

# **Rules and Regulations Governing Medical Marijuana Businesses**

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**Section 1. Authority for Rules and Regulations**

These rules and regulations are authorized by Article XVI, Section 15-493(a) of the City Code, and shall be available for public review at the Office of the City Clerk of the City of Fort Collins.

**Section 2. General**

- 2.1 These rules and regulations set forth the terms and conditions under which medical marijuana businesses may operate within the City of Fort Collins.
- 2.2 Medical marijuana businesses are subject to the requirements set forth in Article XVI, Section 15 of the City Code; Article XVIII, Section 14 of the Colorado Constitution; the Colorado Medical Marijuana Code; and the Colorado Medical Marijuana Enforcement Division Rules and Regulations.

**Section 3. The Medical Marijuana Licensing Authority**

- 3.1 The City Manager shall designate in writing the Medical Marijuana Licensing Authority (the "Authority").
- 3.2 The duties and powers of the Authority are as set forth in Article XVI, Division 2 of the City Code.
- 3.3 Rules and regulations promulgated by the Authority pursuant to Article XVI, Section 15-463(c) of the City Code shall be set out in a separate document.

**Section 4. Interpretation of Terms**

- 4.1 For the purpose of interpreting Section 15-475(a)(3)(c) of the City Code, a *"public park, pool, or recreation facility"* shall mean a park, pool or recreation facility that is owned by a government entity and is open to the public.
- 4.2 For the purpose of accepting license applications under Section 15-472, *"a business that received a Fort Collins Medical Marijuana Center License prior to November 1st, 2011,"* as referenced in Section 15-475(e) and (f), shall mean a medical marijuana center owned by one or more persons who: (a) had an ownership interest in a center licensed by the City prior to November 1, 2011, or (b) had entered into a legally binding contract to acquire such an ownership interest prior to the closure of the center, and who completed such acquisition no later than August 14, 2012. Documentation evidencing compliance with this regulation must be satisfactory in substance and form to the City Clerk, upon consultation with

the City Attorney. This regulation shall not apply to or limit the persons to whom or entities to which licenses issued by the Authority may subsequently be transferred. Any applications for such transfers shall be accepted and processed by the City in accordance with the provisions of Chapter 15, Article XVI and the relevant provisions of the Colorado Medical Marijuana Code without regard to whether the applicants for such transfers would meet the foregoing interpretation of "a business that received a Fort Collins Medical Marijuana Center prior to November 1st, 2011."

*Revised October 23, 2013.*

- 4.3. For the purpose of interpreting Section 15-475(e), a business shall be considered to be "*located on the same parcel they were licensed to operate on prior to November 1st, 2011*" if the business has the same street address as the previously licensed business, and the space in which the business is to be located is no closer to a land use protected under Section 15-475(a) than the previously licensed business, as measured according to the provisions of Section 15-475(c).

**Section 5. Reserved.**

*Entire section relating to compliance with building and land use code deleted December 2017 as it was no longer applicable.*

**Section 6. Limit on the Number of Medical Marijuana Centers in the City**

For purposes of determining the allowable number of medical marijuana centers in the city, the number of patients in Larimer County will be based upon the medical marijuana statistics displayed on the Colorado Department of Public Health and Environment's website. Patient statistics will be rounded down to the nearest increment of 500.

**Section 7. Relocation of an Existing License to Fort Collins from Another Location in Colorado [entire section added November, 2017]**

An application from a licensee wanting to move an existing medical marijuana license to Fort Collins from another location in Colorado pursuant to Section 12-43.3-310(13)(a) of the Colorado Revised Statutes, will be processed in the same manner as an application for a new license.

**Section 8. Application Processing; Time Limit** *[entire section added November, 2017]*

8.1 Any applicant submitting an application to the City Clerk may be requested to provide additional information in connection with the investigation and review of the application pursuant to Section 15-472(a)(9) of the City Code. Additional information may include, but is not limited to:

- Modifications to the floor plan
- Amendments to a lease
- Properly executed documents
- Corrections of mistakes in documents
- Missing documents

8.2 An application must be complete before it will be transmitted to the Medical Marijuana Licensing Authority for consideration.

8.3 The potential for outdated information contained in a pending application increases as time passes. Therefore, any application still pending 120 days from the date of application will be returned to the applicant, along with a refund of the license and application fees, less five hundred dollars (\$500) or the total amount of the application fee, whichever is less. Said amount retained by the City shall be used to offset the cost of staff time invested in the application during the 120-day period.

For the purposes of this rule 8.3, "date of application" shall mean the date the application was date stamped as received by the Fort Collins City Clerk's Office. *[paragraph added March, 2018]*

8.4 An applicant may file a new application at any time that is complete and current in all respects, including full license and application fees.

APPROVED:

  
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Darin A. Atteberry, City Manager

3/14/18  
Date