ROOM TO THE LOCAL LICENSING AUTHORITY. THE LOCAL LICENSING AUTHORITY MAY DENY THE PROPOSED SALES ROOM LOCATION IF THE LOCAL LICENSING AUTHORITY DETERMINES THAT ISSUANCE OF THE PROPOSED SALES ROOM LICENSE WOULD BE IN CONFLICT WITH THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD.

This establishes an optional vertical model and would allow other establishments better control over product quality and price like micro brews. Also addresses existing vertical MMJ businesses who wish to convert to the recreational model.

(D) A MARIJUANA PRODUCT MANUFACTURING FACILITY THAT ALSO HOLDS A MARIJUANA CULTIVATION FACILITY LICENSE MAY ENGAGE IN THE WHOLESALE SALE OF MARIJUANA, MARIJUANA CLONES, MARIJUANA SEEDS, OR MARIJUANA RESIN THAT THE LICENSEE MANUFACTURED AT IT'S LICENSED PREMISES WHERE THE MARIJUANA WAS MANUFACTURED OR AT A LICENSED SALES ROOM TO ANOTHER LICENSED MARIJUANA ESTABLISHMENT. ANY MARIJUANA SOLD AT WHOLESALE BY A MARIJUANA MANUFACTURING FACILITY SHALL BE SUBJECT TO APPLICABLE WHOLESALE TAXES.

(E) EACH MARIJUANA PRODUCT MANUFACTURING FACILITY LICENSEE SHALL RETAIN EVIDENCE OF EACH TRANSACTION OF MARIJUANA OR MARIJUANA PRODUCT WITH A LICENSED MARIJUANA ESTABLISHMENT IN THE FORM OF A RECEIPT SHOWING THE NAME OF THE LICENSED MARIJUANA ESTABLISHMENT, THE DATE OF TRANSACTION, A DESCRIPTION OF THE MARIJUANA OR MARIJUANA PRODUCT AND THE PRICE PAID FOR EACH. THE LICENSEE SHALL RETAIN ALL RECEIPTS FOR FOR A PERIOD OF 3 YEARS AND MAKE IT AVAILABLE TO THE STATE AND LOCAL LICENSING AUTHORITIES AT ALL TIMES DURING BUSINESS HOURS.

(2) (a) A LOCAL AUTHORITY MAY, PURSUANT TO ARTICLE 16 OF TITLE 31, C.R.S., A MUNICIPAL HOME RULE CHARTER, OR ARTICLE 15 OF TITLE 30, C.R.S., ENACT, ADOPT, AND ENFORCE SMOKING REGULATIONS THAT COVER THE SAME SUBJECT MATTER AS THE VARIOUS PROVISIONS OF THIS PART 2. NO LOCAL AUTHORITY MAY ADOPT ANY LOCAL REGULATION OF SMOKING THAT IS LESS STRINGENT THAN THE PROVISIONS OF THIS PART 2; EXCEPT THAT A LOCAL AUTHORITY MAY SPECIFY A RADIUS OF LESS THAN FIFTEEN FEET FOR THE AREA INCLUDED WITHIN AN ENTRYWAY.

**(8) RETAIL MARIJUANA STORE LICENSE:**

(A) A RETAIL MARIJUANA STORE LICENSE SHALL BE ISSUED TO PERSONS RETAILING OR DISPLAYING MARIJUANA, MARIJUANA CLONES, MARIJUANA SEEDS, MARIJUANA RESIN, MARIJUANA PRODUCTS OR MARIJUANA ACCESSORIES TO CONSUMERS PROVIDED THAT:

(I) MARIJUANA FURNISHED FOR ON PREMISES CONSUMPTION SHALL NOT BE CONSUMED WITHIN A THREE (3) FOOT RADIUS AROUND THE PRIMARY ENTRANCE;

(II) MARIJUANA INTENDED FOR FOR OFF-PREMISES CONSUMPTION MUST BE IN PROPERLY LABELED SEALED CONTAINERS; AND

(III) THE MARIJUANA, MARIJUANA CLONES, MARIJUANA SEEDS, MARIJUANA RESIN OR MARIJUANA PRODUCTS ARE PURCHASED FROM A LICENSED MARIJUANA ESTABLISHMENT, OTHER THAN THOSE THAT ARE MANUFACTURED BY THE LICENSEE.

Same as liquor code under statute.

(B) THERE SHALL BE POSTED IN A CONSPICUOUS LOCATION IN EACH RETAIL MARIJUANA STORE A LEGIBLE SIGN WITH A MINIMUM HEIGHT OF FOURTEEN INCHES AND A WIDTH OF ELEVEN INCHES WITH EACH LETTER TO BE A MINIMUM OF ONE-HALF INCH IN HEIGHT, WHICH SHALL READ AS FOLLOWS:

Same as liquor code under statute. But modified warnings.

## WARNING

IT IS ILLEGAL TO SELL MARIJUANA TO ANY PERSON UNDER TWENTY-ONE YEARS OF AGE AND IT IS ILLEGAL FOR ANY PERSON UNDER TWENTY-ONE YEARS OF AGE TO POSSESS OR TO ATTEMPT TO PURCHASE THE SAME.

IDENTIFICATION CARDS WHICH APPEAR TO BE FRAUDULENT WHEN PRESENTED BY PURCHASERS MAY BE CONFISCATED BY THE ESTABLISHMENT AND TURNED OVER TO A LAW ENFORCEMENT AGENCY.

IT IS ILLEGAL IF YOU ARE TWENTY-ONE YEARS OF AGE OR OLDER FOR YOU TO PURCHASE MARIJUANA FOR A PERSON UNDER TWENTY-ONE YEARS OF AGE.

Addresses DUID concerns.

**IT IS ILLEGAL UNDER STATE LAW TO DRIVE A MOTOR VEHICLE OR OPERATE MACHINERY, WHEN IMPAIRED BY MARIJUANA.**

**IT IS ILLEGAL TO CONSUME MARIJUANA OR MARIJUANA PRODUCTS IN PUBLIC.**

Based on marijuana tourism and federal status.

**IT IS ILLEGAL TO TRANSPORT MARIJUANA OR MARIJUANA PRODUCTS ACROSS STATE LINES.**

**FINES AND IMPRISONMENT MAY BE IMPOSED BY THE COURTS FOR VIOLATION OF THESE PROVISIONS.**

Similar to liquor code.

**(C) SUBSECTION (7) OF 6-284 SHALL NOT PREVENT THE PHYSICAL DELIVERY OF MARIJUANA OR MARIJUANA PRODUCTS TO A CONSUMER AT A LOCATION OFF OF THE PREMISES OF THE LICENSEE'S RETAIL MARIJUANA STORE IF:**

**(I) THE MARIJUANA IS IN PROPERLY LABELED SEALED CONTAINERS. NO MORE THAN AN OUNCE TOTAL PER CONSUMER AND WAS LAWFULLY PURCHASED FROM THE LICENSEE'S RETAIL MARIJUANA STORE;**

**(II) THE MARIJUANA IS DELIVERED ONLY TO A COLORADAN 21 YEARS OF AGE AND OVER;**

**(III) THE MARIJUANA IS DELIVERED ONLY BY THE LICENSEE OR AN EMPLOYEE OF THE LICENSEE; AND**

**(IV) THE MARIJUANA IS DELIVERED TO A LOCATION WITHIN THE TOWN OF NEDERLAND.**

This is to deter interstate trafficking. Non-Coloradans have no protections under our constitution to travel with marijuana across state lines.

**(D) A RETAIL MARIJUANA STORE THAT ALSO HOLDS A MARIJUANA CULTIVATION FACILITY LICENSE MAY ENGAGE IN THE WHOLESALE SALE OF MARIJUANA, MARIJUANA CLONES, MARIJUANA SEEDS, OR MARIJUANA RESIN THAT THE LICENSEE MANUFACTURED AT IT'S LICENSED PREMISES WHERE THE MARIJUANA WAS MANUFACTURED OR AT IT'S RETAIL MARIJUANA STORE TO ANOTHER LICENSED MARIJUANA ESTABLISHMENT. ANY MARIJUANA SOLD AT WHOLESALE BY A RETAIL MARIJUANA STORE SHALL BE SUBJECT TO APPLICABLE WHOLESALE TAXES.**

**(E) EACH RETAIL MARIJUANA STORE LICENSEE SHALL RETAIN EVIDENCE OF EACH TRANSACTION OF MARIJUANA, MARIJUANA CLONES, MARIJUANA SEEDS, MARIJUANA RESIN OR MARIJUANA PRODUCTS WITH A LICENSED MARIJUANA ESTABLISHMENT IN THE FORM OF A RECEIPT SHOWING THE NAME OF THE LICENSED MARIJUANA ESTABLISHMENT, THE DATE OF TRANSACTION, A DESCRIPTION OF THE MARIJUANA, MARIJUANA CLONES, MARIJUANA SEEDS, MARIJUANA RESIN OR MARIJUANA PRODUCTS AND THE PRICE PAID FOR EACH. THE LICENSEE SHALL RETAIN ALL RECEIPTS FOR A PERIOD OF 3 YEARS AND MAKE IT AVAILABLE TO THE STATE AND LOCAL LICENSING AUTHORITIES AT ALL TIMES DURING REGULAR BUSINESS HOURS.**

This is based on limited local retail locations and this sort of restriction should be a local option.

**(F) IT SHALL BE UNLAWFUL FOR ANY RETAIL MARIJUANA STORE OR ANY PERSON, PARTNERSHIP, ASSOCIATION, ORGANIZATION, OR CORPORATION INTERESTED FINANCIALLY IN OR WITH A RETAIL MARIJUANA STORE TO BE INTERESTED FINANCIALLY, DIRECTLY OR INDIRECTLY, IN THE BUSINESS OF ANY OTHER RETAIL MARIJUANA STORE LICENSED PURSUANT TO THIS ARTICLE.**

**(9) MARIJUANA TESTING FACILITY LICENSE:**

There are no special requirements under statute to run or own a alcohol testing facility. So no excessive restrictions should be applied to a MJ testing facility. Other than residency and security standards.

**(A) A MARIJUANA TESTING FACILITY LICENSE SHALL BE ISSUED TO PERSONS ANALYZING AND CERTIFYING THE SAFETY AND POTENCY OF MARIJUANA, MARIJUANA CLONES, MARIJUANA SEEDS, MARIJUANA RESIN OR MARIJUANA PRODUCTS AT A LICENSED PREMISES.**

**6-286: UNLAWFUL ACTS; PENALTIES; INJUNCTIVE RELIEF: THE PROVISIONS OF THIS ARTICLE SHALL NOT APPLY TO THE SALE OR DISTRIBUTION OF SACRAMENTAL MARIJUANA SOLD AND USED FOR RELIGIOUS PURPOSES.**

This is verbatim from the liquor code under statute.

**(1) IT SHALL BE UNLAWFUL FOR ANY PERSON TO TRANSFER ANY AMOUNT OF MARIJUANA OR MARIJUANA PRODUCTS FOR ANY REMUNERATION, OR OPERATE A MARIJUANA ESTABLISHMENT WITHOUT AN APPROVED APPLICATION AND FEES AS REQUIRED BY THIS ARTICLE. EACH DAY OF ANY SUCH VIOLATION SHALL CONSTITUTE A**

As a matter of public safety marijuana and alcohol consumption combined on the same licensed premises should not be allowed.

(F Grotenhermen et al. Addiction Volume 102 Issue 12 Page 1910-1917, December 2007)

"Finally, a legal per se limit for cannabis must consider that the concurrent use of alcohol and cannabis impairs driving skills more than each drug individually."

This model allows for regulated marijuana tourism in a manner that could generate substantial tax revenue, but does not create a significant risk for marijuana crossing state borders.

By allowing only on premise sales in a bar like atmosphere tourists can enjoy Colorado's marijuana industry but are consuming the marijuana on site and have little to nothing to leave with. This model is similar to the coffee shop model in Amsterdam:

<http://www.iamsterdam.com/en-GB/press-room/city-of-amsterdam-press-room/dossier-coffeeshops/faq>

This is to prevent drug operations designed for interstate trafficking and is strongly recommended to be adopted by the State.

Industrial grade solvents should not be used in neighborhoods as they present a serious risk of injury and or poisoning.

"Two people were critically burned Wednesday in an explosion in an Ocean Beach area motel room that was being used to extract hashish oil from marijuana, San Diego officials said.."

<http://latimesblogs.latimes.com/lanow/2013/01/san-diego-drug-lab-explosion.html>

Marijuana/hemp can be grown to remove toxins from contaminated soils, and as such should never be cultivated with toxins that can build up residually and harm consumers.

[http://www.alternet.org/there-pesticide-weed-youre-smoking?akid=10038\\_261329\\_sfpwh1&rd=1&src=newsletter792106&t=17](http://www.alternet.org/there-pesticide-weed-youre-smoking?akid=10038_261329_sfpwh1&rd=1&src=newsletter792106&t=17)

SEPARATE OFFENSE AND BE SUBJECT TO A \$300.00 PER DAY FINE; AND MAY BE ENJOINED BY THE TOWN IN AN ACTION BROUGHT IN A COURT OF COMPETENT JURISDICTION. IN ANY CASE IN WHICH THE TOWN PREVAILS IN A CIVIL ACTION INITIATED PURSUANT TO THIS SECTION, THE TOWN MAY RECOVER ITS REASONABLE ATTORNEY FEES PLUS COSTS OF THE PROCEEDING;

(2) IT SHALL BE UNLAWFUL TO SELL, ADVERTISE OR CONSUME MARIJUANA, MARIJUANA CLONES, MARIJUANA SEEDS, MARIJUANA RESIN OR MARIJUANA PRODUCTS IN ESTABLISHMENTS THAT SELL ALCOHOL, OR IN ANY DESIGNATED AREA USED TO SERVE ANYONE UNDER TWENTY ONE YEARS OF AGE;

(3) IT SHALL BE UNLAWFUL TO SELL, SERVE, GIVE AWAY, DISPOSE OF, EXCHANGE, OR DELIVER MARIJUANA OR MARIJUANA PRODUCTS TO ANY PERSON UNDER THE AGE OF TWENTY-ONE OR TO ANYONE WHO DOES NOT PRESENT A GOVERNMENT ISSUED IDENTIFICATION AT THE TIME OF PURCHASE;

(4) IT SHALL BE UNLAWFUL TO SELL, SERVE, GIVE AWAY, DISPOSE OF, EXCHANGE, OR DELIVER, OR PERMIT THE SALE, SERVING, GIVING, OR PROCURING OF, ANY MARIJUANA OR MARIJUANA PRODUCTS TO A VISIBLY INTOXICATED PERSON;

(5) IT SHALL BE UNLAWFUL FOR ANY ADULT 21 AND OVER TO PURCHASE MARIJUANA OR MARIJUANA PRODUCTS WITH THE INTENT OF DELIVERING TO A PERSON UNDER 21 YEARS OF AGE OR A NON-COLORADO RESIDENT FOR OUT OF STATE TRANSPORT WITH OR WITHOUT REMUNERATION;

(6) IT SHALL BE UNLAWFUL TO SELL A NON-COLORADO RESIDENT MARIJUANA OR MARIJUANA PRODUCTS THAT EXCEED FIVE (5) GRAMS OR FIVE (5) SERVINGS (EDIBLES) PER CONSUMER PER DAY AND ALL SALES SHALL BE FOR ON PREMISE CONSUMPTION ONLY;

(7) IT SHALL BE UNLAWFUL TO SELL A NON-COLORADO RESIDENT SEEDS, CLONES OR SEALED CONTAINERS OF MARIJUANA OR MARIJUANA PRODUCTS INTENDED FOR OFF PREMISE CONSUMPTION;

(8) IT SHALL BE UNLAWFUL FOR A NON-COLORADO RESIDENT TO CULTIVATE MARIJUANA WITHIN THE TOWN LIMITS;

(9) IT SHALL BE UNLAWFUL FOR ANY PERSON TO CULTIVATE MARIJUANA UNLESS IT IS IN AN ENCLOSED, LOCKED SPACE;

(10) IT SHALL BE UNLAWFUL FOR ANY PERSON TO EXCEED THE PERSONAL USE OF MARIJUANA LIMITATIONS FOR VEGETATIVE AND MATURE FLOWERING PLANTS PER ADULT UNLESS AS AUTHORIZED BY SECTION 14 OF ARTICLE 18 OF THE COLORADO CONSTITUTION. LIMITATIONS IN THIS SECTION SHALL NOT APPLY TO CLONES;

(11) IT SHALL BE UNLAWFUL FOR ANY PERSON TO EXTRACT MARIJUANA CONCENTRATES USING ANY INDUSTRIAL GRADE SOLVENTS SUCH AS BUT NOT LIMITED TO NAPHTHA, BUTANE, PROPANE, HEXANE, NATURAL GAS OR SUPER CRITICAL CO2 ON ANY PROPERTY ZONED RESIDENTIAL UNLESS AUTHORIZED BY A SPECIAL REVIEW USE PURSUANT TO SECTION 6-284 OF THIS ARTICLE. THIS SHALL NOT APPLY TO FOOD GRADE ETHANOL;

(12) IT SHALL BE UNLAWFUL TO SELL MARIJUANA CULTIVATED, SPRAYED, FERTILIZED, OR OTHER WISE EXPOSED WITH ANY CHEMICAL BANNED BY THE DEPARTMENT OF AGRICULTURE FOR FOOD PRODUCTION. VIOLATION OF THIS SECTION SHALL BE GROUNDS FOR REVOCATION OF A LICENSE;

(13) IT SHALL BE UNLAWFUL TO SELL MARIJUANA OR MARIJUANA PRODUCTS THAT ARE CONTAMINATED WITH INSECTS, MOLD OR ANY OTHER INGREDIENT OR AGENT NOT LISTED OR PUBLICLY POSTED. ANY PRODUCT FOUND TO BE CONTAMINATED SHALL BE DISPOSED OF;

(14) THE REMEDIES PROVIDED IN THIS SECTION ARE IN ADDITION TO ANY OTHER REMEDY PROVIDED BY APPLICABLE LAW; AND

(15) CRIMINAL ACTS PROHIBITED BY THIS SECTION SHALL CONSTITUTE MISDEMEANORS SUBJECT TO THOSE PENALTIES SET FORTH IN SECTION 1-72 OF THIS CODE.

**6-287: SUSPENSION - REVOCATION - FINES:**

Sanctions are being treated the same as the local liquor code.

(1) IN ADDITION TO ANY FINES OR OTHER SANCTIONS PRESCRIBED BY ARTICLE II OF CHAPTER 6 OF THIS CODE, THIS ARTICLE OR RULES PROMULGATED PURSUANT TO THIS ARTICLE, THE TOWN CLERK HAS THE POWER, ON THEIR OWN MOTION OR ON COMPLAINT, AFTER INVESTIGATION AND OPPORTUNITY FOR A PUBLIC HEARING AT WHICH THE LICENSEE SHALL BE AFFORDED AN OPPORTUNITY TO BE HEARD, TO SUSPEND, REVOKE OR FINE A MARIJUANA ESTABLISHMENT LICENSE ISSUED BY THE TOWN FOR A VIOLATION BY THE LICENSEE OR BY ANY OF THE AGENTS OR EMPLOYEES OF THE LICENSEE. THE TOWN CLERK HAS THE POWER TO ADMINISTER OATHS AND ISSUE SUBPOENAS TO REQUIRE THE PRESENCE OF PERSONS AND THE PRODUCTION OF PAPERS, BOOKS, AND RECORDS NECESSARY TO THE DETERMINATION OF A HEARING THAT THE LOCAL LICENSING AUTHORITY IS AUTHORIZED TO CONDUCT FOR THE FOLLOWING REASONS:

- (A) FRAUD, MISREPRESENTATION, OR A FALSE STATEMENT OF MATERIAL FACT CONTAINED IN THE LICENSE APPLICATION;
  - (B) A PATTERN OF INTENTIONAL VIOLATIONS OF ANY APPLICABLE TOWN OR STATE LAW OR REGULATION;
  - (C) A VIOLATION OF ANY OF THE TERMS AND CONDITIONS OF THE LICENSE, INCLUDING ANY SPECIAL CONDITIONS OF APPROVAL IMPOSED UPON THE LICENSE BY THE TOWN CLERK PURSUANT TO SECTION 6-279;
  - (D) REFUSAL TO PERMIT THE TOWN ACCESS TO THE PREMISES FOR NECESSARY INSPECTIONS;
  - (E) FAILURE TO TIMELY PAY ANY BILLS OR FEES DUE TO THE TOWN, INCLUDING, BUT NOT LIMITED TO, WATER BILLS, SALES TAX, ETC.;
  - (F) THE MARIJUANA ESTABLISHMENT HAS BEEN DEEMED "INACTIVE," PURSUANT TO SECTION 6-281; AND
  - (G) OWNERSHIP OF THE MARIJUANA ESTABLISHMENT HAS BEEN TRANSFERRED WITHOUT THE NEW OWNER OBTAINING A LICENSE PURSUANT TO THIS ARTICLE.
- (2) IN CONNECTION WITH THE SUSPENSION OF A LICENSE, THE TOWN CLERK MAY IMPOSE SPECIAL CONDITIONS BUT SUCH CONDITIONS SHALL NOT BE UNREASONABLY IMPRACTICABLE.
- (3) A HEARING HELD PURSUANT TO THIS SECTION SHALL BE PROCESSED IN ACCORDANCE WITH CHAPTER 6, ARTICLE II OF THIS CODE.
- (4) IN DECIDING WHAT CONDITIONS, IF ANY, TO IMPOSE IN THE EVENT OF A SUSPENSION THE TOWN CLERK SHALL CONSIDER:
- (A) THE NATURE AND SERIOUSNESS OF THE VIOLATION;
  - (B) CORRECTIVE ACTION, IF ANY, TAKEN BY THE LICENSEE;
  - (C) PRIOR VIOLATION(S), IF ANY, BY THE LICENSEE;
  - (D) THE LIKELIHOOD OF RECURRENCE;
  - (E) ALL CIRCUMSTANCES SURROUNDING THE VIOLATION;
  - (F) WHETHER THE VIOLATION WAS WILLFUL; AND

(G) PREVIOUS SANCTIONS, IF ANY, IMPOSED AGAINST THE LICENSEE.

(5) IF THE TOWN CLERK SUSPENDS OR REVOKES A LICENSE, THE LICENSEE MAY APPEAL SUCH ACTION TO THE BOARD OF TRUSTEES IN ACCORDANCE WITH CHAPTER 6, ARTICLE II OF THIS CODE. THE BURDEN OF PROOF IN SUCH AN APPEAL IS ON THE LICENSEE TO DEMONSTRATE THAT THERE WAS INSUFFICIENT EVIDENCE OF CAUSE TO SUSPEND OR REVOKE THE LICENSE UNDER SUBSECTION (1) OF THIS SECTION. THE BOARD OF TRUSTEES MAY AFFIRM, REVERSE OR MODIFY THE DECISION OF THE TOWN CLERK. ANY DECISION MADE BY THE BOARD OF TRUSTEES PURSUANT TO THIS SECTION SHALL BE A FINAL DECISION AND MAY BE APPEALED TO THE DISTRICT COURT PURSUANT TO RULE 106(A)(4) OF THE COLORADO RULES OF CIVIL PROCEDURE. THE APPLICANT'S FAILURE TO TIMELY APPEAL THE DECISION IS A WAIVER OF THE APPLICANT'S RIGHT TO CONTEST THE DENIAL OR CONDITIONAL APPROVAL OF THE APPLICATION.

(6) NO FEE PREVIOUSLY PAID BY A LICENSEE IN CONNECTION WITH THE APPLICATION SHALL BE REFUNDED IF SUCH LICENSE IS SUSPENDED OR REVOKED.

**6-288: NO TOWN LIABILITY:** BY ACCEPTING A LICENSE ISSUED PURSUANT TO THIS ARTICLE A LICENSEE RELEASES THE TOWN, ITS OFFICERS, ELECTED OFFICIALS, EMPLOYEES, ATTORNEYS, AND AGENTS FROM ANY LIABILITY FOR INJURIES, DAMAGES, OR LIABILITIES OF ANY KIND THAT RESULT FROM ANY ARREST OR PROSECUTION OF THE LICENSEE, ITS OPERATORS, EMPLOYEES OR AGENTS FOR A VIOLATION OF ANY FEDERAL CRIMINAL LAWS

**6-289: OTHER LAWS REMAIN APPLICABLE:** EXCEPT FOR CONDUCT COVERED BY THE COLORADO CONSTITUTION AND THIS ARTICLE, THIS ARTICLE AFFORDS NO PROTECTION AGAINST PROSECUTION UNDER OTHER STATE LAWS. LICENSEES, OPERATORS, EMPLOYEES, CUSTOMERS OF A APPROVED MARIJUANA ESTABLISHMENT ASSUME ANY AND ALL RISK AND ANY AND ALL LIABILITY ARISING OR RESULTING FROM THE OPERATION OF THE MARIJUANA ESTABLISHMENT UNDER STATE LAW. FURTHER, TO THE GREATEST EXTENT PERMITTED BY STATE LAW, ANY ACTIONS TAKEN UNDER THE PROVISIONS OF THIS ARTICLE, BY ANY PUBLIC OFFICER OR OFFICERS, ELECTED OR APPOINTED OFFICIALS, EMPLOYEES, ATTORNEYS AND AGENTS OF THE TOWN OF NEDERLAND SHALL NOT BECOME A PERSONAL LIABILITY OF SUCH PERSON OR OF THE TOWN.

**6-290: REVIEW - REPEAL:** EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE PROVISIONS OF THIS ARTICLE SHALL ONLY BE REPEALED OR AMENDED BY A MAJORITY VOTE OF THE PEOPLE OF THE TOWN OF NEDERLAND THROUGH A REFERENDUM OR INITIATIVE UNLESS;

This is to prevent bans and or moratoriums after the voters passed the ordinance.

(1) IF AT ANYTIME FEDERAL LAW REGARDING MARIJUANA HAS CHANGED TO ALLOW INTERSTATE COMMERCE, THE RESIDENCY REQUIREMENTS FOR LICENSING, NON-RESIDENT CONSUMER RESTRICTIONS OR ANY OTHER APPLICABLE CONFLICTING PROVISIONS AND PENALTIES SHALL BE REPEALED BY THE BOARD OF TRUSTEES; AND

This repeals intrastate restrictions after marijuana is de-federalized and the State could adopt a similar provision.

(2) IF AT ANYTIME STATE LAW REGARDING THE REGULATION OF RECREATIONAL MARIJUANA HAVE CHANGED THIS ARTICLE SHALL BE AMENDED BY THE BOARD OF TRUSTEES FOR THE SOLE PURPOSE OF BEING COMPLIANT WITH STATE LAW.

Allows ordinance to remain in compliance with any future change at the State level.

**6-291: MUNICIPAL CODE:** EXCEPT AS SPECIFICALLY AMENDED HEREBY, THE NEDERLAND MUNICIPAL CODE, AND THE VARIOUS SECONDARY CODES ADOPTED BY REFERENCE THEREIN, SHALL CONTINUE IN FULL FORCE AND EFFECT.

**6-292: SEVERABILITY:** IF ANY SECTION, PARAGRAPH, SENTENCE, CLAUSE, OR PHRASE OF THIS ORDINANCE IS FOR ANY REASON HELD TO BE UNCONSTITUTIONAL OR OTHERWISE INVALID OR INEFFECTIVE BY THE FINAL, NON-APPEALABLE ORDER OR JUDGMENT OF ANY COURT OF COMPETENT JURISDICTION, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OR EFFECTIVENESS OF THE REMAINING PORTIONS OF THIS ORDINANCE. THE TOWN OF

NEDERLAND HEREBY DECLARES THAT IT WOULD HAVE ADOPTED EACH SECTION, PARAGRAPH, SENTENCE, CLAUSE AND PHRASE OF THIS ORDINANCE IRRESPECTIVE OF THE FACT THAT ANY ONE OR MORE SECTIONS, PARAGRAPHS, SENTENCES, CLAUSES OR PHRASES MAY BE DECLARED UNCONSTITUTIONAL, INVALID OR INEFFECTIVE.

**6-293: CONFLICT:** ANY AND ALL ORDINANCES OR CODES OR PARTS THEREOF IN CONFLICT OR INCONSISTENT HERewith ARE, TO THE EXTENT OF SUCH CONFLICT OR INCONSISTENCY, HEREBY REPEALED; PROVIDED, HOWEVER, THAT THE REPEAL OF ANY SUCH ORDINANCE OR CODE OR PART THEREOF SHALL NOT REVIVE ANY OTHER SECTION OR PART OF ANY ORDINANCE OR CODE PROVISION HERETOFORE REPEALED OR SUPERSEDED.

**6-294: EMERGENCY** CLAUSE: THE TOWN OF NEDERLAND HEREBY FINDS, DETERMINES AND DECLARES THAT AN EMERGENCY EXISTS AND THAT THIS ORDINANCE IS NECESSARY FOR THE PRESERVATION OF HEALTH, WELFARE, PEACE AND SAFETY. THE IMMEDIATE ADOPTION OF THIS ORDINANCE ON AN EMERGENCY BASIS IS NECESSARY TO PERMIT THE TOWN TO ENACT MARIJUANA REGULATIONS TO COMBAT THE ILLEGAL TRAFFICKING OF MARIJUANA AND THE CRIMINAL ACTIVITIES ASSOCIATED THEREWITH. ACCORDINGLY, THE TOWN DETERMINES THAT THE ADOPTION OF THIS ORDINANCE AS WRITTEN UPON VALIDATION OF THE INITIATIVE PETITION IS IN THE BEST INTERESTS OF THE CITIZENS OF THE TOWN OF NEDERLAND.

Immediate adoption by the Board of Trustees addresses the illegal trafficking of marijuana, loss of tax revenue and saves the Town wasting substantial money having additional language drafted by Oct 1 and overturned a month later.