

ORDINANCE NO. 7834

AN EMERGENCY ORDINANCE IMPOSING A MORATORIUM ON APPLICATIONS FOR NEW MEDICAL MARIJUANA BUSINESS LICENSES, ON APPLICATIONS FOR EXPANSION OR AMENDMENT OF EXISTING MEDICAL MARIJUANA BUSINESS LICENSES, ON APPLICATIONS FOR THE TRANSFER OF MEDICAL MARIJUANA BUSINESS LICENSES, AND ON APPLICATIONS FOR NEW MEDICAL MARIJUANA BUSINESS OWNERS OR FINANCIERS, THROUGH NOVEMBER 9, 2012, SETTING A FEE FOR APPLICATIONS TO CHANGE OR ADD BUSINESS MANAGERS, AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO MAKES THE FOLLOWING FINDINGS OF FACT:

- A. All of the findings contained in Ordinance No. 7830, adopted on January 3, 2012;
- B. Additional time is required for city staff to be able to provide council information regarding recent court decisions and the city resources used to license and regulate medical marijuana businesses and their effect upon the city;
- C. Amendments to the city's law regarding medical marijuana requires amendments to be more effectively enforced to implement the intent of the council;
- D. The city has not previously set a fee on processing of an application for a business manager, but finds that processing such applications takes a significant amount of staff time and resources, including an average cost of \$143 per application for the licensing division alone, and several such applications are filed by each medical marijuana business each year; and
- E. An extension of the temporary moratorium adopted on January 3, 2012 is necessary for the immediate preservation of public peace, health and safety, with an exception for medical marijuana businesses that are licensed by the city and in compliance with all applicable laws.

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

Section 1. The City Council adopts the findings in this ordinance and those contained in Ordinance No. 7830, adopted on January 3, 2012, incorporated herein by this reference.

Section 2. Continuing from February 7, 2012 and continuing until 8 a.m. on November 9, 2012, no application for a medical marijuana business license, nor an application to expand a medical marijuana business, nor a transfer of the license, nor an application for change of owner or financier, from a medical marijuana business that is not licensed by the city or is operating in violation of applicable laws of the city shall be accepted by the city manager. No medical marijuana business license application, however, shall be accepted by the City Manager until March 8, 2012 at 8:00 a.m.

Section 3. The City Council directs the city manager to study, develop, evaluate, and review appropriate regulations, ordinances, and fees pertaining to medical marijuana businesses for presentation to and consideration by the City Council.

Section 4. Section 4-20-64, B.R.C., 1981, shall be amended by the addition of subsection (f), which fee shall be paid to the city by the applicant prior to the acceptance of an application for a new business manager.

4-20-64. Medical Marijuana Businesses.

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

(a) Application fee:	\$3,115.00
(b) Criminal background check fee, per person checked:	Actual Costs
(c) License fee, per year:	\$2,075.00
(d) Renewal application fee, per year:	\$1,040.00
(e) Renewal license fee, per year:	\$1,040.00
<u>(f) Application for a new business manager</u>	<u>\$ 150.00</u>
<u>(g) Business Entity Changes or Addition of Financiers</u>	<u>\$2,000.00</u>

(h) Modification of Premises

\$3,000.00

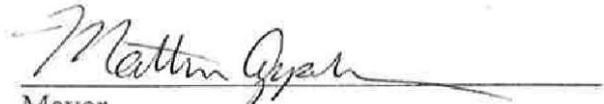
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Section 5. The City Council finds that public health, peace and safety justify the adoption of this moratorium as an emergency measure. The nature of the emergency is described, in part, by the findings of fact set forth in this ordinance. The City Council finds that additional time is required to consider an appropriate response to recent interpretations of the city's law and medical marijuana laws at the municipal, state and federal level, and the appropriate fees so that taxpayers are not subsidizing the costs of licensing and regulating medical marijuana businesses. The City Council also needs sufficient time to evaluate approaches to avoiding negative impacts associated with licensing new or expanded medical marijuana businesses. Therefore, the City Council orders that this ordinance shall be effective immediately upon its passage.

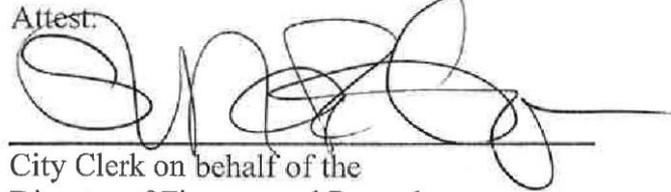
Section 6. The city council finds that the cost of processing applications for business managers required resources of the licensing division of the city in excess of an average of \$143 per application, plus costs of other departments of the city.

Section 7. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY the 17th day of January 2012.



Mayor

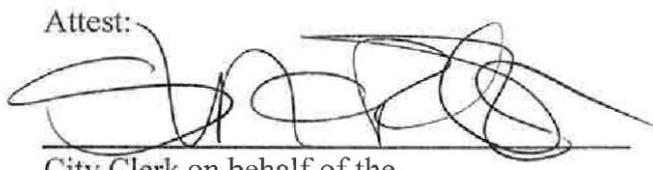
Attest:


City Clerk on behalf of the
Director of Finance and Record

READ ON SECOND READING, AMENDED, PASSED BY A TWO-THIRDS VOTE
OF COUNCIL MEMBERS PRESENT, ADOPTED AS AN EMERGENCY MEASURE, AND
ORDERED PUBLISHED BY TITLE ONLY this 7th day of February, 2012.



Mayor

Attest:


City Clerk on behalf of the
Director of Finance and Record