

ORDINANCE NO. 105, 2021  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 15, ARTICLE XVII OF THE CODE OF THE CITY OF FORT  
COLLINS REGULATING RETAIL MARIJUANA BUSINESSES TO UPDATE, CLARIFY  
AND ALIGN CITY CODE WITH STATE LAW

WHEREAS, the City has regulated and licensed retail marijuana businesses since 2012 and changes to marijuana law continue to emerge at the state level on a regular basis; and

WHEREAS, City staff conducts regular quarterly meetings with City marijuana business licensees and at the last meeting of Quarter 2, 2021, the marijuana business licensees requested the City to consider amending the City Code to extend daily business hours past 8 p.m., consistent with state law, and

WHEREAS, staff is also recommending changes to the City Code regarding retail Marijuana businesses to do the following:

- Amend Section 15-605 of the City Code to allow the Chief Municipal Judge or their designee to act as the Licensing Authority, which would align with current practice for the Liquor Authority and provide additional local control and potential cost savings, since, to date, the City has been contracting out for this service;
- Amend Section 15-614 of the City Code to change the restriction on criminal backgrounds of licensees to align with state criminal background check requirements and address social equity concerns to access into lawful marijuana licensure;
- Amend Section 15-620 of the City Code to change the current operating hours of retail marijuana stores from 8:00 am to 8:00 pm to 8:00 am to 12:00 am in alignment with current state law, and to eliminate a duplicate subparagraph; and
- Amend Section 15-621 of the City Code to regulate odor from all retail marijuana businesses, rather than just cultivation facilities, to close a loophole and address neighborhood concerns regarding the smell of marijuana at any licensed marijuana facility; and

WHEREAS, Council has determined that the proposed amendments will be beneficial and will advance the interests of the Fort Collins community by updating local provisions to conform to state law and in general.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 15-605 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-605. Composition.**

The Authority shall be a person appointed by the City Manager **the Chief Municipal Judge or their designee.**

Section 3. That Section 15-614(3) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-614. Persons prohibited as licensees.**

No license shall be issued to, held by or renewed by any of the following:

...

(3) Any natural person who has been released within the ~~ten (10)~~ **three (3)** years immediately preceding the application from any form of incarceration or court-ordered supervision, including a deferred sentence resulting from a conviction of any felony or any crime which under the laws of the State would be a felony; or any crime of which fraud or intent to defraud was an element, whether in the State or elsewhere;

...

Section 4. That Section 15-620 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-620. Prohibited acts.**

...

(f) It shall be unlawful for any licensee to sell marijuana or marijuana products at a licensed retail marijuana store at any time other than between the hours of 8:00 a.m. and ~~8:00 p.m.~~ **12 a.m. daily.**

~~(g) It shall be unlawful for any licensee to sell marijuana or marijuana products at a licensed retail marijuana store at any time other than between the hours of 8:00 a.m. and 8:00 p.m. daily.~~

Section 5. That Section 15-621(c) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-621. Visibility of activities; control of emissions.**

...

(c) No retail marijuana business cultivation activity shall result in the emission of any gas, vapors, odors, smoke, dust, heat or glare that is noticeable at or beyond the property line of the establishment at which the retail marijuana business cultivation occurs. Sufficient measures and means of preventing the escape of such substances from a retail marijuana business must be provided at all times. In the event that any gas, vapors, odors, smoke, dust, heat or glare or other substances exit a retail marijuana business, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

Section 6. That Section 2 of this Ordinance is not effective until January 1, 2022.

Introduced, considered favorably on first reading, and ordered published this 7th day of September, A.D. 2021, and to be presented for final passage on the 21st day of September, A.D. 2021.

---

Mayor

ATTEST:

---

Interim City Clerk

Passed and adopted on final reading on this 21st day of September, A.D. 2021.

---

Mayor

ATTEST:

---

Interim City Clerk