



**TOWN OF DILLON
PLANNING AND ZONING COMMISSION
REGULAR MEETING
Wednesday, June 4, 2014
5:30 p.m.
Dillon Town Hall
275 Lake Dillon Dr.**

AGENDA

1. Call to Order
2. Approval of the minutes of the May 7th, 2014 regular meeting.
3. Public Comments: Open comment period for planning and zoning topics not on tonight's agenda.
4. Discussion Item: Continuation of Retail Marijuana Regulations
5. Other Business
6. Adjournment



Memorandum

Draft Retail Marijuana Code Language:

Chapter 6, Article VIII. Retail Marijuana

Sec. 6-8-10. Findings:

- A. On November 6, 2012 the voters of the State of Colorado approved Amendment 64. Amendment 64 added Section 16 of Article XVIII to the Colorado Constitution.
- B. Section 16(5)(f) of Article XVIII of the Colorado Constitution authorizes a municipality to enact an ordinance or regulation, not in conflict with Section 16 of Article XVIII of the Colorado Constitution, governing the time, place, manner, and number of marijuana establishments within the boundaries of the municipality.
- C. The Colorado Retail Marijuana Code (Article 43.4 of Title 12, C.R.S.) establishes a new procedure that allows for the dual licensing by the State Licensing Authority and the Local Licensing Authority of the retail cultivation, manufacture, distribution, and sale of Retail Marijuana and Retail Marijuana Products.
- D. Specifically, the Colorado Retail Marijuana Code authorizes municipalities to:
 1. enact regulations governing the time, place, manner, and number of Retail Marijuana Establishments within the boundaries of the municipality, which may include a local licensing requirement (Section 12-43.4-104(3), C.R.S.);
 2. impose separate local licensing requirements as a part of the municipality's restrictions on time, place, manner, and number of marijuana businesses within the municipality (Section 12-43.4-301(2), C.R.S.);
 3. enact ordinances or resolutions concerning matters authorized to local governments (Section 12-43.4-304(2), C.R.S.);
 4. adopt and enforce regulations for retail marijuana establishments that are at least as restrictive as the Colorado Retail Marijuana Code and the State Administrative Regulations (Section 12-43.4-309(1), C.R.S.); and
 5. adopt and impose operating fees on marijuana establishments located within its jurisdiction in an amount determined by the municipality (Section 12-43.4-501(3), C.R.S.).

Sec. 6-8-20. No Town Liability:

By operating a business pursuant to a license issued by the Local Licensing Authority a licensee releases the Town, its officers, 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 the licensee, or the licensee's owners, operators, employees, clients, or customers, for a violation of any

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state or federal law, rule or regulation related to retail marijuana, or from the forced closure of the licensed premises because, the Colorado Retail Marijuana Code, any applicable administrative regulation, and/or this Chapter, are found to be invalid under any superior law.

Sec. 6-8-30. Definitions

Cannabinoids means any of the chemical compounds that are the active principals of marijuana.

Church has the same meaning as in Sec. 16-1-50 of the Dillon Municipal Code.

College Campus means the area, grounds, and buildings around a university, college, or school.

Colorado Department of Revenue Marijuana Enforcement Division Permanent Rules Related to the Colorado Retail Marijuana Code XXXXXXXXX

Colorado Retail Marijuana Code means Article 43.4 of Title 12 C.R.S., as amended from time to time.

Enclosed and Locked Space means the area within the residential structure where marijuana is cultivated pursuant to Sections 14 and 16 of Article XVIII of the Colorado Constitution, and that is secured at all points of ingress and egress with a locking mechanism such as a key or combination lock designed to limit access.

Halfway House means a group care facility for adults or juveniles who have been placed on probation or parole under applicable law.

Licensee means any Person licensed pursuant to the Colorado Retail Marijuana Code and the Dillon Municipal Code.

Licensed Premises means the premises specified in an application for a license pursuant to Retail Marijuana that are owned or in the possession of the Licensee and within which the Licensee is authorized to operate a Retail Marijuana Store in accordance with the Colorado Retail Marijuana Code.

Local Licensing Authority means the Town Council of the Town of Dillon authorized to act pursuant to these regulations and the Colorado Retail Marijuana Code.

Marijuana has the same meaning as in Section 16(2)(f) of Article XVIII of the Colorado Constitution.

Marijuana Accessories has the same meaning as in Section 16(2)(g) of Article XVIII of the Colorado Constitution.

Marijuana Cultivation Facilities has the same meaning as in Section 16 of Article XVIII of the Colorado Constitution or as may be more fully defined in the Colorado Retail Marijuana Code.

Marijuana Products Manufacturing Facilities has the same meaning as in Section 16 of Article XVIII of the Colorado Constitution or as may be more fully defined in the Colorado Retail Marijuana Code.

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Marijuana Testing Facilities has the same meaning as in Section 16 of Article XVIII of the Colorado Constitution or as may be more fully defined in the Colorado Retail Marijuana Code.

Medical Marijuana Centers has the same meaning as in Sec. 6-7-10 of the Dillon Municipal Code.

Multi-Family Residential Use has the same meaning as in Sec. 16-1-50 of the Dillon Municipal Code.

Person means a natural person, partnership, association, company, or organization, or a manager, agent, owner, director, servant, officer, or employee thereof; except that "Person" does not include any governmental organization.

Residential Use has the same meaning as in Sec. 16-1-50 of the Dillon Municipal Code.

Retail Marijuana has the same meaning as in the Colorado Retail Marijuana Code.

Retail Marijuana Establishments has the same meaning as in the Colorado Retail Marijuana Code.

Retail Marijuana Products has the same meaning as in the Colorado Retail Marijuana Code.

Retail Marijuana Stores has the same meaning as in the Colorado Retail Marijuana Code.

Retail Marijuana Store License means a license issued by the State Licensing Authority and the Local Licensing Authority for the operation of a Retail Marijuana Store in accordance with the Colorado Retail Marijuana Code.

School means a public or private elementary, middle, junior high or high school.

Single-family Residential Use has the same meaning as in Sec. 16-1-50 of the Dillon Municipal Code.

State Administrative Regulations means the administrative rules and regulations for Retail Marijuana Establishments issued by the State Licensing Authority and/or Colorado Department of Revenue, Marijuana Enforcement Division, pursuant to Section 16(5)(a) of Article XVIII of the Colorado Constitution and Section 12-43.4-202(2)(b), C.R.S., as amended from time to time.

State Licensing Authority has the same meaning as in the Colorado Retail Marijuana Code.

Sec. 6-8-40. Other Laws Remain Applicable:

Before issuing a license the Local Licensing Authority shall obtain written confirmation from the licensee that the licensee understands and agrees to the following:

- A. Neither this Chapter, nor the act of obtaining a license from the Local Licensing Authority, protects licensees, or the owners, operators, employees, customers, and clients of a licensed

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premises, from criminal prosecution pursuant to any superior law that prohibits the cultivation, sale, use, or possession of controlled substances, including, but not limited to, medical marijuana and retail marijuana.

- B. As of the date of the adoption of this Chapter the cultivation, sale, possession, distribution, and use of marijuana remains a violation of federal law, and this Chapter affords licensees, and licensee's owners, operators, employees, customers, and clients, with no protection from criminal prosecution under such law. Licensees, and their owners, operators, employees, customers, and clients assume any and all risk and liability arising or resulting from the operation of the licensed premises under federal law.
- C. The Town has no liability to a licensee or any other person for injuries, damages, or liabilities of any kind, under any legal theory, arising from the forced closure of the Licensed Premises if the Colorado Retail Marijuana Code, the applicable administrative regulations, and/or this Chapter are found to be invalid or illegal under any superior law.
- D. To the greatest extent permitted by law, any action taken under the provisions of this Chapter by any public officer or officers, elected or appointed officials, employees, attorneys, and agents of the Town of Dillon, is not a personal liability of such person or of the Town.

Sec. 6-8-50. Rules and Regulations Amendments:

The Local Licensing Authority may from time to time adopt, amend, alter, and repeal administrative rules and regulations as may be necessary for the proper administration of this Chapter.

Sec. 6-8-60. Permitted Retail Marijuana Uses:

Retail Marijuana Stores may be allowed as a Permitted Use within the Mixed Use (MU) and Commercial (C) zoning districts if the Town finds that such a business meets all the criteria for the granting of a Retail Marijuana Store License and it conforms to the standards in this section. No other type of Marijuana Establishment shall be permitted in the Town of Dillon: Marijuana Cultivation Facilities, Marijuana Products Manufacturing Facilities, and Marijuana Testing Facilities are not permitted in the Town of Dillon. Medical Marijuana Centers are also not permitted in the Town of Dillon.

- A. All Retail Marijuana establishments shall conform to the Colorado Retail Marijuana Code, Article 43.4 of Title 12, C.R.S., latest amendment thereof, and the Colorado Department of Revenue Marijuana Enforcement Division Permanent Rules Related to the Colorado Retail Marijuana Code, latest edition thereof.
- B. No Retail Marijuana Store shall be located closer than three hundred (300) feet from the following uses:
 - 1. A Church;
 - 2. Land zoned as Parks and Open Space (POS);

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3. A residential zoning district, regardless of jurisdiction; or,
 4. A Residential Use, unless the residential use is within the Mixed Use (MU) or Commercial (C) zoning districts and is not in the same building as a Retail Marijuana Store. Under no circumstances shall a Retail Marijuana Store be located in the same building as a residential use.
 5. Other same building exclusions: No Retail Marijuana Store shall be in the same building as a pediatrician's office or a building having rooms for boarding.
- C. No Retail Marijuana Store shall be located within one thousand (1,000) feet of a School (Pre-K and K-12), child care facility or child care center, a College Campus, whether a primary campus or not, or a correctional institution, rehabilitation center, or Halfway House.
- D. Measurement of Setbacks: For the purposes of this Section, the distance between a Retail Marijuana Store and any of the restricted uses stipulated shall be measured as follows: without regard to intervening structures, objects or Town limits, from the closest property line of the structure in which the Retail Marijuana Store is located to the nearest property line of the other use.
- E. Hours of Operation: 8:00 a.m. to 10:00 p.m., 7 days a week.
- F. Retail Marijuana Store Site Requirements. The following criteria shall be met when evaluating an application for a Retail Marijuana Store:
1. The proposed business is identified as a permitted use and is consistent with the intent and purpose of the Comprehensive Plan and applicable zoning district.
 2. The parcel is suitable for the proposed use considering such factors as size, shape, location, topography, soils, slope stability, drainage, and natural features.
 3. The proposed use will not have significant adverse impacts on the air or water quality of the community.
 4. The proposed use will not substantially limit, impair or preclude the use of surrounding properties for the uses permitted in the applicable zoning district.
 5. Adequate public utilities and services are available or will be made available to the site prior to the establishment of the use.
 6. The proposed use will not produce any noise or vibration issues that have significant adverse impacts on the community and the neighboring property owners and tenants in a multi-tenant building.
 7. The proposed use will not produce any smells, odors or noxious fumes that have significant adverse impacts on the community and the neighboring property owners and tenants in a multi-tenant building. The proposed use shall meet all applicable code

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requirements for ventilation and fire protection. The Retail Marijuana establishment shall have a separate ventilation, heating, and air conditioning system from that of any adjoining use space. The smell or odor of marijuana shall not be capable of being detected by a person with a normal sense of smell from any adjoining lot, adjoining tenant space, parcel, tract of land, or public right-of-way. The odor filtering method and equipment shall be approved by the Summit County Building Department, and shall meet the industry standard for odor control.

8. The proposed use will not produce any storage, loading or delivery activities related to the storage, loading or delivery of products for the proposed use that have significant adverse impacts on the community and the neighboring property owners and tenants in a multi-tenant building.
9. Any Retail Marijuana Store proposed in a building not owned by the marijuana licensee, shall provide written approval of such operations from the property owner. Said written approval shall provide the specific location of the permitted space, the square footage of the permitted space, the terms of the approval, detail any conditions of said approval, provide complete contact information for the property owner and applicant, and shall be signed by the property owner and notarized.
10. The Retail Marijuana Store shall employ security measures, money and product storage, and video surveillance, including video record retention times, in accordance with State Law. The systems in place shall be reviewed by the Dillon Police Department, and all transaction records and video surveillance records shall be provided to the Dillon Police Department upon request.
11. Neither the word "Marijuana", nor any image representing any part of a marijuana plant or a device used for consuming marijuana shall be used in a business name or logo, shall be displayed on, or be visible from, the exterior of the business.
12. There shall be no display of marijuana, marijuana products, or Marijuana Accessories visible from the exterior of the business.
13. No retail Marijuana Store shall employ the use of automated dispensing machines for marijuana, marijuana infused products, or any other products sold by the business.

Sec. 6-8-70. Residential Growing and Processing of Marijuana Plants:

- A. No person over the age of 21 shall possess more than six (6) growing plants of marijuana. No person over the age of 21 shall possess more than three (3) mature, flowering marijuana plants. Regardless of the number of persons over the age of 21 living in a residence, there shall be no more than a total of twelve (12) marijuana plants, of which no more than six (6) may be mature, flowering plants.

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- B. Operations in a Single-family Residential Use are limited to 150 square feet, and 100 square feet in a Multi-family Residential Use. Said space shall conform to the adopted building and fire codes.
- C. Marijuana shall not be grown or processed in the common area of a multi-family residential dwelling.
- D. Marijuana shall be kept, cultivated, and processed in an Enclosed Locked Space that residents under the age of 21 cannot access in accordance with State Law. The plants must be grown and processed in a fully enclosed space that cannot be seen openly.
- E. The growing and processing operations shall be done entirely within a locked location shielded from view from the exterior of the structure. The open growing or processing of marijuana on such publicly viewable places as, but not limited to, decks, balconies, and patios is not permitted.
- F. If the operations are within a residence not owned by the grower / processor, then written approval of such operations shall be obtained from the property owner. A landlord or home owners association has the right to prohibit marijuana entirely.
- G. Home grown marijuana, or marijuana products from home grown plants, may not be sold, and the product must be kept on the premises except as allowed by the State possession limit.
- H. The growing, cultivation, and processing of marijuana shall not be perceptible from the exterior of a residential structure where plants are grown, including, but not limited to:
 - 1. Common visual observation;
 - 2. Light pollution, glare, or brightness that disturbs the repose of another;
 - 3. Undue vehicular or foot traffic, including unusually heavy parking in front of the residential structure;
 - 4. Noise from an exhaust fan shall not be in excess of the maximum permissible noise level described in the Dillon Municipal Code;
 - 5. The smell or odor of marijuana shall not be capable of being detected by a person with a normal sense of smell from any adjoining lot, dwelling unit, parcel, or tract of land not owned by the owner of the residential structure, or from an adjoining public right of way.

Sec. 6-8-80. Processing Marijuana Plants for the Extraction of THC or other Cannabinoids:

Processing Marijuana Plants for the Extraction of THC or other Cannabinoids for personal use or retail distribution within the Town of Dillon is prohibited.

Sec. 6-8-90. Licensing:

- A. License Required.

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1) Except as otherwise provided in this article and Section 16 of Article XVIII of the Colorado Constitution it shall be unlawful for any person to test, cultivate, produce, manufacture, sell, or otherwise distribute for remuneration any marijuana or marijuana products in the Town of Dillon without first obtaining a license to operate a Retail Marijuana Store pursuant the Colorado Retail Marijuana Code and this article. Notwithstanding, this section shall not apply to an individual twenty-one years of age or older acting in conformance with Subsection 3 of Section 16 of Article XVIII of the Colorado Constitution.

2) Any requirements set forth in this article shall be in addition to, and not in lieu of, any other requirements imposed by any State or local law.

3) The only type of Retail Marijuana Established permitted and licensable in the Town of Dillon is a Retail Marijuana Store, as more fully described in in this article. All other types of Retail Marijuana Establishment are expressly prohibited.

B. Local Licensing Authority.

1) For the purpose of regulating and controlling the licensing pertaining to the sale of marijuana in the Town of Dillon, there is hereby created the Local Licensing Authority. The Local Licensing Authority shall be the Town Council of the Town of Dillon and is referred to herein as the "Authority".

2) The Authority shall have such powers and duties as are set forth in this article, in the Colorado Retail Marijuana Code, and Subsection 5(e) of Section 16 of Article XVIII of the Colorado Constitution.

3) The Authority shall examine at any time those records of each licensee which the Authority determines are necessary to verify license requirements provided the contents of such records shall remain confidential and not a part of the public records.

4) The Authority may adopt, amend, alter, and repeal administrative rules and regulations as may be necessary for the proper administration of this article.

C. General Licensing Procedures.

1) A person seeking to obtain a license from the Local Licensing Authority shall file an application with the Town Clerk. The Town Clerk is responsible for providing application forms to prospective applicants, and for generally supervising the application process up to the point that a completed application is submitted to the Local Licensing Authority.

2) For the purpose of regulating the sale of retail marijuana, the Authority in its discretion, upon application in the prescribed form, may issue and grant to the applicant only a Retail Marijuana Store License, subject to the provisions and restrictions provided in this article, Section 16 of Article XVIII of the Colorado Constitution and the Colorado Retail Marijuana Code.

3) The Authority shall issue a license, with or without conditions, in its sole discretion, under this article when, after thorough consideration of the application, and from review of such

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other information as required by this article or the Colorado Retail Marijuana Code, the Authority determines that the applicant complies with all of the requirements of this article and the Colorado Retail Marijuana Code, including the following:

- a) The application, including any required attachments and submissions, is complete and signed by the applicant;
 - b) A signed statement of acceptance to the terms presented in Sec. 6-8-40 of this article;
 - c) The applicant has paid the application fee and any other fees required by this article;
 - d) The application does not contain a material falsehood or misrepresentation;
 - e) The location of the Retail Marijuana Store is proposed to be located on a premise permitted by the applicable land use code;
 - f) The criminal history of the applicant, and the applicant's owners, officers, and managers, does not disqualify the applicant from holding a license; and
 - g) The applicant meets or otherwise will meet all the requirements of this article, including a demonstration of good moral character.
 - h) The applicant is capable of meeting any conditions placed on the license by the Authority.
 - i) The notice requirements for public hearing in **Section XXXX** have been met.
- 4) Upon approval or denial of a license application, with or without conditions, the Authority shall promptly forward its decision whether to issue or deny a license to the State Licensing Authority.
- 5) Prior to the issuance of a license, the Authority shall make a finding and determination as to the good moral character of the applicant in accordance with the standards and procedures set forth in the Colorado Retail Marijuana Code. In so doing, the Authority may incorporate any findings as to good moral character previously made by the State Licensing Authority. The Authority shall not be required to perform a criminal background check if: (i) the State Licensing Authority has performed a criminal background check on the applicant to the satisfaction of the Authority; or (ii) the Authority issues a license conditioned on the review of the criminal background check.
- 6) Upon receipt of the application for a Retail Marijuana Store License, the Authority may circulate the application to the Town Planner and/or Community Development Coordinator, the Police Department, the local fire protection district, or any other department or agency the Authority deems necessary in order to determine whether the proposed facility is or will be in compliance with any and all laws, rules, and regulations administered by these respective departments and agencies.

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7) After approval of an application and prior to the issuance of a license, the premises proposed to be licensed may be inspected by the building official and the fire protection district to determine compliance with the Town's building and technical codes. No license shall be issued if the proposed licensed premise does not comply with such codes as identified by the building official and fire protection district in writing. Throughout the term of the license the building official and fire protection district may inspect the licensed premise to determine continuing compliance with the Town's building and technical codes.

8) The Authority shall deny any application for a license that is not in compliance with this article, the Colorado Retail Marijuana Code or any other applicable State or local law or regulation.

9) A license issued by the Local Licensing Authority does not eliminate the need for the licensee to obtain other required Town licenses and permits related to the operation of the licensed premises, including, but not limited to:

- i. A Development Permit
- ii. A Town Sales Tax License
- iii. A Town Business License
- iv. All Building Permits

D. Public Hearing.

Upon receipt of an application for a Retail Marijuana Store license, except an application for renewal or for transfer of ownership or location of a previously-issued license within the Town of Dillon, the Authority shall schedule a public hearing upon the application. If the Authority schedules a hearing, it shall post, publish and mail public notice thereof not less than ten (10) days prior to the hearing. The Authority shall give public notice by the posting in a conspicuous place on the proposed Retail Marijuana Store premises for which application has been made, by publication in a newspaper of general circulation in Summit County, Colorado and in accordance with **Section XXXX** of the Dillon Municipal Code. Individual notices of the hearing shall be given by first class mail to all property owners and tenants within 300 feet of the boundaries of the real property upon which the Retail Marijuana Store is proposed to be located.

E. Application.

1) At such time as application forms are made available by the State Licensing Authority for state licensing, the Authority shall begin to receive and process applications for licensing under this article and the Colorado Retail Marijuana Code.

2) Applications for a Town of Dillon Retail Marijuana Store license shall be made to the Authority upon forms created and provided by the Authority. The application must include the following:

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- a) Proof of ownership or legal possession of the proposed licensed premises for the term of the proposed license.
- b) Consent from the landowner if the proposed premises will be leased.
- c) Name and address of the owner or owners of the proposed Retail Marijuana Store.
- d) If the owner is a corporation, partnership, limited liability company, or other business entity, the names, social security numbers, and addresses of any officer or director of the entity and of any person holding one (1) percent or more of the issued and outstanding capital stock or other ownership interest of the entity.
- e) A completed set of the applicant fingerprints of each person specified in subsection xx and xx of this Section xxxx.
- f) The applicant(s) must provide a State of Colorado and Town of Dillon sales tax number, if applicable, to the Town of Dillon at the time of license application.
- g) Name and address of any manager or managers of the proposed Retail Marijuana Store.
- h) An operating plan for the proposed Retail Marijuana Store including the following information:
 - i. A description of the products and services to be provided.
 - ii. A floor plan showing all interior dimensions of the licensed premises and the layout of the Retail Marijuana Store, including all limited access areas, areas of ingress and ingress, and all security cameras. The floor plan shall also show the principal uses of the floor area depicted therein.
 - iii. A security plan indicating how the applicant intends to comply with the requirements of this article and the Colorado Retail Marijuana Code.
 - iv. An area map, drawn to scale, indicating, within a radius of one-quarter mile from the boundaries of the property upon which the Retail Marijuana Store is located, the proximity of the property to any school or to any residential zone district.
- i) A statement of whether or not any person holding any ownership interest has:
 - a. Been denied an application for a Medical or Retail Marijuana Establishment license by the State in this or any other jurisdiction or had such a license suspended or revoked; and

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b. Been convicted of a felony or has completed any portion of a sentence due to a felony charge within the preceding five (5) years.

j) Proof the premise is located on an appropriately zoned lot.

k) All application, licensing, operational, background, and other fees due and payable to operate a Retail Marijuana Store as determined by the Authority.

l) Any additional document(s) or information reasonably requested by the Authority.

F. Fees.

(a) Licensing fees, operating fees, renewal fees, and all other fees necessary for the administration, regulation, and implementation of this article shall be set by the Authority by resolution.

(b) At least annually, the amount of fees charged pursuant to this section shall be reviewed and, if necessary, adjusted to reflect the direct and indirect costs incurred by the Town in connection with the administration and enforcement of this article, including costs of unannounced compliance checks.

G. Persons Prohibited as Licensees and Managers.

No license provided by this article shall be issued to or held by:

1) Any person who, in the immediately preceding twelve (12) months had a Medical Marijuana Facility license or Retail Marijuana Establishment license revoked or suspended by the State or by the local licensing authority in this or any other jurisdiction

2) Any person who has been convicted of a felony that is deemed a crime of violence or has completed any portion of a felony sentence within the preceding five (5) years.

3) Any person not of good moral character as defined by the Colorado Retail Marijuana Code.

H. Renewals.

1) Any local license issued pursuant to this article shall be valid for a period of one (1) year from the date of issuance. A licensee shall renew their license annually. Any renewal of the license shall be governed by the standards and procedures set forth in this article and the Colorado Retail Marijuana Code, subject to any additional restrictions on renewal for certain classes of licenses in certain locations as promulgated by the Authority.

2) Failure of the licensee to renew and keep its state license current and valid or to make timely payment of the local licensing fee shall be grounds for revocation of any license issued pursuant to this article.

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3) All renewals are subject to a renewal fee in the amount established by the Authority.

I. Transfers of Ownership and Changes of Location.

1) Transfer of Ownership

a) The transfer of any interest in a Retail Marijuana Store must be reported to the Authority prior to the change in ownership by submitting an application on forms approved by the Authority.

b) Transfer of ownership of any license issued pursuant to this article shall be governed by the standards and procedures set forth in the Colorado Retail Marijuana Code.

2) Change of Location

i. The change of location of a Retail Marijuana Store must be reported to the Authority prior to the change by submitting an application on forms approved by the Authority.

ii. Change of location of any license issued pursuant to this article shall be governed by the standards and procedures set forth the Colorado Retail Marijuana Code.

J. Disciplinary Actions; Sanctions; Penalties.

1) Procedures for suspension or revocation of licenses issued pursuant to this article and other fines, sanctions and penalties shall be as provided in the Colorado Retail Marijuana Code. In addition, a violation of any of the provisions of this article shall be grounds for potential suspension or revocation of a Retail Marijuana Store license, subject to notice and public hearing.

2) In deciding whether a license should be suspended or revoked in accordance with this section, and in deciding what conditions to impose in the event of a suspension, if any, the Authority shall consider:

- i. The nature and seriousness of the violation;
- ii. Corrective action, if any, taken by the licensee;
- iii. Prior violation(s), if any, at the licensed premises by the licensee and the effectiveness of prior corrective action, if any;
- iv. The likelihood of recurrence;
- v. All circumstances surrounding the violation;
- vi. Whether the violation was willful;

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- vii. The length of time the license has been held by the licensee;
 - viii. The number of violations by the licensee within the applicable twelve (12) month period;
 - ix. Previous sanctions, if any, imposed against the licensee; and
 - x. Any other factor making the situation with respect to the licensee or the licensed premises unique or the violation of greater concern.
- 3) The remedies provided in this section are in addition to any other remedy provided by applicable law.

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