

Section 1. Chapter 12 of the CDC is hereby amended by the addition of the following Article VIII:

“Article VIII. Steamboat Springs Retail Marijuana Code.

Division 1. General Provisions.

Section 12-400. Purpose and legislative intent.

Section 16 of Article XVIII of the Colorado Constitution, also commonly known as Amendment 64 of 2012, authorizes a system of state licensing for businesses engaging in the cultivation, testing, manufacturing, and retail sale of marijuana, collectively referred to as “marijuana establishments” by the constitution. Subsection 16 (5)(f) of Article XVIII allows localities, within their respective jurisdictions: to prohibit state licensing of marijuana establishments; to regulate the time, place, and manner in which marijuana establishments may operate; and to limit the total number of marijuana establishments. The authority of localities to prohibit or regulate marijuana establishments within their respective jurisdictions, including the authority to engage in local licensing of marijuana establishments, is also reflected in various provisions of the Colorado Retail Marijuana Code, Article 43.4 of Title 12, C.R.S. The purpose of this article VIII is to exercise the authority of the City of Steamboat Springs to allow state-licensed marijuana establishments to exist in Steamboat Springs in accordance with applicable state laws and regulations as well as the additional local licensing requirements and other restrictions set forth herein. This Article is adopted pursuant to the aforesaid constitutional and statutory authority, as well as the city’s plenary authority as a home rule city and county to adopt and enforce ordinances under its police power in order to preserve the public health, safety, and general welfare.

Section 12-401. Defined terms.

The definitions set forth in subsection 16 (2) of article XVIII of the Colorado Constitution as well as the Colorado Retail Marijuana Code, § 12-43.4-103, C.R.S., as amended, shall apply to this article VIII.

Sec. 12-402. Effective date; applicability

(a) This article shall be effective October 1, 2013, and shall govern all applications submitted to the state licensing authority for licensing of any retail marijuana establishment in the city under the Colorado Retail Marijuana Code on and after that date.

(b) Except as otherwise specifically provided herein, this article shall not affect or apply to the operation or licensing of businesses under the Colorado Medical Marijuana Code, article 43.3 of title 12, C.R.S. and the Steamboat Springs regulations relating to medical marijuana set forth in Article 8 of this Chapter and in the Community Development Code (hereafter “Steamboat Springs Medical Marijuana Code”).

Sec. 12-403. Transition provisions.

(a) Prior to July 1, 2014, no retail marijuana store, retail marijuana cultivation facility, or retail marijuana products manufacturer may apply for a license to operate in the city unless:

(1) The applicant for licensing of a retail marijuana establishment is currently operating in good standing a licensed medical marijuana center, a medical marijuana optional premises cultivation operation, or a medical marijuana-infused products manufacturing operation, is currently licensed under both the Colorado Medical Marijuana Code and the Steamboat Springs Medical Marijuana Code, and the applicant proposes to surrender the existing medical marijuana license upon receipt of a retail marijuana license, thereby entirely converting an existing medical marijuana establishment into a retail marijuana establishment; or

(2) proposes to retain the existing medical marijuana license while locating a retail marijuana establishment under common ownership at the same location to the extent allowed by the Colorado Retail Marijuana Code and applicable state rules and regulations.

(b) Prior to July 1, 2014, any person who obtains a transfer of ownership of an existing medical marijuana business that is duly licensed under both the Colorado Medical Marijuana Code and the Steamboat Springs Medical Marijuana Code may qualify for licensing in the city as allowed by subsection (a) of this section and Section 12-508 of this Article.

(c) Any person who obtains a change of location of an existing medical marijuana business that is duly licensed under both the Colorado Medical Marijuana Code and the Steamboat Springs Medical Marijuana Code may qualify for licensing of a retail marijuana establishment in the new location as allowed by subsection (a) of this section.

(d) On and after July 1, 2014, any person who otherwise qualifies for licensing under applicable state and city laws may apply for licensing of a retail marijuana establishment in the city, regardless of whether or not the applicant is the owner of an existing medical marijuana business in the city, subject to the provisions of Section 12-506 of this Article.

Sec. 12-404. Local licensing authority.

The City Council of the City of Steamboat Springs is hereby designated to act as the local licensing authority for the city within the meaning of the Colorado Retail Marijuana Code. Under any and all circumstances in which state law requires communication to the city by the state licensing authority or any other state agency in regard to the licensing of retail marijuana establishments by the state, or in which state law requires any review or approval by the city of any action taken by the state licensing authority, the exclusive authority for receiving such communications shall be exercised by the city clerk. Authority for granting such approvals shall

be exercised by the City Council or the hearings officer appointed by the City Council pursuant to the provisions of this Article.

Sec. 12-405. Relationship to Colorado Retail Marijuana Code; other laws.

Except as otherwise specifically provided herein, this Article incorporates the requirements and procedures set forth in the Colorado Retail Marijuana Code. In the event of any conflict between the provisions of this Article and the provisions of the Colorado Retail Marijuana Code or any other applicable state or local law, the more restrictive provision shall control.

Sec. 12-406. Unlawful Acts.

- (a) It shall be unlawful for any person to operate any retail marijuana establishment in the city without a license duly issued therefor under this Article.
- (b) It shall be unlawful for any person to engage in any form of business or commerce involving the cultivation, processing, manufacturing, storage, sale, distribution or consumption of marijuana other than those forms of businesses and commerce that are expressly contemplated by section 16 of article XVIII of the Colorado Constitution, the Colorado Retail Marijuana Code, or the Colorado Medical Marijuana Code.

Sec. 12-407. Classes of licensing authorized.

For the purpose of regulating the cultivation, manufacture, testing, distribution, offering for sale, and sale of retail marijuana, the local licensing authority, upon application in the prescribed form made to the City Clerk, may issue and grant to the applicant a local license from any of the following classes, and the city hereby authorizes issuance of the licenses of the following classes by the state licensing authority in locations in the city, subject to the provisions and restrictions provided in this Article:

- (1) Retail marijuana store.
- (2) Retail marijuana cultivation facility.
- (3) Retail marijuana products manufacturer.
- (4) Retail marijuana testing facility.

Division 2. Licensing.

Sec. 12-500. Screening and response to state license applications.

- (a) Upon receipt of notice from the state licensing authority of any application for a license under the Colorado Retail Marijuana Code, the City Clerk shall:

(1) Initially determine, in consultation with the director of planning services, whether or not the proposed location complies with any and all zoning and land use laws of the city, and any and all restrictions on location of retail marijuana establishments set forth in this Article or the Community Development Code. If the city clerk makes an initial determination that the proposed license would be in violation of any zoning law or other restriction on location set forth in city laws, the city clerk shall, no later than forty-five (45) days from the date the application was originally received by the state licensing authority, notify the state licensing authority in writing that the application is disapproved by the city. The failure of the city clerk to make such a determination upon the initial review of a state license application shall not preclude the local licensing authority from later determining that proposed license is in violation of city zoning laws or any other restriction on location set forth in city laws, and disapprove the issuance of a state or city license on this basis.

(2) For any application that is not disapproved as provided in paragraph (1) of this subsection (a), the clerk shall notify the state licensing authority in writing that the city's further consideration of the application is subject to a local licensing process, and that the city's ultimate decision to approve or disapprove the issuance of the state license in Steamboat Springs is subject to the completion of the local licensing process as set forth in this Article, after which the city will notify the state licensing authority in writing of whether or not the retail marijuana establishment proposed in the application has or has not been approved by the city.

Sec. 12-501. Application; fee.

Any person operating or proposing to own or operate a retail marijuana establishment shall first procure from the city clerk a retail marijuana establishment license, which the clerk shall issue in accordance with the following procedures:

- (1) A person seeking to obtain a license pursuant to this article shall submit an application to the city clerk. The form of the application shall be provided by the city clerk.
- (2) A license issued pursuant to this chapter does not eliminate the need for the licensee to obtain other required licenses and permits related to the operation of the retail marijuana establishment, including, without limitation, any development approval required by the Community Development Code; a sales tax license; and a building, mechanical, plumbing, or electrical permit.
- (3) An application for a license under this article shall contain all information required by the Colorado Retail Marijuana Code and such additional documents as may be required in the discretion of the city clerk, including without limitation, the following information and documents:
 - (a) completed local licensing authority application forms;
 - (b) A completed individual history form, including a set of fingerprints, for the applicant and/or for any person owning ten percent or more of the retail marijuana establishment;

- (c) The street address of the proposed retail marijuana establishment;
 - (d) If the applicant is not the owner of the proposed location of the retail marijuana establishment, a notarized statement from the owner of such property authorizing the submission of the application;
 - (e) An acknowledgement by the applicant that the applicant and its owners, officers, and employees may be subject to prosecution under federal laws relating to the possession and distribution of controlled substances; that the City of Steamboat Springs accepts no legal liability in connection with the approval and subsequent operation of the retail marijuana establishment; and that the application and documents submitted for other approvals relating to retail marijuana establishment are subject to disclosure in accordance with the Colorado Open Records Act.
 - (f) A complete and accurate list of all owners, officers, managers, and employees of the retail marijuana establishment and of all persons having a direct or indirect financial interest, and the nature of such interest, in the retail marijuana establishment, including names and addresses for such persons.
 - (g) Plans and specifications for the interior of the building in which the retail marijuana establishment is to be located. If the building is not in existence, the applicant shall file a plot plan and detailed sketch for the interior and submit an architect's drawing of the building to be constructed.
 - (h) Evidence that the applicant is, or will be, entitled to possession of the premise for which application is made under a lease, rental agreement, or other arranged for possession of the premises, or by virtue of ownership of the premises.
- (4) The applicant shall pay to the City an application fee of when the application is filed. The city manager shall determine the amount of the fee and shall divide it into licensing and enforcement components. The enforcement component of the fee shall be refunded in the event the application is denied. The purpose of the fee is to cover the administrative costs of processing the application and enforcing the requirements of this Article.
- (5) The City shall not accept or act upon an application for a retail marijuana establishment license if the application concerns a particular location that is the same as or within one thousand feet of a location for which, within the two years immediately preceding date of the application, the local or the state licensing authority denied an application for the same class of license due to the nature of the use or other concern related to the location.

Section 12-502 Renewal; fee. Each license issued pursuant to this chapter shall be valid for a period of one year from the date of issuance, and may be renewed as provided in this section.

- (1) An application for renewal shall be made to the city clerk not less than forty-five days prior to the date of expiration and shall be accompanied by an application fee in the amount of \$ _____. The city clerk will accept late applications not more than ninety days after the date of expiration upon payment of a \$500 late application fee. The City Clerk will not in any circumstances accept renewal applications more than ninety days after the date of expiration.

- (2) The license shall be renewed by the city clerk unless it appears to the city clerk that grounds exist to deny the renewal application, in which case the city clerk shall refer the application to the hearings officer appointed by the City Council for review at a public hearing.
- (3) The local licensing authority shall not authorize a renewal until the applicant produces a license issued and granted by the state licensing authority covering the period for which the renewal is sought.

Section 12-503. Investigation of applicant.

- (1) Upon receipt of an application for a license under this article, the city clerk shall transmit copies of the application to the Department of Public Safety, the City Manager, the Department of Community Development, and any other person or agency who the city clerk determines should participate in the review of the application. The City or any of its departments or officials may visit and inspect the plant or property in which the applicant proposes to conduct business and investigate the fitness to conduct such business of any person, or the officers and directors of any corporation, or the partners of any partnership applying for a license.
- (2) In investigating the fitness of the applicant, the local licensing authority may obtain criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency. In the event the local licensing authority takes into consideration information concerning the applicant's criminal history record, the local licensing authority shall also consider any information provided by the applicant regarding such criminal history record, including, but not limited to, evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a license.
- (3) Not less than five days prior to the date of the public hearing on a license application or, in the event of an application for which no public hearing is scheduled, not less than five days prior to the decision whether to approve or deny an application, the city clerk shall make known the findings of the investigation in writing to the applicant and other parties of interest.

Section 12-504. Public hearings; notice; publication.

- (1) Public hearings before the City Council or a hearings officer appointed by the City Council shall be required for the following types of applications and determinations:
 - a) Applications for a retail marijuana store or for the relocation of such a license, which shall be reviewed by the City Council;
 - b) Renewal applications when the city clerk determines grounds exist for denial per Section 12-202(2) of this article, which shall be reviewed by the hearings officer;
 - c) Suspensions or revocations of any license, which shall be heard by the hearings officer;

(2) The following types of licenses may be approved by without a public hearing by the city clerk:

- a) Applications for a retail marijuana cultivation license or for the relocation of such a license;
- b) All renewal applications, unless the city clerk determines grounds exist for denial per Section 12-202(2) of this article;
- c) Applications for a retail marijuana products manufacture license or for the relocation of such a license.
- d) Applications for a retail marijuana testing facility or for the relocation of such a license.
- e) Applications to modify the ownership structure of an existing licensee.

(3) In the event an application is scheduled for a public hearing the city clerk shall post and publish public notice thereof not less than ten days prior to the hearing.

- a) Public notice given by posting shall include sign of suitable material, not less than twenty two inches wide and twenty six inches high, composed of letters not less than one inch in height and stating the nature of the type of license applied for, the nature of the hearing, the date of the application, the date of the hearing, the name and address of the applicant, and such other information as may be required to fully apprise the public of the nature of the application. In the case of a new license application, the sign shall contain the names and addresses of the officers, directors, or manager of the facility to be licensed. The sign shall be placed on the subject premises in a location that is conspicuous and plainly visible to the general public.
- b) Public notice given by publication shall contain the same information as that required for signs and shall be made in a newspaper of general circulation in Routt County.

(4) At the public hearing held pursuant to this section, any party in interest shall be allowed to present evidence and to cross-examine witnesses.

- a) "Party in interest" means any of the following:
 - i) The applicant;
 - ii) An adult resident of the neighborhood under consideration;
 - ii) The owner or manager of a business located in the neighborhood under consideration;
- b) The licensing authority may limit the presentation of evidence and cross-examination so as to prevent repetitive and cumulative evidence or examination.
- c) Nothing in this subsection shall be construed to prevent a representative of an organized neighborhood group that encompasses part or all of the neighborhood under consideration from presenting evidence subject to this section. Such representative shall reside within the neighborhood group's geographic boundaries and shall be a member of the neighborhood group. Such representative shall not be entitled to cross-examine witnesses or seek judicial review of the licensing authority's decision.

Section 12-505. Persons prohibited as licensees.

- (1) No license provided by this article shall be issued to or held by:
- (a) Any person whose criminal history indicates the person is not of good moral character;
 - (b) Any corporation, any of whose officers', directors', or stockholders' criminal histories indicate such person is not of good moral character;
 - (c) Any partnership, association, or company, any of whose officers', or any of whose members' criminal histories indicate such person is not of good moral character;
 - (d) Any person employing, assisted by, or financed in whole or in part by any other person whose criminal history indicates such person is not of good moral character or who is not a resident of Colorado;
 - (e) Any cooperative association, any of whose officers', directors', or stockholders' or members' criminal histories indicate that such person is not of good moral character
 - (f) A person under twenty-one years of age;
 - (g) A person licensed pursuant to this article who, during a period of licensure, or who, at the time of application, has failed to:
 - a) Provide surety bond or file any tax return with a taxing agency relating to the operation of a retail marijuana establishment;
 - b) Pay any taxes interest, or penalties due to a taxing agency relating to the operation of a retail marijuana establishment;
 - (h) A person who has discharged a sentence in the five years immediately preceding the application date for a conviction of a felony or a person who has discharged a sentence for a conviction of a felony pursuant to any state or federal law regarding the possession, distribution, manufacturing, cultivation, or use of a controlled substance in the ten years immediately preceding his or her application date or five years from the effective date of HB 13-17, enacted in 2013, whichever is longer; except that the local licensing authority may grant a license to a person if the person has a state felony conviction based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date he or she applied for licensure.
 - (i) A person who employs another person at a medical marijuana facility who has not submitted fingerprints for a criminal history record check or whose criminal record history check reveals that the person is ineligible;
 - (j) A sheriff, deputy sheriff, police officer, or prosecuting officer, or an officer or employee of the state licensing authority or a local licensing authority;
 - (k) A person for a license for a location that is currently licensed as a retail food establishment or wholesale food establishment; or
 - (l) A person who has not been a resident of Colorado for at least two years prior to the date of the person's application.
- (2) In making a determination as to character or when considering the conviction of a crime, the local licensing authority shall be governed by the provisions of Section 24-5-101, C.R.S.

- (3) The focus of the inquiry into the moral character of any person associated with the operation of a medical marijuana business shall be whether the person's character is such that violations of state law or City ordinances pertaining to the possession and distribution of marijuana and/or the operation of medical marijuana businesses would be likely to result if a license were granted.

Section 12-506. Issuance or denial of license.

- (1) In determining whether to issue a license under this article, the local licensing authority may consider the following:
 - (a) Whether the application is complete and signed by the applicant;
 - (b) Whether the applicant has paid the application fee;
 - (c) Whether the application complies with all the requirements of this Article, the Colorado Retail Marijuana Code, and rules promulgated by the state licensing authority;
 - (d) Whether the application contains any material misrepresentations;
 - (e) Whether the proposed retail marijuana establishment complies with applicable zoning regulations. The local licensing authority shall make specific findings of fact with respect to whether the building in which the proposed medical marijuana business will be located conforms to the distance requirements set forth in the applicable use criteria.
 - (f) The facts and evidence adduced as a result of its investigation as well as any other facts and any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed.;
 - (g) Any other facts pertinent to the type of license for which application has been made, including the number, type, and availability of retail marijuana outlets located in or near the premises under consideration; and
 - (h) For applications to license any retail marijuana store in the same location where any medical marijuana center or retail marijuana store is or has previously been licensed, evidence that the licensed premises have been previously operated in a manner that adversely affects the public health, welfare, or safety of the immediate neighborhood in which the establishment is located.
- (2) The local licensing authority may deny the license application for good cause as defined in the Colorado Retail Marijuana Code.
- (3) The local licensing authority may impose reasonable conditions upon any license issued pursuant to this article.
- (4) The number of licenses issued by the City shall be limited to no more than three. Retail cultivation and products manufacturing licenses shall not be subject to this limit if the applicant holds or has successfully applied for a retail marijuana store license. In the case of multiple applications for an available license, the City Clerk shall publish the availability of the license and assign priority by lot to each completed application received within forty-five days of the date of publication.

- (5) No person shall own, operate, manage, control, or hold any interest in more than one retail marijuana establishment in the city.
- (6) Within thirty (30) days after the public hearing or completion of the application investigation, the local licensing authority shall issue its decision approving or denying the application. The decision shall be in writing, shall state the reasons for the decision, and a copy of the decision shall be mailed by certified mail to the applicant at the address shown on the application.
- (7) The local licensing authority shall not issue a license until the building in which the business to be conducted is ready for occupancy and has been inspected for compliance with the architect's drawing and the plot plan and detailed sketch for the interior of the building submitted with the application.
- (8) After approval, the local licensing authority shall notify the state licensing authority of such approval.

Section 12-507. Contents and display of license. The licensee shall post the license in a conspicuous location on the premises. A retail marijuana establishment license shall contain the following information:

- (1) The name of the licensee;
- (2) The date of issuance of the license;
- (3) The street address at which the licensee is authorized to operate the retail marijuana establishment;
- (4) Any conditions of approval imposed upon the license by the local licensing authority;
- (5) The date of expiration of the license; and
- (6) The license shall be signed by the applicant and the city clerk.

Section 12-508. Transfer/changes in ownership structure.

- (1) Licenses held by natural persons. Licenses held by natural persons may not be transferred. In the event a natural person or persons holding a license sell the associated retail marijuana establishment, the purchaser shall be entitled to apply for a new retail marijuana establishment license for the purchased business notwithstanding the provisions of Section 12-506(3). If the proposed sale or conveyance of a partial interest in the retail marijuana establishment to a person who previously did not own 10% or more of the retail marijuana establishment will, after the sale, result in that person owning 10% or more of the retail marijuana establishment, the licensee shall apply for a change in ownership structure, which the local licensing authority shall process as a new license application by the new owner.
- (2) Licenses held by partnerships, corporations, limited liability companies, or other artificial business entities. Licenses held by artificial business entities are not transferable and

terminate automatically upon dissolution of the entity. If the proposed sale or conveyance of any interest in the entity to a person who previously did not own 10% or more of the business will, after the sale, result in the person owning 10% or more of the entity, the licensee shall apply for a change in ownership structure, which the local licensing authority shall process as a new license application by the new owner.

- (3) Changes in ownership structure that do not result in a person increasing that person's interest from less than 10% to more than 10% shall be reported to the local licensing authority and may be approved administratively by the city clerk.

Section 12-509. Suspension or revocation.

- (1) A license issued pursuant to this article may be suspended or revoked by the local licensing authority after a hearing for the following reasons:
 - (a) Fraud, misrepresentation, or a false statement of material fact contained in the permit application;
 - (b) Any violation of City ordinance or state law pertaining to the operation of a retail marijuana establishment, including regulations adopted by the state licensing authority, or the possession or distribution of marijuana.
 - (c) A violation of any of the terms and conditions of the license;
 - (d) A violation of any of the provisions of this chapter.
- (2) In deciding whether a license should be suspended or revoked, and in deciding whether to impose conditions in the event of a suspension the local licensing authority shall consider:
 - (a) The nature and severity of the violation;
 - (b) Corrective action, if any, taken by the licensee;
 - (c) Prior violation(s), if any, by the licensee;
 - (d) The likelihood of recurrence of the violation;
 - (e) The circumstances of the violation;
 - (f) Whether the violation was wilfull; and
 - (g) Previous sanctions, if any, imposed on the licensee.
- (3) The provisions of Part 6 of the Colorado Retail Marijuana Code shall govern proceedings for the suspension or revocation of a license issued hereunder.
- (4) The hearings officer may impose a fine in lieu of a suspension in accordance with the provisions of the Colorado Retail Marijuana Code.

Section 12-510. Change of Location.

- (1) A licensee may move his or her permanent location to another location in the City, but is shall be unlawful to cultivate, manufacture, distribute, or sell retail marijuana at any such place until permission to do so is granted by the City and the state licensing authority.
- (2) In permitting a change of location, the local licensing authority shall consider all reasonable restrictions that are or may be placed on the new location and any such new location shall comply with all requirements of this article, the Community Development Code, the Colorado Retail Marijuana Code, and rules promulgated by the state licensing authority.
- (3) The local licensing authority shall not authorize a change of location until the applicant produces a license issued and granted by the state licensing authority covering the period for which the change of location is sought.

Division 3. General requirements.

Section 12-511. Operational requirements. Retail marijuana establishments shall comply with the following operational requirements:

- (1) Retail marijuana establishments shall provide customers with contact information for local drug abuse treatment centers as well as educational materials regarding the hazards of substance abuse.
- (3) Retail marijuana stores shall operate only during the hours of 8:00 a.m. to 7:00 p.m.
- (4) Retail marijuana establishments shall provide adequate security on the business premises, which shall include the following:
 - (a) Twenty-four hour security surveillance cameras to facilitate the investigation of crimes and to include video and audio capabilities, with a redundant power supply and circuitry to monitor entrances/exits and parking lot along with the interior and exterior of the premises. Fifteen days of security video and audio shall be preserved for 30 days. The dispensary owner may, but shall not be required to, provide segments of surveillance footage upon request to law enforcement officers investigating crimes committed against the dispensary or its patients. The dispensary owner shall not be required to produce surveillance footage disclosing the identity of dispensary patients and may edit surveillance footage to protect patient privacy. The resolution of these color cameras will be of sufficient quality to allow for the identification of the subject's facial features, in all lighting conditions, in the event of a crime.
 - (b) A burglar alarm system that is professionally monitored and maintained in good working order;

Retail Marijuana Cultivation													
Retail Marijuana Testing Facility													

SECTION 3. Section 26-402 of the Steamboat Springs Community Development Code shall be amended by the addition of the following definitions and use criteria:

“Retail marijuana establishment means a retail marijuana store, retail marijuana cultivation, retail marijuana products manufacturing, or a retail marijuana testing facility.

Retail marijuana store means any use of any property, structure, or vehicle to sell or distribute marijuana or marijuana infused products customers This definition does not apply to the sale or distribution of marijuana by a medical marijuana center.

(1) Use criteria:

- (a) Retail marijuana stores shall not be located within 1,000 feet of any public or parochial school or the principal campus of any college, university, or seminary; any public park; or any child care facility. Distances described in this paragraph shall be calculated by measuring the distance from the nearest property line of the school, park, or child care facility to the building in which the medical marijuana center is located. License applications shall include an area map drawn to scale indicating land uses of other properties within a 1,000-foot radius of the property upon which the applicant is seeking a license. The map shall depict the proximity to the property to any school or child care establishment; to any other retail marijuana store; or to any medical marijuana center.
- (b) Retail marijuana stores shall operate from a permanent and fixed location. No retail marijuana store shall operate from a vehicle or other moveable location. Nor shall any medical marijuana center provide delivery services except that deliveries may be made to patients whose medical condition precludes their travel to the medical marijuana center.
- (c) Retail marijuana stores shall have staff members present during hours of operation. No vending machine or unsupervised transactions shall be permitted.
- (d) Medical marijuana centers shall not display signs visible from the exterior of the premises that depict any portion of the marijuana plant.
- (e) Retail marijuana stores shall not operate on property adjacent to property zoned RE, RN, RO, RR, MH, MF, G-1, or G-2.

- (f) The retail marijuana store shall not operate in a manner that adversely affects the public health, safety, and welfare of the immediate neighborhood in which the retail marijuana store is located.

(2) Retail marijuana stores shall not be permitted to operate as home occupations.

Retail Marijuana Cultivation means the cultivation of marijuana in accordance with the Colorado Retail Marijuana Code. This definition shall not apply to the cultivation of medical marijuana by a patient for the patient's personal use pursuant to Article XVIII, Section 14. Nor shall this definition apply to the cultivation of medical marijuana by a caregiver registered with the Department of Public Health pursuant to C.R.S. 25-1.5-106 or the distribution of medical marijuana by such a caregiver to the caregiver's patients.

(1) Use criteria:

- (a) Retail marijuana cultivation uses shall not be located within 1,000 feet of any public or parochial school or the principal campus of any college, university, or seminary; any public park; or any child care facility. Distances described in this paragraph shall be calculated by measuring the distance from the nearest property line of the school, park, or child care facility to the building in which the medical marijuana center is located. License applications shall include an area map drawn to scale indicating land uses of other properties within a 1,000-foot radius of the property upon which the applicant is seeking a license. The map shall depict the proximity to the property to any school or child care establishment; to any other retail marijuana store; or to any medical marijuana center.
- (b) Retail marijuana cultivation uses shall operate from a permanent and fixed location. No retail marijuana cultivation use shall operate from a vehicle or other moveable location.
- (c) Retail marijuana cultivation uses shall not display signs visible from the exterior of the premises that depict any portion of the marijuana plant.
- (d) Medical marijuana cultivation uses shall not operate on property adjacent to property zoned RE, RN, RO, RR, MH, MF, G-1, or G-2.
- (e) Retail marijuana cultivation uses shall not operate in a manner that adversely affects the public health, safety, and welfare of the immediate neighborhood in which the retail marijuana cultivation use is located.

(2) Retail marijuana cultivation uses shall not operate as home occupations.

Retail Marijuana Products Manufacturing means the manufacture of products infused with marijuana intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, or tinctures, in accordance with the Colorado Retail Marijuana Code, and with any other statute or state administrative regulations.

(1) Use criteria:

- (a) Retail marijuana product manufacturing uses shall not be located within 1,000 feet of any public or parochial school or the principal campus of any college, university, or

seminary; any public park; or any child care facility. Distances described in this paragraph shall be calculated by measuring the distance from the nearest property line of the school, park, or child care facility to the building in which the medical marijuana center is located. License applications shall include an area map drawn to scale indicating land uses of other properties within a 1,000-foot radius of the property upon which the applicant is seeking a license. The map shall depict the proximity to the property to any school or child care establishment; to any other retail marijuana store; or to any medical marijuana center.

- (b) Retail marijuana products manufacturing uses shall operate from a permanent and fixed location. No retail marijuana products manufacturing uses shall operate from a vehicle or other moveable location.
- (c) Retail marijuana products manufacturing uses shall not display signs visible from the exterior of the premises that depict any portion of the marijuana plant.
- (d) Retail marijuana products manufacturing uses shall not operate on property adjacent to property zoned RE, RN, RO, RR, MH, MF, G-1, or G-2.
- (f) Retail marijuana products manufacturing uses shall not operate in a manner that adversely adversely affects the public health, safety, and welfare of the immediate neighborhood in which the retail marijuana cultivation use is located.
- (g) Sanitary standards for retail marijuana products manufacturing shall be as provided by the Colorado Retail Marijuana Code and any other applicable state laws and regulations. Any and all retail marijuana products packaged by a licensed retail marijuana products manufacturer shall be labeled in accordance with state law.

(2) Retail marijuana products manufacturing uses shall not operate as home occupations.

Retail marijuana testing facility shall mean a facility which performs testing and research on retail marijuana, including the development and testing of retail marijuana products.

(1) Use criteria:

- (a) Retail marijuana testing facilities shall not be located within 1,000 feet of any public or parochial school or the principal campus of any college, university, or seminary; any public park; or any child care facility. Distances described in this paragraph shall be calculated by measuring the distance from the nearest property line of the school, park, or child care facility to the building in which the medical marijuana center is located. License applications shall include an area map drawn to scale indicating land uses of other properties within a 1,000-foot radius of the property upon which the applicant is seeking a license. The map shall depict the proximity to the property to any school or child care establishment; to any other retail marijuana store; or to any medical marijuana center.
- (b) Retail marijuana testing facilities shall operate from a permanent and fixed location. No retail marijuana products manufacturing uses shall operate from a vehicle or other moveable location.
- (c) Retail marijuana testing facilities shall not display signs visible from the exterior of the premises that depict any portion of the marijuana plant.
- (d) Retail marijuana testing facilities shall not operate on property adjacent to property zoned RE, RN, RO, RR, MH, MF, G-1, or G-2.