

Chapter 6-14 - MEDICAL MARIJUANA CODE

6-14-1. - Legislative Intent and Purpose.

- (a) Legislative Intent. The city council intends to regulate the use, acquisition, cultivation, production, and distribution of medical marijuana in a manner that is consistent with Article XVIII, Section 14 of the Colorado Constitution (the "Medical Marijuana Amendment").
- (1) The Medical Marijuana Amendment to the Colorado Constitution does not provide a legal manner for patients to obtain medical marijuana unless the patient grows the marijuana or the marijuana is grown by the patient's primary caregiver. The regulations are intended to apply to all medical marijuana operations in the city whether by a patient or caregiver under the Medical Marijuana Amendment, or any medical marijuana business permitted under the state law. Medical marijuana cultivation and production can have an impact on health, safety, and community resources, and the Code is intended to permit medical marijuana cultivation where it will have a minimal impact.
 - (2) Use, distribution, cultivation, production, possession, and transportation of medical marijuana remains illegal under federal law, and marijuana remains classified as a "controlled substance" by federal law.
 - (3) The regulations for medical marijuana uses are not adequate at the state level to address the impacts on the city of medical marijuana, making it appropriate for local regulation of the impacts of medical marijuana uses.
 - (4) Nothing in this chapter is intended to promote or condone the production, distribution, or possession of marijuana in violation of any applicable law.
 - (5) This chapter is to be construed to protect the public over medical marijuana business interests. Operation of a medical marijuana business is a revocable privilege and not a right in the city. There is no property right for an individual or business to have medical marijuana in the city.
 - (6) Medical marijuana is a heavily regulated industry in the city, all licensees are assumed to be fully aware of the law, the city shall not therefore be required to issue warnings before issuing citations for violations of this chapter.
- (b) Purpose. The purpose of this chapter is to protect the public health, safety, and welfare of the residents and patients of the city by prescribing the manner in which medical marijuana businesses can be conducted in the city. Further, the purpose of this chapter is to:
- (1) Provide for a means of cultivation, production, and distribution of marijuana to patients who qualify to obtain, possess, and use marijuana for medical purposes under the Medical Marijuana Amendment.
 - (2) Protect public health and safety through reasonable limitations on business operations as they relate to noise, air and water quality, food safety, neighborhood and patient safety, security for the business and its personnel, and other health and safety concerns.
 - (3) Promote lively street life and high quality neighborhoods by limiting the concentration of any one type of business in specific areas.
 - (4) Impose fees to cover the cost to the city of licensing medical marijuana businesses in an amount sufficient for the city to recover its costs of the licensing program.
 - (5) Adopt a mechanism for monitoring compliance with the provisions of this chapter.

- (6) Create regulations that address the particular needs of the patients and residents of the city and coordinate with laws that may be enacted by the state regarding the issue.
 - (7) Facilitate the implementation of the Medical Marijuana Amendment without going beyond the authority granted by it.
 - (8) Support Boulder's Sustainability and Climate Action Plan goals by requiring renewable sources for energy use to grow medical marijuana.
 - (9) Issue medical marijuana business licenses only to individuals and entities that have demonstrated an intent and ability to comply with this chapter without monitoring by city officials.
 - (10) Protect public safety and residential areas by limiting the areas of the city where more than six medical marijuana plants may be grown.
 - (11) Exclude from the definition of a medical marijuana business the private possession, production, and medical use of marijuana by an individual patient or the private possession, production, distribution, and medical use of marijuana by an individual caregiver for one patient, in the residence of the patient or caregiver, to the extent permitted by Article XVIII, Section 14 of the Colorado Constitution.
- (c) Relationship to State Law. The provisions in this chapter that are different from the state law are consistent with the city's responsibility to protect the public health, safety, and welfare as authorized by § 12-43.3-305, C.R.S., and by the home rule authority granted to the city by Article XX of the Colorado Constitution and the charter of the city. The city intends that both state law and this chapter apply within the city. Where this chapter conflicts with the state law, this chapter shall apply on all matters authorized in § 12-43.3-101, et seq., C.R.S., and all matters of local concern.
- (d) Adoption of this chapter is not intended to waive or otherwise impair any portion of the local option available under § 12-43.3-106, C.R.S.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012); 7929 (2013); [8081 \(2015\)](#)

6-14-2. - Definitions.

The following words and phrases used in this chapter have the following meanings unless the context clearly indicates otherwise:

Addiction recovery facility shall have the same meaning as set forth in Section 9-16-1, B.R.C. 1981.

Adult Event means any event at which no more than 30 percent of the audience at the event and/or viewing advertising in connection with the event is reasonably expected to be under the age of 21. To be considered an Adult Event, (a) in an enclosed building not visible from a place open to the public and admission to the event must be controlled and limited to those over 21 years of age, or (b) prior to the commencement of the event or advertising for the event, the marijuana business shall present to the city reliable evidence to demonstrate that the event will have no more than 30 percent of the audience, and those viewing advertising for the event, under the age of 21. No event on city property or dedicated trails or for which access cannot be controlled may be considered an Adult Event.

Advertise means the act of drawing the public's attention, whether on print or on the internet, to a medical marijuana business in order to promote the sale of medical marijuana by the business.

Appealing to Minors means any display on the internet, by radio, in print on a sign, or similar presentation visible to individuals under 21 years of age that contains visual or audio or print depictions of cartoon characters, caricatures, consumable products, individuals that seem under 21 years of age or engaging in activities not typical of adults.

~~Business manager~~Keyholder means the individual designated by the owner of the medical marijuana business as the person responsible for all operations of the business in the absence of the owner from the business premises. ~~Business manager~~Keyholder shall include any person with managerial authority in the

business, and any person that has access to lock or unlock the safe, to unlock or lock the business, or set or disarm the alarm.

Coupon means a printed voucher or token entitling the holder to a discount for a particular product or service. Coupon does not include showing a government-issued verification of age or military status, or registration for a charitable event, the showing of which, without providing a separate printing to the business, entitles the holder to a discount for a particular product or service.

Cultivation or cultivate means: (i) all phases of growth of marijuana from seed to harvest; or (ii) preparing, packaging or repackaging, labeling, or relabeling of a usable form of marijuana.

Cultivation facility or optional premises means a licensed medical marijuana business that is owned by the same owner as a medical marijuana center and produces and harvests medical marijuana plants for a medical use for distribution by such medical marijuana center. Except as included in this definition, a cultivation facility may not operate any production on its premises.

Distribute or distribution means the actual, constructive, or attempted transfer, delivery, sale, or dispensing to another, with or without remuneration.

Educational material means materials that are designed to provide information, facts, instructions, and warnings related to the legal use and consumption of marijuana and marijuana products. Educational materials do not include arguments for or against the legalization of marijuana or encourage the use of marijuana or advertisements for any marijuana business.

Fermented malt beverage has the same meaning as its meaning under the Colorado Beer Code, § 12-46-103, C.R.S.

Financier means any person who lends money or otherwise provides assets to any person applying for a license or who has been issued a license under this chapter. If a financier is an entity rather than an individual, the same disclosure shall be required for each entity with an ownership interest until a managing member that is a natural person is identified. Financier shall not include a bank, savings and loan association, credit union, or industrial bank supervised and regulated by an agency of the state or federal government.

Handbill, leaflet or flyer means a flat or folded sheet of printed matter that is a notice, advertisement, or announcement, usually for distribution by hand, for free, either directly to an individual or by placement on vehicles or other locations. Handbill, leaflet or flyer does not include education materials without the name or logo of a marijuana business, or information made available within the licensed premises of a marijuana business.

Incidental to Sponsorship of Charitable Events means the printing of the names of all sponsors of a particular charitable event on advertisements, banners, clothing, programs, or similar items, but does not include the placement of a booths or distribution of materials that does not list or is for the use of all sponsors of the event.

Job fair or educational seminar means an adult event held for the purpose of (a) connecting persons seeking jobs in a particular industry with employers in that industry or (b) educating others on matters related to the legal marijuana industry.

Keyholder means the individual designated by the owner of the medical marijuana business as the person responsible for all operations of the business in the absence of the owner from the business premises. Keyholder shall include any person with managerial authority in the business, and any person that has access to lock or unlock the safe, to unlock or lock the business, or set or disarm the alarm.

Licensee means the medical marijuana business named on the medical marijuana business license, and all individuals named in the medical marijuana business license application or later reported to the city, including without limitation, owners, ~~business manager~~keyholders, financiers, and individuals owning any part of an entity that holds a financial or ownership interest in a medical marijuana business.

Mall means the downtown Boulder Business Improvement District boundaries set forth in Appendix 8-B of Title 8 of this code, including the downtown pedestrian mall established by ;hn0; Ordinance No. 4022, adopted February 18, 1975.

Malt, vinous, and spirituous liquor has the same meaning as its meaning under the Colorado Liquor Code, § 12-47-108, C.R.S.

Marijuana, for this Chapter 6-14, means:

- (1) The same as the term "usable form of marijuana" as set forth in the Medical Marijuana Amendment; or
- (2) May be more fully defined in any applicable state law or regulation.

Marijuana business means a recreational marijuana business or a medical marijuana business.

Marijuana establishment shall have the same meaning as marijuana establishment in Chapter 6-16, "Recreational Marijuana," B.R.C. 1981.

Marijuana warehouse means a marijuana establishment that is not a licensed medical marijuana business or a licensed recreational marijuana business. No marijuana warehouses are allowed in the city.

Medical marijuana means any marijuana intended for medical use which meets all requirements for medical marijuana contained in this chapter, the Medical Marijuana Amendment, and any other applicable law.

Medical marijuana business means (i) any person that cultivates, produces, distributes, possesses, transports, or makes available more than six marijuana plants or two ounces of a usable form of marijuana for medical use, or (ii) any person that produces any amount of medical marijuana. The term medical marijuana business shall not include the private possession, or medical use of no more than six plants, or two ounce of a useable form of marijuana by a patient or caregiver in the residence of the patient or caregiver.

Medical marijuana center means a licensed medical marijuana business that distributes medical marijuana to patients or primary caregivers or to medical marijuana-infused product manufacturers or to another medical marijuana center.

Medical marijuana-infused product means a marijuana-infused product as defined in Chapter 6-16, "Recreational Marijuana," B.R.C. 1981.

Medical marijuana-infused product manufacturer means a licensed marijuana-infused product manufacturer as defined in Chapter 6-16, "Recreational Marijuana," B.R.C. 1981.

Medical marijuana local licensing authority means the city manager. The city manager shall be the local licensing authority for the purpose of any state law that requires the city to designate a local licensing authority.

Medical marijuana plant means a marijuana seed that is germinated and all parts of the growth therefrom, including, without limitation, roots, stalks, and leaves. For purposes of this chapter, the portion of a medical marijuana plant harvested from the plant or converted to a usable form of medical marijuana for medical use is not considered part of the plant upon harvesting.

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

Mixed-use development means a building or a project or a development that contains dwelling units in any zone district.

Modification of Premises means a change to a marijuana business that requires a building or other permit from the city or changes any part of the plans required as part of the application for the marijuana business license. Modification of premises does not include routine maintenance, including replacement of light bulbs or filters, painting, cleaning or replacement of non-mechanical items such as windows and flooring so long as the maintenance does not result in a change to the plans required as part of the application.

Patient shall have the same meaning as is 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 open to the general public means any property owned, leased, or used by a public entity, and any place on private property open to the public, common area of buildings, private clubs, vehicles, those portions of any private property upon which the public has an express or implied license to enter or remain, and any place visible from such places. Place open to the general public shall not include (a) any fenced area of a private residence regardless of whether it can be seen from a place open to the public, or (b) any enclosed portion of a building not visible from a place open to the public which qualifies as an adult event for which entrance is limited to those over 21 years of age.

Possess or possession means having physical control of an object, or control of the premises in which an object is located, or having the power and intent to control an object, without regard to whether the one in possession has ownership of the object. Possession may be held by more than one person at a time. Use of the object is not required for possession. The owner of a medical marijuana business shall be considered in possession of the medical marijuana business at all times. The business managerkeyholder of a medical marijuana business shall be considered in possession of the medical marijuana business at all times that the business managerkeyholder is on the premises of the business or has been designated by the owner as the business managerkeyholder in the absence of the owner in accordance with this chapter.

Premises means a distinct and definite location, which may include a building, a part of a building, a room, or any other defined contiguous area.

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

Produce or production means: (i) combining marijuana with any other substance for distribution, including storage and packaging for resale; or (ii) preparing, compounding, processing, encapsulating, packaging, or repackaging, labeling, or relabeling of marijuana or its derivatives, whether alone or mixed with any amount of any other substance. Production shall not include packaging or repackaging, labeling, or relabeling of a usable form of marijuana if no production has occurred and such packaging and labeling qualify as cultivation.

Promotional items means any item, including printed materials, that contain the name and or logo of a marijuana business and are distributed for free or a minimal cost. Promotional items, or "swag" includes stickers, clothing, tangible goods, and similar items that are intended to expose others to the name or logo of a particular business. Promotional items does not include educational materials provided by public agencies or no-profit organizations without marijuana business name, logo or other branding.

Restricted area means the portion of a medical marijuana business location within which the licensee defines on its application it intends to cultivate, distribute, possess, or produce medical marijuana and which area is clearly identified as the restricted area on the floor plan submitted with the medical marijuana business license application for the business.

Safe means a metal box, attached to the building structure, capable of being locked securely, constructed in a manner to prevent opening by human or mechanical force, or through the use of common tools, including but not limited to hammers, bolt cutters, crow bars or pry bars. The city manager may approve security devices such as vaults and strong rooms that are functionally equivalent to safes.

University Hill commercial area means the area described as the University Hill General Improvement District in Appendix 8-A of Title 8 of this code.

Violation of any law means a plea or finding of a violation of any law in a criminal, civil, or administrative proceeding, whether part of a plea agreement, settlement agreement, or determination by an arbitrator, hearing officer, court, or jury.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012); 7929 (2013); 7970 (2014); [8081 \(2015\)](#)

6-14-3. - License Required.

- (a) License Required. It shall be unlawful for any person to operate a medical marijuana business without obtaining a license to operate pursuant to the requirements of this chapter.
- (b) Additional Licenses and Permits May Be Required. The license requirement set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law, including, by way of example, a retail sales and use tax license, a retail food establishment license, or any applicable zoning or building permit.
- (c) License Does Not Provide Any Exception, Defense, or Immunity From Other Laws. The issuance of any license pursuant to this chapter does not create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marijuana.
- (d) Separate License Required for Each Location. A separate license shall be required for each premises from which a medical marijuana business is operated. [Except as specifically provided in this chapter,](#) ~~no~~ two or more different medical marijuana businesses may be treated as one premises. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation wall between a medical marijuana business and any adjacent business.
- (e) License Nontransferable; Exceptions. A medical marijuana business license is not transferable or assignable, including, without limitation, not transferable or assignable to a different premises, to a different type of business, or to a different owner or licensee. A medical marijuana business license is valid only for the owner named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. The licensees of a medical marijuana business license are only those persons disclosed in the application or subsequently disclosed to the city in accordance with this chapter. A transfer of a licensed medical marijuana business shall be permitted in the following circumstance:
 - (1) The new owner and all licensees of the business have [submitted completed applications and passed a background check](#)~~previously been approved~~ by the city; ~~as part of another licensed medical marijuana business;~~
 - (2) The new owner [is not making changes to any of the plans or conditions that are part of the license;](#) ~~applies for and receives a new medical marijuana business license for the new location;~~ and
 - (3) The license transfer location is permitted without the exceptions of Subsection 6-14-7(c) or (f) of this chapter.

Ordinance Nos. 7716 (2010); 7780 (2011); 7814 (2011); 7877 (2012)

6-14-4. - General Provisions.

- (a) General Licensing Provisions. The general procedures and requirements of licenses, as more fully set forth in Chapter 4-1, "General Licensing Provisions," B.R.C. 1981, shall apply to medical marijuana business licenses. To the extent there is any conflict between the provisions of this chapter and Chapter 4-1, the provisions of this chapter shall control for medical marijuana business licenses.
- (b) Defense to Criminal Prosecutions. Compliance with the requirements of this chapter shall not provide an exception, immunity, or defense to criminal prosecution under any applicable law, except in the Boulder Municipal Court, for a violation of this chapter as specifically provided herein.
- (c) Insurance Required. The insurance specified in Section 4-1-8, "Insurance Required," B.R.C. 1981, is required for a license under this chapter.
- (d) Costs of Inspection and Clean-Up. In the event the city incurs costs in the inspection, clean-up, surrender of plants, or any other requirements to remove medical marijuana of any medical marijuana business, or any person cultivating, producing, distributing, or possessing marijuana, the business and

responsible person shall reimburse the city all actual costs incurred by the city for such inspection or clean-up.

- (e) Reserved.
- (f) Forfeiture of License. In the event that a medical marijuana business does not commence operations within thirty days of issuance of a license from the city, the license shall be deemed forfeited and the business may not commence operations.
- (g) Landlord Duty. It shall be unlawful for the owner of a building to lease space or allow the use of any portion of the building by a medical marijuana business unless the tenant has a valid medical marijuana business license or has applied for and not been denied a medical marijuana business license or no marijuana is located on the premises until a license has been issued by the city. In the event that the city has an articulable reason to believe that a medical marijuana business is being operated in a building, it shall be unlawful for the owner of the building to refuse to allow the city access to the portion of the building in which the suspected medical marijuana business is located to determine whether any marijuana is on the premises.

Ordinance Nos. 7716 (2010); 7780 (2011); 7814 (2011); 7877 (2012); [8081 \(2015\)](#)

6-14-5. - Application; [Modification of Premises](#).

- (a) Application Requirements. An application for a medical marijuana business license shall be made to the city on forms provided by the city manager for that purpose. The applicant shall use the application to demonstrate its compliance with this chapter and any other applicable law, rule, or regulation. In addition to the information required by Chapter 4-1, "General Licensing Provisions," B.R.C. 1981, the application shall include the following information:
 - (1) Name and address of the owner or owners of the medical marijuana business in whose name the license is proposed to be issued.
 - (A) If an owner is a corporation, the name and address of any officer or director of the corporation and of any person holding issued and outstanding capital stock of the corporation.
 - (B) If an owner is a partnership, association, or company, the name and address of any person holding an interest therein and the managing members. If a managing member is an entity rather than an individual, the same disclosure shall be required for each entity with an ownership interest until a managing member that is a natural person is identified.
 - (C) If an owner is not a natural person, the organizational documents for all entities identified in the application, identification of the natural person that is authorized to speak for the entity, and contact information for that person.
 - (2) Name and address of:
 - (A) Any ~~business manager~~[keyholders](#) of the medical marijuana business, if the ~~business manager~~[keyholder](#) is proposed to be someone other than the owner;
 - (B) All financiers of the medical marijuana business; and
 - (C) All agents of the medical marijuana business who either (i) act with managerial authority, (ii) provide advice to the medical marijuana business for compensation, or (iii) receive periodic compensation totaling \$1,000 or more in a single year for services related to the medical marijuana business. It shall be an affirmative defense that the undisclosed person was an attorney, accountant, bookkeeper, mail delivery person, or other contractor performing services for the business that are unrelated to the cultivation, production, or distribution of medical marijuana.
 - (3) A statement of whether or not any of the named owners, members, ~~business manager~~[keyholders](#), financiers, primary caregivers, or persons named on the application have been:

- (A) Denied an application for a medical marijuana business license pursuant to this chapter, for a recreational marijuana license pursuant to Chapter 6-16, "Recreational Marijuana," B.R.C. 1981, or any similar state or local licensing law, rule, or regulation, or had such a license suspended or revoked.
 - (B) Denied an application for a liquor license pursuant to title 12, article 47 or article 46, C.R.S., or any similar state or local licensing law, or had such a license suspended or revoked.
 - (C) In violation of any law, other than a traffic offense, or completed any portion of a sentence due to a violation of any law.
 - (D) Convicted of driving or operating other machinery under the influence of alcohol, drugs, or medication, driving while impaired, or driving with excessive alcohol content in violation of § 42-4-1301, C.R.S., or any comparable law, or a misdemeanor related to abuse of alcohol or a controlled substance.
- (4) Proof of ownership or legal possession of the restricted area for a medical marijuana business for the term of the proposed license. If the medical marijuana business is not the owner of the premises of the business, the applicant shall provide written authorization to the city from the owner to enter the property for inspection of the premises on a form approved by the city.
 - (5) Proof of insurance as provided in Section 4-1-8, "Insurance Required," B.R.C. 1981.
 - (6) An operating plan for the proposed medical marijuana business, including the following information:
 - (A) A description of the products and services to be provided by the medical marijuana business.
 - (B) A dimensioned floor plan, clearly labeled, showing:
 - (i) The layout of the structure and the floor plan in which the medical marijuana business is to be located;
 - (ii) The principal uses of the floor area depicted on the floor plan, including, but not limited to, the areas where nonpatients will be permitted, private consulting areas, storage areas, retail areas, and restricted areas where medical marijuana will be located;
 - (iii) Areas where any services other than the distribution of medical marijuana are proposed to occur in the premises; and
 - (iv) The separation of the areas that are open to persons who are not patients from those areas open to patients.
 - (C) A neighborhood responsibility plan that demonstrates how the business will fulfill its responsibilities to the neighborhood [for effective mitigation of community impacts](#), including neighborhood outreach, methods for future communication, and dispute resolution.
 - (D) For cultivation facilities, a plan that specifies the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system of the city as set forth in Chapter 11-3, "Industrial and Prohibited Discharges," B.R.C. 1981.
 - (7) A security plan indicating how the applicant will comply with the requirements of this chapter and any other applicable law, rule, or regulation. The security plan includes specialized details of security arrangements and will be protected from disclosure as provided under the Colorado Open Records Act, § 24-72-203(2)(a)(VIII), C.R.S. If the city finds that such documents are subject to inspection, it will attempt to provide at least twenty-four hours' notice to the applicant prior to such disclosure.
 - (8) A lighting plan showing the lighting outside of the medical marijuana business for security purposes and compliance with applicable city requirements.
 - (9) A zoning confirmation form from the city, to ascertain within a radius of one-quarter mile from the boundaries of the property upon which the medical marijuana business is located, the proximity

of the property to any school or state licensed child care center, to any other medical marijuana business, or to any residential zone district.

- (10) Fingerprints and personal histories as may be specified on forms provided by the city manager. This requirement shall apply to all owners, ~~business manager~~keyholders, financiers, and caregivers employed by or under contract to provide services to the medical marijuana business, including all individuals who have an interest as described herein of any portion of the medical marijuana business, directly or as an agent, or a member, partner, or officer of a corporation, partnership, association, or company.
 - (11) A plan for disposal of any medical marijuana or medical marijuana-infused product that is not sold to a patient or primary caregiver in a manner that protects any portion thereof from being possessed or ingested by any person or animal.
 - (12) A plan for ventilation of the medical marijuana business that describes the ventilation systems that will be used to prevent any odor of medical marijuana off the premises of the business. For medical marijuana businesses that grow medical marijuana plants, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For medical marijuana businesses that produce medical marijuana-infused products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.
 - (13) A description of all toxic, flammable, or other materials regulated by a federal, state, or local government that would have authority over the business if it was not a marijuana business, that will be used or kept at the medical marijuana business, the location of such materials, and how such materials will be stored.
 - (14) A statement of the amount of the projected daily average and peak electric load anticipated to be used by the business and certification from the landlord and utility provider that the premises are equipped to provide the required electric load, or necessary upgrades will be performed prior to final inspection of the premises.
 - (15) Modifications to Approved Medical Marijuana Business License. Prior to making a modification of a marijuana business that would require a building permit or change items required by subsections (6), (7) or (12) of this subsection (a), the licensees shall submit to the city and have approved a completed application for modification of premises in the form provided by the city. No applications for new medical marijuana businesses shall be accepted between November 1, 2013, and May 31, 2014.
- (b) Evidence of Rehabilitation May Be Submitted. In the event the history of an owner, member, ~~business manager~~keyholder, financier, primary caregiver, or other person named on the application contains information regarding violations of any law or previous denial or revocation of a license, that person may include with the license application any information regarding such violation, denial, or revocation. Such information may include, but is not limited to, evidence of rehabilitation, character references, and educational achievements, and other regulatory licenses held without compliance violations, especially those items pertaining to the period of time between the applicant's last violation of any law and the date of the application.
 - (c) Fee Required. Any application for a medical marijuana business permit shall be accompanied by the application fee, criminal background check fee, the annual license fee as required by Section 4-20-64, "Medical Marijuana Businesses," B.R.C. 1981, and any other applicable fees.
 - (d) Inspection. An inspection of the proposed medical marijuana business by the city shall be required prior to issuance of a license. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any medical marijuana, and prior to the opening of the business to any patients or the public. The inspection is to verify that the business facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of the code and any other applicable law, rule, or regulation.

- (e) Investigation. For purposes of § 12-43.3-303(2), C.R.S., the investigation of the application by the city is not complete until the city manager has (i) determined the application is complete, (ii) determined the medical marijuana business is prepared and able to operate in compliance with all applicable laws, (iii) conducted an inspection of the business, (iv) obtained all other information the manager determines necessary to make a decision whether to approve or deny the license application, or approve it with conditions, and (v) prepared the documentation necessary to support the decision made by the manager on the application.
- (f) Approval Requirements. The city manager may issue a medical marijuana business license if the inspection, background checks, and all other information available to the city verify that the applicant has submitted a full and complete application, has made improvements to the business location consistent with the application, and is prepared to operate the business with other owners and managers as set forth in the application, all in compliance with this code and any other applicable law, rule, or regulation. The manager will deny any application that does not meet the requirements of this chapter or any other applicable law, rule, or regulation, or that contains any false or incomplete information. The conditions of an approval of a medical marijuana business license shall include, at a minimum, operation of the business in compliance with all of the plans and information made part of the application.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012); 7929 (2013)

6-14-6. - Persons Prohibited as Licensees and [Business Manager/Keyholders](#).

- (a) It shall be unlawful for any of the following persons to have an ownership or a financial interest in a medical marijuana business, and no license provided by this chapter shall be issued to or held by, and no medical marijuana business shall be managed by:
 - (1) Any person until the annual fee for the license has been paid;
 - (2) Any person not of good moral character;
 - (3) Any corporation, any of whose officers, directors, or stockholders are not of good moral character;
 - (4) Any partnership, association, or company, any of whose officers or members holding an interest therein, or a managing member, are not of good moral character;
 - (5) Any person employing, assisted by, or financed in whole or in part by any other person who is not of good moral character;
 - (6) Any person, unless such person's character, record, and reputation are satisfactory to the city manager;
 - (7) Any natural person who is under twenty-one years of age;
 - (8) Any person who operates or manages a medical marijuana business contrary to the provisions of this chapter, any other applicable law, rule, or regulation or conditions imposed on land use or license approvals, or contrary to the terms of the plans submitted with the license application, as such plans may be amended as provided in this chapter, or has operated a business in violation of any law;
 - (9) A licensed physician making patient recommendations;
 - (10) A person licensed pursuant to this chapter who, during a period of licensure, or who, at the time of application, has failed to remedy an outstanding delinquency for taxes owed, or an outstanding delinquency for judgments owed to a government;
 - (11) A sheriff, deputy, police officer, or prosecuting officer, or an officer or employee of the state licensing authority or a local licensing authority;
 - (12) A person whose authority to be a primary caregiver as defined in § 25-1.5-106(2), C.R.S., has been revoked by the state health agency;

- (13) A person who is a licensee for a location that is currently licensed as a retail food establishment or a wholesale food registrant; or
 - (14) Any person applying for a license to operate a medical marijuana center who has been licensed to operate the same type of three other marijuana businesses in the city pursuant to either this chapter or chapter 6-16~~another medical marijuana center in the city pursuant to this chapter.~~ For purposes of this subparagraph only, one co-located medical and recreational marijuana business is considered one marijuana business.
- (b) In making the evaluation of the good moral character of an individual identified on an application or amendment thereof, the city manager shall consider the following:
- (1) An applicant's violation of a law shall not, by itself, be grounds for denying an application;
 - (2) Verification of or lack of ability to verify items disclosed by the individual;
 - (3) When an individual has a history of violation of any law or a history including denial, revocation, or suspension of a license, the types and dates of violations; the evidence of rehabilitation, if any, submitted by the individual; whether the violations of any laws are related to moral turpitude, substance abuse, or other violations of any laws that may directly affect the individual's ability to operate a medical marijuana business; or whether the violations of any law are unrelated to the individual's ability to operate such a business;
 - (4) The evidence or lack of evidence regarding the ability of the individual to refrain from being under the influence of intoxicating or controlled substances while performing regular tasks and operating a medical marijuana business;
 - (5) Rules adopted by the manager to implement this chapter;
 - (6) Law, rules, and regulations applicable to evaluation of other types of licenses issued by governments that consider the good moral character of the applicants; and
 - (7) Any additional information the manager may request of the individual if the individual has a violation of any laws, an administrative or judicial finding of violation of laws regarding use of alcohol or controlled substances or items disclosed by the individual which require additional information in order for the manager to make a determination regarding issuance of the license.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012); 7929 (2013)

6-14-7. - Locations of Medical Marijuana Businesses.

- (a) Fixed Location Required. It shall be unlawful to operate a medical marijuana business or to grow medical marijuana outside of an enclosed building. All medical marijuana business licenses shall be issued for a specific fixed location within an enclosed building. The portion of such premises upon which the floor plan shows medical marijuana may be produced, dispensed, or possessed shall be considered the "restricted area" portion of the business premises.
- (b) Location - Permitted Use in Zoning District. A medical marijuana business license may be issued only if the business qualifies as a use permitted as a matter of right in the zone district where it is proposed to be located as follows:
 - (1) As "personal services" for a medical marijuana center;
 - (2) As "greenhouse/nursery" for a cultivation facility; or
 - (3) As "manufacturing \leq 15,000 square feet" for a cultivation facility, for a medical marijuana-infused product manufacturer, or for a marijuana testing facility.
- (c) No Medical Marijuana Business in Building with Residences or Residential Zone Districts. It shall be unlawful to operate a medical marijuana business in a building which contains a residence, or within a dwelling unit within any zone district, or within a residential zone district, or within a mixed-use

development that includes a residence. This restriction shall not apply to a medical marijuana wellness center that had submitted an application or held a license from the city on October 22, 2013.

- (d) No Retail Sales in Cultivation Facilities or Manufacturing. It shall be unlawful for any person to permit retail sales within a medical marijuana business that is a cultivation facility or medical marijuana-infused product manufacturer.
- (e) Distribution by Primary Caregiver. It shall be unlawful for any person to distribute medical marijuana to a patient except (1) directly to a patient upon the restricted area, or (2) via personal delivery of the medical marijuana by the primary caregiver to the patient at the patient's residence as provided in this chapter.
- (f) Separation from Schools, Day Care Centers, Addiction Recovery Facilities, or Other Medical Marijuana Uses:
 - (1) No medical marijuana wellness center license shall be issued for a location within one thousand feet of any elementary, vocational, or secondary school, or a public or private college, junior college, or university, or a state-licensed day care center, or an addiction recovery facility. This restriction shall not apply to a medical marijuana wellness center that had submitted an application or held a license from the city on October 22, 2013.
 - (2) ~~No license for a medical marijuana cultivation facility shall be issued for a location within five hundred feet of the real property comprising a public or private elementary, vocational, or secondary school, or a public or private college, junior college, or university, or state-licensed day care, or addiction recovery facility. This restriction shall not apply to a medical marijuana cultivation facility that had submitted an application or held a license from the city on October 22, 2013.~~
 - (3) No medical marijuana business license shall be issued for a location within five hundred feet of three other marijuana businesses. This limitation shall not apply to a medical marijuana cultivation facility in industrial zones that had submitted an application or been licensed by the city on October 22, 2013.
 - (A) Distances shall be measured by the city on official maps as the radius from the closest points on the perimeter of the applicant's property to the closest point of the property of any other medical marijuana business.
 - (B) To determine the proximity to other medical marijuana businesses and the priority of applications, businesses shall have priority in the following order:
 - (i) Businesses that are open and operating;
 - (ii) Businesses whose applications have been approved;
 - (iii) Applications for medical marijuana business licenses that have been submitted by the applicant and declared complete by the city; and
 - (iv) No other applications shall be considered "businesses" for this determination.
 - (4) For purposes of this paragraph, school, college, or university shall include properties owned by such entities only if they are used to provide services, teaching facilities, or living facilities to students. No distance is required between a marijuana business and properties owned by a school, college, or university that are not used to provide teaching facilities, living facilities, or services to students.
- (g) Limitations on Dual Licenses. A medical marijuana business license may not be issued for any location which also is a part of the restricted area of a business holding a beverages license pursuant to Section 4-2-3, "Authority to Issue City Licenses," B.R.C. 1981, or a medical marijuana business license under this chapter.
- (h) Limitations on Medical Marijuana Centers. The following shall be the minimum requirements for a medical marijuana center:

- (1) The area of the business is three thousand square feet or less;
 - (2) The business does not distribute medical marijuana only, but provides other caregiver services consistent with a wellness center, including, but not limited to, health treatments or therapy generally not performed by a medical doctor or physician, such as physical therapy, massage, acupuncture, aromatherapy, yoga, audiology, or homeopathy, or knowledgeable consultation on the effects of amount and forms of ingestion of different types of marijuana for medical use;
 - (3) The business includes a secured and locked medical marijuana dispensary room, one or more private rooms for consultation on the medical use of marijuana or other services, and a separate reception area for screening of patients and waiting for nonpatients.
 - (4) All caregiver services provided to meet the requirements of this section must comply with all applicable requirements of any federal, state, or local entity with jurisdiction applicable to the service provided.
- (i) Limitations at Street Level. No marijuana business license shall be issued for a medical marijuana center at a location on the street level of the mall or the University Hill commercial area.

Ordinance Nos. 7716 (2010); 7780 (2011); 7814 (2011); 7877 (2012); 7929 (2013); 7970 (2014)

6-14-8. - Requirements Related to Operation of Medical Marijuana Businesses.

- (a) Onsite Use Prohibited. No marijuana shall be smoked, eaten, or otherwise consumed or ingested within the medical marijuana business.
- (b) Restriction on Access to Restricted Area.
 - (1) No person, other than a patient, licensee, employee, or a contractor, shall be in the restricted area. No patient shall be allowed entry into the restricted area without showing a valid picture ID and evidence that the person is a patient.
 - (2) No person, other than an employee or contractor of the business or a visitor shall be permitted in the restricted area of the business. For purposes of this subsection, a visitor means a person that is accessing the restricted area for educational purposes for government officials or potential investors or purchasers of the business. No access to the restricted area may be permitted by tourists or for compensation. The business must require that all visitors comply with all requirements for access to limited access areas as required by the Colorado Marijuana Enforcement Division. The log required shall be maintained on the business premises and available for inspection upon request by the city.
- (c) Display of Licenses Required. The name and contact information for the owner or owners and any ~~business manager~~keyholder of the medical marijuana business, the medical marijuana business license, and the sales tax business license shall be conspicuously posted in the business.
- (d) Business Conducted Within Building. Any and all cultivation, production, distribution, possession, storage, display, sales, or other distribution of marijuana shall occur only within the restricted area of a medical marijuana business and shall not be visible from the exterior of the business.
- (e) Owner or ~~Business Manager~~Keyholder Required on Premises. No medical marijuana business shall be managed by any person other than the licensee or the ~~business manager~~keyholder listed on the application for the license or a renewal thereof. Such licensee or ~~business manager~~keyholder shall be on the premises and responsible for all activities within the licensed business during all times when the business is open or in the possession of another person. In the event the licensee intends to employ a ~~business manager~~keyholder that was not identified on the license or renewal application, the licensee shall report the name of such ~~business manager~~keyholder to the city, and such ~~business manager~~keyholder shall submit to the city, at least thirty days prior to commencing serving as the ~~business manager~~keyholder, an application containing all of the information required by this chapter and on the license application. Such licensee shall report to the city any change in ~~business manager~~keyholders at least thirty days prior to employing an additional ~~business manager~~keyholder,

and no more than five days after a ~~business manager~~keyholder is released from such position. In the event the licensee submits a completed application for the new business manager with a copy of a valid current keyholder badge issued by the state Marijuana Enforcement Division, the applicant may work immediately as a keyholder for the licensee upon submission of the application up until final city determination is made on such application.

- (f) Hours of Operation. A medical marijuana center shall be closed to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 10~~7~~ p.m. and 8 a.m. Provided however, in the event that a planned delivery of marijuana cannot be completed on the day scheduled, the marijuana may be returned to the center.
- (g) Use of Pesticides. No pesticides or insecticides which are prohibited by applicable law for fertilization or production of edible produce shall be used on any marijuana cultivated, produced, or distributed by a medical marijuana business. A medical marijuana business shall comply with all applicable law regarding use of pesticides, including, without limitation, Chapter 6-10, "Pesticide Use," B.R.C. 1981.
- (h) Ventilation Required. A medical marijuana business shall be ventilated so that the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the medical marijuana business or at any adjoining use or property.
- (i) Renewable Energy Usage Required. A medical marijuana business shall directly offset one hundred percent of its electricity consumption through the purchase of renewable energy or carbon offsets, a verified subscription in a Community Solar Garden, or renewable energy generated onsite, or an equivalent that is subject to approval by the city. For medical marijuana businesses licensed by the city on October 22, 2013, this requirement shall apply at the time of renewal of the medical marijuana business license following October 22, 2013.
- (j) Limitations on Inventory. The medical marijuana business shall not maintain any more marijuana within the premises than is permitted under applicable law for the patients which have designated the business as primary caregiver. The medical marijuana business shall not maintain any more marijuana than the amount stated on the business' license application to the state. No plants shall be located in a medical marijuana center or a medical marijuana-infused product manufacturer. The medical marijuana business shall maintain current records evidencing the status as patients of those who have designated the business as the patient's primary caregiver.
- (k) Reporting Requirements. A medical marijuana business shall report to the medical marijuana licensing authority each of the following within the time specified. If no time is specified, the report shall be provided within seventy-two hours of the event.
 - (1) Transfer or change of financial interest, ~~business manager~~keyholder, financier, and primary caregiver in the license to the city at least thirty days before the transfer or change.
 - (2) Sales and taxable transactions and file sales and use tax reports to the city monthly.
 - (3) A violation of any law by any licensee or applicant of a medical marijuana business.
 - (4) A notice of potential violation of any law to any licensee.
 - (5) Any report that the medical marijuana business is required to provide to the state.
 - (6) Reports of all criminal activities or attempts of violation of any law at the medical marijuana business or related thereto shall be reported to the Boulder Police Department within twelve hours of occurrence.
- (l) Delivery to Patients. In the event a primary caregiver personally delivers medical marijuana to one or more patients, at all times any medical marijuana is outside of the restricted area:
 - (1) The medical marijuana shall be packaged, sealed, and labeled as provided in this chapter. The label shall include the name of the patient to whom it is being delivered.
 - (2) The primary caregiver delivering the medical marijuana shall have in the primary caregiver's possession documents evidencing: (i) the patient identified on each package of medical marijuana has designated the person as the patient's primary caregiver; (ii) the patient requested delivery

of medical marijuana by the primary caregiver; (iii) the amount of the requested delivery; (iv) the date of the requested delivery; and (v) if more than two ounces is being delivered to a patient, a copy of the doctor's recommendation for that patient specifying the additional amount of medical marijuana medicinally necessary for that patient on the form provided by the city.

- (3) The delivery is made directly to a patient who has a valid registration card and a valid picture identification card that matches the name on the registration card.
 - (4) In no event shall the primary caregiver be in possession of more than eight ounces of a usable form of medical marijuana for delivery outside of the restricted area.
- (m) Delivery Between Medical Marijuana Businesses. It shall be unlawful for any person to transport medical marijuana, except as specifically allowed by applicable law, unless the medical marijuana being transported meets the following requirements:
- (1) All medical marijuana-infused products are hand-packaged, sealed, and labeled as provided in this chapter and the products stored in closed containers that are labeled as provided in this section.
 - (2) All medical marijuana in a usable form for medicinal use is packaged and stored in closed containers that are labeled as provided in this section.
 - (3) Each container used to transport medical marijuana is labeled with the amount of medical marijuana or medical marijuana-infused products, or the number and size of the plants, in the container. The label shall include the name and address of the medical marijuana business that the medical marijuana is being transported from and the name and address of the medical marijuana business that the medical marijuana is being transported to. The label shall be shown to any law enforcement officer who requests to see the label.
 - (4) Unless otherwise specifically allowed by applicable law, medical marijuana may be transported only between medical marijuana businesses:
 - ~~(A) From a medical marijuana cultivation facility to a medical marijuana center; and~~
 - ~~(B) Which medical marijuana business is owned by the same person as owns the cultivation facility; or~~
 - ~~(C) Between one medical marijuana center to another medical marijuana center, or from a medical marijuana cultivation facility to another medical marijuana cultivation facility, with proper bill of sale completed before transport.~~
 - (5) The medical marijuana must be accompanied by the manifest and confirmation email from the state in accordance with state requirements for transportation of medical marijuana.
 - (6) The medical marijuana must be accompanied by the email receipt confirmation from the Boulder Police Department in accordance with the rules therefor established by the police department;
 - (7) When determining and reporting the route to take, licensees should select the most direct route that provides efficiency and safety.
- (n) Disposal of Medical Marijuana and Marijuana Byproducts. All medical marijuana and any product containing a usable form of marijuana must be made unusable and unrecognizable prior to removal from the business in compliance with all applicable laws. This provision shall not apply to licensed law enforcement, including, without limitation, the Boulder Police Department and the Boulder Fire Department.
- (o) Possession of Mature Flowering Plants. No more than one-half of the medical marijuana plants within a medical marijuana business or possessed by a patient may be mature, flowering plants producing a usable form of marijuana.
- (p) Advertisement. A medical marijuana business may not advertise in a manner that is inconsistent with the medicinal use of medical marijuana. A medical marijuana business may not advertise in a manner that is misleading, deceptive, false, or designed to appeal to minors. Advertisement that promotes

medical marijuana for recreational or any use other than for medicinal purposes shall be a violation of this code. The following conditions shall apply:

- (1) Any person licensed as a medical marijuana center shall include in any advertisement for medical marijuana or any medical marijuana-infused product the following language: "For registered Colorado medical marijuana patients only." Provided, however, this language shall not be required to be displayed upon any sign identifying a medical marijuana center, as permitted by Subparagraph (2)(A) of this section.
- (2) Except as otherwise provided in this paragraph, it shall be unlawful for any person licensed under this chapter or any other person to advertise any medical marijuana or medical marijuana-infused product anywhere in the city where the advertisement is in plain view of or in a place open to the general public, including advertising utilizing any of the following media: any billboard or other outdoor general advertising device as defined by the zoning code; any sign mounted on a vehicle; any handheld or other portable sign; or any handbill, leaflet, or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property. The prohibition set forth in this paragraph shall not apply to:
 - (A) Any sign located on the same zone lot as a medical marijuana center which exists solely for the purpose of identifying the location of the medical marijuana center and which otherwise complies with this code and any other applicable city laws and regulations, which sign includes only the name and address of the center;
 - (B) Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the city or on the internet, which may include coupons;
 - (C) Any products marked with the name or logo of a marijuana business~~the licensed medical marijuana center~~, including wearable or non-consumable merchandise, packaging in which marijuana is sold, or on medical marijuana accessories sold; or
 - (D) Advertising which is purely incidental to sponsorship of a charitable event by a medical marijuana center or a medical marijuana-infused products manufacturer.
 - (E) A booth at a job fair or educational seminar that is an adult event where the only items distributed are company-related materials aimed at potential employees or investors over the age of 21, or information regarding the consumption of marijuana and the products made by the business and no other items are distributed, shown or sold.
 - (F) A booth at an adult event where the only items distributed are information regarding marijuana consumption that do not contain any advertising, or any name or logo of the particular business, and no other items are distributed, shown or sold.
- (3) It is an affirmative defense if a medical marijuana business employee provided another individual, upon request, a business card for the purpose of providing that person's name and business affiliation, including, without restriction, title, mailing address, email address, and telephone number.
- (4) No medical marijuana business shall distribute or allow the distribution of any marijuana or products marked with its name or logo without charge within a marijuana business or any place open to the public for the purpose of promotion or advertising.
- (5) No medical marijuana business shall distribute or allow the distribution of any coupon or similar writing, electronically or on paper, which purports to allow the bearer to exchange the same for any marijuana product, either free or at a discount except as permitted in subsection (1)(B) of this section.
- (6) No medical marijuana business shall sell, distribute, or provide, or allow the sale, distribution, or provision of, products marked with its name or logo, in child sizes, designed for the use of minors, or which is misleading, deceptive, false, or appealing to minors.
- (q) The owner or manager is required to respond by phone or email within twenty-four hours of contact by a city official concerning their medical marijuana business at the phone number or email address

provided to the city as the contact for the business. Each twenty-four-hour period during which an owner or manager does not respond to the city official shall be considered a separate violation.

- (r) Separation of Cultivation Facility and Medical Marijuana-Infused Product Manufacturer. A cultivation facility and manufacturer are separate medical marijuana businesses requiring separate licenses and separate premises. In addition to all other application requirements for separate premises, each business shall:
 - (1) Have separate operations, ventilation, security, and fire suppression systems, and separate access from a public area.
 - (2) Be divided within a building from floor to roof. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation between a medical marijuana business and any adjacent business.
 - (3) Obtain delivery documents and manifests for movement of any marijuana between the cultivation facility and the manufacturer.
- (s) Additional Requirements for Production of Medical Marijuana.
 - (1) No medical marijuana business may use metals, butane, propane, or other flammable product, or produce flammable vapors, to process marijuana unless the process used and the premises are verified as safe and in compliance with all applicable codes by a qualified industrial hygienist.
 - (2) The city shall require the business to obtain verification from a qualified industrial hygienist that the manner in which the business is producing medical marijuana complies with all applicable laws and does not produce noxious or dangerous gases or odors or otherwise create a danger to any person or entity in or near the businesses.
- (t) Packaging at Medical Marijuana Center. Provided that medical marijuana has been delivered to a medical marijuana center from a cultivation facility packaged and labeled as provided in this chapter, employees at a medical marijuana center may package and label any marijuana that results from the sale of medical marijuana in amounts less than as packaged for delivery to the center.
- (u) Organization of Cultivation Facilities. All cultivation facilities shall be organized in orderly rows with aisles at least three feet wide, and no more than eight feet between an aisle and the next aisle or an aisle and a wall, and with clear access to all exits, unless the city manager determines that the business has provided a dimensioned floor plan that provides equivalent access and separation between plants and to exits.
- (v) Confiscation of Fraudulent IDs. If a licensee or an employee of a marijuana business has reasonable cause to believe that a person is under twenty-one years of age and is exhibiting fraudulent proof of age in an attempt to enter a marijuana business or to obtain any marijuana or marijuana product, the licensee or employee shall be authorized to confiscate such fraudulent proof of age. Within 72 hours, any fraudulent proof of age confiscated shall be turned over to the Boulder Police Department
insert
- (w) Sale of Clones. A medical marijuana center may not sell clones, unless (a) no more than six (6) plants are sold to any one customer, (ba) the patient pre-orders the clones, and. (cb) the clones are not transferred from the medical marijuana cultivation facility to the grow until the day the patient is to pick up the clones and no clones are maintained at the center overnight.

Ordinance Nos. 7716 (2010); 7780 (2011); 7814 (2011); 7877 (2012); 7929 (2013); 7970 (2014); [8020 \(2014\)](#); [8081 \(2015\)](#)

6-14-9. - Right of Entry - Records to Be Maintained.

- (a) Records to Be Maintained. Each licensee shall keep a complete set of books of account, invoices, copies of orders and sales, shipping instructions, bills of lading, weigh bills, correspondence, bank statements, including cancelled checks and deposit slips, and all other records necessary to show fully

the business transactions of such licensee. Receipts shall be maintained in a computer program or by pre-numbered receipts and used for each sale. The records of the business shall clearly track medical marijuana product inventory purchased and sales and disposal thereof to clearly track revenue from sales of any medical marijuana from other paraphernalia or services offered by the medical marijuana business. The licensee shall also maintain inventory records evidencing that no more medical marijuana was within the medical marijuana business than allowed by applicable law for the number of patients who designated the medical marijuana business owners as their primary caregiver and the maximum amount represented to the state for its license from the state. All such records shall be open at all times during business hours for the inspection and examination of the city or its duly authorized representatives. The city may require any licensee to furnish such information as it considers necessary for the proper administration of this chapter. The records shall clearly show the source, amount, price, and dates of all marijuana received or purchased, and the amount, price, dates, and patient or caregiver for all medical marijuana sold.

- (b) ~~Separate Bank Accounts. The revenues and expenses of the medical marijuana business shall not be commingled in a checking account or any other bank account with any other business or individual person's deposits or disbursements.~~
- (c) Disclosure of Records. By applying for a medical marijuana business license, the licensee is providing consent to disclose the information required by this chapter, including information about patients and caregivers. Any records provided by the licensee that includes patient or caregiver confidential information may be submitted in a manner that maintains the confidentiality of the documents under the Colorado Open Records Act, § 24-72-201, et seq., C.R.S., or other applicable law. Any document that the applicant considers eligible for protection under the Colorado Open Records Act shall be clearly marked as confidential, and the reasons for such confidentiality shall be stated on the document. In the event that the licensee does appropriately submit documents so as not to be disclosed under the Colorado Open Records Act, the city shall not disclose it to other parties who are not agents of the city, except law enforcement agencies. If the city finds that such documents are subject to inspection, it will provide at least twenty-four-hour notice to the applicant prior to such disclosure.
- (d) Audits. The city may require an audit to be made of the books of account and records of a medical marijuana business on such occasions as it may consider necessary. Such audit may be made by an auditor to be selected by the city that shall likewise have access to all books and records of the medical marijuana business. The expense of any audit determined necessary by the city shall be paid by the medical marijuana business.
- (e) Consent to Inspection. Application for a medical marijuana business license or operation of a medical marijuana business, or leasing property to a medical marijuana business, constitutes consent by the applicant, and all owners, managers, and employees of the business, and the owner of the property to permit the city manager to conduct routine inspections of the medical marijuana business to ensure compliance with this chapter or any other applicable law, rule, or regulation. The owner or ~~business manager~~ keyholder on duty shall retrieve and provide the records of the business pertaining to the inspection. For purposes of Rule 241 of the Colorado Rules of Municipal Procedure and Subsection 2-6-3(e) of this code, inspections of medical marijuana businesses and recordings from security cameras in such businesses are part of the routine policy of inspection and enforcement of this chapter for the purpose of protecting the public safety, individuals operating and using the services of the medical marijuana business, and the adjoining properties and neighborhood, as provided in Section 6-14-1, "Legislative Intent and Purpose," B.R.C. 1981. Application for a medical marijuana business license constitutes consent to inspection of the business as a public premises without a search warrant, and consent to seizure of any surveillance records, camera recordings, reports, or other materials required as a condition of a medical marijuana license without a search warrant.
- (f) Reporting of Source, Quantity, and Sales. The records to be maintained by each medical marijuana business shall include the source and quantity of any marijuana distributed, produced, or possessed within the premises. Such reports shall include, without limitation, for both acquisitions from wholesalers and transactions to patients or caregivers, the following:

- (1) Name and address of seller or purchaser;
 - (2) Date, weight, type of marijuana, and dollar amount or other consideration of transaction; and
 - (3) For wholesale transactions, the state and city, if any, sales and use tax license number of the seller.
- (g) Reporting of Energy Use and Carbon Offset Purchases. The records to be maintained by each medical marijuana business and submitted to the city on a quarterly basis, shall include, without limitation, records showing on a monthly basis the use and source of energy and the number of certified Renewable Energy Credits (RECs) purchased, or the subscription level for another renewable energy acquisition program approved by the city manager. A statement of the projected daily average peak electric load anticipated to be used by the business and certification from the building owner or landlord and utility provider that the premises are equipped to provide the required electric load, or necessary upgrades will be performed. Such records shall include all statements, reports, or receipts to verify the items included in the report of the business. By application for a medical marijuana business license from the city, the medical marijuana business grants permission to providers of the energy or point of origin of the RECs or other renewable energy acquisition program to disclose the records of the business to the city. For medical marijuana businesses that cultivate medical marijuana, the report shall include the number of certified Renewable Energy Credits (RECs) purchased, or the subscription level for another renewal energy acquisition program approved by the manager.

Ordinance Nos. 7716 (2010); 7780 (2011); 7814 (2011); 7877 (2012); 7929 (2013); [8081 \(2015\)](#)

6-14-10. - Requirements Related to Monitoring and Security of Restricted Areas and Inventory.

All components of the security plan submitted with the application, as it may be amended, shall be in good working order, monitored, and secured twenty-four hours per day. A separate security system is required for each business. The security plan must include, at a minimum, the following security measures:

- (a) Cameras. The medical marijuana business shall install and use security cameras to monitor and record all areas of the premises (except in restrooms and consulting rooms while a patient is undressed), and where persons may gain or attempt to gain access to marijuana or cash maintained by the medical marijuana business. Cameras shall record operations of the business to the off-site location, as well as all potential areas of ingress or egress to the business with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained for a minimum of ~~forty~~^{thirty} days in a secure offsite location in the city or through a service over a network that provides on-demand access, commonly referred to as a "cloud." The offsite location shall be included in the security plan submitted to the city and provided to the Boulder Police Department upon request, and updated within seventy-two hours of any change of such location.
- (b) Use of Safe for Storage. The medical marijuana business shall install and use a safe for storage of any processed marijuana and cash on the premises when the business is closed to the public. The safe shall be incorporated into the building structure or securely attached thereto. For medical marijuana-infused products that must be kept refrigerated or frozen, the business may lock the refrigerated container or freezer in a manner authorized by the city in place of use of a safe so long as the container is affixed to the building structure.
- (c) Alarm System. The medical marijuana business shall install and use an alarm system that is monitored by a company that is staffed twenty-four hours a day, seven days a week. The security plan submitted to the city shall identify the company monitoring the alarm, including contact information, and updated within seventy-two hours of any change of monitoring company.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012)

6-14-11. - Requirements for Public Health and Labeling.

- (a) Medical Marijuana-Infused Products. The production of any medical marijuana-infused product shall be at a medical marijuana-infused product manufacturer that meets all requirements of a retail food establishment as set forth in § 25-4-1601, et seq., C.R.S., the Food Protection Act. The production of any product containing medical marijuana shall comply with all health and safety standards thereof. The licensee shall comply with all applicable state and local health regulations related to the production, preparation, labeling, and sale of prepared food items as if the medical marijuana-infused products were food items.
- (b) Labeling and Packaging Requirements. All medical marijuana sold or otherwise distributed by the licensee shall be packaged and labeled in a manner that advises the purchaser that it contains marijuana and specifies the amount of marijuana in the product, that the marijuana is intended for medical use solely by the patient to whom it is sold, and that any resale or redistribution of the medical marijuana to a third person is prohibited. In addition, the label shall comply with all applicable requirements of the State of Colorado and any other applicable law.~~be in print large enough to be readable and shall include:~~
 - ~~(1) Potential food allergy ingredients, including milk, eggs, fish, shellfish, tree nuts, peanuts, wheat, and soybeans.~~
 - ~~(2) All additives used to extract THC, including, without limitation, pesticides, herbicides, and fertilizers that were used in the cultivation of the medical marijuana used in the product.~~
 - ~~(3) The following warning:~~

~~THIS PRODUCT CONTAINS MARIJUANA. THIS PRODUCT IS MANUFACTURED WITHOUT ANY REGULATORY OVERSIGHT FOR HEALTH, SAFETY, OR EFFICACY. THERE MAY BE HEALTH RISKS ASSOCIATED WITH THE INGESTION OR USE OF THIS PRODUCT.~~

- (c) The product shall be packaged in a sealed container that cannot be opened without obvious damage to the packaging.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012)

6-14-12. - Compliance With Other Applicable Law.

- (a) Application of State Law. Except as may be provided otherwise in this chapter, or rules adopted pursuant to this chapter or interpretations by the city, any law or regulation adopted by the state governing the cultivation, production, possession, or distribution of marijuana for medical use shall also apply to medical marijuana businesses in the city. Provided however, if a state law or regulation permits what this chapter prohibits, this chapter shall prevail. Compliance with any applicable state law or regulation that does not permit what this chapter prohibits shall be deemed an additional requirement for issuance or denial of any license under this chapter, and noncompliance with any applicable state law or regulation is unlawful and shall be grounds for revocation or suspension of any license issued under this chapter. No medical marijuana business shall continue operations in violation of an additional state law or regulation, which does not permit what this chapter prohibits, applicable within the city after the effective date of the state law or regulation.
- (b) Revocation of License Upon Denial or Revocation of State License or Applicable Federal Prohibition. If the state prohibits the cultivation, production, possession, or other distribution of marijuana through medical marijuana businesses, or if a medical marijuana business is denied a medical marijuana business license or has such license revoked pursuant to § 12-43.3-101, et seq., C.R.S., or if a court of competent jurisdiction determines that the federal government's prohibition of the cultivation, production, possession, or other distribution of marijuana through medical marijuana businesses supersedes state law, any license issued pursuant to this chapter shall be deemed to be immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the licensee.

- (c) Revocable Privilege. A medical marijuana business license is a revocable privilege, and no applicant therefor or holder thereof shall be deemed to have acquired any property interest therein.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012)

6-14-13. - Prohibited Acts.

(a) Prohibited Acts. It shall be unlawful for any person to:

- (1) Cultivate, distribute, possess, or produce marijuana in plain view of or in a place open to the general public.
- (2) Smoke, use, or ingest on the premises of the medical marijuana business (1) marijuana, (2) fermented malt beverage, (3) malt, vinous, and spirituous liquor, or (4) a controlled substance, except in compliance with the directions on a legal prescription for the person from a doctor with prescription writing privileges.
- (3) Operate or be in physical control of any medical marijuana business, liquor establishment, vehicle, aircraft, or motorboat while under the influence of alcohol, medical marijuana, or other intoxicant.
- (4) Possess or use medical marijuana:
 - (A) on the grounds of a school or university or in a school bus; or
 - (B) in a vehicle, aircraft, or motorboat.
- (5) Possess medical marijuana that is not in a sealed package in a location where the possessor is not authorized to possess or consume medical marijuana.
- (6) Possess more than six marijuana plants without a medical marijuana business license for a cultivation facility. It shall be an affirmative defense to this charge if (a) a legitimate recommendation from a qualified physician of the patient for whom the marijuana is being grown includes a recommendation for a specific amount of marijuana in excess of six marijuana plants as being medically necessary to address the patient's debilitating medical condition, and (b) the plants are located within a licensed medical marijuana business.
- (7) Possess more than two ounces of a usable form of marijuana without a medical marijuana business license for a center or a medical marijuana-infused product manufacturer. It shall be an affirmative defense to this charge if a legitimate recommendation from a qualified physician of the patient possessing the medical marijuana includes a recommendation for a specific amount of marijuana in excess of two ounces as being medically necessary to address the patient's debilitating medical condition.
- (8) Obtain marijuana from a person who is not licensed as a medical marijuana business.
- (9) Possess or operate a medical marijuana business in violation of this chapter.
- (10) Produce, distribute, or possess more medical marijuana than allowed in this chapter than disclosed in the application to the state for a medical marijuana business license or other applicable law.
- (11) Distribute medical marijuana without a medical marijuana business license or outside of the restricted area of the medical marijuana business.
- (12) Possess medical marijuana, own or manage a medical marijuana business, or own or manage a building with a medical marijuana business, where there is possession of medical marijuana by a person who is not a patient, a primary caregiver, or a licensee of a medical marijuana business.
- (13) Possess or operate a medical marijuana business in a location or in a manner for which a medical marijuana business license is prohibited by the terms of this chapter.

- (14) Operate a medical marijuana business without a medical marijuana business license from the city.
- (15) Operate a medical marijuana business in a manner that is not consistent with the items disclosed in the application for the medical marijuana business, or is in violation of any plan made part of the license application.
- (16) Operate a medical marijuana business without disclosing, in the application for a medical marijuana business license or an amendment thereto, an agent who either (i) acts with managerial authority, (ii) provides advice to the medical marijuana business for compensation, or (iii) receives periodic compensation totaling \$1,000 or more in a single year for services related to the medical marijuana business. It shall be an affirmative defense that the undisclosed person was an attorney, accountant, bookkeeper, or mail delivery person.
- (17) Distribute, or own or manage a medical marijuana business where distribution occurs, from a medical marijuana business, a medical marijuana-infused product that was produced in a manner that is not in compliance with this chapter.
- (18) Cultivate, manufacture, distribute, or possess any medical marijuana at a location without a medical marijuana business license prior to passing the inspection required by this chapter; provided however, this subparagraph shall not apply to medical marijuana businesses qualifying for the exception of Subsection 5-14-3(a), "License Required," B.R.C. 1981.
- (19) Make any changes, or for the licensee to allow any changes, to the items included in the plans submitted with the license application and approved by the city, or the individuals identified in the application, without prior approval of the city.
- (20) Attempt to use or display a medical marijuana business license at a different location or for a different business entity than the location and business entity disclosed on the application for the issued license.
- (21) Cultivate, produce, distribute, or possess medical marijuana, or own or manage a medical marijuana business in which another cultivates, produces, distributes, or possesses medical marijuana, in violation of this chapter or any other applicable law.
- (22) Allow an owner or [business manager/keyholder](#) that has not been disclosed to the city as required by this chapter to operate the business.
- (23) Own, manage, or possess a medical marijuana business where medical marijuana is outside of the restricted area portion of such business. It shall be an affirmative defense to a violation of this section if the medical marijuana outside of the restricted area was: (i) in the custody and control of a patient; (ii) purchased by that patient from the business and the patient has not left the business since purchase; and (iii) the amount of medical marijuana in the custody and control of the patient does not exceed the amount the patient may possess lawfully.
- (24) Possess a number of flowering plants that is more than one-half of the medical marijuana plants that are lawfully possessed by a person.
- (25) Dispose of medical marijuana or any by-product of medical marijuana containing marijuana in a manner contrary to this chapter.
- (26) Distribute a medical marijuana plant to any person.
- (27) Deliver or transport medical marijuana to a patient or between medical marijuana businesses except in strict compliance with this chapter.
- (28) Refuse to allow inspection of a medical marijuana business upon request of a city employee. Any licensee, owner, [business manager/keyholder](#), or operator of a medical marijuana business, or the owner of the property where a medical marijuana business is located, may be charged with this violation.
- (29) Advertise or publish materials, honor coupons, sell or give away products, or display signs that are in violation of this code;

- (30) Violate any provision of this code or any condition of an approval granted pursuant to this code or any law, rule, or regulation applicable to the use of medical marijuana or the operation of a medical marijuana business.
 - (31) Permit any other person to violate any provision of this code or any condition of an approval granted pursuant to this code, or any law, rule, or regulation applicable to the use of medical marijuana or the operation of a medical marijuana business.
 - (32) Lease any property to a medical marijuana business that has marijuana on the property without a medical marijuana business license from the city.
 - (33) Label or distribute a marijuana-infused product that is not labeled as required by this code or other applicable law.
 - (34) Distribute or deliver marijuana from a medical marijuana cultivation facility to any location other than a medical marijuana wellness center.
 - (35) Fail to respond by phone or email as required by Subsection 6-14-8(q) of this chapter.
 - [\(36\) Printing or allowing the printing of a coupon that is not a newspaper, magazine, or other periodical of general circulation within the city or on the internet.](#)
 - [\(37\) Failure to provide a copy or record of a coupon authorized under this chapter upon request of an authorized city employee.](#)
 - [\(38\) Fail the confiscate fraudulent proof of age.](#)
 - [\(39\) Fail to post the premises during a suspension.](#)
 - [\(40\) Distribute any consumable product that is not a marijuana-infused product.](#)
- (b) Prima Facie Evidence. Prima facie indicia of impairment or being under the influence of marijuana includes bloodshot eyes, watery eyes, eyelid tremors, green particulate on tongue, dilated pupils, mental confusion, slowed responses, rigid muscles, body tremors, or dry mouth, or any other indicators of impairment.

Ordinance Nos. 7716 (2010); 7780 (2011); 7814 (2011); 7877 (2012); 7929 (2013); 7970 (2014)

6-14-14. - Suspension or Revocation of License; Imposition of Fines.

- (a) A medical marijuana business license may be suspended or revoked for any of the following violations:
- (1) Conviction of the business, a licensee, or any owner, [business manager/keyholder](#), financier, or primary caregiver of any violation of this chapter or any other law, rule, or regulation applicable to the use of medical marijuana or operation of a medical marijuana business.
 - (2) Misrepresentation or omission of any material fact, or false or misleading information, on the application or any amendment thereto, or any other information provided to the city related to the medical marijuana business.
 - (3) Violation of any law by which, if occurring prior to submittal of the application, could have been cause for denial of the license application.
 - (4) Distribution of medical marijuana, including, without limitation, delivery to a patient or transporting marijuana, in violation of this chapter or any other applicable law, rule, or regulation.
 - (5) Operation of a medical marijuana business in violation of the specifications of the license application, any conditions of approval by the city, or any violation of this chapter or any other law, rule, or regulation applicable to the use of medical marijuana or operation of a medical marijuana business.
 - (6) Failure to maintain, or provide to the city upon request, any books, recordings, reports, or other records required by this chapter.

- (7) Failure to timely notify the city and to complete necessary city forms for changes in financial interest, ~~business manager~~keyholders, financier, or agent.
 - (8) Temporary or permanent closure, or other sanction of the business, by the city, or by the county or State Public Health Department or other governmental entity with jurisdiction, for failure to comply with health and safety provisions of this chapter or otherwise applicable to the business or any other applicable law.
 - (9) Revocation or suspension of another medical marijuana business license or any other license issued by the city, the state, or any other jurisdiction held by any licensee of the medical marijuana business.
 - (10) Failure to timely correct any violation of any law, or comply with any order to correct a violation of any law within the time stated in the notice or order.
- (b) In the event a business or licensee is charged with violation of any law, upon which a final judgment would be grounds for suspension or revocation of the license, the city may suspend the license pending the resolution of the alleged violation.
 - (c) Fines for violations of this chapter may be imposed by the city against the person or any licensee up to \$5,000 per person and any licensee per occurrence. Any person or licensee subjected to civil penalties or revocation or suspension of its license shall be entitled to a hearing pursuant to Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, to contest such penalties. All such hearings shall be conducted by the Boulder Municipal Court as the hearing officer under a de novo standard of review.
 - (d) If the city revokes or suspends a license, the business may not move any marijuana from the premises except under the supervision of the Boulder Police Department.
 - (e) In the event of the suspension of a marijuana business license, the business shall post ~~insert from M1303~~ required poster will be supplied by City of Boulder licensing office

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012); 7970 (2014); [8081 \(2015\)](#)

6-14-15. - Term of License - Renewals - Expiration of License.

- (a) Term of License. A medical marijuana business license shall be valid for one year. The license shall expire on the last day of the month in which the license is issued of the year following issuance or renewal of the license. For the first license issued for a medical marijuana business, the city manager may designate an expiration date in excess of one year, but no more than twenty-four months, to facilitate the administration by the city of renewals of such licenses.
- (b) Renewal of License. The licensee shall apply for renewal of the medical marijuana business license at least forty-five days before the expiration of the license. The licensee shall apply for renewal using forms provided by the city. If the applicant fails to apply for renewal at least forty-five days before the expiration of the license but does apply for renewal prior to expiration of the license, the city may process the renewal application if the applicant submits a late filing fee of \$5,000 at the time of submittal of the renewal application.
 - (1) The renewal license fee, and late fee if applicable, shall accompany the renewal application. Such fee is nonrefundable.
 - (2) In the event there has been a change to any of the plans identified in the license application which were submitted to and approved by the city with the application or an earlier renewal, the renewal application shall include specifics of the changes or proposed changes in any of such plans.
 - (3) In the event any person who has an interest as described in the disclosures made to the city pursuant to this chapter, or any ~~business manager~~keyholder, financier, agent as defined herein, or employee has been charged with or accused of violations of any law since such disclosure, the renewal application shall include the name of the violator, the date of the violation, the court

and case number where the violation was filed, and the disposition of the violation with the renewal application.

- (4) In the event the business license has been suspended or revoked or a licensee has received any notice of violation of any law, the renewal application shall include a copy of the notice, suspension, or revocation.
 - (5) The renewal application shall include verification that the business has a valid state license and the state license is in good standing.
 - (6) The renewal application shall include a summary report for the previous twelve months showing the amount of marijuana purchased, the amount of marijuana sold, the forms in which marijuana was sold, the number of patients and the number of primary caregivers who received marijuana, the police report numbers or case numbers of all police calls to the medical marijuana business and, for calls resulting in a charge of a violation of any law, the charge, case number, and disposition of any of the charges.
 - (7) The city shall not accept renewal applications after the expiration of the license, but instead shall require the applicant to file a new license application.
 - (8) In the event there have been allegations of violations of this code by any of the licensees or the business submitting a renewal application, the city may hold a hearing pursuant to Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, prior to approving the renewal application. The hearing shall be to determine whether the application and proposed licensees comply with this chapter and whether the operation of the business has been in compliance with this code. If the city does not hold a hearing and the application and the licensees do not meet the requirements of this chapter, or the business has been operated in the past in violation of this code, the renewal application may be denied or issued with conditions, and the decision shall be final subject to judicial review as provided in Subsection 6-14-4(e).
- (c) Nonpayment of Tax. In the event a medical marijuana business that has been open and operating and submitting monthly sales and use tax returns to the city ceases providing sales and use tax returns to the city for a period of three months or longer, the medical marijuana business license shall be deemed to have expired and a new license shall be required prior to reopening at the location of the business.
- (d) Expiration of License. Expiration of a medical marijuana business license for any reason, including, without limitation, pursuant to Subsection (c) above, shall be considered an inactive local license as described in § 12-43.3.312, C.R.S.

Ordinance Nos. 7716 (2010); 7780 (2011); 7814 (2011); 7877 (2012)

6-14-16. - City Manager Authorized to Issue Rules.

The city manager may adopt rules and regulations that the manager determines are reasonably necessary to implement the requirements of this chapter.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012)

Chapter 6-16 - Recreational Marijuana Code

6-16-1. - Legislative Intent, Findings, and Purpose.

- (a) Legislative Intent and Findings. The city council intends to regulate the use, possession, cultivation, production, and distribution of marijuana in a manner that is consistent with Article XVIII, Section 16 of the Colorado Constitution (the "Recreational Marijuana Amendment" also known as Amendment 64)

and finds that the provisions of this chapter are directly and demonstrably related to the operation of marijuana establishments in a manner to minimize negative impacts on the community.

- (1) The city adopts this law to apply to all recreational marijuana operations in the city under the Recreational Marijuana Amendment, or any recreational marijuana business permitted under the state law.
- (2) Marijuana use, distribution, cultivation, and production can have an impact on health, safety, and community resources, and the code is intended to permit marijuana cultivation, distribution, production, and testing where it will have a minimal impact, and potential negative impacts are minimized.
- (3) Use, distribution, cultivation, production, possession, and transportation of marijuana remains illegal under federal law, and marijuana remains classified as a "Level 1 Controlled Substance" by federal law.
- (4) The General Assembly has adopted enabling legislation that provides for local licensing, however, the state law is not intended to, and does not, address the local impacts of marijuana operations, making it appropriate for local regulation of marijuana operations.
- (5) Nothing in this chapter is intended to promote or condone the production, distribution, or possession of marijuana in violation of any applicable law.
- (6) This chapter is to be construed to protect the public over marijuana business interests. Operation of a recreational marijuana business is a revocable privilege and not a right in the city. There is no property right for an individual or business to have marijuana in the city.
- (7) Marijuana businesses are a heavily regulated industry in the city, all licensees are assumed to be fully aware of the law, the city shall not therefore be required to issue warnings before issuing citations for violations of this chapter.
- (8) This chapter is not intended to replace the medical marijuana law in Chapter 6-14, "Medical Marijuana," B.R.C. 1981, and any person may apply for and operate a medical marijuana business pursuant to Chapter 6-14, "Medical Marijuana," B.R.C. 1981, without complying with this chapter.
- (9) This chapter is intended to specify the time, place, and manner restrictions for operating a recreational marijuana business in the city as specified in the Recreational Marijuana Amendment.
- (10) The operation of a marijuana business without a license from the city as provided in this chapter is prohibited within the city.
- (11) The experience of the city in processing and enforcing medical marijuana business licensing evidences that the provisions herein are capable and worthy of being carried out in practice by a reasonably prudent businessperson.
- (12) The Colorado Administrative Procedures Act, Article 4 of Title 24 of the Colorado Revised Statutes (the "APA"), does not apply to local governments and the state has not been able to resource the process thereof in a timely manner. The procedures herein for issuance and enforcement of a recreational marijuana business license are consistent with the requirements of the APA and have been determined by the Boulder District Court to provide the level of due process required by the United States and Colorado Constitutions.
- (13) A licensee is not acting in his or her capacity as an owner, employee, or agent of a licensed marijuana establishment if the licensee is operating in violation of this chapter or any other applicable law.
- (14) The city council has determined to allow marijuana establishments in the city on the condition that the establishments are operated in compliance with this chapter rather than banning marijuana establishments in the city as permitted by the Recreational Marijuana Amendment.

- (b) Purpose. The purpose of this chapter is to protect the public health, safety, and welfare of the residents, businesses, and property in the city by prescribing the manner in which recreational marijuana businesses can be conducted in the city. Further, the purpose of this chapter is to:
- (1) Provide for a means of cultivation, production, and distribution of marijuana to persons permitted to obtain, possess, and use marijuana for recreational purposes under the Recreational Marijuana Amendment;
 - (2) Protect public health and safety through reasonable limitations on business operations as they relate to noise, air, and water quality, food safety, neighborhood and public safety, security for the business and its personnel, and other health and safety concerns;
 - (3) Promote lively street life and high quality neighborhoods by limiting the concentration of any one type of business in specific areas;
 - (4) Impose fees for licensing recreational marijuana businesses in an amount sufficient for the city to recover its costs of the licensing program;
 - (5) Adopt a mechanism for monitoring compliance with the provisions of this chapter;
 - (6) Create regulations that address the particular needs of the residents and businesses of the city and coordinate with laws that may be enacted by the State of Colorado regarding recreational marijuana;
 - (7) Facilitate the implementation of the Recreational Marijuana Amendment without going beyond the authority granted by it;
 - (8) Support Boulder's Sustainability and Climate Action Plan goals by requiring renewable sources for energy use to grow recreational marijuana;
 - (9) Issue recreational marijuana business licenses only to individuals and entities that have demonstrated an intent and ability to comply with this chapter without monitoring by city officials;
 - (10) Protect public safety and residential areas by limiting the areas of the city where more than six marijuana plants may be grown;
 - (11) Exclude from the definition of a recreational marijuana business the private possession, production, and recreational use of marijuana by an individual or the private possession, production, distribution, and recreational use of marijuana by an individual, in the person's residence, to the extent permitted by Article XVIII, Section 16 of the Colorado Constitution; and
 - (12) Designate the city manager as the recreational marijuana licensing authority responsible for licensing recreational marijuana for the city.
- (c) Relationship to State Law. The provisions in this chapter that are different from the applicable state law are consistent with the city's responsibility to protect the public health, safety, and welfare as authorized by applicable law, and by the home rule authority granted to the city by Article XX of the Colorado Constitution and the Charter of the city. The city intends that both state law and this chapter apply within the city. Where this chapter conflicts with the state law, this chapter shall apply.
- (d) Adoption of this chapter is not intended to waive or otherwise impair any portion of the local option available under the Recreational Marijuana Amendment.

Ordinance No. 7930 (2013); [8081 \(2015\)](#)

6-16-2. - Definitions.

The following words and phrases used in this chapter have the following meanings unless the context clearly indicates otherwise:

Addiction recovery facility shall have the same meaning as set forth in Section 9-16-1, "General Definitions," B.R.C. 1981.

Adult Event means any event at which no more than 30 percent of the audience at the event and/or viewing advertising in connection with the event is reasonably expected to be under the age of 21. To be considered an Adult Event, (a) in an enclosed building not visible from a place open to the public and admission to the event must be controlled and limited to those over 21 years of age, or (b) prior to the commencement of the event or advertising for the event, the marijuana business shall present to the city reliable evidence to demonstrate that the event will have no more than 30 percent of the audience, and those viewing advertising for the event, under the age of 21. No event on city property or dedicated trails or for which access cannot be controlled may be considered an Adult Event.

Advertise means the act of drawing the public's attention, whether on print, signs, or electronic means, to a recreational marijuana business in order to promote the sale of marijuana by the business.

Appealing to Minors means any display on the internet, by radio, in print on a sign, or similar presentation visible to individuals under 21 years of age that contains visual or audio or print depictions of cartoon characters, caricatures, animals, consumable products, individuals that seem under 21 years of age or

~~Business manager~~Keyholder means the individual designated by the owner of the recreational marijuana business as the person responsible for all operations of the business in the absence of the owner from the business premises. Business managerKeyholder shall include any person with managerial authority in the business, and any person that has access to lock or unlock the safe, to lock or unlock the business, or set or disarm the alarm.

Coupon means a printed voucher or token entitling the holder to a discount for a particular product or service. Coupon does not include showing a government-issued verification of age or military status, or registration for a charitable event, the showing of which, without providing a separate printing to the business, entitles the holder to a discount for a particular product or service.

Co-located marijuana business means a medical marijuana wellness center or cultivation facility that held a license from the city on October 22, 2013, that is permitted by the owner of the building and all applicable laws, to divide the licensed medical marijuana business to allow for both a medical and a recreational marijuana wellness center or cultivation facility as separate business premises with separate licenses from the city within the same footprint and owned by the same person as the medical marijuana wellness center or cultivation facility. The licensees with an ownership or financial interest of either part of a co-located marijuana business may not be changed to be different from the other.

Cultivation or cultivate means: (i) all phases of growth of marijuana from seed to harvest; or (ii) preparing, packaging, or repackaging, labeling, or relabeling of marijuana prior to consumption, or incorporation into a recreational marijuana-infused product.

Cultivation facility means a licensed recreational marijuana business that produces and harvests marijuana plants for distribution by a licensed recreational marijuana center or a licensed recreational marijuana-infused product manufacturer. Except as included in this definition, a cultivation facility may not operate any production on its premises.

Distribute or distribution means the actual, constructive, or attempted transfer, delivery, sale, or dispensing of marijuana to another, with or without remuneration.

Fermented malt beverage has the same meaning as its meaning under the Colorado Beer Code, § 12-46-103, C.R.S.

Financier means any person who lends money or otherwise provides assets to any person applying for a license or who has been issued a license under this chapter. If a financier is an entity rather than an individual, the same disclosure shall be required for each entity with an ownership interest until a managing member that is a natural person is identified. Financier shall not include a bank, savings and loan association, credit union, or industrial bank supervised and regulated by an agency of the state or federal government.

Handbill, leaflet or flyer means a flat or folded sheet of printed matter that is a notice, advertisement, or announcement, usually for distribution by hand, for free, either directly to an individual or by placement on vehicles or other locations. Handbill, leaflet or flyer does not include education materials without the

name or logo of a marijuana business, or information made available within the licensed premises of a marijuana business.

Incidental to Sponsorship of Charitable Events means the printing of the names of all sponsors of a particular charitable event by the event organizer on advertisements, banners, clothing, programs or similar items. Incidental to sponsorship of a charitable event, but does not include the placement of a booths or distribution of materials at the event by the marijuana business that does not list or is for the use of sponsors of the event.

Job fair or educational seminar means an adult event held for the purpose of (a) connecting persons seeking jobs in a particular industry with employers in that industry or (b) educating others on matters related to the legal marijuana industry.

Keyholder means the individual designated by the owner of the recreational marijuana business as the person responsible for all operations of the business in the absence of the owner from the business premises. Keyholder shall include any person with managerial authority in the business, and any person that has access to lock or unlock the safe, **to lock or unlock the business**, or set or disarm the alarm.

Licensee means the recreational marijuana business named on the recreational marijuana business license, and all individuals named in the recreational marijuana business license application or later reported to the city, including, without limitation, owners, ~~business manager~~keyholders, financiers, and individuals owning any part of an entity that holds a financial or ownership interest in a recreational marijuana business.

Mall means the downtown Boulder Business Improvement District boundaries set forth in Appendix 8-B of Title 8 of this code, including the downtown pedestrian mall established by Ordinance No. 4022 adopted February 18, 1975.

Malt, vinous, and spirituous liquor has the same meaning as its meaning under the Colorado Liquor Code, § 12-47-108, C.R.S.

Marijuana for this Chapter 6-16 means:

- (1) The same as set forth in the Recreational Marijuana Amendment; or
- (2) As may be more fully defined in any applicable state law or regulation.

Marijuana accessories shall have the same meaning as in the Recreational Marijuana Amendment.

Marijuana business means any medical marijuana business as defined in Chapter 6-14, "Medical Marijuana," B.R.C. 1981, or recreational marijuana business as defined in this chapter.

Marijuana establishment means a recreational marijuana business that has a license from the State of Colorado and the city to operate.

Marijuana-infused product manufacturer means a licensed marijuana business that produces marijuana-infused products.

Marijuana testing facility means a recreational marijuana business that has been licensed as a marijuana testing facility by the state that is in good standing, and has a license in good standing with the city.

Marijuana warehouse means a marijuana establishment that is not licensed by the city as a medical marijuana business or a licensed recreational marijuana business. No marijuana warehouses are allowed in the city.

Minor means a person under twenty-one years of age.

Mixed use development means a building or a project or a development that contains dwelling units in any zone district.

Modification of Premises means a change to a marijuana business that requires a building or other permit from the city or changes any part of the plans required as part of the application for the marijuana business license. Modification of premises does not include routine maintenance, including replacement

of light bulbs or filters, painting, cleaning or replacement of non-mechanical items such as windows and flooring so long as the maintenance does not result in a change to the plans required as part of the application.

Place open to the general public means any property owned, leased, or used by a public entity, and any place on private property open to the public, common areas of buildings, private club, vehicles, those portions of any private property upon which the public has an express or implied license to enter or remain, and any place visible from such places. Place open to the general public shall not include (a) any fenced area of a private residence regardless of whether it can be seen from a place open to the public, or (b) any enclosed portion of a building not visible from a place open to the public which qualifies as an adult event for which entrance is limited to those over 21 years of age.

Possess or possession means having physical control of an object, or control of the premises in which an object is located, or having the power and intent to control an object, without regard to whether the one in possession has ownership of the object. Possession may be held by more than one person at a time. Use of the object is not required for possession. The owner of a recreational marijuana business shall be considered in possession of the recreational marijuana business at all times. The business managerkeyholder of a recreational marijuana business shall be considered in possession of the recreational marijuana business at all times that the business managerkeyholder is on the premises of the business or has been designated by the owner as the business managerkeyholder in the absence of the owner in accordance with this chapter.

Premises means a distinct and definite location, which may include a building, a part of a building, a room, or any other defined contiguous area.

Private club means any location, other than a residence of a person at the residence, or a marijuana establishment.

Produce or production means: (i) combining marijuana with any other substance for distribution, including storage and packaging for resale; or (ii) preparing, compounding, processing, encapsulating, packaging or repackaging, labeling, or relabeling of marijuana or its derivatives, whether alone or mixed with any amount of any other substance. Production shall not include packaging or repackaging, labeling, or relabeling of marijuana if no production has occurred and such packaging and labeling qualify as cultivation.

Promotional items means any item, including printed materials, that contain the name and or logo of a marijuana business and are distributed for free or a minimal cost. Promotional items, or "swag" includes stickers, clothing, tangible goods, and similar items that are intended to expose others to the name or logo of a particular business.

Recreational marijuana means any marijuana intended for recreational use which meets all requirements for recreational marijuana contained in this chapter, the Recreational Marijuana Amendment, and any other applicable law.

Recreational Marijuana Amendment means Article XVIII, Section 16 of the Colorado Constitution.

Recreational marijuana business means (a) any person that cultivates, produces, distributes, possesses, transports, or makes available more than six marijuana plants or one ounce of marijuana, or (b) any person that sells any amount of marijuana, or (c) any person who possesses marijuana openly or publicly. The term recreational marijuana business shall not include the private cultivation, possession, or use within a person's residence of no more than (a) six plants in an enclosed, locked space, or (b) one ounce of marijuana, or (c) the marijuana derived from no more than six plants on the premises where the plants were grown if the plants were grown in an enclosed, locked space.

Recreational marijuana center means a licensed recreational marijuana business that distributes marijuana to any person or to recreational marijuana-infused product manufacturers or to another recreational marijuana center.

Recreational marijuana-infused product means a product infused with marijuana that is processed for use or consumption, including, without limitation, edible products, concentrates, ointments, tinctures, and any item defined as a "marijuana product" in the Recreational Marijuana Amendment.

Recreational marijuana local licensing authority means the city manager. The manager shall be the local licensing authority responsible for processing applications under this chapter for the purpose of the Recreational Marijuana Amendment and any state law that requires the city to designate a local licensing authority.

Recreational marijuana plant means a marijuana seed that is germinated and all parts of the growth therefrom, including, without limitation, roots, stalks, and leaves, so long as the flowers, roots, stalks, and leaves are all connected and in a growing medium. For purposes of this chapter, any part of the plant removed is considered harvested and no longer part of a recreational marijuana plant, but marijuana.

Restricted area means the portion of a recreational marijuana business premises within which the licensee defines on its application it intends to cultivate, distribute, possess, or produce recreational marijuana and which area is clearly identified as the restricted area on the floor plan submitted with the recreational marijuana business license application for the business.

Safe means a metal box, attached to the building structure, capable of being locked securely, constructed in a manner to prevent opening by human or mechanical force, or through the use of common tools, including but not limited to hammers, bolt cutters, crow bars or pry bars. The city manager may approve security devices such as vaults and strong rooms that are functionally equivalent to safes.

University Hill commercial area means the area described as the University Hill General Improvement District in Appendix 8-A of Title 8 of this code.

Violation of any law or violated any law means a plea or finding of a violation of any law in a criminal, civil, or administrative proceeding, whether part of a plea agreement, settlement agreement, or determination by an arbitrator, hearing officer, court, or jury.

[Virtually separated marijuana business means a co-located marijuana business that is not separated into two different premises.](#)

Ordinance Nos. 7930 (2013); 7970 (2014); [8020 \(2014\)](#); [8081 \(2015\)](#)

6-16-3. - License Required.

- (a) License Required. It shall be unlawful for any person to operate a recreational marijuana business without obtaining a license to operate pursuant to the requirements of this chapter and holding a license in good standing from the state.
- (b) Additional Licenses and Permits May Be Required. The license requirement set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law, including, by way of example, a retail sales and use tax license, a retail food establishment license, or any applicable zoning or building permit.
- (c) License Does Not Provide Any Exception, Defense, or Immunity From Other Laws. The issuance of any license pursuant to this chapter does not create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marijuana.
- (d) Separate License Required for Each Location. A separate license shall be required for each premise from which a recreational marijuana business is operated. [Except as specifically provided in this chapter, n](#)No two or more different businesses, including recreational marijuana businesses, may be treated as one premise. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation wall between a recreational marijuana business and any adjacent business.
- (e) License Nontransferable. A recreational marijuana business license is not transferable or assignable, including, without limitation, not transferable or assignable to a different premise, to a different type of business (including another marijuana business), or to a different owner or licensee. A recreational

marijuana business license is valid only for the owner named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. The licensees of a recreational marijuana business license are only those persons disclosed in the application or subsequently disclosed to the city in accordance with this chapter. [A transfer of a licensed recreational marijuana business shall be permitted in the following circumstance:](#)

- [\(1\) The new owner and all licensees of the business have submitted completed applications and passed a background by the city;](#)
 - [\(2\) The new owner is not making changes to any of the plans or conditions that are part of the license; applies for and receives a new medical marijuana business license for the new location; and](#)
 - [\(3\) The license transfer location is permitted without the exceptions of Subsection 6-16-7\(c\) or \(e\) of this chapter.](#)
- (f) Conversion of Licenses to Different Marijuana Business. A license for a marijuana establishment may not be converted to a license for a medical marijuana business. A license for a medical marijuana business that was licensed, open, and operating on October 22, 2013, or that had submitted a complete application for a medical marijuana business on October 22, 2013, may be converted to the same type of marijuana establishment by complying with the requirements of this chapter for a renewal of a marijuana license and paying the application fee specified in Section 4-20-67, "Recreational Marijuana Businesses," B.R.C. 1981. The license for the medical marijuana business must be surrendered to the city before the recreational marijuana business license will be issued. The term of the license shall be the same as the existing medical marijuana business license.
- (g) Conversion to a Co-located Marijuana Business Within the Footprint of the Medical Marijuana Business. A licensee of a medical marijuana wellness center or cultivation facility may apply for a co-located marijuana business license by submitting an application for a co-located marijuana business on forms approved by the city. At a minimum, the application form shall include a modification of the existing medical marijuana business to conform to the new footprint of the medical marijuana portion of the co-located marijuana business and all components of the application described in Section 6-16-5, "Application," B.R.C. 1981, determined applicable by the city manager for the recreational marijuana portion of the co-located marijuana business, and paying the modification of premises fee and operating fee specified in Section 4-20-67, "Recreational Marijuana Businesses," B.R.C. 1981. The license for the medical marijuana business must be surrendered to the city before the co-located marijuana business license will be issued. The term of the co-located marijuana business license shall be the same as the existing medical marijuana business license. For purposes of separation from other marijuana businesses in Paragraph 6-16-7(e)(3) of this chapter, the co-located medical and recreational marijuana business shall be considered one marijuana business. No co-located medical and recreational marijuana business may be sold separately from the other and must maintain identical ownership at all times.
- (h) Conversion to a Co-located Marijuana Business in an Expansion of the Existing Footprint of the Medical Marijuana Business. A licensee of a medical marijuana wellness center or cultivation facility may apply for a co-located marijuana business license within a footprint that is an expansion of its existing medical marijuana business by submitting an application for modification of the existing medical marijuana business, and an application for co-location of a medical and recreational business within the modified premises on forms approved by the city by March 1, 2014. At a minimum, the application shall include (i) the same owners and financiers of the existing medical marijuana businesses, (ii) the proposed modification of the existing and expanded area of the existing medical marijuana business to depict the two new businesses separated as required by this code, (iii) all components of the application described in Section 6-16-5, "Application," B.R.C. 1981, determined applicable by the city manager for the recreational marijuana portion of the co-located marijuana business, and (iv) the modification of premises fee, conversion fee, and operating fee specified in Section 6-16-5, "Application," B.R.C. 1981. The license for the medical marijuana business must be surrendered to the city before the co-located marijuana business license will be issued. The term of the co-located marijuana business license shall be the same as the existing medical marijuana business license. For purposes of separation from other marijuana businesses in Paragraph 6-16-

7(e)(3) of this chapter, the co-located medical and recreational marijuana business shall be considered one marijuana business. No co-located medical and recreational marijuana business may be sold separately from the other and must maintain identical ownership at all times.

- (i) Virtual Separation of Co-located Marijuana Business. A co-located business may be virtually rather than physically separated if the businesses provide evidence that they have maintained their respective books and records in compliance with section 9 of this chapter for the twelve months preceding the application for virtual co-location. ~~One-Time Transfer of Vertically Integrated Cultivation Facility and Marijuana-Infused Product Manufacturer Operating Within the City. Any business entity with a license from the city for both a marijuana-infused product manufacturer and a cultivation facility on November 1, 2015, may transfer one of the licenses to a different business entity under the following conditions:~~
 - ~~(1) All of the owners and financiers of the transferee business entity are the same as those of the transferor business entity and there are not any additional owners or financiers; and~~
 - ~~(2) The marijuana licenses for both the marijuana manufacturer and the marijuana cultivation facility are in good standing; and~~
 - ~~(3) Neither the marijuana manufacturer nor the marijuana cultivation facility have previously transferred a city marijuana license under this subsection.~~
 - ~~(j) Until such time as the State of Colorado provides the city with access to criminal history information for the purpose of issuing marijuana business licenses, no conversion under Subsection (f) or co-location under Subsection (g) of this section shall be approved if there is any change in the identity of the individuals required to be listed on the application as reported to the city by October 22, 2013, pursuant to this chapter.~~

Ordinance Nos. 7930 (2013); 7970 (2014); [8020 \(2014\)](#); [8031 \(2015\)](#); [8081 \(2015\)](#)

6-16-4. - General Provisions.

- (a) General Licensing Provisions. The general procedures and requirements of licenses, as more fully set forth in Chapter 4-1, "General Licensing Provisions," B.R.C. 1981, shall apply to recreational marijuana business licenses. To the extent there is any conflict between the provisions of this chapter and Chapter 4-1, "General Licensing Provisions," B.R.C. 1981, the provisions of this chapter shall control for recreational marijuana business licenses.
- (b) Defense to Criminal Prosecutions. Compliance with the requirements of this chapter shall not provide an exception, immunity, or defense to criminal prosecution under any applicable law, except in the Boulder Municipal Court for a violation of this chapter as specifically provided herein.
- (c) Insurance Required. The insurance specified in Section 4-1-8, "Insurance Required," B.R.C. 1981, is required for a license under this chapter.
- (d) Costs of Inspection and Clean-Up. In the event the city incurs costs in the inspection, clean-up, surrender of plants, or any other requirements to remove marijuana of any recreational marijuana business, or any person cultivating, producing, distributing, or possessing marijuana, the business and responsible person shall reimburse the city all actual costs incurred by the city for such inspection or clean-up.
- (e) Reserved.
- (f) Forfeiture of License. In the event that a recreational marijuana business does not commence operations within thirty days of issuance of a license from the city, the license shall be deemed forfeited, and the business may not commence operations.
- (g) Landlord Duty. It shall be unlawful for the owner of a building to lease space or allow the use of any portion of the building by a recreational marijuana business unless the tenant has a valid recreational marijuana business license or has applied for and not been denied a recreational marijuana business

license or no marijuana is located on the premises until a license has been issued by the city. In the event that the city has an articulable reason to believe that a recreational marijuana business is being operated in a building, it shall be unlawful for the owner of the building to refuse to allow the city access to the portion of the building in which the suspected recreational marijuana business is located to determine whether any marijuana is on the premises.

- (h) Requirements for Time Periods for Accepting Applications for Conversion to a Recreational Marijuana Business or Co-Location of Marijuana Businesses.
- (1) ~~No applications for conversion of a medical marijuana business to a recreational marijuana business pursuant to Subsection 6-13-3(f) of this chapter shall be accepted before January 2, 2014.~~ As a condition of the city accepting an application for conversion of a medical marijuana business to a recreational marijuana business, the applicant and all licensees shall be the same as those identified for the medical marijuana license and affirm that there will be no changes in licensees for the recreational marijuana business. ~~If a license is issued, and the business makes any changes in licensees prior to such time as the State of Colorado makes criminal history information available for the purpose of processing recreational marijuana business licenses, the license may be revoked.~~
 - (2) ~~No applications for conversion to a co-located medical and recreational marijuana business pursuant to Subsection 6-13-3(g) of this chapter of a medical marijuana business shall be accepted before January 21, 2014.~~ As a condition of the city accepting an application for conversion to a co-located marijuana business, the applicant and all licensees shall be the same as those identified for the medical marijuana license and affirm that there will be no changes in licensees for the recreational marijuana business. ~~If a license is issued, and the business makes any changes in licensees prior to such time as the State of Colorado makes criminal history information available for the purpose of processing recreational marijuana business licenses, the license may be revoked.~~
 - (3) ~~No applications for conversion to a co-located medical and recreational marijuana business pursuant to Subsection 6-13-3(h) of this chapter of a medical marijuana business within a footprint that is larger than the existing medical marijuana business shall be accepted before February 3, 2014.~~ As a condition of the city accepting an application for conversion to a co-located marijuana business, the applicant and all licensees shall be the same as those identified for the medical marijuana license and affirm that there will be no changes in licensees for the recreational marijuana business. ~~If a license is issued, and the business makes any changes in licensees prior to such time as the State of Colorado makes criminal history information available for the purpose of processing recreational marijuana business licenses, the license may be revoked.~~
 - (4) ~~No applications for a new recreational marijuana business (that is not a conversion from a medical marijuana business pursuant to Subsection 6-16-3(f) of this chapter or a co-located marijuana business pursuant to Subsection 6-16-3(g) of this chapter or a co-located marijuana business pursuant to Subsection 6-16-3(h) of this chapter shall be accepted before June 1, 2014.~~

Ordinance Nos. 7930 (2013); [8081 \(2015\)](#)

6-16-5. Application; Modification of Premises.

- (a) Application Requirements. An application for a recreational marijuana business license shall be made to the city on forms provided by the city manager for that purpose. The applicant shall use the application to demonstrate its compliance with this chapter and any other applicable law, rule, or regulation. In addition to the information required by Chapter 4-1, "General Licensing Provisions," B.R.C. 1981, the application shall include the following information:
- (1) Name and address of the owner or owners of the recreational marijuana business in whose name the license is proposed to be issued.

- (A) If an owner is a corporation, the name and address of any officer or director of the corporation and of any person holding issued and outstanding capital stock of the corporation.
 - (B) If an owner is a partnership, association, or company, the name and address of any person holding an interest therein and the managing members. If a managing member is an entity rather than an individual, the same disclosure shall be required for each entity with an ownership interest until a managing member that is a natural person is identified.
 - (C) If an owner is not a natural person, the organizational documents for all entities identified in the application, identification of the natural person that is authorized to speak for the entity and contact information for that person.
- (2) Name and address of:
- (A) Any ~~business manager~~keyholders of the recreational marijuana business, if the ~~business manager~~keyholder is proposed to be someone other than the owner;
 - (B) All financiers of the recreational marijuana business; and
 - (C) All agents of the recreational marijuana business who either (I) act with managerial authority, (II) provide advice to the recreational marijuana business for compensation, or (III) receive periodic compensation totaling \$1,000 or more in a single year for services related to the recreational marijuana business. It shall be an affirmative defense that the undisclosed person was an attorney, accountant, bookkeeper, mail delivery person, or other contractor performing services for the business that are unrelated to the cultivation, production, or distribution of recreational marijuana.
- (3) A statement of whether or not any of the named owners, members, ~~business manager~~keyholders, financiers, or persons named on the application have been:
- (A) Denied an application for a marijuana business license pursuant to this chapter, Chapter 6-14, "Medical Marijuana," B.R.C. 1981, or any similar state or local licensing law, rule, or regulation, or had such a license suspended or revoked.
 - (B) Denied an application for a liquor license pursuant to Title 12, Article 47 or Article 46, C.R.S., or any similar state or local licensing law, or had such a license suspended or revoked.
 - (C) Violated any law, other than a traffic offense, or completed any portion of a sentence due to a violation of any law.
 - (D) Convicted of driving or operating other machinery under the influence of alcohol, drugs, or medication, driving while impaired, or driving with excessive alcohol content in violation of § 42-4-1301, C.R.S., or any comparable law, or a misdemeanor related to abuse of alcohol or a controlled substance.
- (4) Proof of ownership or legal possession of the restricted area for a recreational marijuana business for the term of the proposed license. If the recreational marijuana business is not the owner of the premises of the business, the applicant shall provide written authorization to the city from the owner to enter the property for inspection of the premises on a form approved by the city.
- (5) Proof of insurance as provided in Section 4-1-8, "Insurance Required," B.R.C. 1981.
- (6) An operating plan for the proposed recreational marijuana business, including the following information:
- (A) A description of the products and services to be provided by the recreational marijuana business.
 - (B) A dimensioned floor plan, clearly labeled, showing:
 - (i) The layout of the structure and the floor plan in which the recreational marijuana business is to be located;

- (ii) The principal uses of the floor area depicted on the floor plan, including but not limited to the areas where underage persons will be permitted, storage areas, retail areas, and restricted areas where recreational marijuana will be located;
 - (iii) Areas where any services other than the distribution of recreational marijuana are proposed to occur in the premises; and
 - (iv) The separation of the areas that are open to persons who are underage from those areas open to persons qualified to use marijuana.
- (C) A neighborhood responsibility plan that demonstrates how the business will fulfill its responsibilities to the neighborhood [for effective mitigation of community impacts](#), including neighborhood outreach, methods for future communication, and dispute resolution.
- (D) For cultivation facilities and marijuana-infused product manufacturers, a plan that specifies the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system of the city as set forth in Chapter 11-3, "Industrial and Prohibited Discharges," B.R.C. 1981.
- (E) For a marijuana-infused product manufacturer or a marijuana testing facility, a plan that specifies all means to be used for extraction, heating, washing, or otherwise changing the form of the marijuana plant, or testing any marijuana, and verification of compliance with all applicable laws for ventilation and safety measures for each process. The city shall require the manufacturer or testing facility to obtain a report from an industrial hygienist to verify that the plan submitted, and the improvements to be constructed, adequately protect the business and adjacent properties and persons, and comply with all applicable laws.
- (F) The maximum amount of marijuana or marijuana-infused products that may be on the business premises.
- (7) A security plan indicating how the applicant will comply with the requirements of this chapter and any other applicable law, rule, or regulation. The security plan includes specialized details of security arrangements and will be protected from disclosure as provided under the Colorado Open Records Act, § 24-72-203(2)(a)(VIII), C.R.S. If the city finds that such documents are subject to inspection, it will attempt to provide at least twenty-four-hour notice to the applicant prior to such disclosure.
- (8) A lighting plan showing the lighting outside of the marijuana business for security purposes and compliance with applicable city requirements.
- (9) A zoning confirmation form from the city, to ascertain within a radius of one-quarter mile from the boundaries of the property upon which the recreational marijuana business is located, the proximity of the property to any school or other facility identified in this chapter, or state licensed child care center, to any other marijuana business or to any residential zone district or a mixed-use development containing one or more residences.
- (10) Fingerprints and personal histories as may be specified on forms provided by the city manager. This requirement shall apply to all owners, [business manager/keyholders](#), and financiers employed by or under contract to provide services to the recreational marijuana business, including all individuals who have an interest as described herein of any portion of the recreational marijuana business, directly or as an agent, or a member, partner, or officer of a corporation, partnership, association, or company, and the reports from the Colorado and Federal Bureau of Investigation for each person.
- (11) A plan for disposal of any recreational marijuana or marijuana-infused product that is not sold in a manner that protects any portion thereof from being possessed or ingested by any person or animal.
- (12) A plan for ventilation of the marijuana business that describes the ventilation systems that will be used to prevent any odor of marijuana off the premises of the business. For cultivation facilities, such plan shall also include all ventilation systems used to control the environment for the plants

and describe how such systems operate with the systems preventing any odor leaving the premises. For marijuana-infused product manufacturers and marijuana testing facilities, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.

- (13) A description of all toxic, flammable, or other materials regulated by a federal, state, or local government that would have authority over the business if it was not a marijuana business, that will be used, kept, or created at the marijuana business, the location of such materials and how such materials will be stored.
 - (14) A description of the processes used to extract or distill marijuana from its source and the process used to incorporate marijuana into all products produced, including verifying compliance of all processes regulated by a federal, state, or local government that would have authority over the business if it was not a marijuana business.
 - (15) A statement of the amount of the projected daily average and peak electric load anticipated to be used by the business and certification from the landlord and utility provider that the premises are equipped to provide the required electric load, or necessary upgrades will be performed prior to final inspection of the premises.
 - (16) ~~For applications for a marijuana-infused product manufacturer, the location of the cultivation facilities which will supply the marijuana for processing in the city owned by the licensee.~~ Modifications to Approved Recreational Marijuana Business License. Prior to making a modification of a marijuana business that would require a building permit or change items required by subsections (6), (7) or (12) of this subsection (a) depicted on a dimensioned floor plan, operating plan, security plan or —, the licensees shall submit to the city and have approved a complete application for modification of premises in the form provided by the city.
- (b) Evidence of Rehabilitation May Be Submitted. In the event the history of an owner, member, business manager/keyholder, financier, or other person named on the application contains information regarding violations of any law, or previous denial or revocation of a license, that person may include with the license application any information regarding such violation, denial, or revocation. Such information may include, but is not limited to, evidence of rehabilitation, character references, and educational achievements, and other regulatory licenses held without compliance violations, especially those items pertaining to the period of time between the applicant's last violation of any law and the date of the application.
 - (c) Fee Required. Any application for a license for a marijuana business under this chapter shall be accompanied by the operating fee, criminal background fee, annual license fee, and any other applicable fees, as required by Section 4-20-67, "Recreational Marijuana Businesses," B.R.C. 1981. Unless the State of Colorado has forwarded the application fee pursuant to Colorado Constitution Art. XVIII, § 16(5)(g)(II) to the city, the applicant shall submit the application fee set forth in Section 4-20-67, "Recreational Marijuana Businesses," B.R.C., 1981 to the city with the application.
 - (d) Inspection. An inspection of the proposed recreational marijuana business by the city shall be required prior to issuance of a license. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any recreational marijuana, and prior to the opening of the business to the public. The inspection is to verify that the business facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of this code and any other applicable law, rule, or regulation.
 - (e) Complete Application. For purposes of this chapter, an application shall not be considered complete until the city manager has (i) determined that all requirements of the application have been provided to the city, (ii) received the reports from the fingerprint cards of each person required to submit such cards from the Colorado and Federal Bureau of Investigation, (iii) received the local share of \$2,500 for the application fee from the State of Colorado, and (iv) obtained all other information the manager determines necessary to make a decision whether to approve or deny the license application, or approve it with conditions.

- (f) Approval Requirements. The city manager may issue a recreational marijuana business license if the inspection, background checks, and all other information available to the city verify that the applicant has submitted a full and complete application, has made improvements to the business location consistent with the application, is prepared to operate the business with other owners and managers as set forth in the application, and has submitted the annual operating fee, all in compliance with this code and any other applicable law, rule, or regulation. The manager will deny any application that does not meet the requirements of this chapter or any other applicable law, rule, or regulation or that contains any false or incomplete information. The conditions of an approval of a recreational marijuana business license shall include, at a minimum, operation of the business in compliance with all of the plans and information made part of the application.

Ordinance No. 7930 (2013)

6-16-6. - Persons Prohibited as Licensees and ~~Business Manager~~Keyholders.

- (a) It shall be unlawful for any of the following persons to have an ownership or a financial interest in a recreational marijuana business, and no license provided by this chapter shall be issued to or held by, and no recreational marijuana business shall be managed by:
- (1) Any person until the annual fee for the license has been paid;
 - (2) Any person not of good moral character;
 - (3) Any corporation, any of whose officers, directors, or stockholders are not of good moral character;
 - (4) Any partnership, association, or company, any of whose officers or members holding an interest therein, or a managing member, is not of good moral character;
 - (5) Any person employing, assisted by, or financed in whole or in part by any other person who is not of good moral character;
 - (6) Any person, unless such person's character, record, and reputation are satisfactory to the city manager;
 - (7) Any natural person who is under twenty-one years of age;
 - (8) Any person who operates or manages a recreational marijuana business contrary to the provisions of this chapter, any other applicable law, rule, or regulation, or conditions imposed on land use or license approvals, or contrary to the terms of the plans submitted with the license application, as such plans may be amended as provided in this chapter, or has operated a business in violation of any law;
 - (9) Any person applying for a license to operate a recreational marijuana center who has been licensed to operate another recreational marijuana center in the city pursuant to this chapter;
 - (10) Any person applying for a license to operate a marijuana-infused product manufacturer facility who has been licensed to operate another marijuana-infused product manufacturer facility in the city pursuant to this chapter;
 - (11) A person licensed pursuant to this chapter who, during a period of licensure, or who, at the time of application, has failed to remedy an outstanding delinquency for taxes owed, or an outstanding delinquency for judgments owed to a government;
 - (12) A sheriff, deputy, police officer, or prosecuting officer, or an officer or employee of the state licensing authority or a local licensing authority;
 - (13) A person whose authority to be a primary caregiver as defined in § 25-1.5-106(2), C.R.S. has been revoked by the state health agency; or
 - (14) A person that is a licensee for the application location that is currently licensed as a retail food establishment or a wholesale food registrant.

(15) Any person applying for a license to operate a recreational-marijuana center who has been licensed to operate the same type of three other marijuana businesses in the city pursuant to either this chapter or chapter 6-14. For purposes of this subparagraph only, one co-located medical and recreational marijuana business is considered one marijuana business.

- (b) In making the evaluation of the good moral character of an individual identified on an application or amendment thereof, the city manager shall consider the following:
- (1) An applicant's violation of a law shall not, by itself, be grounds for denying an application;
 - (2) Verification of, or lack of ability to verify, items disclosed by the individual;
 - (3) When an individual has a history of violation of any law, or a history including denial, revocation, or suspension of a license, the types and dates of violations; the evidence of rehabilitation, if any, submitted by the individual; whether the violations of any laws are related to moral turpitude, substance abuse, or other violations of any laws that may directly affect the individual's ability to operate a recreational marijuana business; or whether the violations of any law are unrelated to the individual's ability to operate such a business;
 - (4) The evidence or lack of evidence regarding the ability of the individual to refrain from being under the influence of intoxicating or controlled substances while performing regular tasks and operating a recreational marijuana business;
 - (5) Rules adopted by the manager to implement this chapter;
 - (6) Law, rules, and regulations applicable to evaluation of other types of licenses issued by governments that consider the good moral character of the applicants; and
 - (7) Any additional information the manager may request of the individual if the individual has a violation of any laws, evidence of substance abuse issue, or items disclosed by the individual which require additional information in order for the manager to make a determination regarding issuance of the license.

Ordinance No. 7930 (2013)

6-16-7. - Locations of Recreational Marijuana Businesses.

- (a) Fixed Location Required. It shall be unlawful to operate a recreational marijuana business or to grow recreational marijuana outside of a locked enclosed space within a building. All recreational marijuana business licenses shall be issued for a specific fixed location within an enclosed building. The portion of such premises upon which the floor plan shows recreational marijuana may be produced, dispensed, or possessed shall be considered the "restricted area" portion of the business premises.
- (b) Location - Permitted Use in Zoning District. A recreational marijuana business license may be issued only if the business qualifies as a use permitted as a matter of right in the zone district where it is proposed to be located, as follows:
- (1) as "personal service" for a recreational marijuana center;
 - (2) as "greenhouse/nursery" for a recreational marijuana cultivation facility; or
 - (3) as "manufacturing ≤ 15,000 square feet" for a recreational marijuana cultivation facility, for a marijuana-infused product manufacturer, or for a marijuana testing facility.
- (c) No Recreational Marijuana Business in Building With Residences or Residential Zone Districts. It shall be unlawful to operate a recreational marijuana business in a building which contains a residence, or within a dwelling unit within any zone district, or within a residential zone district, or within a mixed-use development that includes a residence.

- (d) No Retail Sales in Cultivation Facilities or Manufacturing. It shall be unlawful for any person to permit retail sales within a recreational marijuana business that is not a licensed recreational marijuana center.
- (e) Separation From Schools and Other Facilities.
- (1) No recreational marijuana center business license shall be issued for a recreational marijuana center at a location within one thousand feet of any public or private elementary, vocational, or secondary school, or a college, university, or a state licensed day care center, or an addiction recovery facility. Distances shall be measured by the city on official maps as the radius from the closest points on the perimeter of the applicant's property to the closest point of the property of the school or named facility.
 - (2) ~~No license for a recreational marijuana cultivation facility, a marijuana-infused product manufacturer, or a marijuana testing facility shall be issued for a location within five hundred feet of the real property comprising an elementary, vocational, or secondary school, or a public or private college, junior college, or university, or a state licensed day care, or an addiction recovery facility. This restriction shall not apply to a medical marijuana cultivation facility that had submitted an application or held a license by the city on October 22, 2013.~~
 - (3) No recreational marijuana business license shall be issued for a recreational marijuana business at a location within five hundred feet of three other marijuana businesses.
 - (4) No recreational marijuana business license shall be issued for a recreational marijuana center at a location on the street level of the mall or the University Hill commercial area.
 - (5) Distances shall be measured by the city on official maps as the radius from the closest points on the perimeter of the applicant's property to the closest point of the property of any other recreational marijuana business.
 - (6) To determine the proximity to other recreational marijuana businesses and the priority of applications, businesses shall have priority in the following order:
 - (A) Licensed medical marijuana businesses;
 - (B) Marijuana establishment;
 - (C) Businesses for either medical or recreational business whose applications have been approved but licenses not yet issued;
 - (D) Applications for medical or recreational marijuana business licenses that have been submitted by the applicant and declared complete by the city; and
 - (E) No other applications shall be considered "businesses" for this determination.
 - (7) Businesses that convert all or part of a medical marijuana business pursuant to Subsection 6-16-3(f) of this code are not subject to Paragraphs (1), (2), and (3) of this subsection. This exception is not transferrable.
 - (8) For purposes of this paragraph, school, college, or university shall include properties owned by such entities only if they are used to provide services, teaching facilities, or living facilities to students. No distance is required between a marijuana business and properties owned by a school, college, or university that are not used to provide teaching facilities, living facilities, or services to students.
- (f) Limitations on Dual Licenses. A recreational marijuana business license may not be issued for any location which also is a part of the restricted area of a business holding a beverages license pursuant to Section 4-2-3, "Authority to Issue City Licenses," B.R.C. 1981, or a marijuana business license under this chapter or Chapter 6-14, "Medical Marijuana," B.R.C. 1981.
- (g) Limitations on Recreational Marijuana Centers and Co-Located Marijuana Center. The following shall be the minimum requirements for a recreational marijuana center and a co-located marijuana center:

- (1) The area of the business is less than or equal to three thousand square feet, and the restricted area components of the required security and all paper and electronic records are one thousand square feet or less;
- (2) ~~The business does not sell or distribute anything other than marijuana and marijuana products or marijuana accessories except as permitted by Section 6-16-8(p)(1)(C); and Delete or substitute with: OR The business receives no more than 20% of its revenue from sale of items other than marijuana and marijuana products and marijuana accessories; and~~
- ~~(3) There is a separate reception area for verification of age.~~
- (h) Limitations on Recreational Marijuana-Infused Product Manufacturers. The area of the premises may not be more than fifteen thousand square feet.
- (i) Limitation on Cultivation Facility Licenses. No licensee shall hold licenses for more than five marijuana cultivation facilities. This limitation limits the total number of cultivation facility licenses, including both licenses for medical and recreational marijuana cultivation facilities. The area of the premises of a cultivation facility may not be more than fifteen thousand square feet.

Ordinance Nos. 7930 (2013); 7970 (2014); [8081 \(2015\)](#)

6-16-8. - Requirements Related to Operation of Recreational Marijuana Businesses.

- (a) Onsite Use Prohibited. No marijuana shall be smoked, eaten, or otherwise consumed or ingested within the recreational marijuana business.
- (b) Restriction on Access to Business.
 - (1) No person under twenty-one years of age shall be in the business premises. No person shall be allowed entry into the business premises area without showing a valid picture identification. [Marijuana centers](#) ~~The business~~ shall have an electronic scanner able to verify the legitimacy of the identification and maintain records for enforcement, as approved by the city manager. If a person does not have a valid picture identification ~~that the electronic scanner recognizes as legitimate as verification~~ that the person is at least twenty-one years of age, the owner or ~~business manager~~ [keyholder](#) on the premises shall require that the person leave the business and any surrounding area possessed or controlled by the business. In the event the person has a valid government-issued proof of age that cannot be scanned, such as a passport or military ID, the business shall be allowed access so long as the ID reasonably appears to be accurate and valid.
 - (2) No person, other than an employee or contractor of the business or a visitor shall be permitted in the restricted area of the business. For purposes of this subsection, a visitor means a person that is accessing the restricted area for educational purposes ~~for government officials or potential investors or purchasers of the business.~~ No access to the restricted area may be permitted by tourists or for compensation. The business must require that all visitors comply with all requirements for access to limited access areas as required by the Colorado Marijuana Enforcement Division. The log required shall be maintained on the business premises and available for inspection upon request by the city.
- (c) Display of Licenses Required. The name and contact information for the owner or owners and any ~~business manager~~ [keyholder](#) of the recreational marijuana business, the recreational marijuana business license, and the sales tax business license shall be conspicuously posted in the business.
- (d) Business Conducted Within Building. Any and all cultivation, production, distribution, possession, storage, display, sales, or other distribution of marijuana shall occur only within the restricted area of a recreational marijuana business and shall not be visible from the exterior of the business.
- (e) Owner or [Business Manager](#) [Keyholder](#) Required on Premises. No recreational marijuana business shall be managed by any person other than the licensee or the ~~business manager~~ [keyholder](#) listed on the application for the license or a renewal thereof. Such licensee or ~~business manager~~ [keyholder](#) shall be on the premises and responsible for all activities within the licensed business during all times when

the business is open or in the possession of another person. In the event the licensee intends to employ a [business managerkeyholder](#) that was not identified on the license or renewal application, the licensee shall report the name of such [business managerkeyholder](#) to the city, and such [business managerkeyholder](#) shall submit to the city, at least thirty days prior to commencing serving as the [business managerkeyholder](#), an application containing all of the information required by this chapter and on the license application. Such licensee shall report to the city any change in [business managerkeyholders](#) at least thirty days prior to employing an additional [business managerkeyholder](#), and no more than five days after a [business managerkeyholder](#) is released from such position. In the event the licensee submits a completed application for the new business manager with a copy of a valid current keyholder badge issued by the state Marijuana Enforcement Division, the applicant may work as a keyholder for the licensee upon submission of the application.

- (f) Hours of Operation. A recreational marijuana center shall be closed to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 10~~7~~ p.m. and 8 a.m. Provided however, in the event that a planned delivery of marijuana cannot be completed on the day scheduled, the marijuana may be returned to the center.
- (g) Use of Pesticides. No pesticides or insecticides which are prohibited by applicable law for fertilization or production of edible produce shall be used on any marijuana cultivated, produced, or distributed by a recreational marijuana business. A recreational marijuana business shall comply with all applicable law regarding use of pesticides, including, without limitation, Chapter 6-10, "Pesticide Use," B.R.C. 1981.
- (h) Ventilation Required. A recreational marijuana business shall be ventilated so that the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the recreational marijuana business or at any adjoining use or property.
- (i) Renewable Energy Usage Required. A marijuana business shall directly offset one hundred percent of its electricity consumption through the purchase of renewable energy or carbon offsets, a verified subscription in a Community Solar Garden, or renewable energy generated onsite, or an equivalent that is subject to approval by the city. For a recreational marijuana center that has converted pursuant to Subsection 6-16-3(f) or co-located pursuant to Subsection 6-16-3(g), or a marijuana-infused product manufacturer licensed by the city on October 22, 2013, this requirement shall apply at the time of renewal of the marijuana business license following October 22, 2013.
- (j) Limitations on Inventory. The recreational marijuana business shall not maintain any more marijuana within the premises than the amount stated on the business' license application to the State of Colorado and city. No plants shall be located in a recreational marijuana center or a marijuana-infused product manufacturer. In addition, the establishment shall not maintain any more marijuana within the restricted area than:
 - (1) Cultivation facility: one thousand plants, provided, however, a cultivation facility may have more than one thousand plants if the licensee provides an additional enforcement fee in an amount of \$1 per plant over one thousand plants. Such fee shall be payable annually at the time of licensing and renewal; or
 - (2) MIP: six hundred pounds of marijuana that has not been incorporated into a product and one hundred fifty pounds of marijuana-infused products; or
 - (3) Testing facility: one hundred pounds of raw marijuana and one hundred pounds of marijuana-infused product.
- (k) Reporting Requirements. A recreational marijuana business shall report to the recreational marijuana licensing authority each of the following within the time specified. If no time is specified, the report shall be provided within seventy-two hours of the event.
 - (1) Transfer or change of financial interest, [business managerkeyholder](#), or financier in the license to the city at least thirty days before the transfer or change;
 - (2) Sales and taxable transactions and file sales and use tax reports to the city monthly;

- (3) A violation of any law by any licensee or applicant of a recreational marijuana business;
 - (4) A notice of potential violation of any law related to the licensee;
 - (5) Any report that the recreational marijuana business is required to provide to the State of Colorado; or
 - (6) Reports of all criminal activities or attempts of violation of any law at the recreational marijuana business or related thereto shall be reported to the Boulder Police Department within twelve hours of occurrence.
- (l) No Sales Except Directly to User; No Deliveries. All sales of recreational marijuana shall be made in person in the restricted area of a recreational marijuana center. All sales shall be in person, directly to the purchaser. No sales shall be made via telephone, internet, or other means of remote purchase. Deliveries shall occur only in person to the purchaser at the time of purchase in the restricted area of a recreational marijuana center.
- (m) Delivery Between Recreational Marijuana Businesses. It shall be unlawful for any person to transport recreational marijuana, except as specifically allowed by applicable law, unless the recreational marijuana being transported meets the following requirements:
- (1) All marijuana-infused products are hand-packaged, sealed, and labeled as provided in this chapter and the products stored in closed containers that are labeled as provided in this section;
 - (2) All recreational marijuana in a usable form is packaged and stored in closed containers that are labeled as provided in this section;
 - (3) Each container used to transport recreational marijuana is labeled with the amount of recreational marijuana or marijuana-infused products, or the number and size of the plants, in the container. The label shall include the name and address of the recreational marijuana business that the recreational marijuana is being transported from, and the name and address of the recreational marijuana business that the recreational marijuana is being transported to. The label shall be shown to any law enforcement officer who requests to see the label;
 - (4) Unless otherwise specifically allowed by applicable law, recreational marijuana may be transported with proper bill of sale completed before transport only to another recreational marijuana business:
 - ~~(A) From a cultivation facility to a recreational marijuana center or marijuana-infused product manufacturer, and which recreational marijuana business is owned by the same person who owns the cultivation facility;~~
 - ~~(B) From a cultivation facility to another recreational marijuana cultivation facility;~~
 - ~~(C) Between one recreational marijuana center to another center; or~~
 - ~~(D) Between a marijuana-infused product manufacturer and a medical or recreational marijuana center.~~
 - (5) The recreational marijuana must be accompanied by the manifest and confirmation email from the State of Colorado in accordance with state requirements for transportation of recreational marijuana;
 - (6) The recreational marijuana must be accompanied by the email receipt confirmation from the Boulder Police Department in accordance with the rules therefor established by the police department;
 - (7) When determining and reporting the route for delivery, licensees should select the most direct route that provides efficiency and safety; and
 - (8) Transport may occur only during the hours allowed for operation of the center.
- (n) Disposal of Recreational Marijuana and Marijuana Byproducts. All recreational marijuana and any product containing a usable form of marijuana must be made unusable and unrecognizable prior to

removal from the business in compliance with all applicable laws. This provision shall not apply to licensed law enforcement, including, without limitation, the Boulder Police Department and the Boulder Fire Department.

- (o) Possession of Mature Flowering Plants. No more than one-half of the recreational marijuana plants within a recreational marijuana business may be mature, flowering plants.
- (p) Advertisement. A recreational marijuana business may not advertise in a manner that is misleading, deceptive, false, or designed to appeal to minors. The following conditions shall apply:
 - (1) Except as otherwise provided in this paragraph, it shall be unlawful for any person licensed under this chapter or any other person to advertise any recreational marijuana or recreational marijuana-infused product anywhere in the city where the advertisement is in plain view of, or in, a place open to the general public, including advertising utilizing any of the following media: any billboard or other outdoor general advertising device as defined by the zoning code; any sign mounted on a vehicle; any handheld or other portable sign; or any handbill, leaflet, or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property. The prohibition set forth in this paragraph shall not apply to:
 - (A) Any sign located on the same zone lot as a recreational marijuana center which exists solely for the purpose of identifying the location of the recreational marijuana center and which otherwise complies with this code and any other applicable city laws and regulations, which sign includes only the name and address of the center;
 - (B) Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the city or on the internet, [which may include coupons](#);
 - (C) Any products marked with the name or logo of ~~the licensed recreational marijuana center~~ [marijuana business](#), including wearable or non-consumable merchandise, packaging in which marijuana is sold, or on recreational marijuana accessories sold; or
 - (D) Advertising which is purely incidental to sponsorship of a charitable event by a recreational marijuana center or a recreational marijuana-infused products manufacturer.
 - (E) [A booth at a job fair that is an adult event where the only items distributed are company-related materials aimed at potential employees or investors over the age of 21, and no other items are distributed shown or sold.](#)
 - (F) [A booth at an adult event where the only items distributed are information regarding marijuana consumption that do not contain any advertising, or any name or logo of the particular business, and no other items are distributed, shown or sold.](#)
 - (2) It is an affirmative defense if a recreational marijuana business employee provided another individual, upon request, a business card for the purpose of providing that person's name and business affiliation, including, without restriction, title, mailing address, email address, and telephone number;
 - (3) No marijuana business shall distribute or allow the distribution of any marijuana or products marked with its name or logo without charge within a marijuana business or any place open to the public for the purpose of promotion or advertising;
 - (4) No marijuana business shall distribute or allow the distribution of any coupon or similar writing, electronically or on paper, which purports to allow the bearer to exchange the same for any marijuana product either free or at a discount [except as permitted in subsection \(1\)\(B\) of this section](#); and
 - (5) No recreational marijuana business shall sell, distribute, or provide, or allow the sale, distribution, or provision of, products marked with its name or logo, in child sizes, designed for the use of minors, or which is misleading, deceptive, false, or appealing to minors.
- (q) The owner or a ~~business manager~~ [keyholder](#) of a recreational marijuana business is required to respond by phone or email within twenty-four hours of contact by a city official concerning its

recreational marijuana business at the phone number or email address provided to the city as the contact for the business. Each twenty-four-hour period during which an owner or manager does not respond to the city official shall be considered a separate violation.

- (r) Separation of Marijuana Businesses. A cultivation facility and manufacturer are separate marijuana businesses requiring separate licenses and separate premises. A medical marijuana center or cultivation facility and a recreational marijuana center or cultivation facility are separate marijuana businesses requiring separate licenses and separate premises. In addition to all other application requirements for separate premises, each business shall:
 - (1) Have separate operations, ventilation, security, and fire suppression systems, and separate access from a public area;
 - (2) Be divided within a building from floor to roof. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation between a recreational marijuana business and any adjacent business; and
 - (3) Obtain delivery documents and manifests for movement of any marijuana between the cultivation facility and the manufacturer.
- (s) Additional Requirements for Testing or Production of Recreational Marijuana.
 - (1) No recreational marijuana business may use metals, butane, propane, or other solvent or flammable product, or produce flammable vapors, to process or test marijuana unless the process used and the premises are verified as safe and in compliance with all applicable codes by a qualified industrial hygienist; and
 - (2) The city shall require the business to obtain verification from a qualified industrial hygienist that the manner in which the business producing or testing marijuana complies with all applicable laws and does not produce noxious or dangerous gases or odors or otherwise create a danger to any person or entity in or near the businesses.
- (t) Packaging at a Recreational Marijuana Center. Provided that recreational marijuana has been delivered to a recreational marijuana center from a cultivation facility packaged and labeled as provided in this chapter, employees at a recreational marijuana center may package and label any marijuana that results from the sale of recreational marijuana in amounts less than as packaged for delivery to the center.
- (u) Packaging of Marijuana-Infused Product. Unless the actual amount of marijuana in a marijuana-infused product is contained on the label of the packaged product, any product over one ounce shall be presumed to have more than one ounce of marijuana in the product.
- (v) Scanner for Proof of Age. The marijuana ~~center~~business shall verify the proof of age of every person entering the business with an electronic ID scanner. An "electronic ID scanner" is a device that is capable of quickly and reliably confirming the validity of an identification using computer processes that contains all of the components approved by the city manager. For legitimate identifications that cannot be scanned, including passports, military IDs and other lawful government issued identification, use of the electronic ID scanner is not required, but the business shall be responsible for verifying that the identification provided is reliable verification of the age of the person.
- (w) Organization of Cultivation Facilities. All cultivation facilities shall be organized in orderly rows with aisles at least three feet wide, and no more than eight feet between an aisle and the next aisle or the aisle and a wall, and clear access to all exits, unless the city manager determines that the business has provided a dimensioned floor plan that provides equivalent access and separation between plants and to exits.
- (x) Confiscation of Fraudulent IDs. If a licensee or an employee of a marijuana business has reasonable cause to believe that ~~person is under twenty-one~~one years of age and is exhibiting fraudulent proof of age in an attempt to enter a marijuana business or to obtain any marijuana or marijuana product, the licensee or employee shall be authorized to confiscate such fraudulent proof of age. Within 72 hours, any fraudulent proof of age confiscated shall be turned over to ~~the Boulder Police Department~~

(y) Virtually-separated centers or cultivation facilities. A virtually-separated marijuana business shall maintain separate marijuana business licenses, with separate books, records and inventories of all transactions. For purposes of sales, use and excise tax, all transactions shall be considered recreational marijuana unless the business can prove that the transaction was for medical marijuana. A virtually-separated marijuana business may not allow entrance to anyone under 21 years of age on the premises of the business. The floor plan for a virtually separated center shall depict the separate sales counters, display and storage areas for recreational and medical marijuana. A violation of any of the requirements of this code for a virtually separated business is a public safety violation.

(z) Sale of Clones. A recreational marijuana center may not sell clones, unless (a) no more than six (6) plants are sold to any one customer, (ba) the customer pre-orders the clones,- and (cb) the clones are not transferred from the recreational marijuana cultivation facility to the grow until the day the patient is to pick up the clones and no clones are maintained at the center overnight.

Ordinance Nos. 7930 (2013); 7970 (2014); [8020 \(2014\)](#); [8081 \(2015\)](#)

6-16-9. - Right of Entry - Records to Be Maintained.

(a) Records to Be Maintained. Each licensee shall keep a complete set of books of account, invoices, copies of orders and sales, shipping instructions, bills of lading, weigh bills, correspondence, bank statements, including cancelled checks and deposit slips, and all other records necessary to show fully the business transactions of such licensee. Receipts shall be maintained in a computer program or by pre-numbered receipts and used for each sale. The records of the business shall clearly track recreational marijuana product inventory purchased and sales and disposal thereof to clearly track revenue from sales of any recreational marijuana from other paraphernalia or services offered by the recreational marijuana business. The licensee shall also maintain inventory records evidencing that no more recreational marijuana was within the recreational marijuana business than allowed by applicable law. All such records shall be open at all times during business hours for the inspection and examination of the city or its duly authorized representatives. The city may require any licensee to furnish such information as it considers necessary for the proper administration of this chapter. The records shall clearly show the source, amount, price, and dates of all marijuana received or purchased, and the amount, price, and dates for all recreational marijuana sold.

~~(b) Separate Bank Accounts. The revenues and expenses of the recreational marijuana business shall not be commingled in a checking account or any other bank account with any other business or individual person's deposits or disbursements.~~

~~(c) Disclosure of Records. By applying for a recreational marijuana business license, the licensee is providing consent to disclose the information required by this chapter. Any document that the applicant considers eligible for protection under the Colorado Open Records Act shall be clearly marked as confidential, and the reasons for such confidentiality shall be stated on the document. In the event that the licensee does appropriately submit documents so as not to be disclosed under the Colorado Open Records Act, the city shall not disclose it to other parties who are not agents of the city, except law enforcement agencies. If the city finds that such documents are subject to inspection as public records of the city, it will attempt to provide at least twenty-four-hour notice to the applicant prior to such disclosure.~~

~~(cd) Audits. The city may require an audit to be made of the books of account and records of a recreational marijuana business on such occasions as it may consider necessary. Such audit may be made by an auditor to be selected by the city that shall likewise have access to all books and records of the recreational marijuana business. The expense of any audit determined necessary by the city shall be paid by the recreational marijuana business.~~

~~(de) Consent to Inspection. Application for a recreational marijuana business license or operation of a recreational marijuana business, or leasing property to a recreational marijuana business, constitutes~~

consent by the applicant, and all owners, managers, and employees of the business, and the owner of the property, to permit the city manager to conduct routine inspections of the recreational marijuana business to ensure compliance with this chapter or any other applicable law, rule, or regulation. The owner or ~~business manager~~[keyholder](#) on duty shall retrieve and provide the records of the business pertaining to the inspection, including the security tapes from the cameras required by the security plan. For purposes of Rule 241 of the Colorado Rules of Municipal Procedure and Subsection 2-6-3(e) of this code, inspections of recreational marijuana businesses and recordings from security cameras in such businesses are part of the routine policy of inspection and enforcement of this chapter for the purpose of protecting the public safety, individuals operating and using the services of the recreational marijuana business, and the adjoining properties and neighborhood, as provided in Section 6-14-1, "Legislative Intent and Purpose," B.R.C. 1981. Application for a recreational marijuana business license constitutes consent to inspection of the business as a public premise without a search warrant, and consent to seizure of any surveillance records, camera recordings, reports, or other materials required as a condition of a recreational marijuana license without a search warrant.

(ef) Reporting of Source, Quantity, and Sales. The records to be maintained by each recreational marijuana business shall include the source and quantity of any marijuana distributed, produced, or possessed within the premises. Such reports shall include, without limitation, for both acquisitions from wholesalers and retail sales transactions, the following:

- (1) Date, weight, type of marijuana, and dollar amount or other consideration of transaction;
- (2) For wholesale transactions, the State of Colorado, and city, if any, sales and use tax license number of the seller; and
- (3) The amount of marijuana within the restricted area.

(fg) Reporting of Energy Use and Carbon Offset Purchases. The records to be maintained and submitted to the city on a quarterly basis, by each recreational marijuana business shall include, without limitation, records showing on a monthly basis the use and source of energy and the number of certified Renewable Energy Credits (RECs) purchased, or the subscription level for another renewable energy acquisition program approved by the city manager. A statement of the projected daily average peak electric load anticipated to be used by the business and certification from the building owner or landlord and utility provider that the premises are equipped to provide the required electric load, or necessary upgrades will be performed. Such records shall include all statements, reports, or receipts to verify the items included in the report of the business. By application for a recreational marijuana business license from the city, the recreational marijuana business grants permission to providers of the energy or point of origin of the RECs or other renewable energy acquisition program to disclose the records of the business to the city. For recreational marijuana businesses that cultivate recreational marijuana the report shall include the number of certified RECs purchased, or the subscription level for another renewable energy acquisition program approved by the manager.

Ordinance No. 7930 (2013); [8081 \(2015\)](#)

6-16-10. - Requirements Related to Monitoring and Security of Restricted Areas and Inventory.

All components of the security plan submitted with the application, as it may be amended, shall be in good working order, monitored, and secured twenty-four hours per day. [Except for a co-located marijuana business that is virtually separated, a](#) separate security system is required for each business. The security plan must include, at a minimum, the following security measures:

- (a) Cameras. The recreational marijuana business shall install and use security cameras to monitor and record all areas of the premises (except in restrooms), and where persons may gain or attempt to gain access to marijuana or cash maintained by the recreational marijuana business. Cameras shall record operations of the business to the offsite location, as well as all potential areas of ingress or egress to the business with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained for a minimum of forty days in a secure offsite location in the city or

through a service over a network that provides on-demand access, commonly referred to as a "cloud." The offsite location shall be included in the security plan submitted to the city and provided to the Boulder Police Department upon request, and updated within seventy-two hours of any change of such location.

- (b) Use of Safe for Storage. The recreational marijuana business shall install and use a safe for storage of any processed marijuana and cash on the premises when the business is closed to the public. The safe shall be incorporated into the building structure or securely attached thereto. For marijuana-infused products that must be kept refrigerated or frozen, the business may lock the refrigerated container or freezer in a manner authorized by the city in place of use of a safe, so long as the container is affixed to the building structure.
- (c) Alarm System. The recreational marijuana business shall install and use an alarm system that is monitored by a company that is staffed twenty-four hours a day, seven days a week. The security plan submitted to the city shall identify the company monitoring the alarm, including contact information, and be updated within seventy-two hours of any change of monitoring company.

Ordinance No. 7930 (2013)

6-16-11. - Requirements for Public Health and Labeling.

- (a) Recreational Marijuana-Infused Products. The production of any marijuana-infused product shall be at a marijuana-infused product manufacturer that meets all requirements of a retail food establishment as set forth in § 25-4-1601, et seq., C.R.S., the Food Protection Act. The production of any product containing marijuana shall comply with all health and safety standards thereof. The licensee shall comply with all applicable state and local health regulations related to the production, preparation, labeling, and sale of prepared food items as if the recreational marijuana-infused products were food items.
- (b) Labeling and Packaging Requirements. All recreational marijuana sold or otherwise distributed by the licensee shall be packaged and labeled in a manner that ~~advises the purchaser that it contains marijuana and specifies the amount of marijuana in the product, and that the marijuana is intended for use solely by a person lawfully possessing recreational marijuana. The label shall be is~~ in compliance with all applicable requirements of the State of Colorado and any other applicable law.
- (c) The product shall be packaged in a sealed container that cannot be opened without obvious damage to the packaging.

Ordinance No. 7930 (2013)

6-16-12. - Compliance With Other Applicable Law.

- (a) Application of State Law. Except as may be provided otherwise in this chapter, or rules adopted pursuant to this chapter or interpretations by the city, any law or regulation adopted by the state governing the cultivation, production, possession, or distribution of marijuana for recreational use shall also apply to recreational marijuana businesses in the city. Provided, however, that, if a state law or regulation permits what this chapter prohibits, this chapter shall prevail. Compliance with any applicable state law or regulation that does not permit what this chapter prohibits shall be deemed an additional requirement for issuance or denial of any license under this chapter, and noncompliance with any applicable state law or regulation is unlawful and shall be grounds for revocation or suspension of any license issued under this chapter. No recreational marijuana business shall continue operations in violation of an additional state law or regulation, which does not permit what this chapter prohibits, applicable within the city after the effective date of the state law or regulation.
- (b) Revocation of License Upon Denial or Revocation of State License or Applicable Federal Prohibition. If the state prohibits the cultivation, production, possession, or other distribution of marijuana through

recreational marijuana businesses, or if a recreational marijuana business is denied a recreational marijuana business license or has such license revoked pursuant to § 12-43.3-101, et seq., C.R.S., or if a court of competent jurisdiction determines that the federal government's prohibition of the cultivation, production, possession, or other distribution of marijuana through recreational marijuana businesses supersedes state law, any license issued pursuant to this chapter shall be deemed to be immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the licensee.

- (c) Revocable Privilege. A recreational marijuana business license is a revocable privilege, and no applicant therefor or holder thereof shall be deemed to have acquired any property interest therein.

Ordinance No. 7930 (2013)

6-16-13. - Prohibited Acts.

- (a) Prohibited Acts. It shall be unlawful for any person to:
 - (1) Cultivate, distribute, produce, smoke, use, or ingest marijuana openly or publicly in a place open to the general public;
 - (2) Smoke, use, or ingest on the premises of the recreational marijuana business (1) marijuana, (2) fermented malt beverage, (3) malt, vinous, and spirituous liquor, or (4) a controlled substance, except in compliance with the directions on a legal prescription for the person from a doctor with prescription writing privileges;
 - (3) Operate or be in physical control of any recreational marijuana business, liquor establishment, vehicle, aircraft, or motorboat while under the influence of alcohol or marijuana or other intoxicant;
 - (4) Possess more than six marijuana plants without a recreational marijuana business license for a cultivation facility;
 - (5) Possess more than one ounce of a usable form of marijuana without a recreational marijuana business license for a center or a marijuana-infused product manufacturer;
 - (6) Obtain marijuana for remuneration from a person who is not licensed as a recreational marijuana business;
 - (7) Possess or operate a recreational marijuana business in violation of this chapter;
 - (8) Produce, distribute, or possess more marijuana than allowed in this chapter, or than disclosed in the application to the State of Colorado for a recreational marijuana business license, or other applicable law;
 - (9) Distribute marijuana for remuneration without a recreational marijuana business license or outside of the restricted area of the recreational marijuana business;
 - (10) Possess recreational marijuana, or own or manage a recreational marijuana business, or own or manage a building with a recreational marijuana business, where there is possession of recreational marijuana, by a person who is not lawfully permitted to possess recreational marijuana;
 - (11) Possess or operate a recreational marijuana business in a location or in a manner for which a recreational marijuana business license is prohibited by the terms of this chapter;
 - (12) Operate a recreational marijuana business without a recreational marijuana business license from the city;
 - (13) Operate a recreational marijuana business in a manner that is not consistent with the items disclosed in the application for the recreational marijuana business, or is in violation of any plan made part of the license application;

- (14) Operate a recreational marijuana business without disclosing, in the application for a recreational marijuana business license or an amendment thereto, an agent who either (1) acts with managerial authority, (2) provides advice to the recreational marijuana business for compensation, or (3) receives periodic compensation totaling \$1,000 or more in a single year for services related to the recreational marijuana business. It shall be an affirmative defense that the undisclosed person was an attorney, accountant, bookkeeper, or mail delivery person;
- (15) Own or manage a recreational marijuana business where distribution occurs of a marijuana-infused product that was produced in a manner that is not in compliance with this chapter;
- (16) Operate a recreational marijuana business without a recreational marijuana business license prior to passing the inspection required by this chapter;
- (17) Make any changes, or for the licensee to allow any changes, to the items included in the plans submitted with the license application and approved by the city, or the individuals identified in the application, without prior approval of the city;
- (18) Attempt to use or display a recreational marijuana business license at a different location or for a different business entity than the location and business entity disclosed on the application for the issued license;
- (19) Own or manage a recreational marijuana business in which another person cultivates, produces, distributes, or possesses marijuana, in violation of this chapter or any other applicable law;
- (20) Allow an owner or ~~business manager~~keyholder that has not been disclosed to the city as required by this chapter to operate the business;
- (21) Own, manage, or possess a recreational marijuana business where marijuana is outside of the restricted area portion of such business;
- (22) Possess a number of flowering plants that is more than one-half of the recreational marijuana plants that are lawfully possessed by a person;
- (23) Dispose of marijuana or any byproduct of marijuana containing marijuana in a manner contrary to this chapter;
- (24) Distribute a marijuana plant to any person;
- (25) Deliver or transport marijuana to a person or between recreational marijuana businesses in a manner contrary to this chapter or other law;
- (26) Refuse to allow inspection of a recreational marijuana business upon request of a city employee or consultant of the city. Any licensee, owner, ~~business manager~~keyholder, or operator of a recreational marijuana business, or the owner of the property where a recreational marijuana business is located, may be charged with this violation;
- (27) Advertise or publish materials, honor coupons, sell or give away products, or display signs that are in violation of this code;
- (28) Violate any provision of this code or any condition of an approval granted pursuant to this code, or any law, rule, or regulation applicable to the use of recreational marijuana or the operation of a recreational marijuana business;
- (29) Permit any other person to violate any provision of this code or any condition of an approval granted pursuant to this code, or any law, rule, or regulation applicable to the use of recreational marijuana or the operation of a recreational marijuana business;
- (30) Lease any property to a recreational marijuana business that has marijuana on the property without a recreational marijuana business license from the city;
- (31) Operate a private club where marijuana is possessed or used by any person at the private club;
- (32) Remove marijuana harvested from a plant from the enclosed, locked space where the plant was grown, except as provided in this chapter;

- (33) Distribute marijuana within a recreational marijuana center to any person who shows visible signs of intoxication from alcohol, marijuana, or other drugs;
- (34) Permit a minor on the premises of the business;
- (35) Fail to respond by phone or email as required by Subsection 6-16-8(q) of this chapter;
- (36) Produce any marijuana without a license from the city for a marijuana-infused product manufacturer;
- (37) Distribute, or contract to distribute, marijuana using any freight or package service, community rideshare, or other commercial transportation network, not including the United States Postal Service; or
- (38) Possess extraction vessels, and butane, propane, compressed CO₂, ethanol, isopropanol, acetone, heptane, hexane, or any other volatile materials used in the production of solvent-based marijuana concentrate, in the same premise as marijuana without a license from the city as a marijuana-infused product manufacturer.

~~(39) Offer a coupon or other~~

~~(40) Printing or allowing the printing of a coupon that is not a newspaper, magazine, or other periodical of general circulation within the city or on the internet.~~

~~(404) Failure to provide a copy or record of a coupon authorized under this chapter upon request of an authorized city employee.~~

~~(41) Failure the confiscate fraudulent proof of age.~~

~~(42) Failure to post the premises during a suspension.~~

~~(43) Distribute any consumable product that is not a marijuana-infused product.~~

- (b) Prima Facie Evidence. Prima facie indicia of impairment or being under the influence of marijuana includes bloodshot eyes, watery eyes, eyelid tremors, green particulate on tongue, dilated pupils, mental confusion, slowed responses, rigid muscles, body tremors, or dry mouth, or any other indicators of impairment.

Ordinance Nos. 7930 (2013); 7970 (2014); [8081 \(2015\)](#)

6-16-14. - Suspension or Revocation of License; Imposition of Fines.

- (a) A recreational marijuana business license may be suspended or revoked for any of the following violations:
 - (1) Conviction of the business, a licensee, or any owner, ~~business manager~~[keyholder](#), or financier of any violation of this chapter or any other law, rule, or regulation applicable to the use of recreational marijuana or operation of a recreational marijuana business;
 - (2) Misrepresentation or omission of any material fact, or false or misleading information, on the application or any amendment thereto, or any other information provided to the city related to the recreational marijuana business;
 - (3) Violation of any law by which, if occurring prior to submittal of the application, could have been cause for denial of the license application;
 - (4) Distribution of recreational marijuana, including, without limitation, delivering or transporting marijuana, in violation of this chapter or any other applicable law, rule, or regulation;
 - (5) Operation of a recreational marijuana business in violation of the specifications of the license application, any conditions of approval by the city, or any violation of this chapter or any other law, rule, or regulation applicable to the use of recreational marijuana or operation of a recreational marijuana business;

- (6) Failure to maintain, or provide to the city upon request, any books, recordings, reports, or other records required by this chapter;
 - (7) Failure to timely notify the city and to complete necessary city forms for changes in financial interest, [business manager/keyholder](#)s, financier, or agent;
 - (8) Temporary or permanent closure, or other sanction of the business, by the city, or by the county or Colorado Department of Public Health and Environment, or other governmental entity with jurisdiction, for failure to comply with health and safety provisions of this chapter or otherwise applicable to the business or any other applicable law;
 - (9) Revocation or suspension of another recreational marijuana business license or any other license issued by the city, the State of Colorado, or any other jurisdiction held by any licensee of the recreational marijuana business; or
 - (10) Failure to timely correct any violation of any law, or comply with any order to correct a violation of any law within the time stated in the notice or order.
- (b) In the event a business or licensee is charged with violation of any law, upon which a final judgment would be grounds for suspension or revocation of the license, the city may suspend the license pending the resolution of the alleged violation.
 - (c) Civil penalties for violations of this chapter may be imposed by the city against the person or any licensee up to \$5,000 per person and any licensee per occurrence. Any person or licensee subjected to civil penalties or revocation or suspension of its license shall be entitled to a hearing pursuant to Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, to contest such penalties. All such hearings shall be conducted by the Boulder Municipal Court as the hearing officer under a de novo standard of review.
 - (d) If the city revokes or suspends a license, the business may not move any marijuana from the premises except under the supervision of the Boulder Police Department.
 - (e) [In the event of the suspension of a marijuana business license, the business shall post; City licensing will prepare and supply the poster](#)

Ordinance Nos. 7930 (2013); 7970 (2014); [8081 \(2015\)](#)

6-16-15. - Term of License - Renewals - Expiration of License.

- (a) Term of License. A recreational marijuana business license shall be valid for one year. The license shall expire on the date stated on the license, but no more than twenty-four months, to facilitate the administration by the city of renewals and coordinate with the date for renewal of the state license of such licenses.
- (b) Renewal of License. The licensee shall apply for renewal of the recreational marijuana business license at least forty-five days before the expiration of the license. The licensee shall apply for renewal using forms provided by the city. If the applicant fails to apply for renewal at least forty-five days before the expiration of the license, but does apply for renewal prior to expiration of the license, the city may process the renewal application if the applicant submits a late filing fee of \$5,000 at the time of submittal of the renewal application.
 - (1) The renewal license fee, and late fee if applicable, shall accompany the renewal application. Such fee is nonrefundable.
 - (2) In the event there has been a change to any of the plans identified in the license application which were submitted to and approved by the city with the application or an earlier renewal, the renewal application shall include specifics of the changes or proposed changes in any of such plans.
 - (3) In the event any person who has an interest as described in the disclosures made to the city pursuant to this chapter, or any [business manager/keyholder](#), financier, agent as defined herein, or employee, has been charged with or accused of violations of any law since such disclosure,

the renewal application shall include the name of the violator, the date of the violation, the court and case number where the violation was filed, and the disposition of the violation with the renewal application.

- (4) In the event the business license has been suspended or revoked or a licensee has received any notice of violation of any law, the renewal application shall include a copy of the notice, suspension, or revocation.
 - (5) The renewal application shall include verification that the business has a valid state license and the state license is in good standing.
 - (6) The renewal application shall include a summary report for the previous twelve months showing the amount of marijuana purchased; the amount of marijuana sold, the forms in which marijuana was sold; the police report numbers or case numbers of all police calls to the recreational marijuana business; and, for calls resulting in a charge of a violation of any law, the charge, case number, and disposition of any of the charges.
 - (7) The city shall not accept renewal applications after the expiration of the license, but instead shall require the applicant to file a new license application.
 - (8) In the event there have been allegations of violations of this code by any of the licensees or the business submitting a renewal application, the city may hold a hearing pursuant to Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, prior to approving the renewal application. The hearing shall be to determine whether the application and proposed licensees comply with this chapter and whether the operation of the business has been in compliance with this code. If the city does not hold a hearing and the application and the licensees do not meet the requirements of this chapter, or the business has been operated in the past in violation of this code, the renewal application may be denied or issued with conditions, and the decision shall be final subject to judicial review as provided in Subsection 6-16-4(e) of this chapter.
- (c) Nonpayment of Tax. In the event a recreational marijuana business that has been open and operating and submitting monthly sales and use tax returns to the city ceases providing sales and use tax returns to the city for a period of three months or longer, the recreational marijuana business license shall be deemed to have expired and a new license shall be required prior to reopening at the location of the business.
- (d) Expiration of License. Expiration of a recreational marijuana business license for any reason, including, without limitation, pursuant to Subsection (c) of this section, shall be considered an inactive local license as described in § 12-43.3.312, C.R.S.

Ordinance No. 7930 (2013)

6-16-16. - City Manager Authorized to Issue Rules.

The city manager may adopt rules and regulations that the manager determines are reasonably necessary to implement the requirements of this chapter.

Ordinance No. 7930 (2013)

Chapter 4-20 Fees

[4-20-64](#)

...

<u>() Modification of Premises – as classified in Table 1:.....</u>	<u>3,000.00</u>
<u>Major</u>	<u>\$1,100</u>
<u>Minor.....</u>	<u>\$250</u>
<u>MIP Minor.....</u>	<u>\$500</u>
<u>MIP Major.....</u>	<u>\$1,500</u>

If a proposed modification does not fit precisely into one of the categories on the table, the fee due shall be the same as the most similar category.

Table 1: Classification of Modifications

Insert Word version of K:\CMAD\Permanent Modifications Chart FINAL 8-3-16-2522.PDF

4-20-67. - Recreational Marijuana Businesses.

Application and license fees for recreational marijuana businesses shall be up to the following amounts:

...

<u>() Modification of Premises – as classified in Table 1:.....</u>	<u>3,000.00</u>
<u>Major</u>	<u>\$1,100</u>
<u>Minor.....</u>	<u>\$250</u>
<u>MIP Minor.....</u>	<u>\$500</u>
<u>MIP Major.....</u>	<u>\$1,500</u>

If a proposed modification does not fit precisely into one of the categories on the table, the fee due shall be the same as the most similar category.

Table 1: Classification of Modifications

Insert Table 1 (Word version of K:\CMAD\Permanent Modifications Chart FINAL 8-3-16-2522.PDF)

~~(9) Modification of premises~~

~~(A) Minor, including replacement of existing equipment that does not change requirements of ventilation or security plans, adding electrical power or outlets that does not require a service upgrade or a new panel or subpanel at a center or cultivation facility.....\$500.00~~

~~(B) Major – all modifications that (i) are not minor, or (ii) require a building permit or (iii) change the designations of areas on the dimensioned floor plan, or (iv) constitute a material change as defined by the Colorado Marijuana Enforcement Division\$3,000.00~~

...

The application fee, operating fee, costs, excess plant fee, and renewal fee paid are nonrefundable. The new license fee may be refunded if the new license application is denied. No fee will be refunded in the instance of suspension or revocation.