

ORDINANCE NO. 773

AN ORDINANCE AMENDING THE DAcono MUNICIPAL CODE TO PERMIT A LIMITED NUMBER OF MEDICAL MARIJUANA BUSINESSES, SUBJECT TO LOCAL REGULATION.

WHEREAS, at the November 2000 election, Colorado voters approved the medical use of marijuana by enacting Article XVIII, Section 14 of the Colorado Constitution (“Amendment 20”); and

WHEREAS, Amendment 20 enables persons who are in medical need of marijuana to address symptoms or effects of a debilitating medical condition to be able to obtain and use it without fear of criminal prosecution; and

WHEREAS, by Ordinance No. 765, which was adopted on second and final reading on June 11, 2012, the City Council for the City of Dacono made specific findings regarding potential adverse impacts and secondary effects of medical marijuana businesses and prohibited all commercial medical marijuana operations, including medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused manufacturer operations; and

WHEREAS, all such medical marijuana businesses operating with a valid City of Dacono business license as of the effective date of Ordinance No. 765 were permitted to continue in operation until December 31, 2012, at which time they were cease operations that were prohibited by Ordinance No. 765; and

WHEREAS, on the effective date of Ordinance No. 765, there were three (3) such existing commercial medical marijuana businesses (the “previously licensed businesses”), all of which ceased operations at the close of business on December 31, 2012 as required by Ordinance No. 765; and

WHEREAS, by Resolution No. 13-01, the City Council submitted a ballot question on a proposed initiated ordinance to a vote of the registered electors of the City at a special election to be held May 7, 2013; and

WHEREAS, as set forth in Resolution No. 13-01, the City has identified several drafting errors that may frustrate the petition signors’ intent and subject the ordinance or the City’s administration thereof to controversy or litigation, or both, if the proposed initiated ordinance is approved by the City’s voters; and

WHEREAS, the City Council desires to submit an alternate ordinance as set forth herein to the City’s voters at the May 7, 2013 special election pursuant to C.R.S. § 31-11-104(2), which would permit not more than three medical marijuana centers to operate within the City, subject to regulations as set forth herein and may hereafter be adopted by the City in order to preserve the health, safety and welfare of the City and its residents while facilitating the professed need for City residents to obtain medical marijuana from dispensaries located within the City; and

WHEREAS, in order to ensure the provisions of this alternate ordinance as set forth herein reflects the intent of the petition signors and will not prove unduly burdensome to the medical marijuana business community, on February 12, 2013 the City Council held a work session during which the City Council discussed with the petition representatives and representatives from the previously licensed businesses the policy issues, intent and goals of this alternate ordinance; and

WHEREAS, the City Council has received complaints regarding the impact of the two previously licensed businesses that were located outside the City's Industrial zone district, including but not limited to odors emanating from the businesses, and finds that no business licenses should be issued for proposed locations within the boundaries of any zone district other than the City's Industrial zone district; and

WHEREAS, the City Council specifically discussed with the representatives of those previously licensed businesses that were located outside the City's Industrial zone district the specific negative impacts that had been reported to the City, and whether, if they were permitted to re-open in their previous locations, being required to move to a location within the City's Industrial zone district by the end of calendar year 2014 would present a hardship, and neither of these previously licensed businesses had an objection to being required to move by the end of calendar year 2014; and

WHEREAS, City staff thereafter drafted this ordinance for submission to the voters at the May 7, 2013 special election, and provided a copy of the draft ordinance to the petition representatives and representatives from the previously licensed businesses for their review and comment; and

WHEREAS, the City Council finds the secondary effects associated with medical marijuana businesses as set forth in Ordinance No. 765 remain a concern and many of the municipalities surrounding the City prohibit medical marijuana businesses, which could result in a proliferation of medical marijuana businesses in the City that would likely serve customers from throughout the region; and

WHEREAS, the City Council finds that the best way to balance the interests of City residents desiring access to purchase medical marijuana locally with the health safety and welfare concerns regarding secondary effects of these businesses is to limit the number of businesses within the City to those reasonably necessary to serve the local residents, in order to avoid an unduly high concentration of such businesses that would likely serve primarily customers with no ties to the community in Dacono; and

WHEREAS, in May 2010, when the City Council enacted its temporary moratorium on new business licenses for medical marijuana businesses, the Colorado Department of Public Health and Environment (the "CDPHE") reports there were 3,568 patients with a valid medical marijuana registry card residing in Weld County; and

WHEREAS, the CDPHE reports as of December 31, 2012, when Ordinance No. 765 required the previously licensed businesses to close, there were 3,424 patients with a valid medical marijuana registry card residing in Weld County; and

WHEREAS, the City Council finds that, based on these statistics, the demand for medical marijuana by residents of the City has likely remained fairly level from the time of the City's temporary moratorium until the City's businesses were required to close; and

WHEREAS, the City Council finds that, although it recognizes the potential for negative secondary effects from a proliferation of medical marijuana businesses, such secondary effects had not yet manifested when only three such businesses were operating within the City; and

WHEREAS, the City Council further finds the proposed initiated ordinance, which received a sufficient number of signatures to be put forth to a vote, would facilitate only three medical marijuana businesses, which indicates that, in the opinion of the City electors who signed the petition, three such businesses would sufficiently meet the demands of City residents for this type of business; and

WHEREAS, the City Council finds that limiting the number of local business licenses available for medical marijuana businesses as set forth herein is rationally related to the legitimate governmental purpose of protecting the City and its residents from the potential adverse impacts of a large number of medical marijuana businesses; and

WHEREAS, the City Council has reviewed a letter dated April 26, 2011 from Colorado Attorney General John Suthers to Governor John Hickenlooper, in which Attorney General Suthers expresses his office's "great concern" with the fact that some U.S. Attorneys, including the United States Attorney for the District of Colorado, "do not consider state employees who conduct activities under state medical marijuana laws to be immune from liability under federal law"; and

WHEREAS, the City Council is concerned that it should not place at risk of prosecution under federal law City employees who under the City's current ordinances are charged with the obligation to process land use applications and issue business licenses authorizing the sale of medical marijuana in the City; and

WHEREAS, the City Council finds that, in order to protect the City and its elected officials and employees, all applicants for a medical marijuana business license in the City should be required to indemnify and hold harmless the City, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims and demand for the activities of the applicant, should a City business license be issued; and

WHEREAS, the City Council finds that regulation of medical marijuana businesses as set forth herein is necessary and desirable to avoid conflicts with the City's comprehensive land use plan, ensure consistency with adjacent and surrounding land uses, and to ameliorate

secondary effects of medical marijuana businesses deemed detrimental to the public health, safety and welfare; and

WHEREAS, the City Council finds this ordinance necessary to safeguard the urban environment of the City by permitting compliance with the state constitution in a manner consistent with the aforementioned local and municipal concerns; and

WHEREAS, in submitting this proposed ordinance to the City's voters at the May 7, 2013 special election, the City Council expresses no opinion either in favor of or against medical marijuana, rather the Council is merely facilitating the will of the voters as expressed in the initiative petition and as may be carried out at the May 7, 2013 special election.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. Chapter 6, Article 11 of the Dacono Municipal Code is hereby repealed and re-enacted to read as follows:

ARTICLE 11

Medical Marijuana

Sec. 6-300. Purpose; incorporation of state law.

(a) The purpose of this Article is to implement the provisions of Article 43.3 of Title 12, C.R.S., known as the Colorado Medical Marijuana Code.

(b) The provisions of the Colorado Medical 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.

Sec. 6-301. Definitions.

For the purposes of this Article, the following terms, unless the context indicates otherwise, shall have the following meanings:

Applicant means any person or entity 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.

Article means this Article 11 of Chapter 6 of the Dacono Municipal Code.

Authority means the Medical Marijuana Licensing Authority created by this Article.

Code means the Dacono Municipal Code.

CMMC means the Colorado Medical Marijuana Code, C.R.S. § 12-43.3-101, *et seq.*

Cultivation or *cultivate* means the process by which a person grows a marijuana plant.

Financial interest means any ownership interest, including, without limitation, a membership, directorship or officership; of any creditor interest, whether or not such interest is evidenced by any written document.

License means a document issued by the City officially authorizing an applicant to operate a medical marijuana business pursuant to this Article.

Licensee means the person to whom a license has been issued pursuant to this Article.

Marijuana shall have the same meaning as the term “usable form of marijuana” as set forth in Article XVII, Section 14(1)(i) of the Colorado Constitution, or as may be more fully defined in any applicable state law or regulation.

Medical marijuana means marijuana that is grown and sold for a purpose authorized by Section 14 of Article XVIII of the Colorado Constitution.

Medical Marijuana business or *business* means a medical marijuana center, optional premises cultivation operation, or medical marijuana-infused products manufacturer.

Medical marijuana center means a person authorized to be licensed to operate a business as described in C.R.S. § 12-43.3-402 that sells medical marijuana to registered patients or primary caregivers as defined in Section 14 of Article XVIII of the Colorado Constitution, but is not a primary caregiver.

Medical marijuana-infused products manufacturer means a person licensed pursuant to the CMMC to operate a business as described in C.R.S. § 12-43.3-404.

Medical marijuana paraphernalia or *paraphernalia* means devices, contrivances, instruments and paraphernalia for inhaling or otherwise consuming

medical marijuana, including, but not limited to, rolling papers, related tools, water pipes and vaporizers.

Minor means a patient less than eighteen (18) years of age.

Optional premises cultivation operation means a person licensed pursuant to the CMMC to operate a business as described in C.R.S. § 12-43.3-403.

Patient shall have the same meaning as set forth in Article XVIII, Section 14(1)(d) of the Colorado Constitution, or as may be more fully defined in any applicable state law or regulation.

Place of worship or religious assembly shall mean a building containing a hall, auditorium or other suitable room used for the purpose of conducting religious services or meetings of the occupants of such structure.

Primary caregiver shall have the same meaning as set forth in Article XVIII, Section 14(1)(f) of the Colorado Constitution and subject to any statutory requirements or conditions, or as addressed in any applicable Colorado Department of Revenue regulations.

Sec. 6-302. Medical Marijuana Licensing Authority

(a) There shall be and is hereby created a Medical Marijuana Licensing Authority, which shall be the City Clerk or the City Clerk's designee.

(b) In addition to all the powers of a local licensing authority as set forth in the CMMC, the Authority shall have the duty and authority pursuant to the CMMC and this Article to:

- (1) Grant, grant with conditions or deny licenses;
- (2) Grant or refuse transfers of ownership or location of the license;
- (3) Levy penalties against licensees in the manner provided by law;
- (4) Promulgate rules and regulations concerning the procedures for hearings before the Authority;
- (5) Require any applicant or licensee to furnish any relevant information required by the Authority; and

(6) Administer oaths and issues subpoenas to require the presence of persons and the production of papers, books, and records at any hearing the Authority is authorized to conduct. Any such subpoena shall be served in the same manner as a subpoena issued by the District Court of the State.

Sec. 6-303. License required.

It shall be unlawful for any person to establish or operate a medical marijuana business in the City without first having obtained from the City and the State a license for each facility to be operated in connection with such business. Such license shall be kept current at all times, and the failure to maintain a current license shall constitute a violation of this Article.

Sec. 6-304. Requirements of application for license; payment of application fee.

(a) A person seeking a license pursuant to the CMMC and 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.

(b) The application shall include the following information for the applicant, and where applicable the proposed manager of the medical marijuana business, and all persons having a financial interest 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:

(1) Name, address, and date of birth;

(2) An acknowledgement and consent that the City may conduct a background investigation, including a criminal history check, and that the city will be entitled to full and complete disclosure of all financial records of the medical marijuana business, including records of deposits, withdrawals, balances and loans, during the term of any license issued pursuant to this Article, including any renewal periods;

(3) If the applicant is a business entity, information regarding the entity including, without limitation, the name and address of the entity, its legal status, and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State, as applicable;

(4) A copy of any deed demonstrating the applicant's ownership of, or lease demonstrating the applicant's right to occupy, the proposed licensed premises;

(5) If the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a medical marijuana business;

(6) Evidence of a valid City and State sales tax license for the business;

(7) A "to scale" diagram of the proposed licensed premises, no larger than 11" x 17" showing, without limitation, the building layout, all entry ways and exits to the proposed licensed premises, loading zones, and all areas where medical marijuana will be stored, grown, manufactured, or dispensed;

(8) A comprehensive business operation plan for the medical marijuana business, which shall contain, at a minimum, the following:

a. A security plan meeting the requirements of Section 6-310;

b. A description of all products to be sold; and

c. A plan for exterior signage that is in compliance with all applicable requirements of this Code, including photographs or illustrations of the proposed signage.

(9) Any additional information the Authority reasonably determines is necessary in connection with the investigation and review of the application.

(c) All medical marijuana businesses shall obtain all other required permits and licenses related to the operation of the medical marijuana business including, without limitation, any development approvals or building permits required by this Code.

(d) Upon receipt of a completed application, the Authority may circulate the application to all affected service areas and departments of the City to determine whether the application is in full compliance with all applicable laws, rules and regulations.

(e) The City may, prior to issuance of the license, perform an inspection of the proposed licensed premises to determine compliance with any applicable requirements of this Article or other provisions of this Code.

Sec. 6-305. Denial of application.

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

Sec. 6-306. 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 the conviction of any felony or crime that 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 entity whose directors, shareholders, members, partners or any other person with a financial interest in the entity, have been convicted of any of the offenses set forth in subsection (1) above;

(3) Any applicant who has made a false, misleading or fraudulent statement, or who has intentionally omitted pertinent information on the application for a license.

Sec. 6-307. Location and selection criteria.

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

(1) The exterior boundary of any Civic/ Open Space District zoned property in the City;

(2) The exterior boundary of any zone district within the City that permits residential uses;

(3) The exterior boundary of any lot on which there is located a dwelling unit, whether located within or outside the City;

(4) Any church or religious institution;

- (5) Any public or private educational institution or school;
- (6) Any licensed day care center;
- (7) Any alcohol or drug rehabilitation facility;
- (8) Any public community center, park, fairground or recreation center or any publicly owned or maintained building open for use to the general public;
- (9) Any other medical marijuana dispensary, whether located within or outside the City; and
- (10) Any halfway house or correctional facility.
- (11) Within the boundaries of any R-1, R-2, MH, C-R, C-1, B-1, RR-1, COS, DR, or Agricultural zone district.

(b) The location criteria in subsection (a) of this Section shall apply to all proposed changes in the location of an existing license. Except for the location criteria in subsection (a)(11), the location criteria in subsection (a) shall not apply to renewals of an existing license.

(c) The distances described in subsection (a) of this Section shall be computed by direct measurement in a straight line from the nearest property line of the land used to the nearest portion of the building or unit in which the medical marijuana center is located.

(d) For license years 2013 and 2014 only, subsection (a)(11) shall not apply to a business that had been issued a City of Dacono business license for business activities that included sale of medical marijuana prior to December 31, 2012 if the business is proposed to be located on the same parcel for which the business was licensed to operate prior to December 31, 2012, and the business applies for a new license pursuant to this Article within ninety (90) days of the application being made available. For license years 2015 and thereafter, all applications for new or renewed business licenses shall meet all requirements of this Section. The intent of this subsection (d) is to permit previously licensed medical marijuana businesses to apply for and receive new licenses and renewals regardless of the location criteria set forth in subsection (a) of this Section, but only until the end of license year 2014, so that beginning in license year 2015 all medical marijuana centers will meet all location criteria set forth in this Section.

(e) For good cause shown, as determined in the sole discretion of the Authority, the Authority may conditionally grant renewal of a business license for license year 2015 to a business that has failed to meet the location criteria by the

end of license year 2014, which conditions provide such business not more than six (6) additional months to comply with the location requirements of this Section.

(f) No medical marijuana business license shall be issued if, at the time of application for such license, there are three (3) or more such licenses issued by the City of Dacono. For purposes of this subsection, “time of application” shall mean the time at which the Authority reviews an application received pursuant to this Article. Complete applications shall be marked with the date and time received by the City and shall be processed by the Authority in the order received. Incomplete applications shall be returned with no action taken by the Authority, and resubmission of an incomplete application shall be assigned a new date and time. This subsection (f) shall not affect renewals.

(g) Subsection (f) shall not apply to a business that had been issued a City of Dacono business license for business activities that included sale of medical marijuana prior to December 31, 2012 if the business applies for a new license pursuant to this Article within ninety (90) days of the application being made available. The intent of this subsection (g) is to grant priority to previously licensed medical marijuana businesses in order they may have the first opportunity to apply for and receive a license, but require they do so within ninety (90) days of the application being made available in order to receive such priority.

Sec. 6-308. Signage and advertising.

(a) Advertisements, signs, displays or other promotional material depicting medical marijuana uses shall not be shown or exhibited off the premises or in any manner that is visible to the public from roadways, pedestrian sidewalks or walkways or from other public areas.

(b) In addition, it shall be unlawful for any licensee to:

(1) Use signage or advertising with the word “marijuana” or “cannabis” or any other word, phrase or symbol commonly understood to refer to marijuana unless such word, phrase or symbol is immediately preceded by the word “medical” in type and font that is at least as readily discernible as all other words, phrases and symbols.

(2) Use advertising materials that, as evidenced by the content of the advertising materials or by the medium or the manner in which the advertising material is disseminated, is designed to appeal to minors.

(3) Advertise in a manner that is inconsistent with the medicinal use of marijuana or use advertisements that promote medical marijuana for recreational or any use other than for medicinal purposes.

(4) Advertise using sign wavers or twirlers.

(5) Advertise using natural persons standing within one thousand (1,000) feet of any public park, recreation center, or school.

Sec. 6-309. Visibility of activities; control of emissions.

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

(b) No medical marijuana or paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed premises.

(c) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a medical marijuana business must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a medical 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.

Sec. 6-310. Security.

Medical marijuana centers shall provide adequate security on the premises, and the business license application shall include a narrative description of how the applicant will meet the requirements of this Section. At a minimum, such security shall include:

(1) Security surveillance cameras installed to monitor the main entrance and the exterior of the premises to both discourage and facilitate the reporting of criminal acts and nuisance activities. Security video shall be preserved for at least seventy-two (72) hours.

(2) Robbery and burglary alarm systems that are professionally monitored and maintained in good working condition.

Sec. 6-311. Sales tax; license required.

Each medical marijuana business shall collect and remit City sales and use tax on all medical marijuana, paraphernalia and other tangible personal property used or sold at the licensed premises.

Sec. 6-312. Inspection of licensed premises.

During all business hours and other times of apparent activity, all licensed premises shall be subject to inspection by the Dacono Police Department and all other City departments designated by the City Administrator for the purpose of investigating and determining compliance with the provisions of this Article and any other applicable state and local laws or regulations.

Sec. 6-313. Nonrenewal, suspension or revocation of license.

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

(1) The applicant or licensee, or his or her agent, manager or employee, has violated, does not meet, or has failed to comply with, any of the terms, requirements, conditions or provisions of this Article or with any applicable State or local law or regulation;

(2) The applicant or licensee, or his or her agent, manager or employee, has failed to comply with any special terms or conditions of its license pursuant to an order of the State or local licensing authority, including those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any disciplinary proceedings held subsequent to the date of issuance of the license;

(3) The medical marijuana business has been 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 medical marijuana business or in the immediate area surrounding the business, a continuing pattern of criminal conduct directly related to or arising from the operation of the medical marijuana business, or an ongoing nuisance condition emanating from or caused by the medical marijuana business. Criminal conduct shall be limited to the violation of a State or City law or regulation.

(c) The Authority shall conduct a review of all licenses at least annually and in addition to examining the factors enumerated in this Section may, but is not required to, hold a hearing on each license at which the general public shall be invited to appear and provide testimony regarding the effects of the license on the surrounding community and the City at large. If such a hearing is held, the licensee will be provided with advance written notice and may appear

and provide testimony in response to any public comments. The Authority may consider all such testimony when deciding whether to renew such license.

Sec. 6-314. 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 medical marijuana business, or any customer of such business, who violates any of the provisions of this Article, shall be subject to penalties as set forth in Chapter 1, Article 5 of this Code.

Sec. 6-315. No City liability; indemnification.

(a) By accepting a license issued pursuant to this Article, the licensee waives and releases the City, its officer, 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 business owners, operators, employees, agents, clients or customers for a violation of State or federal laws, rules or regulations.

(b) By accepting a license issued pursuant to this Article, all licensees, jointly and severally if more than one, agree to indemnify, defend and hold harmless the City, its officers, elected officials, employees, attorneys, agents and insurers against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the medical marijuana business that is the subject of the license.

Sec. 6-316. Other laws applicable.

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

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

Section 2. The provisions of this ordinance shall not take effect unless and until a majority of the registered voters voting at the special municipal election on May 7, 2013 vote “yes” in response to the following ballot title:

Ballot Question 2A

SHALL THE CITY OF DACONO PERMIT NOT MORE THAN THREE MEDICAL MARIJUANA BUSINESSES TO OPERATE WITHIN THE CITY, SUBJECT TO LOCAL REGULATIONS, AND UPON THE CONDITION THAT ALL SUCH BUSINESSES BE LOCATED ONLY IN THE INDUSTRIAL ZONE DISTRICT BEGINNING LICENSE YEAR 2015?

YES _____
NO _____

Section 3. Upon this ordinance becoming effective, the City Clerk shall prepare application forms for use by applicants. Once the application forms are available, the City Clerk shall notify those businesses that had been issued a City of Dacono business license for business activities that included sale of medical marijuana prior to December 31, 2012, and shall provide a period of ninety (90) days during which only those previously licensed businesses may apply for a business license pursuant to this Article, after which time the application forms will be made publicly available.

Section 4. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. The repeal or modification of any provision of any prior ordinance by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE AND POSTED IN FULL this 25th day of February, 2013.

PUBLIC HEARING AND SECOND HEARING WILL BE THE 11th day of March, 2013, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 11th day of March, 2013.

CITY OF DACONO, COLORADO



Charles Sigman, Mayor

ATTEST:



Valerie Taylor, City Clerk

Summary of Ordinance No. 773, **“AN ORDINANCE AMENDING THE DACONO MUNICIPAL CODE TO PERMIT A LIMITED NUMBER OF MEDICAL MARIJUANA BUSINESSES, SUBJECT TO LOCAL REGULATION”**: Submits to the registered electors of the City an alternate ordinance to permit not more than three medical marijuana businesses within the City.