

CITY OF GLENDALE, COLORADO

ORDINANCE NO. 8

SERIES OF 2014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GLENDALE, COLORADO,
ESTABLISHING LICENSING FOR MARIJUANA CENTERS

WHEREAS, the City Council of the City of Glendale recognizes that Amendment 64 allowed recreational marijuana sales in the State of Colorado; and

WHEREAS, the City of Glendale currently treats the Medical and Retail Marijuana Centers identically to any other retail use for zoning purposes; and,

WHEREAS, undue concentration of any specific use, no matter how beneficial, is harmful to the welfare of the public by posing a concentrated burden to the public services; and

WHEREAS, the City Council of the City of Glendale wishes to procure initial notice of the existence of these Medical and Retail Marijuana Centers and limit their undue concentration.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Glendale, Colorado, that:

SECTION 1. The following Sections will be added to Chapter 3.28.010 of the Glendale Code of Ordinances:

3.28.020 Licensing of medical and retail marijuana centers.

It is unlawful for a Medical or Retail Marijuana Center to operate in the City of Glendale after August 1, 2014, without first being licensed under this Chapter.

3.28.030 Application for local licensing of medical and retail marijuana center.

A. An application for a Local Medical and Retail Marijuana Center shall contain the following:

1. A copy of the State of Colorado Retail or Medical Marijuana Business license application or, for existing establishments, a certificate of good standing with the Marijuana Enforcement Division of the State of Colorado. If application is made before July 1, 2014, a copy of the Notice of Intent to Apply for a new retail marijuana business license.
2. Payment of an application fee of \$25.
3. Copy of the lease, deed, or other proof showing possession of the premises.

3.28.040 Requirements for medical and retail marijuana centers.

A. The following requirements shall apply to all Medical and Retail Marijuana Centers in the City of Glendale:

1. A retail marijuana store shall be closed to the public, and no sale or other distribution of marijuana shall occur upon the premises, between the hours of midnight and 7 a.m.
2. The Centers may only locate in areas allowed under the zoning code for retail sales.
3. The Centers may not locate within 200 feet on the same side of the right-of-way of another Medical or Retail Marijuana Center.
 - a. Co-locating a retail and medical marijuana establishment is exempt from this requirement subject to the following:
 - i. A licensed medical marijuana center that permits admittance of patients under twenty-one (21) years of age may also hold a retail marijuana store license and operate a dual marijuana business operation on the same licensed premises. In such case, the retail marijuana store licensee must post signage clearly conveying that persons under twenty-one (21) years of age may not enter the area that contains the retail marijuana store. Under these circumstances, and upon approval of the local and state licensing authorities, the medical marijuana center and the retail marijuana store may share a common foyer but must have separate entrances and exits, and medical marijuana and retail marijuana goods and products must be separately displayed and sold. Record keeping for the business operations of both must enable the local and state licensing authorities to clearly distinguish the inventories and business transactions of medical marijuana and medical marijuana-infused products from retail marijuana and retail marijuana products.
 - ii. A licensed medical marijuana center that prohibits admission of patients under the age of twenty-one (21) years of age may also hold a retail marijuana store license and operate a dual marijuana business operation on the licensed premises. In such cases, the medical marijuana center must post signage clearly conveying that persons under twenty-one (21) years of age may not enter the establishment. Under these circumstances and upon approval of the local and state licensing authorities, the medical marijuana center and retail marijuana store may share the same entrances and exits. Medical marijuana and retail marijuana and medical marijuana-infused products and retail marijuana products must be displayed separately on the same sale floor. Record keeping for the business

operations of both must enable the state and local licensing authority to clearly distinguish the inventories and business transactions of medical marijuana and medical marijuana-infused products from retail marijuana and retail marijuana products.

- b. The distance restrictions set forth in this section shall not affect the renewal of a license once granted or apply to a license in effect and actively doing business before the construction of, or the opening of, a medical or retail marijuana center.
- c. The distances set forth in this section are to be computed by direct measurement from the nearest portion of the footprint of the retail or medical marijuana establishment.

3.28.050 Permit—Review.

The City Clerk shall review all applications for Local Licensing of Retail and Medical Marijuana Centers for the following:

- A. Completeness of the application.
- B. Compliance with the Zoning Code and location requirements after consultation with the Community Development Department.
- C. Verification that no other applications were received whose locations would overlap the location requirements of this Chapter.
 - a. If multiple applications are received on proposed locations that would violate the location requirements of this Chapter, priority shall be given by the order the application or notice of intent was received by either the State of Colorado or the City of Glendale for the specific location.
 - b. If the application given priority is approved, the other applications shall be denied.

3.28.060 Permit- Issuance.

If the application complies with the requirements of this Chapter, a license shall be issued.

3.28.060 Effect of denial

If the office of the City Clerk disapproves an application, no Local License for either a Retail or Medical Marijuana Center shall be issued.

SECTION 2. Safety Clause. The City Council hereby finds, determines, and declares this ordinance is promulgated under the police powers of the City, is promulgated for the health,

safety, morals, and general welfare of the public, and is necessary for the preservation of the health and safety and for the protection of public convenience and welfare. The City Council further determines this ordinance bears a rational relationship to the proper legislative objective sought to be attained.

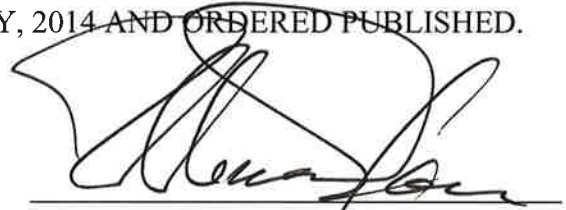
SECTION 3. Validity and Severability. If any action, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining section, subsections or clauses shall not be affected thereby, each provision, to the extent possible, being severable from the others.

SECTION 4. Repeal. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. Effective Date. This ordinance shall take effect as provided in the Glendale City Charter.

INTRODUCED BY COUNCIL MEMBER FRANSSSEN, SECONDED BY COUNCIL MEMBER ALLEN, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GLENDALE, COLORADO THIS 3RD DAY OF JUNE, 2014, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING ON THE 1ST DAY OF JULY, 2014.

ADOPTED ON SECOND READING BY THE CITY COUNCIL OF THE CITY OF GLENDALE, COLORADO THIS 1st DAY OF JULY, 2014 AND ORDERED PUBLISHED.




Mike Dunafon, Mayor

ATTEST:



Sherry Frame, City Clerk

APPROVED AS TO FORM:



Jeff Springer, City Attorney