

ORDINANCE NO. 17-28

AN ORDINANCE AMENDING PART 1 (MEDICAL MARIJUANA LICENSE CODE) OF ARTICLE 2 (MARIJUANA) OF CHAPTER 2 (BUSINESS LICENSING, LIQUOR REGULATION AND TAXATION) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO MEDICAL MARIJUANA LICENSE CODE

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

Section 1. Part 1 (Medical Marijuana License Code) of Article 2 (Marijuana) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

2.2.102: DEFINITIONS:

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CUMULATIVE CAP ON LICENSED MEDICAL MARIJUANA LOCATIONS: A maximum number of approximately two hundred and twelve (212) distinct locations in the City where one or any combination of the following may be licensed in the same premises location: medical marijuana center, medical marijuana optional premises cultivation facility, and medical marijuana infused product manufacturer facility; such exact number as determined by the local licensing authority by calculating the total number of locations in the City where a licensed premises existed for a medical marijuana center, medical marijuana optional premises cultivation facility, and medical marijuana infused product manufacturer facility or any combination of these as of May 25, 2017. The local licensing authority's calculation of the cap shall be considered dispositive and shall not be subject to appeal.

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MEDICAL MARIJUANA ESTABLISHMENT: A licensed medical marijuana center, a medical marijuana-infused products manufacturer, a medical marijuana optional premises cultivation operation, or a medical marijuana testing facility.

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MEDICAL MARIJUANA TESTING FACILITY: A public or private laboratory licensed and certified to conduct research and analyze medical marijuana, medical marijuana-infused products, and medical marijuana concentrate for contaminants and potency as described in Colorado Revised Statutes section 12-43.3-405.

MEDICAL MARIJUANA OPTIONAL PREMISES: The premises specified in an application for a medical marijuana center license with related growing facilities in Colorado for which the licensee is authorized to grow and cultivate marijuana for a purpose authorized by Colorado Constitution article XVIII, section 14.

MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION OPERATION: A person licensed pursuant to the State Code and this part to operate a business as described in Colorado Revised Statutes section 12-43.3-403.

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PREMISES: A distinct and definite location **with approved unique enumeration**, which may include a building, a part of a building, a room, or any other definite contiguous area **with internal contiguous access, which is under the exclusive possession and control by the licensee.**

2.2.104: LICENSE REQUIRED:

A. It shall be unlawful for any person to engage in the business of selling, growing, distributing, processing, infusing, **or testing** any medical marijuana within the City without valid City and State licenses as required by law.

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D. Effective May 25, 2017, the local licensing authority shall not receive or act upon any application for a new medical marijuana center license.

E. Effective May 25, 2017, the local licensing authority shall not receive or act upon any application for a new medical marijuana optional premises cultivation or medical marijuana infused product manufacturer license unless the new license is to be co-located with an existing licensed medical marijuana establishment location with 100% common ownership and pursuant to the cumulative cap on licensed medical marijuana locations.

F. Effective May 25, 2017, the local licensing authority shall not receive or act upon any application for a change of location of any medical marijuana center,

medical marijuana optional premises cultivation facility, or medical marijuana infused product manufacturer license unless:

- 1. All other medical marijuana establishment licenses at the prior location also change location to the same new location; or**
- 2. The medical marijuana establishment license change of location is proposed to be to a location where other medical marijuana establishment license(s) currently exist that is 100% commonly owned by the licensee; or**
- 3. All other medical marijuana establishment licenses at the prior location are surrendered.**

G. If licenses for a medical marijuana location are surrendered or revoked, the cumulative cap on licensed medical marijuana locations shall be reduced accordingly. Any active, valid license may be transferred to another person meeting all of the requirements for licensure.

H. Medical marijuana testing facility licenses shall be capped at one licensed location for every one hundred (100) licensed medical marijuana locations that are subject to the cumulative cap on licensed medical marijuana locations set forth in sub-section 2.2.102.

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Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2017.

Finally passed: _____

Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk