

ORDINANCE NO. 16
Series of 2016

AN ORDINANCE OF THE TOWN OF CARBONDALE, COLORADO, APPROVING REVISIONS TO ARTICLES 4 AND 5 OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE TOWN OF CARBONDALE REGARDING MEDICAL AND RETAIL MARIJUANA LICENSING PROCEDURES

WHEREAS, the Town of Carbondale (“Town”) licenses and regulates medical and retail marijuana establishments in the Town;

WHEREAS, the Board of Trustees has identified provisions within the existing medical and retail marijuana regulations that should be revised in order to clarify more explicitly define the relationship to state marijuana laws; to add flexibility to the local residency requirement for retail and medical marijuana license agents; and define a time period to allow for transfer of ownership to the replacement license agent;

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 and the Home Rule Charter of the Town of Carbondale; and

WHEREAS, the Board of Trustees finds that it is in the interest of public health, safety, and welfare to adopt revisions to Articles 4 and 5 of Chapter 6 of the Municipal Code in order to more effectively regulate retail and medical marijuana establishments.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO that:

Adding the language underlined to read as follows:

1. Subsection 6.5.120 (4) of the Town of Carbondale Municipal Code shall be amended by deleting the language stricken and adding the language underlined to read as follows:

(4) Local residency requirement. The applicant seeking licensure must provide the Town of Carbondale with the name of an agent of the proposed licensee who will serve as a point of contact for the Town. Such agent shall hold at least a ten percent (10%) ownership interest in the retail marijuana store and shall have a primary home (as the term is defined in this Section 6.5.120(4)) within the 81601, 81621, or 81623 ~~81621, 81623 or 81601~~ Colorado zip codes (hereinafter “Agent”). -The applicant shall provide Town staff with documentation to prove compliance with this local residency requirement. If, during the term of the license, the license holder desires to change the Agent, the license holder shall provide to Town staff a “Statement of Agent Change,” and such replacement Agent shall appear at a regularly scheduled meeting of the Board of Trustees of the Town of Carbondale on the date as given and directed by Town staff. Failure to file the Statement of Agent Change, failure of the replacement Agent to appear before the Board of Trustees of the Town of Carbondale, or failure of the license holder to designate and transfer

ownership to the replacement Agent within six months of any termination of the prior Agent constitutes a violation of the terms and conditions of the license.

2. Subsection 6.5.130(4)) of the Town of Carbondale Municipal Code shall be amended by deleting the language stricken and adding the language underlined to read as follows:

(4) Local residency requirement. The applicant seeking licensure must provide the Town of Carbondale with the name of an agent of the proposed licensee who will serve as a point of contact for the Town. Such agent shall hold at least a ten percent (10%) ownership interest in the retail marijuana products manufacturing facility and shall have a primary home (as the term is defined in this Section 6.5.130(4)) within the 81601, 81621, or 81623 ~~81621, 81623 or 81601~~ Colorado zip codes (hereinafter "Agent"). The applicant shall provide Town staff with documentation to prove compliance with this local residency requirement. If, during the term of the license, the license holder desires to change the Agent, the license holder shall provide to Town staff a "Statement of Agent Change," and such replacement Agent shall appear at a regularly scheduled meeting of the Board of Trustees of the Town of Carbondale on the date as given and directed by Town staff. Failure to file the Statement of Agent Change, failure of the replacement Agent to appear before the Board of Trustees of the Town of Carbondale, or failure of the license holder to designate and transfer ownership to the replacement Agent within six months of any termination of the prior Agent constitutes a violation of the terms and conditions of the license.

3. Subsection 6.5.140(3)) of the Town of Carbondale Municipal Code shall be amended by deleting the language stricken and adding the language underlined to read as follows:

(3) Local residency requirement. The applicant seeking licensure must provide the Town of Carbondale with the name of an agent of the proposed licensee who will serve as a point of contact for the Town. Such agent shall hold at least a ten percent (10%) ownership interest in the retail marijuana cultivation facility and shall have a primary home (as the term is defined in this Section 6.5.140(3)) within the 81601, 81621, or 81623 ~~81621, 81623 or 81601~~ Colorado zip codes (hereinafter "Agent"). The applicant shall provide Town staff with documentation to prove compliance with this local residency requirement. If, during the term of the license, the license holder desires to change the Agent, the license holder shall provide to Town staff a "Statement of Agent Change," and such replacement Agent shall appear at a regularly scheduled meeting of the Board of Trustees of the Town of Carbondale on the date as given and directed by Town staff. Failure to file the Statement of Agent Change, failure of the replacement Agent to appear before the Board of Trustees of the Town of Carbondale, or failure of the license holder to designate and transfer ownership to the replacement Agent within six months of any termination of the prior Agent constitutes a violation of the terms and conditions of the license.

4. Subsection 6.4.90(3) of the Town of Carbondale Municipal Code shall be amended by deleting the language stricken and adding the language underlined to read as follows:

(3) Local residency requirement. The applicant seeking licensure must provide the Town of Carbondale with the name of an agent of the proposed licensee who will serve as a point of contact for the Town. Such agent shall hold at least a ten percent (10%) ownership interest in the medical marijuana center and shall have a primary home (as the term is defined in this Section 6.4.90(3)) within the 81601, 81621, or 81623 ~~81621, 81623 or 81601~~ Colorado zip codes (hereinafter "Agent"). The applicant shall provide Town staff with documentation to prove compliance with this local residency requirement. If, during the term of the license, the license holder desires to change the Agent, the license holder shall provide to Town staff a "Statement of Agent Change," and such replacement Agent shall appear at a regularly scheduled meeting of the Board of Trustees of the Town of Carbondale on the date as given and directed by Town staff. Failure to file the Statement of Agent Change, failure of the replacement Agent to appear before the Board of Trustees of the Town of Carbondale, or failure of the license holder to designate and transfer ownership to the replacement Agent within six months of any termination of the prior Agent constitutes a violation of the terms and conditions of the license.

5. Subsection 6.4.100(5) of the Town of Carbondale Municipal Code shall be amended by deleting the language stricken and adding the language underlined to read as follows:

(5) Local residency requirement. The applicant seeking licensure must provide the Town of Carbondale with the name of an agent of the proposed licensee who will serve as a point of contact for the Town. Such agent shall hold at least a ten percent (10%) ownership interest in the medical marijuana-infused product manufacturing facility and shall have a primary home (as the term is defined in this Section 6.4.100(5)) within the 81601, 81621, or 81623 ~~81621, 81623 or 81601~~ Colorado zip codes (hereinafter "Agent"). The applicant shall provide Town staff with documentation to prove compliance with this local residency requirement. If, during the term of the license, the license holder desires to change the Agent, the license holder shall provide to Town staff a "Statement of Agent Change," and such replacement Agent shall appear at a regularly scheduled meeting of the Board of Trustees of the Town of Carbondale on the date as given and directed by Town staff. Failure to file the Statement of Agent Change, failure of the replacement Agent to appear before the Board of Trustees of the Town of Carbondale, or failure of the license holder to designate and transfer ownership to the replacement Agent within six months of any termination of the prior Agent constitutes a violation of the terms and conditions of the license.

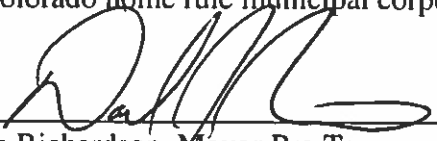
6. Subsection 6.4.110(4) of the Town of Carbondale Municipal Code shall be amended by deleting the language stricken and adding the language underlined to read as follows:

(4) Local residency requirement. The applicant seeking licensure must provide the Town of Carbondale with the name of an agent of the proposed licensee who will serve as a point of contact for the Town. Such agent shall hold at least a ten percent (10%) ownership interest in the optional premises cultivation facility and shall have a primary home (as the term is defined in this Chapter 6.4.110(4)) within the 81601, 81621, or 81623 ~~81621, 81623 or 81601~~ Colorado zip codes (hereinafter "Agent"). If, during the term of the license, the license holder desires to change the Agent, the license holder shall provide to Town staff a "Statement of Agent Change," and such replacement Agent shall appear at a regularly

scheduled meeting of the Board of Trustees of the Town of Carbondale on the date as given and directed by Town staff. Failure to file the Statement of Agent Change, failure of the replacement Agent to appear before the Board of Trustees of the Town of Carbondale, or failure of the license holder to designate and transfer ownership to the replacement Agent within six months of any termination of the prior Agent constitutes a violation of the terms and conditions of the license.

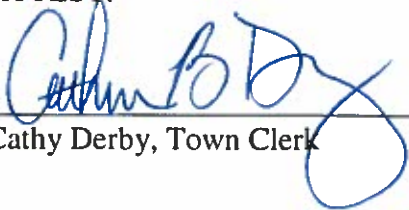
INTRODUCED, READ AND PASSED THIS 23rd day of August, 2016.

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



Dan Richardson, Mayor Pro Tem

ATTEST:



Cathy Derby, Town Clerk

