

CITY OF SALIDA, COLORADO
ORDINANCE NO. 08
(Series of 2019)

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA,
COLORADO AMENDING ARTICLE III OF CHAPTER 6 OF THE SALIDA
MUNICIPAL CODE CONCERNING MARIJUANA LICENSING**

WHEREAS, the City of Salida, Colorado (“City”) is a statutory city, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to § 31-15-401, C.R.S., the City by and through its City Council (“Council”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, pursuant to this authority, the City has previously adopted certain regulations concerning the local regulation of marijuana business licensing; and

WHEREAS, the Colorado state legislature has amended and relocated marijuana codes, rendering municipal codes out-of-date if they reference state statutory authority or outdated provisions; and

WHEREAS, through observing the process provided for in the Code concerning both marijuana licensing and liquor licensing, Council has expressed the desire to amend certain provisions of Chapter 6, Article III to operate similar to Chapter 6, Article I, regarding Alcohol Beverages and the Local Licensing Authority; and

WHEREAS, at a special election held on September 25, 2018, a majority of City electors voted to amend the Salida Municipal Code (“Code”) to authorize the transfer of ownership of city marijuana business licenses, and certain Code amendments are required to be consistent with that directive; and

WHEREAS, the Council additionally desires to clean up Chapter 6, Article III for internal consistency and clarity, as well as to remove the duplicative or repetitive provisions concerning medical and retail licenses or the outdated or unnecessary distinction between the two types of licenses; and

WHEREAS, the Council now finds it in the best interests of the community and its citizens to amend Article III of Chapter 6 of the Salida Municipal Code concerning marijuana to reflect those revisions to state laws, conform relevant code provisions to current and desired practice, and generally clean up the Article for internal consistency and clarity.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO as follows:

Section 1. The City Council incorporates the foregoing recitals as conclusions, facts,

determinations and findings by the City Council.

Section 2. Section 6-3-10 of the Salida Municipal Code is hereby amended to read as follows:

Sec. 6-3-10. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

...

~~Amendment 64~~ means a voter-initiated amendment to the Colorado Constitution adopted in November 2012 adding Section 16 of Article 18 to the Colorado Constitution.

Colorado Medical Marijuana Code means Article 43.3 of Title 12, **Article 11 of Title 44**, Colorado Revised Statutes.

Colorado Retail Marijuana Code means Article 12 of Title 44, Colorado Revised Statutes

Department means the Department of Revenue or its successor agency.

~~Marijuana accessories~~ means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

~~Marijuana establishment~~ means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility or a retail marijuana store.

Medical marijuana center means an entity licensed by a State agency to sell marijuana and marijuana products pursuant to ~~Section 6-3-20~~ of this Article and the Colorado Medical Marijuana Code.

Retail marijuana store means **an entity licensed** issued by the Local Licensing Authority for the operation of Retail Marijuana Store **to sell marijuana and marijuana products to consumers** and does not include operations of a marijuana cultivation facility or a marijuana testing facility.

Section 3. Section 6-3-20 of the Salida Municipal Code is hereby amended to read as follows:

Sec. 6-3-20. - Applicability of provisions.

In addition to any other rules or laws which may be applicable, this Article shall govern all licensing proceedings before the Local Licensing Authority. Unless superseded by this Article, the provisions of **the Colorado Medical Marijuana Code, the Colorado Retail Marijuana Code, and applicable portions of the Colorado Revised Statutes and Code of Colorado Regulations**, Sections ~~12-43.3-101, et seq., 25-1.5-106, 25-5-403, 16-2.5-121, 16-2.5-124.5, 24-72-202(6)(b), and 39-26-726, C.R.S., as may be amended, and 1 C.C.R. §212, as may be amended,~~ shall apply to medical marijuana licenses.

Section 4. Section 6-3-30 of the Salida Municipal Code is hereby amended to read as follows:

Sec. 6-3-30. - ~~Designation of~~ Local licensing authority.

- ~~(a) The Local Licensing Authority for the City shall be the City Administrator.~~
- ~~(b) The City Clerk shall assist the Local Licensing Authority by receiving all applications, coordinating with other City officers and departments when relevant, scheduling required public hearings and exercising his or her discretion in forwarding renewals, change of ownership and employment notices, and other licensing related requests to the Local Licensing Authority.~~
- (a) The Salida City Council shall serve as the Local Licensing Authority. Applications for the issuance of new medical marijuana center or retail marijuana store licenses shall be subject to review and approval or denial by the City Council as the Local Licensing Authority. No new licenses, transfers, renewals, or changes shall be approved except upon receipt of completed applications and such fees as are required by law and this Article. The City Council's decision regarding applications shall be final.**
- (b) The City Administrator shall have the authority to exercise the power and duties of the City Council as the Local Licensing Authority to review and approve or deny the renewal, transfer, or change of licenses at an administrative level. The City Administrator may at his or her discretion forward any such applications subject to administrative review to the Local Licensing Authority for review and approval or denial. A denial of a license renewal, transfer, or change by the City Administrator may be appealed to the City Council by written notice of the applicant within seven (7) days of the City Administrator's issuance of the denial.**
- (c) The Local Licensing Authority shall issue no new license for any premises unless such premises is in compliance with the Fire Code adopted by the City.**

(d) The City Clerk, or his or her designee, shall assist the Local Licensing Authority by receiving all applications, coordinating with other City officers and departments when relevant, scheduling required public hearings and exercising his or her discretion in forwarding notices, and other licensing related requests to the Local Licensing Authority.

Section 5. Section 6-3-40 of the Salida Municipal Code is hereby amended to read as follows:

Sec. 6-3-40. - Application for license.

- (a) A person seeking to obtain a license pursuant to this Article shall file an application with the Local Licensing Authority **and the State as may be required**. The form of the application shall be provided by the Local Licensing Authority **or the State as applicable**.
- (b) An application for a local license under this Article shall contain the following information:
- (1) The name, address, telephone number, date of birth and social security number of all owners of the medical marijuana center **or retail marijuana store**, or if it is a business entity, the names of each natural person who owns any ownership interest in the entity;
 - (2) The street address, and unit number, if applicable, of the proposed medical marijuana center **or retail marijuana store** and a complete description including sketch diagram of the site for which the license is being obtained;
 - (3) If the applicant is not the owner of the proposed location of the medical marijuana center **or retail marijuana store**, a statement from the owner of such property on a City-approved form authorizing the submission of the application;
 - (4) A completed set of the applicant's fingerprints;
 - (5) A statement to be initialed by the applicant that the City accepts no legal liability in connection with the approval and subsequent operation of the medical marijuana center **or retail marijuana store**.
 - (6) A consent and acknowledgment that the City may conduct a background investigation of each owner; and
 - (7) Any additional information that the ~~Local Licensing Authority~~ **City Clerk, or his or her designee**, reasonably determines to be necessary in connection with the investigation and review of the application.
- (c) Applications deemed complete shall be processed ~~by the Local Licensing Authority~~ in order of receipt and incomplete applications will be rejected.

Section 6. Section 6-3-60 of the Salida Municipal Code is hereby amended to read as follows:

Sec. 6-3-60. - Denial of license.

- (a) The Local Licensing Authority shall deny an application for a license under this Article, if the Local Licensing Authority determines that:

- (1) Information contained in the application or supplemental information requested from the applicant is found to be false in any material respect; or
- (2) The application fails to meet any of the standards set forth in **Chapter 16 Section 16-4-50(g)** of this Code.
- (3) The application fails to meet any of the standards set forth in the Colorado Medical Marijuana Code, **the Colorado Retail Marijuana Code**, regulations promulgated by the MMED **Colorado Marijuana Enforcement Division**, or any other applicable law.
- (b) The Local Licensing Authority may deny an application if the applicant or any owner of an applicant business has previously been convicted of a felony violation within the past five (5) years.
- (c) If an application is denied, the application fee shall not be refunded, **except that if an application is denied due to the maximum number of licenses permitted pursuant to this Article, in which case the application fee shall be refunded.**

Section 7. Section 6-3-70 of the Salida Municipal Code is hereby amended to read as follows:

Sec. 6-3-70. - Decision by Local Licensing Authority.

- (a) The Local Licensing Authority shall approve, deny, or conditionally approve an application within forty five (45) days of the receipt of the completed application, unless, by written notice to the applicant, the decision period is extended for an additional ten (10) days if necessary for the Local Licensing Authority to complete the review of the application or other such time to complete the background investigation. The Local Licensing Authority, ~~at his or her its discretion~~ **pursuant to the provisions set forth in section 6-3-30**, may hold a public hearing on the proposed license to be held not less than thirty (30) days after the date of the application. Notice and procedure for the hearing shall comply with the provisions of C.R.S. §§12-43.3-302 and 303 **the Colorado Medical Marijuana Code or the Colorado Retail Marijuana Code.**
- (b) If an applicant is denied, the Local Licensing Authority shall clearly set forth in writing the grounds for denial.
- (c) The Local Licensing Authority shall have the authority to impose such reasonable terms and conditions on a license as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Article and applicable law. In the event an application is conditionally approved, the Local Licensing Authority shall clearly set forth in writing the conditions of approval.

Section 8. Section 6-3-90 of the Salida Municipal Code is hereby deleted in its entirety:

~~Sec. 6-3-90. - Appeal of license decision.~~

- ~~(a) An applicant has the right to appeal the Local Licensing Authority's denial or~~

~~conditional approval of an application to the City Council by filing a written request with the City Clerk within twenty (20) days of the date of the notice of the decision described in Section 6-3-80 of this Code. An appealing applicant shall pay the appeal fee as established by resolution of the City Council and amended from time to time and reimburse the City for any outside professional costs incurred by the City related to the appeal.~~

~~(b) The applicant shall be provided with not less than ten (10) days prior written notice of an appeal hearing to be held by the City Council.~~

~~(c) The burden of proof in an appeal filed under this Section shall be on the applicant.~~

~~(d) Any decision made by the City Council pursuant to this Section shall be a final decision and may be appealed to the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The applicant's failure to timely appeal the decision shall be a waiver of the applicant's right to contest the denial or conditional approval of the application.~~

Section 9. Section 6-3-100 of the Salida Municipal Code is hereby amended to read as follows:

Sec. 6-3-100. - License.

- (a) A license shall contain the following information:
 - (1) The name of the licensee;
 - (2) The date of the issuance of the license;
 - (3) The address at which the licensee is authorized to operate the medical marijuana center **or retail marijuana store**;
 - (4) Any special conditions of approval imposed upon the license by the Local Licensing Authority, pursuant to Section 6-3-70 this Article; and
 - (5) The date of the expiration of the license.
- (b) A license must be signed by ~~both the applicant and the Local Licensing Authority~~ **City Administrator and City Clerk** to be valid.
- (c) A license is non-assignable and any attempt to assign a license voids the license.
- (d) A license may only be transferred to a different location following the payment of the license transfer fee as established by resolution of the City Council and amended from time to time, submitting the application materials and complying with the requirements relevant to location and structures contained in this Code, and approval of the license transfer by the Local Licensing Authority following the application process set forth in this Article.
- (e) A license shall be continuously posted in a conspicuous location at the medical marijuana center **or retail marijuana store**.

Section 10. Section 6-3-110 of the Salida Municipal Code is hereby amended to read as follows:

Sec. 6-3-110. - Duration of license; renewal.

- (a) Each license issued pursuant to this Article shall be valid for one (1) year from the date of issuance, and may be renewed as provided in this Section.
- (b) An application for the renewal of an existing license shall be made to the Local Licensing Authority not less than forty five (45) days prior to the date of expiration. No application for renewal shall be accepted by the Local Licensing Authority after such date.
- (c) The provisions of Sections 6-3-30 through 6-3-90, inclusive, shall apply to the processing of an application to renew a license unless specifically waived by the Local Licensing Authority based upon no changed circumstances. The timely filing of a renewal application shall extend the current license until a final decision is made on the renewal application, including any appeal of the ~~Local Licensing Authority's~~ **City Administrator's** decision to the City Council.
- (d) The applicant shall at the time of an application to renew a license not be delinquent on any applicable City's fees or taxes.
- (e) At the time of the filing of an application for the renewal of an existing license the applicant shall pay a renewal fee in an amount established by resolution of the City Council, as may be amended.
- (f) The Local Licensing Authority may refuse to renew a license for good cause.

Section 11. Section 6-3-120 of the Salida Municipal Code is hereby amended to read as follows:

Sec. 6-3-120. - Duties of licensee.

It is the duty and obligation of each licensee to do the following:

- (1) Comply with all of the terms and conditions of the license, and any special conditions on the license imposed by the Local Licensing Authority, pursuant to Section 6-3-70.
- (2) Comply with all of the requirements of this Article;
- (3) Comply with all other applicable City ordinances;
- (4) Comply with all state laws and administrative regulations pertaining to the ~~medical~~ use of marijuana, ~~including, but not limited to, Amendment 20; the Colorado Medical Marijuana Code; and the administrative regulations issued by the MMED found at 1 CCR 212, all as amended from time to time.~~
- (5) Permit inspection of its records and operation by the ~~Local Licensing Authority~~ **City Clerk, or his or her designee,** for the purpose of determining the licensee's compliance with the terms and conditions of the license and this Article; ~~provided, however, that confidentiality of patient records shall be maintained pursuant to state law.~~

Section 12. Section 6-3-130 of the Salida Municipal Code is hereby amended to read as follows:

Sec. 6-3-130. - Suspension or revocation of license.

- (a) A license issued pursuant to this Article may be suspended or revoked by the Local Licensing Authority for the following reasons:
- (1) Fraud, misrepresentation, or a false statement of material fact contained in the license application;
 - (2) A violation of any City, state, or federal law or regulation, other than a federal law or regulation concerning the possession, sale or distribution of marijuana that conflicts with ~~Amendment 20~~ **the Colorado State Constitution**;
 - (3) A violation of any of the terms and conditions of the license, including any special conditions of approval imposed upon the license by the Local Licensing Authority pursuant to Section 6-3-70;
 - (4) A violation of any of the provisions of this Article or applicable zoning regulations at Chapter 16 of this Code;
 - (5) Operations have ceased at the medical marijuana center **or retail marijuana store** for more than thirty (30) days including during a change of ownership of the dispensary; or
 - (6) Ownership of the medical marijuana center **or retail marijuana store** has been transferred without the new owner obtaining a license pursuant to this Article.
- (b) In connection with the suspension of a license, the Local Licensing Authority may impose reasonable conditions.
- (c) **The Authority shall not suspend or revoke a license until after conducting a public hearing that conforms with the requirements of this Article. The licensee shall be given at least ten (10) days' written notice of the hearing pursuant to the procedure established in Section 6-3-80 and the potential reasons for suspension or revocation under Subsection (a) above.**
- ~~(e) The Local Licensing Authority shall notify the licensee of the decision to suspend or revoke the license within three (3) business days of rendering the decision. Notice shall be given pursuant to the procedure established in Section 6-3-80.~~
- ~~(d) No suspension or revocation shall be final until the licensee has been given the opportunity for a hearing to address the suspension or revocation. The licensee has the right to appeal the Local Licensing Authority's suspension or revocation to the City Council by filing a written request with the Local Licensing Authority within twenty (20) days of the date of the Notice of Decision issued by the Local Licensing Authority, as described in Section 6-3-80 above. The process for appeal of a suspension or revocation shall be as set forth in Section 6-3-90 of this Code.~~

Section 13. Section 6-3-140 of the Salida Municipal Code is hereby amended to read as follows:

Sec. 6-3-140. - Application for retail marijuana license, e Cultivation, manufacturing and testing facilities prohibited.

- (a) ~~A person seeking to obtain a retail marijuana license pursuant to this Article shall file an application with the Local Licensing Authority and the State as may be required. The form of the application shall be provided by the Local Licensing Authority or the State as applicable.~~
- (b) ~~Applications deemed complete shall be processed by the Local Licensing Authority in order of receipt and incomplete applications will be rejected.~~
- (c) Marijuana cultivation facilities, marijuana product manufacturing facilities and marijuana testing facilities are prohibited in Salida. Applications for any of these will be rejected.

Section 14. Section 6-3-150 of the Salida Municipal Code is hereby amended to read as follows:

Sec. 6-3-150. - Licensing fees, number of licenses.

- (a) An applicant shall pay to the City a non-refundable application fee to file an application to cover the administrative costs processing the application. The application fee shall be established by resolution of the City Council as may be amended from time to time.
- (b) **At no time may the City issue more than three (3) marijuana licenses. The total number of permitted marijuana licenses shall be three (3).**
- (c) ~~The two (2) Medical Marijuana Dispensaries licensed to do business and operating within the City limits of Salida on January 1, 2014 may apply for a Retail Marijuana License on or before the effective date of this Ordinance No. 19, series of 2014, and licenses may be granted notwithstanding any other provision of this Chapter 6 relating to timing of applications and total number of licenses permitted within the City.~~
- (d) ~~In addition to the two (2) licenses described in (b) above one (1) additional license may be issued.~~
- (e) If any licensee fails to renew or their license is revoked for any reason, the total number of permitted Retail Marijuana Licenses shall be reduced to two (2).

Section 15. Section 6-3-160 of the Salida Municipal Code is hereby deleted in its entirety:

~~Sec. 6-3-160. Denial of retail marijuana license.~~

- (a) ~~The Local Licensing Authority shall deny an application for a retail marijuana license under this Article, if the Local Licensing Authority determines that:

 - (1) ~~Information contained in the application or supplemental information requested from the applicant is found to be false in any material respect; or~~
 - (2) ~~The application fails to meet any of the standards set forth in Section 16-4-190(k) of this Code.~~
 - (3) ~~The application fails to meet any of the standards set forth in the Colorado Retail Marijuana Code, regulations promulgated by the MMED, or any other applicable law.~~~~
- (b) ~~The Local Licensing Authority may deny an application if the applicant or any owner of an applicant business has previously been convicted of a felony violation within the past five (5) years.~~
- (c) ~~All available licenses for a Retail Marijuana Store have been issued.~~
- (d) ~~If an application is denied, the application fee shall not be refunded except that applications received in excess of the number specified in (c) above the application fees shall be refunded if the applications are denied due to the limit specified in (c).~~

Section 16. Section 6-3-170 of the Salida Municipal Code is hereby deleted in its entirety:

~~Sec. 6-3-170. – Decision by Local Licensing Authority.~~

- (a) ~~The Local Licensing Authority shall approve, deny, or conditionally approve an application within forty five (45) days of the receipt of the completed application, unless, by written notice to the applicant, the decision period is extended for an additional ten (10) days if necessary for the Local Licensing Authority to complete the review of the application or other such time to complete the background investigation. The Local Licensing Authority, at his or her discretion, may hold a public hearing on the proposed retail marijuana license to be held not less than thirty (30) days after the date of the application. Notice and procedure for the hearing shall comply with the provisions of State Marijuana Code C.R.S. §12-43.4 et seq.~~
- (b) ~~If an application is denied, the Local Licensing Authority shall clearly set forth in writing the grounds for denial.~~
- (c) ~~The Local Licensing Authority shall have the authority to impose such reasonable terms and conditions on a retail marijuana license as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Article and applicable law. In the event an application is conditionally approved, the Local Licensing Authority shall clearly set forth in writing the conditions of approval.~~

Section 17. Section 6-3-180 of the Salida Municipal Code is hereby deleted in its entirety:

~~Sec. 6-3-180. – Notice of decision.~~

The Local Licensing Authority shall notify the applicant of the decision on the application by mailing a copy of its decision to the applicant by regular mail, postage prepaid, at the address shown in the application. Notice is deemed to have been properly given upon mailing.

Section 18. Section 6-3-190 of the Salida Municipal Code is hereby deleted in its entirety:

~~Sec. 6-3-190. – Appeal of retail marijuana license decision.~~

~~(a) An applicant has the right to appeal the Local Licensing Authority's denial or conditional approval of an application to the City Council by filing a written request with the City Clerk within twenty (20) days of the date of the notice of the decision described in Section 6-3-180 of this Code. An appealing applicant shall pay the appeal fee as established by resolution of the City Council and amended from time to time and reimburse the City for any outside professional costs incurred by the City related to the appeal.~~

~~(b) The applicant shall be provided with not less than ten (10) days prior written notice of an appeal hearing to be held by the City Council.~~

~~(c) The burden of proof in an appeal filed under this Section shall be on the applicant.~~

~~(d) Any decision made by the City Council pursuant to this Section shall be a final decision and may be appealed to the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The applicant's failure to timely appeal the decision shall be a waiver of the applicant's right to contest the denial or conditional approval of the application.~~

Section 19. Section 6-3-200 of the Salida Municipal Code is hereby deleted in its entirety:

~~Sec. 6-3-200. – Retail marijuana license.~~

~~(a) A retail marijuana license shall contain the following information:~~

~~(1) The name of the retail marijuana licensee;~~

~~(2) The date of the issuance of the retail marijuana license;~~

~~(3) The address at which the retail marijuana licensee is authorized to operate the retail marijuana center;~~

~~(4) Any special conditions of approval imposed upon the retail marijuana license by the Local Licensing Authority, pursuant to Section 6-3-70; and~~

~~(5) The date of the expiration of the retail marijuana license.~~

~~(b) A retail marijuana license must be signed by both the applicant and the Local Licensing Authority to be valid.~~

~~(c) A retail marijuana license is non-assignable and any attempt to assign a retail marijuana license voids the retail marijuana license.~~

~~(d) A retail marijuana license may only be transferred to a different location following the payment of the retail marijuana license transfer fee as established by resolution of the City Council and amended from time to time, submitting the application materials and~~

~~complying with the requirements relevant to location and structures contained in this Code, and approval of the retail marijuana license transfer by the Local Licensing Authority following the application process set forth in this Article.~~

- ~~(e) A retail marijuana license shall be continuously posted in a conspicuous location at the retail marijuana center.~~

Section 20. Section 6-3-210 of the Salida Municipal Code is hereby deleted in its entirety:

~~Sec. 6-3-210.— Duration of retail marijuana license; renewal.~~

~~(a) Each retail marijuana license issued pursuant to this Article shall be valid for one (1) year from the date of issuance, and may be renewed as provided in this Section.~~

~~(b) An application for the renewal of an existing retail marijuana license shall be made to the Local Licensing Authority not less than forty five (45) days prior to the date of expiration. No application for renewal shall be accepted by the Local Licensing Authority after such date.~~

~~(c) The provisions of Sections 6-3-200(a) through 6-3-200(e), inclusive, shall apply to the processing of an application to renew a retail marijuana license unless specifically waived by the Local Licensing Authority based upon no changed circumstances. The timely filing of a renewal application shall extend the current retail marijuana license until a final decision is made on the renewal application, including any appeal of the Local Licensing Authority's decision to the City Council.~~

~~(d) The applicant shall at the time of an application to renew a retail marijuana license not be delinquent on any applicable City's fees or taxes.~~

~~(e) At the time of the filing of an application for the renewal of an existing retail marijuana license the applicant shall pay a renewal fee in an amount established by resolution of the City Council, as may be amended.~~

~~(f) The Local Licensing Authority may refuse to renew a retail marijuana license for good cause.~~

Section 21. Section 6-3-220 of the Salida Municipal Code is hereby deleted in its entirety:

~~Sec. 6-3-220.— Duties of retail marijuana licensee.~~

~~It is the duty and obligation of each retail marijuana licensee to do the following:~~

- ~~(1) Comply with all of the terms and conditions of the retail marijuana license, and any special conditions on the retail marijuana license imposed by the Local Licensing Authority, pursuant to Section 6-3-70.~~
- ~~(2) Comply with all of the requirements of this Article;~~
- ~~(3) Comply with all other applicable City ordinances;~~
- ~~(4) Comply with all state laws and administrative regulations pertaining to the retail use of marijuana, including, but not limited to, Amendment 64; the Colorado Retail~~

- Marijuana Code; and the administrative regulations issued by the MMED.
- (5) ~~Permit inspection of its records and operation by the Local Licensing Authority for the purpose of determining the retail marijuana licensee's compliance with the terms and conditions of the retail marijuana license and this Article.~~

Section 22. Section 6-3-230 of the Salida Municipal Code is hereby deleted in its entirety:

~~Sec. 6-3-230. — Suspension or revocation of retail marijuana license.~~

- (a) ~~A retail marijuana license issued pursuant to this Article may be suspended or revoked by the Local Licensing Authority for the following reasons:~~
- (1) ~~Fraud, misrepresentation, or a false statement of material fact contained in the retail marijuana license application;~~
 - (2) ~~A violation of any City, state, or federal law or regulation, other than a federal law or regulation concerning the possession, sale or distribution of marijuana that conflicts with Amendment 64;~~
 - (3) ~~A violation of any of the terms and conditions of the retail marijuana license, including any special conditions of approval imposed upon the retail marijuana license by the Local Licensing Authority pursuant to Section 6-3-200;~~
 - (4) ~~A violation of any of the provisions of this Article or applicable zoning regulations at Chapter 16 of this Code;~~
 - (5) ~~Operations have ceased at the retail marijuana center for more than thirty (30) days including during a change of ownership; or~~
 - (6) ~~Ownership of the retail marijuana center has been transferred without the new owner obtaining a retail marijuana license pursuant to this Article.~~
- (b) ~~In connection with the suspension of a retail marijuana license, the Local Licensing Authority may impose reasonable conditions.~~
- (c) ~~The Local Licensing Authority shall notify the retail marijuana licensee in writing of the decision to suspend or revoke the retail marijuana license within three (3) business days of rendering the decision.~~
- (d) ~~No suspension or revocation shall be final until the retail marijuana licensee has been given the opportunity for a hearing to address the suspension or revocation. The retail marijuana licensee has the right to appeal the Local Licensing Authority's suspension or revocation to the City Council by filing a written request with the Local Licensing Authority within twenty (20) days of the date of the Notice of Decision issued by the Local Licensing Authority, as described in Section 6-3-230 above.~~

Section 23. The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

INTRODUCED ON FIRST READING, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on the 16th day of April, 2019 and set for second reading and public hearing on the 7th day of May, 2019.

**INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED
PUBLISHED BY TITLE ONLY**, by the City Council on the 7th day of May,
2019.

CITY OF SALIDA

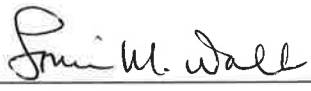
By: 
Mayor



(SEAL)

By: 
City Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the 19th day
of April, 2019, and **BY TITLE ONLY, OR IN FULL**, after Final Adoption on the 10th day
of May, 2019.

By: 
City Clerk