

ORDINANCE NO. 1811

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA. AMENDING SECTION 5.06.020, BOZEMAN MUNICIPAL CODE RELATED TO THE NUMBER OF MEDICAL MARIJUANA STOREFRONT BUSINESSES AUTHORIZED TO CONDUCT BUSINESS WITHIN THE CITY OF BOZEMAN.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Bozeman, Montana, that:

Section 1

That Section 5.06.020, BMC, shall be amended to read as follows:

5.06.020 License - Application - Fee – Change - Confidentiality.

- A. Business Licenses. In addition to complying with the requirements of Title 50, Chpt. 46, MCA, and 5.06.010.E Any individual or entity desiring to conduct any transaction, use, or business regarding Medical Marijuana within the city of Bozeman must first submit and obtain approval for an application for a business license under this chapter from the Director of Finance and pay the fee(s) for such license(s) as established by this Title. An activity where a duly licensed medical doctor engages in the review of a person's medical condition for purposes of recommending medical marijuana and who does not provide medical marijuana to a qualifying patient is not subject to these licensing requirements but may be subject to other requirements of this code.

There shall be the following types of business licenses related to Medical Marijuana activities conducted in the City regardless of whether the Medical Marijuana is sold, bartered, exchanged, or gifted:

1. Storefront/Retail Locations: Any person or entity that provides a location other than the residence of the person's or entity's qualifying patient(s) where a transaction or use related to Medical Marijuana is engaged in for more than three (3) qualifying patients registered by the State of Montana to the applicant or the applicant's employees or agents shall prior to engaging in such transaction or use obtain a Medical Marijuana Store Front license. As of August 25, 2011~~0~~, t-The maximum number of Medical Marijuana Store Front licenses shall be twenty one (21~~0~~). The limitation on the maximum number of licenses under this subsection shall repeal automatically one-year after the effective date of this ordinance.

2. Delivery: Any person or entity that delivers Medical Marijuana within the City to more than three (3) qualifying patients or another entity regardless of whether the Medical Marijuana is sold, bartered, exchanged, or gifted shall prior to engaging in such activity obtain a Medical Marijuana Delivery license.
3. Growing and/or Processing: Any person or entity that operates a facility for the purpose of growing and/or processing medical marijuana shall prior to engaging in such activity obtain a Medical Marijuana Grow License.

A person or entity desiring to engage in an activity related to medical marijuana must obtain a separate license for each activity described above except a person or entity obtaining a Medical Marijuana Store Front license may also under said license deliver medical marijuana from that location without obtaining a separate Medical Marijuana Delivery license.

B. An application under this chapter, in addition to the requirements of 5.04.060.B, shall include the following:

1. The name of all owners/principals of the business as applicable and the name of all agents, contractors or employees, if any;
2. Documentation demonstrating the applicant and all owners/principals, agents, contractors or employees, as applicable, that may be involved in transactions regarding Medical Marijuana within the city of Bozeman are registered with the State of Montana under Title 50, Chpt. 46, MCA, and are duly authorized by state law to acquire, possess, cultivate, manufacture, deliver, transfer, or transport Medical Marijuana;
3. A sworn statement signed by the applicant verifying the number of qualifying patients which name the applicant and any other owner/principal, agent, contractor, or employee of the applicant as the qualifying patient's caregiver. The number of qualifying patients to be included in the sworn statement shall include all patients who may be registered with a caregiver acting as an agent, contractor, employee or owner/principle of the applicant;
4. A statement addressing how the applicant will comply with the security requirement provisions of 5.06.040; and
5. Each applicant for a business license shall provide a detailed statement regarding the nature of activities related to Medical Marijuana for which the applicant is engaged in and the specific license(s) for which an application is being submitted.

C. An individual or entity licensed under this chapter to conduct a transaction, use, or business related to Medical Marijuana must, within the time period described below, inform the Director of Finance of the occurrence of the following: (i) every 90 days, any change to the licensed individual or entity's number of registered qualifying patients (including those of a principal/owner, agent, contractor, or employee); and/or (ii) every 30 days, a change in the principals of the business or a change of agents, contractors or employees. If either of these conditions occur a new statement under 5.06.020.B.iii is required. Failure to inform the Director of Finance of the changes listed herein within the time periods described above shall be cause for revocation of the license pursuant to 5.04.170 and 5.04.180.

- D. An application for business license under this chapter is a public document except that the names of all agents, employees and/or contractors and the number of qualifying patients provided to the city in fulfillment of the requirements of this chapter are to be kept on a separate form and are to be considered confidential by the City unless disclosure is required by law. Nothing herein shall prevent a duly authorized agent of the city of Bozeman from sharing the information described in this section with other authorized city employees or other state or local law enforcement as necessary to perform official duties.
- E. ~~An application for a business license under this chapter submitted prior to but not approved before August 25, 2010 shall not be subject to the limitation on the maximum number of licenses but shall be subject to all other provisions of this Title. Any application for a license submitted hereunder after August 25, 2010 shall be subject to the maximum allowable licenses and all other provisions of this Title. This chapter shall repeal automatically one year after the effective date of this ordinance.~~
- F. A license issued under this chapter is not transferable and the provisions of 5.04.080 shall not apply.

Section 2

Severability.

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof, other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Bozeman Municipal Code as a whole.

Section 3

Savings Provision.

This ordinance does not affect the rights or duties that matured, penalties and assessments that were incurred, or proceedings that began before the effective date of this ordinance except any application for a city zoning or business license not approved as of the effective date of this ordinance must comply with the terms of this ordinance prior to approval.

Section 4

Codification Instruction.

The provisions of Sections 1 shall be codified as appropriate in Titles 5 of the Bozeman Municipal Code, as amended.

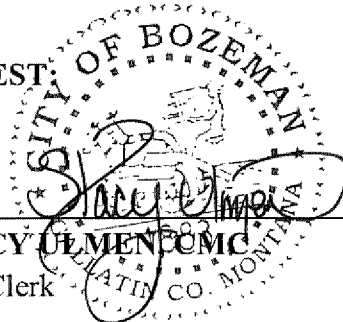

Section 5

Effective Date.

The effective date of this ordinance is 30 days after passage on final reading.

INITIALLY PASSED by the City Commission of the City of Bozeman, Montana, on first reading at a regular session held on the 27th day of June, 2011.



JEFFREY K. KRAUSS
Mayor

ATTEST: 

STACY CLEMENT
City Clerk

APPROVED AS TO FORM:

GREG SULLIVAN
City Attorney

FINALLY PASSED by the City Commission of the City of Bozeman, Montana, on initial reading at a regular session held on the 11th day of July, 2011.

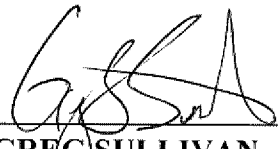

JEFFREY K. KRAUSS
Mayor

ATTEST:


STACY ULMEN, CMC
City Clerk



APPROVED AS TO FORM:


GREG SULLIVAN
City Attorney