

**ORDINANCE NO. 4**  
**Series of 2020**

**AN ORDINANCE OF THE TOWN OF CARBONDALE, COLORADO, REVISING ARTICLES 4 AND 5 OF CHAPTER 6 OF THE MUNICIPAL CODE TO PROHIBIT OFF-SITE DELIVERIES FROM LICENSED MEDICAL MARIJUANA STORES AND TO AMEND BOTH MEDICAL AND RETAIL MARIJUANA LICENSE RENEWAL REQUIREMENTS REGARDING NON-OPERATIONAL FACILITIES**

WHEREAS, pursuant to Ordinance No. 11 Series of 2013 and Ordinance No. 7 Series of 2014, the Town licenses and regulates retail and medical marijuana establishments; and

WHEREAS, the Board of Trustees seeks to revise Articles 4 and 5 of Chapter 6 of the Town of Carbondale Municipal Code in order to more effectively regulate the licensing of medical and retail marijuana facilities, including to prohibit deliveries from medical marijuana facilities (which are already prohibited as to retail marijuana facilities), and to amend the renewal requirements for both medical and retail marijuana facilities with regard to non-operational facilities; and

WHEREAS, the Board of Trustees finds, determines, and declares that it has the power to adopt this Ordinance pursuant to Article XX of the Colorado Constitution concerning municipal police powers and municipal authority to regulate businesses and the Home Rule Charter of the Town of Carbondale; and

WHEREAS, the Board of Trustees finds, determines, and declares that the annual license renewal requirements in Articles 4 and 5 of Chapter 6 of the Town of Carbondale Municipal Code intend to permit the Town to respond to evolving community needs by revising the licensing requirements, *see Ficarra v. Dep't of Regulatory Agencies*, 849 P.2d 6, 21–22 (Colo. 1993); and

WHEREAS, the Board of Trustees finds and determines that it is in the interest of the public health, safety, and welfare to adopt the code amendments set forth herein;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO that the Town of Carbondale Municipal Code shall be amended as follows:

1. A new sub-section 6-4-90(4) is added to the Town of Carbondale Municipal Code regarding medical marijuana facility licensing requirement (new text is **underlined bold**):

**6-4-90. Medical marijuana center licensing requirements.**

...

**(4) Off-site delivery of product by licensee prohibited. All sales and distribution of medical marijuana by a licensed medical marijuana store shall occur only upon the**

**licensed premises, and the licensee shall be strictly prohibited from delivering medical marijuana to any person at any other location.**

2. Sub-section 6-4-140(e) of the Town of Carbondale Municipal Code shall be amended by deleting the language stricken (deleted text is ~~bold-strike-through~~):

**6-4-140. Ongoing license holder requirements; term of licenses; renewals.**

...

(e) Notwithstanding anything else in this Article to the contrary, the Town Clerk shall deny an application for license renewal if the Town Clerk determines that the application concerns a licensed premise that was nonoperational, not open for business, and did not sell marijuana product or services from its licensed premises during the immediately preceding six months unless the Town Clerk determines in his or her discretion that the license holder has demonstrated intent to become operational by taking significant measurable action within the immediately preceding six months to become operational and open for business. ~~This subsection (e) shall only apply to applications for license renewal for which the underlying license, duly issued by the Town of Carbondale, stated the requirements of this subsection (e).~~

3. Sub-section 6-5-180(e) of the Town of Carbondale Municipal Code regarding retail marijuana licensing requirements shall be amended by deleting the language stricken (deleted text is ~~bold-strike-through~~):

**6-5-180. Ongoing license holder requirements; term of licenses; renewals.**

...

(e) Notwithstanding anything else in this Article to the contrary, the Town Clerk shall deny an application for license renewal if the Town Clerk determines that the application concerns a licensed premise that was nonoperational, not open for business, and did not sell marijuana product or services from its licensed premises during the immediately preceding six months unless the Town Clerk determines in his or her discretion that the license holder has demonstrated intent to become operational by taking significant measurable action within the immediately preceding six months to become operational and open for business. ~~This subsection (e) shall only apply to applications for license renewal for which the underlying license, duly issued by the Town of Carbondale, stated the requirements of this subsection (e).~~

3. If any other ordinance or parts of ordinances are in conflict with the standards set forth in this Ordinance, they are hereby repealed to the extent of such conflict only.

4. This Ordinance shall be effective upon posting and publication in accordance with the Carbondale Home Rule Charter.

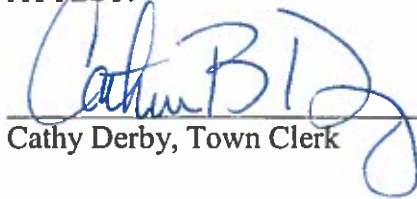
INTRODUCED, READ AND PASSED THIS 10<sup>th</sup> day of March, 2020.

TOWN OF CARBONDALE, COLORADO  
a Colorado home rule municipal corporation,



Dan Richardson, Mayor

ATTEST:

  
Cathy Derby, Town Clerk

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