

ORDINANCE NO. 3
(Series of 2017)

AN ORDINANCE OF THE TOWN OF DINOSAUR, COLORADO AUTHORIZING THE ESTABLISHMENT OF RETAIL MARIJUANA STORES, RETAIL CULTIVATION FACILITIES, RETAIL MANUFACTURING FACILITIES, AND RETAIL TESTING FACILITIES; PROVIDING FOR THE LICENSING OF SUCH RETAIL MARIJUANA BUSINESS ESTABLISHMENTS; AND SETTING FORTH THE OPERATIONAL REQUIREMENTS OF SUCH RETAIL MARIJUANA BUSINESS FACILITIES.

WHEREAS, Section 16 of Article XVIII of the Colorado Constitution (the “Recreational Marijuana Amendment” also known as Amendment 64) permits the personal use of marijuana by persons age twenty-one (21) years of age and older under Colorado law; and

WHEREAS, to enact and enforce the provisions of Article XVIII of the Colorado Constitution, the General Assembly enacted the Colorado Retail Marijuana Code, Article 43.4 of Title 12, C.R.S. (“the Colorado Retail Marijuana Code”); and

WHEREAS, in addition, the Colorado Department of Revenue adopted retail marijuana rules (“Retail Marijuana Rules”) and the Colorado Retail Marijuana Code and the Retail Marijuana Rules authorize counties and municipalities to determine whether to permit, as a matter of State law, certain retail marijuana business establishments within their jurisdictions; and

WHEREAS, as permitted under the Recreational Marijuana Amendment, the Town of Dinosaur’s electors voting at the November 8, 2016 general election authorized the establishment and operation of retail marijuana stores, retail cultivation facilities, retail marijuana manufacturing facilities, and retail marijuana testing facilities subject to regulations and requirements adopted by the Dinosaur Town Council as necessary for the proper licensing and administration of such retail marijuana business facilities; and

WHEREAS, the Dinosaur Town Council hereby desires to adopt licensing procedures, rules and regulations governing retail marijuana business establishments; and

WHEREAS, by enacting this Ordinance, the Town does not intend to encourage or promote the establishment of any business or operation, or the commitment of any act, that constitutes or may constitute a violation of State or federal law. As of the date of the enactment of this Ordinance, the use, possession, distribution, and sale of marijuana remains illegal under federal law and those who engage in such activities do so at their own risk of criminal prosecution.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DINOSAUR, COLORADO:

Section 1. Purpose. The Town Council intends to regulate the use, acquisition, production and distribution of recreational marijuana in a manner consistent with the Recreational Marijuana Amendment and in accordance with the Colorado Retail Marijuana Code and regulations adopted by the State of Colorado thereunder.

- (a) The Colorado Retail Marijuana Code, Article 43.4 of Title 12, C.R.S., imposes statewide regulations pertaining to the cultivation, manufacture, distribution and sale of retail marijuana and for the licensing of retail marijuana business establishments. Such legislation also permits local licensing of such establishments. However, the State law is not intended to, and does not, address the local impacts of marijuana operations, making it appropriate for local regulation of marijuana establishments.
- (b) The use, distribution, cultivation, production, possession and transportation of marijuana remains illegal under federal law, and marijuana is still classified as a “Level 1 Controlled Substance” under federal law. Nothing within this Ordinance is intended to promote or condone the production, use, sale or distribution of retail or recreational marijuana other than in compliance with applicable local and State

law and the Colorado Constitution.

- (c) This Ordinance is not intended to regulate medical marijuana businesses which are governed by a separate Town Ordinance.
- (d) This Ordinance is to be construed to protect the interest of the public over marijuana business interests. Operation of a retail marijuana business establishment is a revocable privilege and not a right within the Town. There is no property right for an individual to have a business to sell marijuana within the Town of Dinosaur.
- (e) The purpose of this Ordinance is to implement the Recreational Marijuana Amendment in a manner consistent with Title 12 of Article 43.4, C.R.S., to protect the health, safety and welfare of the residents of the Town by prescribing the time, place and manner in which retail marijuana businesses may be operated within the Town. In addition, the purpose of this Ordinance is to:
 - (1) Provide for the safe sale of retail and recreational marijuana to persons legally permitted to obtain, possess and use marijuana for recreational purposes in accordance with the Recreational Marijuana Amendment;
 - (2) Protect public health and safety through reasonable limitations on business operations as they relate to noise, air quality, food safety, public safety, security for the businesses and their personnel, and other health and safety concerns;
 - (3) Impose fees in an amount sufficient to cover the direct and indirect cost to the Town of licensing and regulating retail marijuana establishments;
 - (4) Allow retail marijuana stores, retail marijuana cultivation facilities, retail marijuana product manufacturing facilities and retail marijuana testing facilities to operate in compliance with this Ordinance; and
 - (5) Facilitate the implementation of the Recreational Marijuana Amendment without going beyond the authority granted by such Amendment.

Section 2. Definitions. The following words and phrases used in this Ordinance shall have the following meanings unless the context clearly indicates otherwise:

Applicant means a person who has submitted an application to the Dinosaur Local Licensing Authority pursuant to this Ordinance to operate a retail marijuana establishment, which application has not been approved or denied by the Authority.

Advertised, Advertising or Advertisement means the act of drawing the public's attention, whether through print, signs, telephonic, electronic, wireless or digital means, to a retail marijuana establishment or retail marijuana testing facility in order to promote the sale, cultivation, or testing of marijuana by the business.

Business Manager means the individual(s) designated by the owner of a retail marijuana store, retail marijuana cultivation facility, retail marijuana product manufacturing facility, or retail marijuana testing facility who are registered with the Town as the person(s) responsible for all operations of the business during the owner's absence from the business premises.

Character and Record includes all aspects of a person's character and record, including but not limited to, moral character; criminal record including serious traffic offenses; record of previous sanctions against liquor licenses, gambling licenses, retail marijuana licenses, or medical marijuana licenses, which the person owns, in whole or in part, and which the person serves as a principal, manager or employee; education, training, experience; civil judgments entered against the person; truthfulness, honesty; and financial responsibility. The conviction of any person for any offense, shall not, in itself, be grounds for a finding of a bad character and record if such person demonstrates that he/she has been rehabilitated in accordance with Section 24-5-101, C.R.S. In the event the Local Licensing Authority considers information concerning the criminal history of a person, the Local Licensing Authority shall also consider any information provided by an

applicant regarding such criminal history records, including but not limited to, evidence of rehabilitation, character references and educational achievements, especially those items pertaining to the period of time between the last criminal conviction and the time of consideration of a license application.

Co-Located Marijuana Business means a medical marijuana center that has a license pursuant to Town Ordinance that is permitted by the owner of the building and all applicable laws, to divide the licensed medical marijuana business to allow for both a medical marijuana center and a retail marijuana store as a separate business premises with separate licenses from the Town within the same footprint and owned by the same person(s) or entity.

Colorado Retail Marijuana Code shall mean Article 43.4 of Title 12, C.R.S., as the same may be hereafter amended, and any rules or regulations promulgated thereunder.

Good cause, for purpose of denial of an initial, renewal, or reinstatement of a license application, or for the imposition of disciplinary action against an existing licensee shall mean:

- (1) The licensee or applicant has violated, does not meet, or has failed to comply with any of the terms and conditions of this Ordinance or provisions of the Colorado Retail Marijuana Code, any rules promulgated pursuant thereto, or any other supplemental relevant State or local law, rules or regulations; or
- (2) The licensee or applicant has failed to comply with any special terms or conditions that were placed upon its license pursuant to an order of the State Licensing Authority or the Dinosaur Local Licensing Authority; or
- (3) The licensee or applicant has a bad character and record; or
- (4) The licensee's licensed premises has been operated in a manner that adversely affects the public health, safety or welfare of the neighborhood in which the establishment is located.

Good moral character means having a personal history that demonstrates honesty, fairness, and respect for the rights of others and the law, pursuant to Colorado Marijuana Enforcement Division regulations.

License means to grant a license pursuant to the Colorado Retail Marijuana Code and this Ordinance for a retail marijuana store, retail marijuana cultivation facility, retail marijuana product manufacturing facility, or retail marijuana testing facility.

Licensed Premises means the premises specified in an application for a license pursuant to this Ordinance and the Colorado Retail Marijuana Code that is owned by or in possession of the licensee and within which the licensee is authorized to distribute, sell, cultivate, or manufacture marijuana products, or test retail marijuana in accordance with the provisions of the Colorado Retail Marijuana Code.

Licensee shall mean the retail marijuana establishment named on the retail marijuana establishment license, and all individuals named in the initial retail marijuana establishment license application, or individuals later submitted to and approved by the Town, including without limitation, owners, business managers, financiers, and individuals owning any part of an entity that holds a financial or other ownership interest in the retail marijuana establishment.

Local Licensing Authority shall mean the Dinosaur Local Licensing Authority which shall consist of the members of the Dinosaur Town Council.

Marijuana for the purposes of this Ordinance shall have the same meaning as set forth in the Recreational Marijuana Amendment or as may be more fully defined in any applicable State or local law or regulation.

Marijuana Accessories shall have the same meaning as such term is defined in the Recreational Marijuana Amendment.

Marijuana Business shall mean any medical marijuana business as defined by Town Ordinance or retail marijuana establishment as defined in this Ordinance.

Medical Marijuana shall have the same meaning as set forth in Section 14 of Article XVIII of the Colorado Constitution.

Medical Marijuana Business shall include medical marijuana centers, medical marijuana infused products manufacturers, and medical marijuana optional premises cultivation operations as defined in the Colorado Medical Marijuana Code, Article 43.3 of Title 12, C.R.S.

Operating Fees means fees that may be charged by the Town for costs including but not limited to inspection, administration, and enforcement of regulations governing retail marijuana establishments authorized pursuant to subsection 16(5)(f) of Article XVIII of the Colorado Constitution, the Colorado Retail Marijuana Code, the rules adopted pursuant thereto, and this Ordinance.

Place Open to the General Public shall mean any property owned, leased or used by a public entity, any place of private property open to the public, common areas of buildings, public parks, vehicles, streets, sidewalks, trails, those portions of any public or private property upon which the public has an expressed or implied license to enter or remain, and any place visible from such places. Places open to the general public shall not include any private residential property regardless of whether it can be seen from a place open to the public.

Preschool means a facility that provides preschool programs and services to a school district under the Colorado Preschool Program Act to a majority of the children who attend or are enrolled in that facility.

Residential Childcare Facility shall have the same meaning as set forth in Section 26-6-102(8), C.R.S.

Recreational Marijuana means any marijuana intended for recreational use which meets all of the requirements for recreational marijuana contained in this Ordinance, the Recreational Marijuana Amendment, and any other applicable State or local law.

Retail Marijuana means all parts of the plant of the genus cannabis (hereafter the plant) rather growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin including marijuana concentrate, that is cultivated, manufactured, distributed, or sold by a licensed retail marijuana store. Retail marijuana does not include industrial hemp, nor does it include fiber produced from stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

Retail Marijuana Cultivation Facility has the same meaning as “marijuana cultivation facility” as defined in Section 16(2)(h) of Article XVIII of the State Constitution.

Retail Marijuana Establishment means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturer, or a retail marijuana testing facility.

Retail Marijuana Products Manufacturer has the same meaning as “marijuana product manufacturing facility” as defined in Section 16(2)(j) of Article XVIII of the State Constitution.

Retail Marijuana Store has the same meaning as defined in Section 16(2)(n) of Article XVIII of the State Constitution.

Retail Marijuana Testing Facility means “marijuana testing facility” as defined in Section 16(2)(l) of Article XVIII of the State Constitution that is licensed pursuant to the Colorado Retail Marijuana Code.

School means a public or private licensed preschool, or a public, private or charter elementary, middle, junior high or high school, vocational school, secondary school, community

college, or other institution of higher education.

State Licensing Authority means the authority created for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, and sale of retail marijuana in Colorado, pursuant to Section 12-43.4-201, C.R.S. of the Colorado Retail Marijuana Code.

Section 3. Licensed Required for Retail Marijuana Establishments. It shall be unlawful to operate a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana product manufacturing facility, or a retail marijuana testing facility within the Town of Dinosaur without first obtaining a Town license to operate pursuant to this Ordinance, and having a validly issued license in good standing from the State of Colorado, and having paid all applicable fees. Any person violating this Section shall be punished by a fine of up to three hundred dollars (\$300.00), or by imprisonment in the Moffat County jail for a period of up to ninety (90) days, or by both such fine and imprisonment. Each day that a violation continues shall be considered a separate and distinct offense.

Section 4. Composition of Local Licensing Authority. The Dinosaur Town Council is hereby designated as the Dinosaur Local Licensing Authority. The Town Council, may be resolution, delegate its authority or a portion of such authority set forth in this Ordinance to a new committee or other designee to act as the Local Licensing Authority.

Section 5. Functions and Powers of Local Licensing Authority.

- (a) The Local Licensing Authority shall have the duty and authority pursuant to the Colorado Retail Marijuana Code and this Ordinance to grant or deny an application described in this Ordinance and to levy penalties against a licensee in the manner provided by law.
- (b) The Local Licensing Authority shall consider applications for new business premises, transfer of ownership, change of location, licensed premises modification, changes in tradename and any other appropriate application.
- (c) The Local Licensing Authority shall have the power to promulgate rules and regulations concerning the procedure for hearings before the Local Licensing Authority.
- (d) The Local Licensing Authority shall have the power to require any applicant or licensee to furnish such information to the Authority as may be reasonably necessary in order for the Authority to perform the duties and functions authorized by this Ordinance.
- (e) The Local Licensing Authority shall have the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records at any hearing which the Authority is authorized to conduct. Any subpoena shall be served in the same manner as a subpoena issued by a district court of the State. The Municipal Judge shall have the power and authority to enforce such subpoena.

Section 6. Limitation on the Number of Licenses That May Be Issued Within the Town. A maximum of four (4) retail marijuana store licenses, four (4) retail marijuana cultivation facilities, four (4) retail marijuana product manufacturing facility licenses and four (4) retail marijuana testing facility licenses shall be issued by the Dinosaur Local Licensing Authority. An application for renewal of an existing retail marijuana establishment license shall receive a preference over an application for a new retail marijuana establishment license if the existing business has substantially met all of the requirements of this Ordinance and the Colorado Retail Marijuana Code during the previous license term and is in good standing.

Section 7. Issuance of Initial Licenses. On or before August 10, 2017, the Town Clerk shall publish a notice that the Town is accepting applications for retail marijuana establishment licenses. Said notice shall establish a deadline for the Town's acceptance of such applications. The Town Clerk shall initially review such applications for completeness. In the event the Town Clerk finds that an application is incomplete, the Town Clerk shall notify the applicant in writing

applicant in writing of the application deficiencies and allow the applicant to correct such deficiencies within fifteen (15) days from the date of receiving such notice. The Town Clerk shall then forward the applications to the Dinosaur Local Licensing Authority for further processing and review. The Local Licensing Authority shall then finally determine the sufficiency of the license applications and the eligibility of the applicants to hold a retail marijuana establishment license. If more valid license applications of the same classification are received by the Local Licensing Authority than authorized by this Ordinance, and the Local Licensing Authority is not permitted to approve all of the sufficient applications reviewed because of the limitations set forth in Section 6, the Local Licensing Authority shall establish a date and time for selecting by lot the priority of the sufficient applications permitted by this Section. The Local Licensing Authority shall then proceed to issue the licenses applied for to the successful applicants.

Section 8. Permitted Locations. All retail marijuana establishment licenses shall be issued for a specific location which shall be designated as the licensed premises. Retail marijuana establishment licenses shall not be permitted in any Residential Zone District. Retail marijuana stores shall only be permitted in the Commercial Zone District. Retail cultivation facilities shall only be allowed in the Industrial Zone District. Retail marijuana product manufacturing facilities shall only be allowed in the Industrial Zone District. Retail marijuana testing facilities shall only be allowed in the Industrial Zone District.

Section 9. Buffering Requirements. Retail marijuana establishments must satisfy the following minimum distance requirements from the described uses below. Prior to issuing a retail marijuana establishment license, the Local Licensing Authority shall confirm that the proposed licensed premises boundaries meet the buffering requirements.

- (a) Distance from Schools. Retail marijuana establishments shall be located a minimum of one thousand feet (1,000') from schools, as measured from the nearest property boundary of such school uses to the boundaries of the proposed licensed premises.
- (b) Distance from Residential Childcare Facilities. Retail marijuana establishments shall be located a minimum of eight hundred feet (800') from licensed residential childcare facilities, as measured from the nearest property boundary of such uses to the boundaries of the proposed licensed premises.
- (c) Distance from Parks. Retail marijuana establishments shall be located a minimum of eight hundred feet (800') from any public park, as measured from the nearest property boundary of such parks to the boundary of the licenses premises.
- (d) Once the retail marijuana establishment license is issued, the Town will not preclude a school, residential child care facility or park from locating within a buffer zone. A retail marijuana establishment may then continue to operate at its present location. If a sensitive use later locates within the applicable buffer zone, however, the licensee does so at its own risk, and the issued license provides no protection or indemnification against enforcement of federal or other applicable laws prohibiting the operation of a retail marijuana establishment near a school or residential childcare facility.
- (e) No retail marijuana establishment shall be located in a movable or mobile vehicle or structure and no retail marijuana products shall be delivered in the Town unless such delivery is specifically permitted by Colorado law.

Section 10. General Licensing Conditions.

- (a) Except as specifically provided herein, the issuance of a license for a retail marijuana establishment by the Town shall be subject to compliance with all provisions of Section 12-43.4-309, C.R.S.
- (b) The license requirements set forth in this Ordinance shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, State or local law, including by way of example, a retail sales license, an occupation tax license, an excise tax license, a retail food establishment license, or

any applicable zoning, land use or building permits.

- (c) The issuance of a license pursuant to this Ordinance does not create a defense, exception or provide immunity to any person in regard to any potential criminal liability a person may have for the production, distribution or possession of marijuana.
- (d) A separate license shall be required for each location from which a retail marijuana establishment is operated. A separate license shall be required for each specific business or business entity, for each geographical location and for each co-located retail marijuana establishment.
- (e) The submission of an application for the issuance of a license under this Ordinance from the Town shall act as acknowledgement and agreement by the applicant or the licensee that the sale of marijuana continues to be subject to the control and jurisdiction of the federal government and actions taken by the federal government under the federal laws and regulations may limit or invalidate any license issued by the Town or the licensee's ability to own or operate a retail marijuana establishment in the Town.

Section 11. License Application Requirements.

- (a) Start Date. The Local Licensing Authority shall receive and process all applications for retail marijuana establishment licenses beginning on August 24, 2017.
- (b) Application Materials. An application for a retail marijuana establishment license shall be made on forms provided by the Town Clerk for such purposes. The applicant shall use the application to demonstrate its compliance with the provisions of this Ordinance and other applicable laws, rules or regulations. In addition to general information required of standard applications, the application shall require the following information:
 - (1) Name and address of the owner or owners of the proposed retail marijuana establishment and whose name the license is proposed to be issued.
 - A. If the proposed owner is a corporation, then the application shall include the name and address of all officers and directors of the corporation, and of any person holding any financial interest in the corporation, whether as a result of the issuance of stock, instruments of indebtedness, or otherwise, including disclosure information pertaining to bank, savings and loan associations or other commercial lender which has loaned funds to the applicant.
 - B. If the proposed owner is a partnership, association or limited liability company, the application shall include the name and address of all partners, members, managers or persons holding any financial interest in the partnership, association or limited liability company, including those holding an interest as the result of instruments of indebtedness or otherwise including disclosure of information pertaining to a bank, savings and loan association, or other commercial lender which has loaned funds to the applicant.
 - C. If the owner is not a natural person, the application shall include copies of the organizational documents for all entities identified in the application and the contact information for the person that is authorized to represent the entity or entities.
 - (2) Name and address of the proposed business manager(s) of the retail marijuana establishment, if the business manager is proposed to be someone other than the owner, or if the owner is an entity rather than a natural person.

- (3) A statement indicating whether any of the named owners, members, business managers, parties with a financial interest, or persons named on the application have been:
- A. Denied an application for a medical marijuana business license or retail marijuana establishment license pursuant to any state or local licensing law, rule or regulation, or had such license suspended or revoked.
 - B. Denied an application for a liquor license pursuant to Article 46 or 47 of Title 12, C.R.S., or by any similar state or local licensing law, rule, regulation or had such license suspended or revoked.
 - C. Convicted, entered a plea nolo contendere, or entered a plea of guilty in conjunction with a deferred judgment and sentence pertaining to any charge related to possession, use, or possession with intent to distribute narcotics, drugs or controlled substances.
 - D. Convicted, entered a plea of nolo contendere, or entered a plea of guilty in conjunction with a deferred judgment and sentence pertaining to any charge related to driving or operating a motor vehicle while under the influence or while impaired by alcohol or controlled substances.
 - E. Convicted, entered a plea of nolo contendere, or entered a plea of guilty in conjunction with a deferred judgment and sentence pertaining to any felony.
 - F. Convicted, entered a plea of nolo contendere, or entered a plea of guilty in conjunction with a deferred judgment and sentence pertaining to a serious traffic offense which means any driving offense carrying eight (8) points or greater under Section 42-2-127, C.R.S. or the substantial equivalent of such events in any other state.
- (4) Proof that the Applicant will have ownership or legal possession of the premises proposed for the retail marijuana establishment for the term of the proposed license. If the premises is not owned by the applicant, such proof of possession shall include a signed statement from the landlord or owner of the premises consenting to the use of the property for the purposes of operating a retail marijuana establishment. If the property is subject to a declaration of covenants and restrictions and an owners' association, a signed statement from the owners' association consenting to the use of the property for a retail marijuana establishment shall be provided.
- (5) Proof of Insurance as follows:
- A. Workers compensation insurance to cover obligations imposed by the Workers Compensation Act of Colorado and any other applicable laws for any employee engaged in the performance of work related to the operation of the retail marijuana establishment and
 - B. Comprehensive general liability insurance with minimum single limits of one million dollars (\$1,000,000.00) each occurrence and two million dollars (\$2,000,000.00) aggregate, applicable to all premises and operations.
- (6) An operating plan for the proposed retail marijuana establishment including the following information:
- A. A description of the products and services to be sold or provided by the retail marijuana establishment.

- B. A dimensioned floor plan of the proposed premises clearly labeled, showing:
- i. the layout of the structure and the floorplan in which the retail marijuana establishment will be located including information sufficient to prove compliance with ventilation, security and other structural requirements contained therein;
 - ii. the principle uses of the floor area depicted on the floorplan including but not limited to storage areas, retail sales areas and restricted areas where marijuana will be stored and located; and
 - iii. areas where any services other than the cultivation, distribution or sale of retail marijuana is proposed to occur on the licensed premises.
- (7) For a retail marijuana testing facility or retail marijuana products manufacturing facility, a plan that specifies all means to be used for extraction, heating, washing, or otherwise changing the form of the marijuana plant, or the testing of any marijuana, and verification of compliance with all applicable State and local laws for ventilation and safety measures for each process.
- (8) The maximum amount of retail marijuana or retail marijuana products that may be on the business premises at any one time.
- (9) A security plan indicating how the applicant will comply with the requirements of this Ordinance and any other applicable law, rule or regulation. The applicant may submit the portions of such security plan which include trade secrets or specialized security arrangements confidentially. The Town will not disclose the documents appropriately submitted under the Colorado Open Records Act, Sections 24-72-201 *et. seq.*, C.R.S. if they constitute confidential trade secrets or specialized security arrangements to any party other than law enforcement agencies, unless compelled to do so by court order. Any document that the applicant considers eligible for protection under the Colorado Open Records Act shall be clearly marked as confidential and the reasons for such confidentiality shall be stated on the document.
- (10) A lighting plan showing the illumination of the outside area of the retail marijuana establishment for security purposes.
- (11) A vicinity map drawn to scale, indicating within a radius of one-quarter (1/4) mile from the boundaries of the property upon which the retail marijuana establishment is to be located, the proximity of the property to any school, residential childcare facility, or public park, or to any other facility identified in this Ordinance that requires a distance separation from licensed retail marijuana establishments.
- (12) Fingerprints and personal histories for all owners and parties having a financial interest in the proposed retail marijuana establishment as defined in this Ordinance. All such individuals shall be subject to a criminal background check in conjunction with the license application and review.
- (13) A plan for disposal of any retail marijuana or product that is not sold or is contaminated in a manner that protects any portion thereof from being possessed or ingested by a person or animal.
- (14) A plan for ventilation that describes the ventilating systems that will be used to prevent any odor of marijuana from extending beyond the premises of

the business. Carbon filtration is strongly encouraged by the Town.

- (15) A description of all toxic, flammable or other materials regulated by the federal or State government that would have authority over the business if it was not a retail marijuana establishment, that will be used, kept or created at the retail marijuana establishment and the location where such materials will be stored.
- (16) An application for a retail marijuana establishment license shall be accompanied by the application fee, operational fee, criminal background fee, together with any other applicable fees that may be established by resolution of the Town Council. If the application is not approved, one-half (1/2) of the application fee and one-half (1/2) of the operational fee shall be refunded to the applicant.

Section 12. Inspection Required. An inspection of the proposed retail marijuana establishment by the Town and the fire protection district shall be required prior to issuance of a license. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any retail marijuana or marijuana products, and prior to the opening of the business to the public. The purpose of the inspection is to verify that the business facilities are constructed and can be operated in accordance with the application submitted, the applicable requirements of this Ordinance, and any other applicable law, rule or regulation such as building codes.

Section 13. Issuance of License. The Dinosaur Local Licensing Authority shall not issue a retail marijuana establishment license until the inspection, background checks, and all other information available to the Town have been found to verify that the applicant:

- (a) Has submitted a full and complete application;
 - (1) Has made improvements to the business premises consistent with the application;
 - (2) Is prepared to operate the business with the owners and business managers as set forth in the application, all in compliance with the provisions of this Ordinance and any other applicable law, rule or regulation;
 - (3) Has paid all required fees; and
 - (4) Is otherwise in compliance with all other provisions of this Ordinance and any other applicable ordinances of the Town of Dinosaur and the Colorado Retail Marijuana Code.

Section 14. Release of Information. Any signature on an application for the issuance, transfer or modification of a license for a retail marijuana establishment or for a change in business manager or other amendment to the license shall constitute a release for purposes of allowing the Town to conduct investigations regarding the personal histories and character of all interested parties and shall constitute a consent to the release of any information obtained by the Town through such process as a public record under the Colorado Open Records Act, including, but not limited to, criminal history reports conducted by the Town or any other authorized agency and all financial disclosures obtained by the Town or any other entity.

Section 15. License Fees and Charges. Applicants for new retail marijuana establishment licenses or existing licensees shall pay the following fees:

New application for retail marijuana store	\$5,000.00 (1/2 of such license fee shall be refunded to applicant if application is withdrawn or if license is not issued by the Town)
--	--

New license for retail marijuana cultivation facility	\$4,000.00 (1/2 of such license fee shall be refunded to applicant if application is withdrawn or if license is not issued by the Town)
New license for retail marijuana manufacturing facility	\$4,000.00 (1/2 of such license fee shall be refunded to applicant if application is withdrawn or if license is not issued by the Town)
New license for retail marijuana testing facility	\$3,000.00 (1/2 of such license fee shall be refunded to applicant if application is withdrawn or if license is not issued by the Town)
Renewal of existing retail marijuana establishment license	\$2,500.00
Annual Operating Fee	\$2,000.00 (1/2 of such operational fee shall be refunded if initial application is withdrawn or if initial license is not issued by Town)

The fees above apply to each license issued, and a business with multiple locations in the Town must pay separate fees for each location. The appropriate fees must be paid in conjunction with any application or request before the Town will process or act upon forms submitted. Except as indicated above, all fees are non-refundable in the entirety. No fees previously paid by a licensee in connection with a license shall be refunded if the licensee's license is subsequently suspended or revoked.

Section 16. Persons Prohibited as Licensees and Business Managers.

The criteria for determination of those persons who are not eligible to receive a retail marijuana establishment license or to act as a business manager of such an establishment shall be as provided in this Ordinance and in Section 12-43.4-306, C.R.S.

- (a) No license approval provided by this Ordinance shall be issued to or held by:
- (1) Any person whose criminal history indicates the person is not of good moral character;
 - (2) Any corporation, any of whose officers', directors' or stockholders' criminal histories and record indicate such person is not of good moral character;
 - (3) Any partnership, association, or company, any of whose officers', or any of whose members', criminal histories and record indicate such person is not of good moral character;
 - (4) Any person employing, assisted by, or financed in whole or in part by any other person whose criminal history and record indicate such person is not of good moral character;
 - (5) Any cooperative association, any of whose officers', directors', or stockholders' or members' criminal histories and record indicate that such person is not of good moral character;
 - (6) A person under twenty-one (21) years of age;
 - (7) A person approved pursuant to this Ordinance who, during a period of licensure or approval, or who, at the time of application, has failed to:
 - A. File any tax return with a taxing agency related to the operation of a retail marijuana establishment or medical marijuana establishment;

- B. Pay any taxes, interest, or penalties due to a taxing agency relating to the operation of a retail marijuana establishment or medical marijuana establishment.
- (8) A person who:
 - A. Has discharged a sentence for a conviction of a felony in the five (5) years immediately preceding his or her application date; or
 - B. Has discharged a sentence for a conviction of a felony pursuant to any State or federal law regarding the possession, distribution, manufacturing, cultivation, or use of a controlled substance in the ten (10) years immediately preceding his or her application date or five (5) years from May 28, 2013, whichever is longer; except that the Local Licensing Authority may grant a license to a person if the person has a State felony conviction based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date he or she applied for a license;
- (9) A person who employs another person at a retail marijuana establishment who has not submitted fingerprints for a criminal history record check or whose criminal history record check reveals that the person is ineligible;
- (10) A sheriff, deputy sheriff, police officer, or prosecuting officer, or an officer or employee of the State Licensing Authority or the Local Licensing Authority;
- (11) A person applying for a license for a location that is currently licensed as a retail food establishment or wholesale food registrant; or a publicly traded company.
- (b) In investigating the qualifications of an applicant or a licensee, the Local Licensing Authority may have access to criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency. In the event the Local Licensing Authority considers the applicant's criminal history record, the Local Licensing Authority shall also consider any information provided by the applicant regarding such criminal history record, including but not limited to, evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the time between the applicant's last criminal conviction and the consideration of the application for a retail marijuana establishment license. As used in this Section, "criminal justice agency" means any federal, State or municipal court or any governmental agency or subunit of such agency that administers criminal justice pursuant to a statute or executive order and that allocates a substantial part of its annual budget to the administration of criminal justice.
- (c) The focus of the inquiry into the character and record of any person associated with the operation of a retail marijuana establishment shall be whether the person's character is such that violations of State law or municipal ordinances pertaining to the possession and distribution of marijuana and/or the operation of retail marijuana establishments would be likely to result if a license were granted.
- (d) A direct beneficial interest owner who is a natural person must either:
 - (1) Have been a resident of Colorado for at least one (1) year prior to the date of the application; or
 - (2) Be a United States citizen prior to the date of the application. A retail marijuana business may be comprised of an unlimited number of direct beneficial interest owners that have been residents of Colorado for at least one (1) year prior to the date of application. A retail marijuana business

that is comprised of one (1) or more direct beneficial interest owners who have not been Colorado residents for at least one (1) year prior to submittal of the application shall have at least one (1) officer who has been a Colorado resident for at least one (1) year prior to submittal of the application and all officers with day to day operational control over the business must become Colorado residents for at least one (1) year prior to the submittal of the application. A retail marijuana business is limited to no more than fifteen (15) direct beneficial interest owners, including all parent and subsidiary entities, all of whom are natural persons. A direct beneficial interest owner that is a closely held business entity must consist entirely of natural persons who are United States citizens prior to the date of the application, including all parent and subsidiary entities.

- (3) A retail marijuana business may include qualified institutional investors that own thirty percent (30%) or less of the retail marijuana business.
- (4) A person who intends to apply as a direct beneficial interest owner and who is not a Colorado resident for at least one (1) year prior to the date of the application shall first submit a request to the State Licensing Authority for a finding of suitability as a direct beneficial interest owner. The person shall receive a finding of suitability prior to submitting an application to the State Licensing Authority to be a direct beneficial interest owner. Failure to receive a finding of suitability prior to application shall be grounds for denial by the State Licensing Authority or Local Licensing Authority.
- (5) The State Licensing Authority shall perform a limited initial background check on qualified limited passive investors. If the initial background check provides reasonable cause for additional investigation, the State Licensing Authority may require a full background check. The State Licensing Authority shall review the retail marijuana business's operating documents to ensure compliance with this Section.
- (6) For the purposes of this subsection, unless the context otherwise requires, "institutional investor" means:
 - A. An employee benefit plan or pension fund that is subject to the federal "Employee Retirement Income Security Act of 1974", as amended, excluding an employee benefit plan or pension funds sponsored by a licensee or an intermediary holding company licensee that directly or indirectly owns five percent (5%) or more of a licensee;
 - B. A State or federal government pension plan;
 - C. A group comprised entirely of persons specified above; or
 - D. Any other entity identified through rule by the State Licensing Authority.

Section 17. Issuance or Denial of Approval.

- (a) In determining whether to issue an approval of an application for possible granting of a license in accordance with Section 7, the Local Licensing Authority may consider the following:
 - (1) Whether the application is complete and signed by the applicant;
 - (2) Whether the applicant has paid the application fee and the annual operating fee;
 - (3) Whether the application complies with all of the requirements of this Ordinance, the Colorado Retail Marijuana Code, and rules promulgated by

the State Licensing Authority;

- (4) Whether the application contains any material misrepresentations;
 - (5) Whether the proposed retail marijuana establishment complies with the Town's zoning ordinance. The Local Licensing Authority shall make specific findings of fact with respect to whether the building in which the proposed retail marijuana business will be located conforms to the distance requirements set forth in Section 9 of this Ordinance;
 - (6) The facts and evidence adduced as a result of its investigation as well as any other facts and any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed;
- (b) The Local Licensing Authority may deny the approval of an application for good cause as defined in Colorado Retail Marijuana Code.
 - (c) The Local Licensing Authority may impose reasonable conditions upon any license approval or renewal issued pursuant to this Ordinance.
 - (d) After the initial granting of a retail marijuana business license, if such license becomes available for issuance to another licensee, the Town Clerk shall publish the availability of the license and assign priority by lot to each completed application approved by the Local Licensing Authority received within thirty (30) days following action of the Local Licensing Authority.
 - (e) No person, person associated with a business entity, or business entity shall own, operate, manage, control or hold any interest in more than one (1) retail marijuana establishment in the Town. Retail cultivation license approval shall not be subject to this limit if the licensee holds or has successfully applied for a retail marijuana store license.
 - (f) The Local Licensing Authority shall issue its decision approving or denying the application within thirty (30) days following completion of the application investigation by Town staff. The decision shall be in writing, shall state the reasons for the decision, and a copy of the decision shall be mailed by certified mail to the applicant at the address shown on the application.
 - (g) The Town Clerk shall not issue a certificate of approval nor notify the State Licensing Authority of an approval until the applicant has been issued a license by the Local Licensing Authority in accordance with the applicant's priority by lot.

Section 18. Contents and Display of Approval. The approved licensee shall post the certificate of approval by the Local Licensing Authority in a conspicuous location on the premises. A retail marijuana establishment approval shall contain the following information:

- (a) Type of Approval:
 - (1) Type of approval;
 - (2) The name of the licensee;
 - (3) The date of issuance of the approval;
 - (4) The street address at which the licensee is authorized to operate the retail marijuana establishment;
 - (5) Any conditions of approval imposed upon the license by the Local Licensing Authority;
 - (6) The date of expiration of the approval; and

- (7) The signature of the Town Clerk.

Section 19. Transfer/Changes in Ownership Structure.

- (a) License approvals held by natural persons may not be transferred. In the event a natural person or persons holding a license sell the associated retail marijuana establishment and pay the applicable fees therefor, the purchaser shall be entitled to apply for a new retail marijuana establishment license for the purchased business notwithstanding the provisions of Section 17(d) above. If the proposed sale or conveyance of a partial interest in a retail marijuana establishment to a person who previously did not own ten percent (10%) or more of the retail marijuana establishment will, after the sale, result in the person owning ten percent (10%) or more of the retail marijuana establishment, the licensee shall apply for a change in ownership structure, which the Local Licensing Authority shall process as a new license approval application by the new owner. A State license for a retail marijuana establishment is not transferrable except as provided in Section 12-43.4-308, C.R.S., as contained in the Colorado Retail Marijuana Code.
- (b) License approvals held by partnerships, corporations, limited liability companies, or other business entities are not transferrable and terminate automatically upon dissolution of the entity. If the proposed sale or conveyance of any interest in the entity to a person who previously did not own ten percent (10%) or more of the business will, after the sale, result in the person owning ten percent (10%) or more of the entity, the licensee shall apply for a change in ownership structure, which the Local Licensing Authority shall process as a new license approval application by the new owner notwithstanding the provisions of Section 17(d) of this Ordinance.
- (c) Changes in ownership structure that do not result in a person increasing that persons interest from less than ten percent (10%) to more than ten percent (10%) shall be reported to the Local Licensing Authority and may be approved administratively by the Town Clerk.

Section 20. Change of Location.

- (a) A licensee may move its permanent location to another location in the Town, but it shall be unlawful to cultivate, manufacture, distribute, or sell retail marijuana at any such place until permission to do so is granted by the Local Licensing Authority and the State Licensing Authority.
- (b) In permitting a change of location, the Local Licensing Authority shall consider all reasonable restrictions that are or may be placed on the new location and any such new location shall comply with all requirements of this Ordinance, the Town's Zoning Ordinance, the Colorado Retail Marijuana Code, and rules promulgated by the State Licensing Authority.
- (c) The Local Licensing Authority shall not authorize a change of location until the applicant produces a license issued and granted by the State Licensing Authority covering the period for which the change of location is sought.

Section 21. Suspension or Revocation of a License.

- (a) A license approval granted pursuant to this Ordinance may be suspended or revoked by the Local Licensing Authority or a hearing officer appointed by the Local Licensing Authority after a hearing for the following reasons:
- (1) Fraud, misrepresentation, or a false statement of material fact contained in the license application;
- (2) Any violation of a Town ordinance or State law pertaining to the operation of a retail marijuana establishment or a medical marijuana business, including regulations adopted by the State Licensing Authority, for the possession or distribution of marijuana or manufacturing of retail marijuana

products;

- (3) A violation of any of the terms and conditions of its license;
 - (4) A violation of any of the provisions of this Ordinance.
 - (5) Failure to pay sales taxes, occupation taxes, excise taxes or operational fees to the State of Colorado or the Town of Dinosaur when due and owing.
- (b) In deciding whether a retail marijuana establishment license should be suspended or revoked, and in deciding whether to impose conditions in the event of a suspension, the Local Licensing Authority shall consider:
- (1) The nature and severity of the violation;
 - (2) Corrective action, if any, taken by the licensee;
 - (3) Prior violation(s), if any, by the licensee;
 - (4) The likelihood of a reoccurrence of the violation;
 - (5) The circumstances of the violation;
 - (6) Whether the violation was willful; and
 - (7) Previous sanctions if any imposed on the licensee.
- (c) The provisions of Part 6 of the Colorado Retail Marijuana Code shall govern proceedings for the suspension or revocation of a license granted pursuant to this Ordinance. The Local Licensing Authority may not impose a fine in lieu of a suspension as authorized under the provisions of the Colorado Retail Marijuana Code.

Section 22. Operational Requirements.

- (a) Retail marijuana stores may only be open to the public between the hours of 10:00 a.m. and 8:00 p.m. daily, and no sale or other distribution of marijuana may occur upon the premises outside of those hours. A licensed cultivation facility or its contracted agent may deliver marijuana and marijuana products to retail stores on any day and at any time except between the hours of 9:00 p.m. and 7:00 a.m. Retail marijuana cultivation facilities, retail marijuana product manufacturing facilities and retail marijuana testing facilities may conduct business operations on the licensed premises at any time.
- (b) A retail marijuana establishment shall be operated and maintained strictly in accordance with the license application.
- (c) All retail marijuana establishments shall collect and remit all applicable State, County and Town sales taxes, occupation taxes, excise taxes or other lawfully imposed tax in a timely manner.
- (d) No marijuana or products containing marijuana shall be smoked, eaten or otherwise consumed or ingested within the retail marijuana establishment.
- (e) No person under twenty-one (21) years of age shall be allowed within the business premises of a retail marijuana establishment. No person shall be allowed entry into the business premises without showing a valid photo identification in accordance with the requirements of the Colorado Retail Marijuana Code.
- (f) Any and all possession, storage, display or sales or other distribution of marijuana and testing of marijuana shall occur only within the restricted area of a retail marijuana establishment or retail marijuana testing facility and shall not be visible

from the exterior of the business.

- (g) Each licensee shall manage the licensed premises himself or herself or employ a separate business manager on the premises. The licensee shall report any change in business manager to the Town within seven (7) days after the change.
- (h) For all retail marijuana establishments, the odor of marijuana must not be perceptible at the exterior of the building containing the licensed premises or at any adjoining use of the property. Retail marijuana cultivation facilities must implement appropriate ventilation and filtration systems to satisfy this odor nuisance standard. Retail marijuana stores, retail marijuana product manufacturing facilities, and retail marijuana testing facilities are not required to install filtration equipment on the licensed premises but must satisfy these odor threshold requirements. While the Town does not mandate any particular equipment specifications with regard to filtration, all retail marijuana establishments are strongly encouraged to adopt best management practices with regard to implementing state of the art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.
- (i) Retail marijuana product manufacturing facilities and retail marijuana testing facilities shall include appropriate ventilation systems to mitigate noxious gases or other fumes used or created as a part of the production.
- (j) Outdoor cultivation, preparation or purchasing of marijuana or marijuana products is strictly prohibited.
- (k) Areas in which marijuana is grown in retail marijuana cultivation facilities shall be equipped with green lights, or an equivalent means of illumination, to enable access and inspection during dark cycles.
- (l) A retail marijuana store may not sell more than one (1) ounce of retail marijuana or its equivalent in retail marijuana products including retail marijuana concentrate, except for non-edible, non-psychoactive retail marijuana products, including ointments, lotions, balms and other non-transdermal topical products to the same person within a twenty-four (24) hour period. The licensee shall develop a tracking system to ensure that this requirement is complied with.
- (m) Prior to initiating a sale, the employee of a retail marijuana store making the sale shall verify that the purchaser has a valid photo identification card showing the purchaser is twenty-one (21) years of age or older. If a person under twenty-one (21) years of age presents a fraudulent proof of age, any action relying on the fraudulent proof of age shall not be grounds for the revocation or suspension of any license issued under this Ordinance. If a retail marijuana store licensee or employee has reasonable cause to believe that a person is under twenty-one (21) years of age and is exhibiting fraudulent proof of age in an attempt to obtain any retail marijuana or marijuana infused products, the licensee or employees are authorized to confiscate such fraudulent proof of age, if possible, and shall, within seventy-two (72) hours after the confiscation, remit the same to a State or local law enforcement agency. The failure to confiscate such fraudulent proof of age or to remit the same to a State or local law enforcement agency within seventy-two (72) hours after the confiscation does not constitute a criminal offense. If a retail marijuana store licensee or employee believes that a person is under twenty-one (21) years of age and is exhibiting fraudulent proof of age in an attempt to obtain any retail marijuana or retail marijuana infused products, the licensee or employee or any peace officer, acting in good faith and upon probable cause based upon reasonable grounds therefor, may detain and question such person in a reasonable manner for the purpose of ascertaining whether a person is guilty of any unlawful act regarding the purchase of retail marijuana. The questioning of a person by the licensee or an employee does not render the licensee or the employee civilly or criminally liable for slander, false arrest, false imprisonment, malicious prosecution, or unlawful detention.

- (n) The retail marijuana establishment shall not maintain any quantity of marijuana within the licensed premises in excess of the amount stated on the license application to the Town.
- (o) Any sale of retail marijuana shall be made in person, directly to the purchaser, within the restricted area of the retail marijuana establishment. No sale shall be made by a telephone, internet or other means of remote purchase. Delivery shall occur only in person to the purchaser at the time of purchase within the restricted area of the retail marijuana establishment.
- (p) It shall be unlawful for any retail marijuana establishment to employ any person who is not at least twenty-one (21) years of age. All business managers and employees of any licensee shall possess a valid occupational license and identification badge issued by the State of Colorado.
- (q) All retail marijuana sold or otherwise distributed by the licensee shall be packaged and labeled in a manner that advises the purchaser that it contains marijuana, specifies the amount of marijuana in the product, and that the marijuana is intended for use solely by a person lawfully entitled to possess retail marijuana. The label shall be in compliance with all applicable requirements of the State of Colorado.
- (r) All retail marijuana testing facilities shall operate in compliance with all applicable State laws and regulations adopted pursuant to such laws including but not limited to Section 12-43.4-105, C.R.S.
- (s) Retail marijuana stores are encouraged to provide customers with the contact information for local drug abuse treatment centers as well as educational materials regarding the hazards of substance abuse.
- (t) No firearms, knives, or other weapons shall be permitted in a retail marijuana store except those carried by sworn peace officers, those persons having concealed weapons permits, and those carried by security personnel hired by the retail marijuana establishment.
- (u) Marijuana shall not be consumed or used on the premises of a retail marijuana store and it shall be unlawful for a retail marijuana store licensee to allow marijuana to be consumed upon its licensed premises. In the case of a retail marijuana store located in a structure with a legal secondary unit or other legal dwelling unit, the dwelling unit shall not be considered part of the retail marijuana store premises if access to the dwelling unit is prohibited to the retail marijuana store customers.
- (v) The Dinosaur Town Marshal or other appropriate Town employee shall report to the Town Clerk all violations of this Ordinance and other applicable State and local laws and the Town Clerk shall maintain a record of each license issued and record the reports of the violations in such records.

Section 23. Requirements Relating to Monitoring and Security of Restricted Areas and Inventory.

- (a) All components of the security plan submitted with the application, as it may be amended, shall be in good working order, monitored and secured twenty-four (24) hours per day. A separate security system is required for each business. A security plan must include, at a minimum, the following security measures:
 - (1) *Cameras.* Retail marijuana establishments shall include and use color security cameras to monitor and record all areas of the premises (excluding restrooms), including all areas where persons may gain or attempt to gain access to marijuana or cash maintained by the retail marijuana establishment. Cameras shall record operations of the business to an off-site location, and shall record all potential areas of ingress or egress to the business with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained by the licensee for a

minimum of forty (40) days in a secure off-site location in the Town or through a service over a network that provides on-demand access, commonly referred to as a “cloud”.

- (2) *Storage.* The retail marijuana establishment shall install and use a safe room or safe anchored to a wall or floor for storage of any inventory, processed marijuana and cash on the premises when the business is closed to the public. Safe rooms shall be incorporated into the building structure and shall have solid core doors with commercial grade locks and shall be visible through the surveillance camera system. For retail marijuana products that must be kept refrigerated or frozen, the business may lock the refrigerated container or freezer in a manner authorized by the Town in place of the use of a safe so long as the container is affixed to the building structure and visible through the surveillance camera system.
- (3) *Alarm system.* The retail marijuana establishment shall install and use an alarm system that is monitored by a company that is staffed twenty-four (24) hours a day, seven (7) days a week. The security plan submitted to the Town shall identify the company monitoring the alarm system, including contact information. Any modification relative the company monitoring the alarm system shall be reported to the Town within seventy-two (72) hours.

Section 24. Signage and Advertising.

- (a) All exterior signage associated with the retail marijuana establishment must meet the standards established in Town ordinances. In addition, no exterior signage shall use the word “marijuana”, “cannabis” or any other word, phrase or symbol commonly understood to refer to marijuana.
- (b) A retail marijuana establishment may not advertise in a manner that is misleading, deceptive, false or is designed to appeal to minors.
- (c) Except as otherwise provided in this Section, it shall be unlawful for any person licensed under this Ordinance or any other person to advertise any retail marijuana establishment or any retail marijuana infused product anywhere within the Town where the advertisement is in plain view of, or in, a place open to the general public, including advertising and using any of the following media: any billboard or other outdoor general advertising device; any sign mounted on a vehicle; any handheld or other portable sign; or any hand bill, leaflet or flyer directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property. The prohibition set forth in this Section shall not apply to:
 - (1) Any sign located on the licensed premises of a retail marijuana establishment which exists solely for the purpose of identifying the location of the premises and which otherwise complies with this Ordinance and any other applicable Town laws and regulations; or
 - (2) Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the Town or on the internet.
- (d) No retail marijuana establishments shall distribute or allow the distribution of any marijuana without charge within a retail marijuana establishment or at any other place in the Town for purposes of promotion, advertising, or any other similar purpose.

Section 25. Right of Entry-Records to be Maintained and Inspection Procedures.

- (a) Each licensee of a retail marijuana establishment shall keep and maintain a complete set of books of accounting, invoices, copies of orders and sales, shipping receipts, bills of lading, correspondence, and all other records necessary to fully document the business transactions of such licensee. The licensee shall also maintain records which verify that the amount of marijuana within the retail

marijuana establishment does not exceed the amount allowed. All such records shall be open at all times during business hours for inspection and examination by the Town Marshal or his duly authorized representatives. The Town may require the licensee to furnish such information as it considers necessary for the proper administration of this Ordinance. The records shall clearly show the source, amount, price and dates of all retail marijuana received or purchased, and the amount, price, and dates for all retail marijuana sold.

- (b) By accepting the retail marijuana establishment license, licensee consents to the disclosure of the information required by this Section.
- (c) The Town may require an audit of the books of account and records of the retail marijuana establishment as it may deem necessary. Such audit shall be made by an auditor selected by the Town, who shall have access to all books and records of such licensee. The expense of any audit determined to be necessary by the Town shall be paid by the Town; provided, however, should the audit reflect a failure of the licensee, in whole or in part, to timely remit all sales taxes, occupation taxes or excise taxes due to the Town, the expense of the audit shall be paid by the licensee.
- (d) The acceptance of a retail marijuana establishment license from the Town constitutes consent by the licensee, owners, business managers and employees of such business to permit the Mayor, Town Marshal, or their representatives to conduct routine inspections of the licensed retail marijuana establishment to assure that the retail marijuana establishment and the premises are being operated and maintained in accordance with the terms set forth in the application and that all operations in the premises remain in compliance with this Ordinance, the Colorado Retail Marijuana Code, and any rules or regulations promulgated thereunder.
- (e) All retail marijuana establishments shall be required to obtain applicable State and Town licenses and shall collect and remit all applicable State, County and Town sales taxes, occupation taxes and excise taxes in a timely manner. The retail marijuana business license and sales tax license for the business shall be conspicuously posted in the business.

Section 26. Compliance with Other Applicable Laws.

Except as may be otherwise provided in this Ordinance, or rules or interpretations adopted by the Town, any law or regulation adopted by the State of Colorado governing the cultivation, production, possession, distribution or testing of marijuana for retail or recreational use shall also apply to retail marijuana establishments licensed within the Town. Provided, however, if a State law or regulation permits what this Ordinance prohibits, this Ordinance shall control.

Section 27. Violations; Penalty.

- (a) Any person, other than a licensee of a retail marijuana establishment, who violates any provision of this Ordinance shall be deemed guilty of a municipal offense and may be punished by a fine not to exceed three hundred dollars (\$300.00), imprisonment for a period not to exceed ninety (90) days, or by both such fine and imprisonment.
- (b) Any licensee of a retail marijuana establishment who violates any provisions of this Ordinance shall be subject to civil penalties of up to one thousand dollars (\$1,000.00) for each day during which such violation occurs or continues. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. Following notice and hearing, the Local Licensing Authority may impose such civil penalties.

Section 28. Conflicting Ordinances Repealed. All ordinances or parts of ordinances of the Town of Dinosaur in conflict herewith are hereby expressly repealed.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED at a regular meeting of the Town Council of the Town of Dinosaur, Colorado, held on June 13, 2017.

TOWN OF DINOSAUR, COLORADO

By: Richard Blakley
Richard Blakley, Mayor

ATTEST:

Tamara Long
Tamara Long, Town Clerk

Publication Date:

June 22, 2017

Trustee Karren introduced, read and moved the adoption of the ordinance titled

AN ORDINANCE OF THE TOWN OF DINOSAUR, COLORADO AUTHORIZING THE ESTABLISHMENT OF RETAIL MARIJUANA STORES, RETAIL CULTIVATION FACILITIES, RETAIL MANUFACTURING FACILITIES, AND RETAIL TESTING FACILITIES; PROVIDING FOR THE LICENSING OF SUCH MARIJUANA BUSINESS ESTABLISHMENTS; AND PROVIDING FOR THE OPERATIONAL REQUIREMENTS OF SUCH RETAIL MARIJUANA BUSINESS FACILITIES.

and upon adoption that it be published pursuant to law and recorded in the Book of Ordinances.

Trustee Winkler seconded the motion. On roll call, the following

Trustees voted "Aye":

Darcie Rocque, Toby Cortez, David Heinrich, Richard A. Blakley, Charles Winkler,

Janice Karren, Debra Bird.

Trustees voted "Nay":

None.