

**ORDINANCE NO. 15
SERIES OF 2016**

**AN ORDINANCE OF THE TOWN OF CARBONDALE, COLORADO, APPROVING
REVISIONS TO CHAPTER 6 OF THE MUNICIPAL CODE OF THE TOWN OF
CARBONDALE TO REQUIRE ADDITIONAL PROCEDURAL PROCESS FOR CERTAIN
LICENSE APPLICATIONS AND PROHIBIT RENEWAL OF NONOPERATIONAL LICENSES.**

WHEREAS, the Town has licensed and regulated retail and medical marijuana establishments for the past three years, and the Board of Trustees has identified changes or additions to existing provisions within the existing Retail Marijuana Licensing Ordinance and Medical Marijuana Licensing Ordinance that more effectively regulate marijuana licensing applications and Town's marijuana licensing approval, suspension, and revocation process;

WHEREAS, in order to better regulate the medical and retail marijuana industry within the Town the Board of Trustees seeks to require additional procedural processes for applications to change the location of a licensed marijuana establishment or to modify a licensed premises;

WHEREAS, in order to discourage nonoperational licenses within the Town of Carbondale, the Board of Trustees seeks to require that an application for license renewal shall be denied if the application concerns a facility and premise that was nonoperational, not open for business, and did not sell marijuana product or services from its licensed premises during the previous license year;

WHEREAS, the Board of Trustees finds, determines, and declares that it has the power to adopt this Ordinance pursuant to Article XX of the Colorado Constitution and the Home Rule Charter of the Town of Carbondale; and

WHEREAS, the Board of Trustees finds that it is in the interest of public health, safety, and welfare to adopt revisions to Chapters 6 and 10 of the Municipal Code in order to more effectively regulate retail and medical marijuana establishments.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO that:

1. Chapter 6, Article 4 of the Town of Carbondale Municipal Code regarding *medical* marijuana licensing requirements shall be amended by deleting the language stricken and adding the language underlined to read as follows:

6-4-130. Change of location; modification of premises.

Any change of the location of any license or any modification of the licensed premises shall be governed by the standards and procedures set forth in the Colorado Medical Marijuana Code and any regulations adopted pursuant thereto, and the Board of Trustees shall administer applications to change location or modify premises in the same manner as the state licensing authority administers changes of location and modifications of premises for state licenses. ~~Any proposed~~

~~modification and any new location to which an existing licensed business is transferred shall fully comply with the spacing and zoning requirements as set forth in this Article. Any application for a proposed change of location shall fully comply with the spacing and zoning requirements as set forth in this Article and shall be subject to the public hearing requirements pursuant to Section 6-4-80(f). Any application for a proposed modification of the licensed premises shall comply with the spacing and zoning requirements as set forth in this Article, and any application for a proposed modification of the licensed premises which seeks to increase facility size or otherwise increase or enhance production of marijuana shall be subject to a new review and approval pursuant to the Uniform Development Code.~~

6-4-140. - Ongoing license holder requirements; term of licenses; renewals.

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(e) Notwithstanding anything else in this Article to the contrary, the Town Clerk shall deny an application for license renewal if the Town Clerk determines that the application concerns a licensed premise that was nonoperational, not open for business, and did not sell marijuana product or services from its licensed premises during the immediately preceding license year. This sub-section (e) shall only apply to applications for license renewal for which the underlying license, duly issued by the Town of Carbondale, stated the requirements of this sub-section (e).

2. Chapter 6, Article 5 of the Town of Carbondale Municipal Code regarding *retail* marijuana licensing requirements shall be amended by deleting the language stricken and adding the language underlined to read as follows:

6-5-170. Change of location; modification of premises.

Any change of the location of any license or any modification of the licensed premises shall be governed by the standards and procedures set forth in the Colorado Retail Marijuana Code and any regulations adopted pursuant thereto, and the Board of Trustees shall administer applications to change location or modify premises in the same manner as the state licensing authority administers changes of location and modifications of premises for state licenses. ~~Any proposed modification and any new location to which an existing licensed business is transferred shall fully comply with the spacing and zoning requirements as set forth in this Article. Any new application for a proposed change of location shall fully comply with the spacing and zoning requirements as set forth in this Article and shall be subject to the public hearing requirements pursuant to Section 6-5-110(f). Any application for a proposed modification of the licensed premises shall comply with the spacing and zoning requirements as set forth in this Article, and any application for a proposed modification of the licensed premises which seeks to increase facility size or otherwise increase or enhance production of marijuana shall be subject to a new review and approval pursuant to the Uniform Development Code.~~


6-5-180. - Ongoing license holder requirements; term of licenses; renewals.

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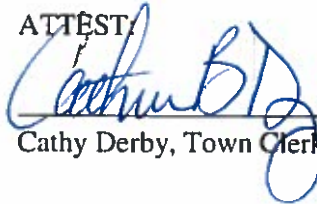
(e) (e) Notwithstanding anything else in this Article to the contrary, the Town Clerk shall deny an application for license renewal if the Town Clerk determines that the application concerns a licensed premise that was nonoperational, not open for business, and did not sell marijuana product or services from its licensed premises during the immediately preceding license year. This sub-section (e) shall only apply to applications for license renewal for which the underlying license, duly issued by the Town of Carbondale, stated the requirements of this sub-section (e).

INTRODUCED, READ AND PASSED this 9th day of August, 2016.

THE TOWN OF CARBONDALE


Dan Richardson, Mayor Pro Tem

ATTEST:


Cathy Derby, Town Clerk



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