

**TOWN OF FRASER
ORDINANCE NO. 460
Series 2019**

AN ORDINANCE AMENDING CHAPTER 6 ARTICLE 5 AND CHAPTER 6 ARTICLE 7
OF THE FRASER TOWN CODE, RELATING TO MEDICAL AND RETAIL MARIJUANA
REGULATIONS.

WHEREAS, the Town Board of the Town of Fraser desires to amend the Fraser Municipal Code.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FRASER, COLORADO, AS FOLLOWS:

PART 1: AMENDMENT OF MUNICIPAL CODE.

1.1 Chapter 6 (Business Licenses and Regulations), Article 5 (Medical Marijuana Businesses), of the Fraser Municipal Code (herein sometimes referred to as the "Municipal Code") is hereby amended as follows: [Note: additions are shown in **black bold underlined** print; deletions are shown as ~~striketrough~~ print; the notation "No Change" indicates that the referenced provisions are not modified]:

Sec. 6-5-10. - Definitions.

(a) As used in this Article, the following words shall have the following meanings unless the context clearly requires otherwise:

Medical marijuana business means a medical marijuana center, or medical marijuana-infused products manufacturer, **optional premises cultivation facility, or medical marijuana testing facility** for which a license is required under the MM Code and this Article. ~~Medical marijuana business does not mean optional cultivation, as this is prohibited in the Town.~~

MM Code means the Colorado Medical Marijuana Code, Section **44-11-101**, et seq., C.R.S.

MM Regulations means the Rules Regarding Sale, Manufacturing and Dispensing of Medical Marijuana, 1 CCR 212-1, as adopted by the Medical Marijuana Enforcement Division of the Colorado Department of Revenue, and any amendments thereto.

(b) The terms defined in the MM Code and MM Regulations shall have the same meaning when used in this Article, unless context clearly requires otherwise.

Sec. 6-5-20 through 6-5-30 [No Change]

Sec. 6-5-40. - Limitations and requirements applicable to medical marijuana businesses.

(a) State requirements. Medical marijuana businesses must at all times comply with the regulations and requirements contained in the MM Code and MM Regulations with regard to applications, licensing and operations of licensed premises.

(b) Location. Medical marijuana businesses shall only be located on property within the Business District **or a planned development district**. Medical marijuana businesses are not permitted within any other zoning district or within any building that contains a residential dwelling or lodging unit. Medical marijuana businesses shall not be permitted to operate as home occupations.

(c) Separation requirements.

(1) No medical marijuana business shall be issued a license if, at the time of the initial application for such license, the proposed location is:

a. Within one thousand (1,000) feet of any educational institution or school, either public or private;

~~b. Within five hundred (500) feet of any existing medical marijuana business, whether such business is located within or outside of the Town; or~~

~~c.~~ **b.** Within two hundred (200) feet of any existing licensed child care facility.

(2) No medical marijuana center shall be issued a license if, at the time of the initial application for such license, the proposed location is within five hundred (500) feet of any existing medical marijuana center, whether such center is located within or outside of the Town.

~~(2)~~ **(3)** The distances set forth in this Subsection shall be computed by direct measurement in a straight line from the nearest property line of the land used for the purposes stated above, respectively, to the nearest portion of the building in which the medical marijuana business is located. The locational criteria contained in this Subsection shall apply to all proposed changes in the location of an existing license.

(d) Advertisements. Advertisements, signs, displays or other promotional material depicting medical marijuana uses or symbols shall not be shown or exhibited off the premises. No signage associated with a medical marijuana center shall use the word "marijuana," "cannabis" or any other word or phrase commonly understood to refer to marijuana. No signage may display photographs or other representations of marijuana plants.

(e) Indoor operation. All medical marijuana dispensing, production, cultivation, manufacturing and storage activities shall be conducted indoors. Products, accessories and associated paraphernalia shall not be visible from a public sidewalk or right-of-way.

(f) Inspection of licensed premises. During all business hours and other times of apparent activity, all licensed premises shall be subject to inspection by the Chief of Police, the Building Official or the authorized representative of either of them for the purpose of investigating and determining compliance with the provisions of this Article and any other applicable state or local law or regulation. Such inspection may include, but need not be limited to, the inspection of books, records and inventory. Where any part of the premises consists of a locked area, such area shall be made available for inspection, without delay, upon request.

(g) Additional requirements. Medical marijuana businesses shall be subject to the following additional requirements:

(1) The business may only be open for the sale or distribution of medical marijuana during the hours of 8:00 a.m. to 7:00 p.m. **unless the Board of Trustees authorizes extended hours of operation to no later than 12:00 a.m. as a provision of the license. The Town Board may only authorize such extension after making a determination that such hours of operation are appropriate for the neighborhood.**

(2) No on-site consumption of marijuana is allowed.

(3) A Town business license and sales tax license are required.

(4) No mobile structure may be used to dispense medical marijuana.

(5) No alcohol sales or consumption shall be permitted on the licensed premises.

(6) A licensee shall not permit persons who do not possess a valid registry card or other appropriate credentials to loiter on or about the licensed premises.

(h) Proper ventilation. All medical marijuana businesses shall be equipped with a proper ventilation system that filters out the odor of marijuana so that the odor is not capable of being detected by a person with a normal sense of smell at the exterior of the medical marijuana business or any adjoining business, parcel, or tract of real property. All applicants for a new medical marijuana license shall submit a ventilation and odor mitigation plan with their application, which shall be subject to review and approval

by the Local Licensing Authority prior to issuance of a new license. In case of an existing license for which no ventilation and odor mitigation plan has been approved, such a plan shall be submitted with the next renewal application submitted for the licensed premises and shall be subject to review and approval by the Town Manager or his or her designee as part of the renewal application. The Town Clerk may refer such a plan submitted with a renewal application for review by the Board of Trustees, which shall conduct such review, with or without a public hearing, and the decision of the Board shall be final. The lack of an approved ventilation and odor mitigation plan shall be grounds for denial of a new license or renewal of an existing license. Failure to install or maintain the ventilation system required by an approved ventilation and odor mitigation plan shall constitute a violation of this Article and shall be grounds for suspension or revocation of a license.

Sec. 6-5-50 [No Change]

Sec. 6-5-60. - Application requirements.

(a) A person seeking to obtain a license pursuant to this Article shall submit an application to the Town Clerk. The form of the application shall be as provided by the Town Clerk.

(b) A license issued pursuant to this Chapter does not eliminate the need for the licensee to obtain other required licenses and permits related to the operation of the medical marijuana business, including, without limitation, any development approval required by this Code; a sales tax license; and a building, mechanical, plumbing or electrical permit.

(c) An application for a license under this Article shall include the following information and any additional information required by the Town Clerk:

- (1) The applicant's name, address, telephone number and Social Security number; if the applicant is a partnership, the names and addresses of all the partners; if the applicant is a corporation, the names and addresses of all the corporate officers; and, if the applicant is a cooperative association, the names and addresses of its directors and officers;
- (2) A complete set of the applicant's fingerprints;
- (3) The street address of the proposed medical marijuana business;
- (4) Proof of ownership; or, if the applicant is not the owner of the

proposed location of the medical marijuana business, satisfactory proof that the applicant is or will be entitled to possession of the premises under a lease, rental agreement or other written agreement, including authorization to use the premises for the specific type of medical marijuana business for which the application is made; and

(5) An acknowledgement by the applicant that the applicant and its owners, officers and employees may be subject to prosecution under federal laws relating to the possession and distribution of controlled substances; that the Town accepts no legal liability in connection with the approval and subsequent operation of the medical marijuana business; and that the application and documents submitted for other approvals relating to the medical marijuana business operation are subject to disclosure in accordance with the Colorado Open Records Act.

(6) The ventilation and odor mitigation plan required by Subsection 6-5-40(h) of this Article.

(d) In addition to the foregoing, an applicant shall also submit all other information required by the MM Code and MM Regulations for state and local applications.

(e) When the application is filed, the applicant shall pay to the Town a nonrefundable application fee in such amount as is established from time to time by ordinance or resolution adopted by the Board of Trustees and set forth in the Appendices to this Code. The purpose of the fee is to cover the administrative costs of processing the application. If the application is approved, the applicant shall also pay an annual license fee for each licensed medical marijuana business operation in such amount as is established from time to time by the Board of Trustees and set forth in the Appendices to this Code.

(f) Each license issued pursuant to this Article shall be valid for a period of one (1) year from the date of issuance and may be renewed as provided in this Section. An application for renewal shall be made to the Town Clerk not less than forty-five (45) days prior to the date of expiration and shall be accompanied by the annual license fees for the renewal term. **Except as otherwise provided in Subsection 6-5-40(h) of this Article,** the license shall be renewed by the Town Clerk unless it appears to the Town Clerk that good cause exists to deny the renewal application, in which case the Town Clerk shall refer the application to the Board of Trustees for review at a public hearing. The Town Clerk shall refer the renewal application for public hearing only if the licensee has had complaints filed against it, the licensee has a history of violations or there are allegations against the licensee that would constitute good cause for denial of a license as defined in the MM Code. The procedures provided in Sections 6-5-70 to 6-5-90

below shall apply to the Board of Trustees' review and determination whether to renew a license. In order to be entitled to such review, the applicant shall pay an additional fee equal to the application fee for a new license.

Sec. 6-5-70 through 6-5-80 [No Change]

Sec. 6-5-90. - Issuance or denial of license.

(a) Not less than five (5) days prior to the date of the public hearing, the local licensing authority shall make known its findings, based on its investigation, in writing to the applicant and other parties of interest. The local licensing authority has authority to refuse to issue a license, as provided for in this Section, for good cause, subject to judicial review.

(b) Before entering a decision approving or denying the application for a license, the local licensing authority may consider, except where this Article specifically provides otherwise, the facts and evidence adduced as a result of its investigation, as well as any other facts pertinent to the type of license for which application has been made, including the number, type and availability of medical marijuana ~~outlets~~ **businesses** located in or near the premises under consideration and any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed.

(c) Within thirty (30) days after the public hearing or completion of the application investigation, the local licensing authority shall issue its decision approving or denying an application for local licensure. The decision shall be in writing and shall state the reasons for the decision. The local licensing authority shall send a copy of the decision by certified mail to the applicant at the address shown in the application.

(d) The Board of Trustees may impose reasonable conditions upon any license issued pursuant to this Article.

(e) After approval of an application, the local licensing authority shall not issue a license until the building in which the business to be conducted is ready for occupancy, with such furniture, fixtures and equipment in place as are necessary to comply with the applicable provisions of this Chapter, and then only after the local licensing authority has inspected the premises to determine that the applicant has complied with the architect's drawing and the plot plan and detailed sketch for the interior of the building submitted with the application.

(f) After approval of an application for local licensure, the local licensing authority

shall notify the state licensing authority of such approval.

Sec. 6-5-100 through 6-5-130 [No Change]

1.2 Chapter 6 (Business Licenses and Regulations), Article 7 (Retail Marijuana Businesses), of the Fraser Municipal Code (herein sometimes referred to as the "Municipal Code") is hereby amended as follows: [Note: additions are shown in **black bold underlined** print; deletions are shown as ~~striketrough~~ print; the notation "No Change" indicates that the referenced provisions are not modified]:

Sec. 6-7-10. - Definitions.

(a) As used in this Article, the following words shall have the following meanings unless the context clearly requires otherwise:

Retail marijuana establishment means a retail marijuana store, retail marijuana cultivation facility, retail marijuana products manufacturer, or retail marijuana testing facility for which a license is required under the RM Code and this Article.

Retail marijuana store means a retail marijuana store, as defined in Section 16 of Article XVIII of the Colorado Constitution, or as may be more fully defined in the Colorado Retail Marijuana Code.

RM Code means the Colorado Retail Marijuana Code, Section 44-12-101, et seq., C.R.S.

RM Regulations means the Rules Regarding Retail Marijuana, 1 C.C.R. § 212-2, as adopted by the Retail Marijuana Enforcement Division of the Colorado Department of Revenue, and any amendments thereto.

(b) The terms defined in the RM Code and RM Regulations shall have the same meaning when used in this Article unless the context clearly requires otherwise.

Sec. 6-7-20. - ~~Store License required; prohibited operations.~~

(a) It is unlawful for any person to own or operate a retail marijuana ~~store~~ **establishment** within the Town without first having obtained from the Town and the State a license for each facility to be operated in connection with such business.

~~(b) Other types of retail marijuana establishments referred to in the RM Code and Section 16 of Article XVIII of the Colorado Constitution, including marijuana cultivation facilities, marijuana product manufacturing facilities and marijuana testing facilities, are prohibited within the Town.~~

Sec. 6-7-30. - Local licensing authority.

(a) The Board of Trustees shall be the Local Licensing Authority for the licensing of retail marijuana ~~stores~~ **establishments** pursuant to this Article unless the Board of Trustees designates other persons to serve as the Local Licensing Authority. The Local Licensing Authority shall possess all powers given to local licensing authorities by the provisions of the RM Code and RM Regulations. Any decision made by the Local Licensing Authority to grant or deny a license, to revoke or suspend a license or to renew or not renew a license 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.

(b) In case of an application resubmitted directly to the Town pursuant to Section 16(5)(h) of Article XVIII of the Colorado Constitution, due to the failure of the state licensing authority to act upon an application within ninety (90) days, the Board of Trustees shall also act as the licensing authority and all requirements of this Article shall apply to such application. In addition to compliance with this Article, the applicant shall demonstrate compliance with all applicable requirements of the RM Code and RM Regulations and shall pay to the Town the full amount of the application fee if not forwarded by the State. The Local Licensing Authority shall approve or deny such application within ninety (90) days after receipt of the resubmitted application.

(c) The Town Clerk shall assist the Local Licensing Authority by receiving all applications, coordinating with other Town officers and departments when relevant, scheduling required public hearings and providing notice in accordance with this Article and the RM Code. The Town Clerk shall also act as the local point-of-contact with the Colorado Marijuana Enforcement Division on retail marijuana regulatory matters.

Sec. 6-7-40. - Limitations and requirements applicable to retail marijuana ~~stores~~ **establishments**.

(a) State requirements. Retail marijuana ~~stores~~ **establishments** must at all times comply with the regulations and requirements contained in the RM Code and RM Regulations with regard to applications, licensing and operations of licensed premises. The Local Licensing Authority may revoke any license if the retail marijuana ~~store~~ **establishment** fails to comply with any and all applicable state requirements.

(b) Location. Retail marijuana ~~stores~~ **establishments** shall only be located on property within the Business zoning district **or a planned development district**. Retail marijuana ~~stores~~ **establishments** are not permitted within any other zoning district or within any building that contains a residential dwelling or lodging

unit. Retail marijuana stores **establishments** shall not be permitted to operate as "home occupations."

(c) Separation requirements.

(1) No retail marijuana store **establishment** shall be issued a license if, at the time of the initial application for such license, the proposed location is:

a. Within one thousand (1,000) feet of any educational institution or school, either public or private;

~~b. Within five hundred (500) feet of any existing retail or medical marijuana business; or~~

~~e.~~ **b.** Within two hundred (200) feet of any existing licensed child care facility at the time of initial application.

(2) No retail marijuana store shall be issued a license if, at the time of the initial application for such license, the proposed location is within five hundred (500) feet of any existing retail marijuana store or medical marijuana center.

~~(2)~~ **(3)** The distances set forth in this Subsection shall be computed by direct measurement in a straight line from the nearest property line of the land used for the purposes stated above, respectively, to the nearest portion of the building in which the retail marijuana store **establishment** is located. The locational criteria contained in this Subsection shall apply to all proposed changes in the location of an existing license.

(d) Co-location. A retail marijuana store **establishment** may be located on the same licensed premises as a medical marijuana business licensed pursuant to Article 5 of this Chapter and operated by the same licensee, subject to compliance with all state requirements and the requirements of this Article and the issuance of a state license allowing for such co-location.

(e) Advertisements. Advertisements, signs, displays or other promotional material depicting marijuana uses or symbols shall not be shown or exhibited off the premises. No signage associated with a retail marijuana store **establishment** shall use the word "marijuana," "cannabis" or any other word or phrase commonly understood to refer to marijuana. No signage may display photographs or other representations of marijuana plants.

(f) Indoor operation; ~~orders~~. All retail marijuana dispensing and storage **establishment** activities **(except transportation)** shall be conducted indoors. Products, accessories and associated paraphernalia shall not be visible from a

public sidewalk or right-of-way.

(g) Inspection of licensed premises. During all business hours and other times of apparent activity, all licensed premises shall be subject to inspection by the Chief of Police or the Building Official for the purpose of investigating and determining compliance with the provisions of this Article and any other applicable state or local law or regulation. Such inspection may include, but need not be limited to, the inspection of books, records and inventory. Where any part of the premises consists of a locked area, such area shall be made available for inspection, without delay, upon request.

(h) Additional requirements. Retail marijuana stores **establishments** shall be subject to the following additional requirements:

(1) The business **A retail marijuana store** may only be open for the sale or distribution of retail marijuana during the hours of 8:00 a.m. to 7:00 p.m. unless the Board of Trustees authorizes extended hours of operation to no later than 9:00 p.m. **12:00 a.m.** as a provision of the license. The Town Board may only authorize such extension after making a determination that such hours of operation are appropriate for the neighborhood.

(2) No on-site consumption of marijuana is allowed.

(3) A Town business license and sales tax license are required.

(4) No mobile structure may be used to dispense retail marijuana.

(5) No alcohol sales or consumption shall be permitted on the licensed premises.

(6) A licensee shall not permit persons who do not possess a valid identification or other appropriate proof of age to loiter on or about the licensed premises.

(i) Proper ventilation. All retail marijuana establishments shall be equipped with a proper ventilation system that filters out the odor of marijuana so that the odor is not capable of being detected by a person with a normal sense of smell at the exterior of the retail marijuana establishment or any adjoining business, parcel, or tract of real property. All applicants for a new retail marijuana establishment license shall submit a ventilation and odor mitigation plan with their application, which shall be subject to review and approval by the Local Licensing Authority prior to issuance of a new license. In case of an existing license for which no ventilation and odor mitigation plan has been approved, such a plan shall be submitted with the

next renewal application submitted for the licensed premises and shall be subject to review and approval by the Town Manager or his or her designee as part of the renewal application. The Town Clerk may refer such a plan submitted with a renewal application for review by the Board of Trustees, which shall conduct such review, with or without a public hearing, and the decision of the Board shall be final. The lack of an approved ventilation and odor mitigation plan shall be grounds for denial of a new license or renewal of an existing license. Failure to install or maintain the ventilation system required by an approved ventilation and odor mitigation plan shall constitute a violation of this Article and shall be grounds for suspension or revocation of a license.

Sec. 6-7-50 [No Change]

Sec. 6-7-60. - Application requirements.

(a) A person seeking to obtain a license pursuant to this Article shall submit an application to the Town Clerk. The form of the application shall be as provided by the Town Clerk.

(b) A license issued pursuant to this Article does not eliminate the need for the licensee to obtain other required licenses and permits related to the operation of the retail marijuana store, including, without limitation, any development approval required by this Code; a sales tax license; and a building, mechanical, plumbing or electrical permit.

(c) An application for a license under this Article shall include the following information and any additional information required by the Town Clerk:

(1) The applicant's name, address, telephone number and Social Security number and, if the applicant is a partnership, the names and addresses of all the partners, and, if the applicant is a corporation, the names and addresses of all the corporate officers, and, if the applicant is a cooperative association, the names and addresses of its directors and officers;

(2) A completed set of the applicant's fingerprints;

(3) The street address of the proposed retail marijuana ~~store~~ **establishment**;

(4) Proof of ownership, or, if the applicant is not the owner of the proposed location of the retail marijuana ~~store~~ **establishment**, satisfactory proof that the applicant is or will be entitled to possession of the premises under a

lease, rental agreement or other written agreement, including authorization to use the premises for a retail marijuana ~~store~~ **establishment** for which the application is made;

(5) An acknowledgement by the applicant that the applicant and its owners, officers and employees may be subject to prosecution under federal laws relating to the possession and distribution of controlled substances; that the Town accepts no legal liability in connection with the approval and subsequent operation of the retail marijuana ~~store~~ **establishment**; and that the application and documents submitted for other approvals relating to the retail marijuana ~~store~~ **establishment** operation are subject to disclosure in accordance with the Colorado Open Records Act;

(6) The ventilation and odor mitigation plan required by Subsection 6-7-40(i) of this Article.

(d) In addition to the foregoing, an applicant shall also submit all other information required by the RM Code and RM Regulations for state and local applications.

(e) When the application is filed, the applicant shall pay to the Town the local share of the application fee, as established pursuant to the RM Code, unless the State has forwarded such fee to the Local Licensing Authority.

(f) If an application is approved, the applicant shall also pay an annual operating fee in such amount as is established from time to time by the Board of Trustees and set forth in the appendices to this Code.

(g) Each license issued pursuant to this Article shall be valid for a period of one (1) year from the date of issuance and may be renewed as provided in this Section. An application for renewal shall be made to the Town Clerk not less than thirty (30) days prior to the date of expiration and concurrent with the application for renewal filed with the state licensing authority. The renewal application shall be accompanied by the annual operating fees for the renewal term. **Except as otherwise provided in Subsection 6-7-40(i) of this Article,** the license shall be renewed by the Town Clerk unless the renewal is denied by the state licensing authority or unless it appears to the Town Clerk that good cause exists to deny the renewal application, in which case the Town Clerk shall refer the application to the Board of Trustees for review at a public hearing. The Town Clerk shall refer the renewal application for public hearing only if the licensee has had complaints filed against it, the licensee has a history of violations or there are allegations against the licensee that would constitute good cause for denial of a

license as defined in the RM Code. The procedures provided in Sections 6-7-70 to 6-7-90 below shall apply to the Board of Trustees' review and determination whether to renew a license. In order to be entitled to such review, the applicant shall pay an additional fee equal to the application fee for a new license.

(h) Except for direct applications pursuant to Subsection 6-7-30(b) of this Article, the Local Licensing Authority will not begin processing a license application until it receives notice of the application from the state licensing authority. The Local Licensing Authority may await completion of the state licensing authority's review and issuance of the state license before processing the local application, or it may conduct a concurrent review of a new license application prior to the state licensing authority's final approval of the license application. The Local Licensing Authority shall notify the state licensing authority whether it approves or denies any forwarded application.

Sec. 6-7-70 [No Change]

Sec. 6-7-80. - Public hearings; notice; publication.

(a) Upon receipt of an application for a local license, except an application for renewal or for transfer of ownership, the Local Licensing Authority shall schedule a public hearing upon the application, to be held not less than thirty (30) days after the date of the application. The Local Licensing Authority shall post and publish public notice thereof not less than ten (10) days prior to the hearing. The Local Licensing Authority shall give public notice by the posting of a sign in a conspicuous place on the retail marijuana center establishment premises for which application has been made and by publication in a newspaper of general circulation in the County.

(b) Public notice given by posting shall include a sign of suitable material, not less than twenty-two (22) inches wide and twenty-six (26) inches high, composed of letters not less than one (1) inch in height, and stating the type of license applied for, the date of the application, the date of the hearing, the name and address of the applicant and such other information as may be required to fully apprise the public of the nature of the application. The sign shall contain the names and addresses of the officers, directors or manager of the facility to be licensed.

(c) Public notice given by publication shall contain the same information as that required for the posting of signs.

(d) If the building in which ~~retail marijuana is to be sold~~ a retail marijuana establishment is to be located is in existence at the time of the application, the sign shall be posted so as to be conspicuous and plainly visible to the general

public. If the building is not constructed at the time of the application, the applicant shall post a sign at the premises upon which the building is to be constructed in such a manner that the notice shall be conspicuous and plainly visible to the general public.

Sec. 6-7-90. - Issuance or denial of license.

(a) Not less than five (5) days prior to the date of the public hearing, the Local Licensing Authority shall make known its findings, based on its investigation, in writing to the applicant and other parties of interest. The Local Licensing Authority has authority to refuse to issue a license provided for in this Section for good cause, subject to judicial review.

(b) Before entering a decision approving or denying the application for a local license, the Local Licensing Authority may consider, except where this Article specifically provides otherwise, the facts and evidence adduced as a result of its investigation, as well as any other facts pertinent to the application, including the number, type and availability of retail marijuana outlets establishments located in or near the premises under consideration and any other pertinent matters affecting the qualifications of the applicant.

(c) Within thirty (30) days after the public hearing or completion of the application investigation, the Local Licensing Authority shall issue its decision approving or denying an application for local licensure. The decision shall be in writing and shall state the reasons for the decision. The Local Licensing Authority shall send a copy of the decision by certified mail to the applicant at the address shown in the application.

(d) The Board of Trustees may impose reasonable conditions upon any license issued pursuant to this Article.

(e) After approval of an application, the Local Licensing Authority shall not issue a local license until the building in which the business to be conducted is ready for occupancy with such furniture, fixtures and equipment in place as are necessary to comply with the applicable provisions of this Article, and then only after the Local Licensing Authority has inspected the premises to determine that the applicant has complied with the architect's drawing and the plot plan and detailed sketch for the interior of the building submitted with the application.

(f) After approval of an application for local licensure, the Local Licensing Authority shall notify the state licensing authority of such approval.

Sec. 6-7-100. - Contents and display of license.

The licensee shall post the license in a conspicuous location at the retail marijuana store **establishment**. A retail marijuana store **establishment** license shall contain the following information:

- (1) The name of the licensee, the date of issuance of the license and the street address at which the licensee is authorized to operate the retail marijuana store **establishment**;
- (2) Any conditions of approval imposed upon the license by the Board of Trustees;
- (3) The date of expiration of the license; and
- (4) The license shall be signed by the applicant and the Town Clerk.

Sec. 6-7-110 through 6-7-130 [No Change]

PART 2: PENALTY CLAUSES. The following sections of the Fraser Municipal Code contain penalty clauses applicable to violations of the above provisions, and such sections, although not amended, is herewith set forth in full:

Sec. 1-4-10. General penalty for violation.

It shall be unlawful for any person to violate, disobey, omit, neglect, refuse or fail to comply with or resist the enforcement of any provision of this Code; and where no specific penalty is provided therefor, the violation of any provision of this Code shall be punished by a fine not exceeding two thousand six hundred fifty dollars (\$2,650.00), by imprisonment for a term not exceeding one (1) year, or by both such fine and imprisonment. Each day such violation continues shall be considered a separate offense.

Sec. 6-7-130. - Penalty.

Failure to comply with the provisions of this Article shall constitute a violation of this Code, and, in addition to being grounds for denial, suspension or revocation of a license, such violation may be punished by a civil penalty in an amount not exceeding the maximum fine provided in Section 1-4-10 of this Code. Proceedings for the determination of such liability and imposition of such civil penalty shall be conducted in the Municipal Court in the same manner as proceedings relating to noncriminal traffic infractions, in accordance with the provisions of Article 1 of Chapter 8 of this Code. In no case shall any defendant found guilty of any violation of this Article be punished by imprisonment for such violation.

PART 3: REPEAL. Any and all existing ordinances or parts of ordinances of the Town of Fraser covering the same matters as embraced in this Ordinance are hereby

repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

PART 4: SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town of Fraser hereby declares that it would have adopted this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases thereof be declared invalid or unconstitutional.

PART 5: EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after passage, adoption and publication thereof as provided by law.

PART 6: PUBLICATION. This Ordinance shall be published by title only.

READ, PASSED, ADOPTED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES AND SIGNED THIS ____ day of _____, 2018.

Votes in favor: ____
Votes opposed: ____
Votes abstained: ____

BOARD OF TRUSTEES OF THE
TOWN OF FRASER, COLORADO

BY: _____
Philip Vandernail, Mayor

ATTEST:

(S E A L)

Antoinette McVeigh, Town Clerk

Published in the *Middle Park Times* on _____