

ORDINANCE NO. 783

AN ORDINANCE CONCERNING RENEWAL OF MEDICAL MARIJUANA BUSINESS LICENSES.

WHEREAS, by Ordinance No. 773, the City Council for the City of Dacono referred Ballot Question 2A to the registered voters of the City at a special election held on May 7, 2013, and at which election a majority of the voters voted to permit not more than three medical marijuana businesses to operate within the City, subject to the licensing and location requirements set forth in Ordinance No. 773; and

WHEREAS, in accordance with the licensing requirements set forth in Ordinance No. 773, which are codified in Chapter 6, Article 11 of the Dacono Municipal Code, one such medical marijuana business license has been conditionally approved by the City's Medical Marijuana Licensing Authority but has not yet been issued; and

WHEREAS, City business licenses, including medical marijuana business licenses, are issued annually with all licenses expiring on December 31 of each license year; and

WHEREAS, Section 6-300(b) of the Dacono Municipal Code incorporates by reference the provisions of the Colorado Medical Marijuana Code, and any rules and regulations promulgated thereunder, except to the extent that more restrictive or additional regulations are set forth in Chapter 6, Article 11 of the Dacono Municipal Code; and

WHEREAS, Section 12-43.3-311 of the Colorado Revised Statutes addresses license renewal pursuant to the Colorado Medical Marijuana Code; and

WHEREAS, by this ordinance the City Council desires to conform such renewal provisions to the City's annual licensing for the limited number of licenses, and accommodate timely applications for renewal of medical marijuana business licenses by license holders.

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

Section 1. Section 6-304 of the Dacono Municipal Code is hereby amended by the addition of a new subsection (f) to read as follows:

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

(f) A license issued pursuant to this Article shall expire on December 31 of the year in which it was issued. On or before September 30th of each year, the

Authority shall mail a courtesy reminder of the expiration date to those holding licenses; such notice shall be sent by first class mail to the licensee's address of record with the City, and failure of a licensee to receive such notice shall not relieve the licensee of its obligation to timely apply for renewal of its license. Application for renewal of a license for the following license year shall be filed with the Authority on or before November 15. The Authority shall not accept an application for renewal of a license after the date of expiration, except that an application for late renewal may be filed with the Authority on or before March 31 provided there have not been issued, or applications received for, the maximum number of medical marijuana business licenses as set forth in Section 6-307(f) of this Code.

Section 2. Section 6-307(e) and (f) of the Dacono Municipal Code are hereby amended to read as follows (words to be deleted ~~stricken~~; words to be added underlined):

Sec. 6-307. Location and selection criteria.

(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, but in any event not later than June 30, 2015, 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 an application for renewals filed prior to the expiration date of the license.

Section 3. If any 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 4. 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 AND POSTED BY TITLE this 9th day of June, 2014.

PUBLIC HEARING AND SECOND READING WILL BE THE 23rd day of June, 2014, 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 23rd day of June, 2014.

CITY OF DACONO, COLORADO



Charles Sigman, Mayor

ATTEST:



Valerie Taylor, City Clerk

Summary of Ordinance No. 783, **“AN ORDINANCE CONCERNING RENEWAL OF MEDICAL MARIJUANA BUSINESS LICENSES.”** Establishes deadlines for application of renewal of City medical marijuana business licenses that reflect the City’s annual license periods and allows for late renewal of a license, provided the maximum number of licenses has not been reached.