

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER STARKER
Council Bill No. 13
Ordinance No. 1543
Series 2013

TITLE: AN ORDINANCE AMENDING CHAPTER 11 OF THE WHEAT RIDGE CODE OF LAWS BY ADDING A NEW ARTICLE XIII CONCERNING RETAIL MARIJUANA AND MAKING CERTAIN AMENDMENTS TO CHAPTER 26 (ZONING AND DEVELOPMENT) IN ASSOCIATION THEREWITH

WHEREAS, in the November 2012 general election, the voters of the State of Colorado adopted Amendment 64 to the Colorado Constitution ("Amendment 64"), codified at Article XVIII Section 16, which authorizes the sale of marijuana at retail; and

WHEREAS, in May, 2013 the Colorado General Assembly adopted the Colorado Retail Marijuana Code, §§ 12-43.4-101 *et seq.*, C.R.S., implementing a procedure for licensing the cultivation, manufacture and sale of marijuana and marijuana-products at retail; and

WHEREAS, the City has no current land use or business regulation governing the operation of businesses that cultivate, manufacture, distribute or sell retail marijuana and/or retail marijuana products ("Retail Marijuana Establishments"); and

WHEREAS, on March 11, 2013, the City imposed a moratorium on the submission, acceptance, processing, and approval of all applications for City licenses relating to the operation of Retail Marijuana Establishments to allow the City staff and the City Council to investigate the City's ability to regulate such establishments, and to develop and implement any appropriate regulations consistent with state law; and

WHEREAS, because marijuana is a controlled substance under Colorado and federal law, the cultivation, manufacture, distribution and sale as contemplated by the Colorado Retail Marijuana Code has the potential for abuse and should be closely monitored and regulated by local authorities to the extent possible; and

WHEREAS, if not closely monitored and regulated, the presence of marijuana, even for the purposes legally permitted by Amendment 64 and the Colorado Retail Marijuana Code, can potentially cause an increase in illegal activities within the City affecting the health, safety, order, comfort, convenience and general welfare of the residents of the City; and

WHEREAS, if Retail Marijuana Establishments operating pursuant to the Colorado Retail Marijuana Code were allowed to be established and to operate without appropriate local regulation of their location, such establishments might be established in areas that would conflict with the City's comprehensive land use plan; be inconsistent with surrounding uses; or otherwise be detrimental to the public health, safety and welfare.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Moratorium Concluded. The moratorium imposed by Ordinance 1533 shall conclude upon the effective date of this ordinance.

Section 2. Chapter 11 of the Wheat Ridge Code of Laws is hereby amended by the adoption of a new Article XIII to read in its entirety as follows:

Article XIII. Retail Marijuana Establishments

Sec. 11-400.	Authority
Sec. 11-401.	Definitions
Sec. 11-402.	Local licensing authority established
Sec. 11-403.	Types of retail marijuana establishment licenses
Sec. 11-404.	Retail marijuana establishment license required
Sec. 11-405.	Application of Colorado Retail Marijuana Code
Sec. 11-406.	Application for license
Sec. 11-407.	Operating fee
Sec. 11-408.	Standards for approval of license, no hearing required
Sec. 11-409.	Authority to recommend and impose conditions on license.
Sec. 11-410.	Denial of license.
Sec. 11-411.	Appeal of denial or conditional approval of license
Sec. 11-412.	Duration of license, renewal
Sec. 11-413.	Duties of licensee
Sec. 11-414.	Hearing, suspension, revocation of license
Sec. 11-415.	Collocation of operations
Sec. 11-416.	Prohibited locations
Sec. 11-417.	Signage
Sec. 11-418.	Taxes
Sec. 11-419.	Hours of operation
Sec. 11-420.	Penalties, injunctive relief
Secs. 11-421-11-422.	Reserved

Sec. 11-400. Authority. The City Council hereby finds, determines, and declares that it has the power to adopt this article pursuant to:

(a) The Local Government Land Use Control Enabling Act, article 20 of title 40, C.R.S.;

(b) Part 3 of article 23 of title 31, C.R.S. (concerning municipal zoning powers);

(c) Section 31-15-103, C.R.S. (concerning municipal police powers);

(d) Section 31-15-401, C.R.S. (concerning municipal police powers);

(e) Section 31-15-501, C.R.S. (concerning municipal authority to regulate businesses);

(f) Section 12-43.4-101 *et seq.*, C.R.S. (concerning municipal authority to license and regulate retail marijuana establishments);

(g) The authority granted to home rule municipalities by article XX of the Colorado Constitution;

(h) Article XVIII Section 16 of the Colorado Constitution; and

(i) The powers contained in the Wheat Ridge Home Rule Charter.

Sec. 11-401. Definitions.

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

Administrative hearing officer has the meaning provided in section 2-87 of this code.

Applicant means any person making an application for a license under this article.

Application means an application for license submitted pursuant to this article.

City Manager shall have the meaning provided in section 2-26 of this code.

Colorado Medical Marijuana Code shall mean Article 43.3 of Title 12 of the Colorado Revised Statutes and any implementing administrative regulations.

Colorado Retail Marijuana Code shall mean Article 43.4 of Title 12 of the Colorado Revised Statutes and any implementing administrative regulations.

Good cause means and includes

(1) When a licensee violates, does not meet, or fails to comply with any of the terms, conditions, or provisions of this article and any rule and regulation promulgated pursuant to this article or the Colorado Retail Marijuana Code;

(2) When the licensee or applicant has failed to comply with any special terms or conditions that were placed on its license at the time the license was issued, or that were placed on its license pursuant to an order of the local licensing authority or the Colorado Department of Revenue; or

(3) When the licensed premises have been operated in a manner that adversely affects the public health, welfare, or safety of the immediate neighborhood in which the retail marijuana establishment is located. Evidence to support such a finding can include: (i) a pattern of disorderly conduct as defined in section 11-54(a)(1) of this code within or immediately adjacent to the premises of the licensee; (ii) a pattern of drug-related criminal conduct within the licensed premises, or in the immediate area surrounding the licensed premises; (iii) criminal conduct directly related to or arising from the operation of the retail marijuana establishment.

License means a license to operate a retail marijuana establishment issued pursuant to this article.

Licensed premises means the location in the City from which the Licensee will operate.

Licensee means the person to whom a license has been issued pursuant to this article and the Colorado Retail Marijuana Code to operate a business as described in section 12-43.4-401, C.R.S.

Marijuana means all parts of the plant of the genus cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or its resin, including marijuana concentrate but shall not include industrial hemp, the fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

Marijuana clubs means establishments other than private residences, medical marijuana establishments or retail marijuana establishments that allow the public, members or guests to consume marijuana, medical marijuana-infused products or retail marijuana products on-site.

Medical marijuana means marijuana that is grown and sold pursuant to the provisions of the Colorado Medical Marijuana Code for a purpose authorized by section 14 of the Article XVIII of the Colorado Constitution.

Medical marijuana center means a premises licensed pursuant to the Colorado Medical Marijuana Code to operate a business as described in section 12-43.3-402, C.R.S.

Medical marijuana establishment shall mean a medical marijuana center, a medical marijuana-infused product manufacturer or an optional premises cultivation operation.

Medical marijuana-infused product shall mean a product infused with medical marijuana that is intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, and tinctures.

Medical marijuana-infused product manufacturer shall mean a person licensed pursuant to the Colorado Medical Marijuana Code to operate a business as described in section 12-43.3-404, C.R.S.

Optional premises cultivation operation shall mean a premises licensed pursuant to this ordinance and the Colorado Medical Marijuana Code where a business described in section 12-43.3-403, C.R.S will operate.

Person means a natural person, partnership, association, company, corporation, limited liability company, organization, or a manager, agent, owner, director, servant, officer, or employee thereof.

Retail marijuana means marijuana that is cultivated, manufactured, distributed or sold at retail in accordance with the provisions in Section 16 of Article XVIII of the Colorado Constitution and the Colorado Retail Marijuana Code

Retail marijuana cultivation facility shall mean a person licensed pursuant to this ordinance and the Colorado Retail Marijuana Code to operate a business described in section 12-43.4-403, C.R.S.

Retail marijuana establishment shall mean a retail marijuana store, a retail marijuana products manufacturer, a retail marijuana cultivation facility, or a retail marijuana testing facility.

Retail marijuana products shall mean marijuana products as defined in section 16(2)(k) of Article XVIII of the Colorado Constitution that are produced at a retail marijuana products manufacturer.

Retail marijuana products manufacturer shall mean a person licensed pursuant to the Colorado Retail Marijuana Code to operate a business as described in section 12-43.4-404, C.R.S.

Retail marijuana store means a person licensed pursuant to the Colorado Retail Marijuana Code to operate a business as described in section 12-43.4-402, C.R.S.

Retail marijuana testing facility means a person licensed pursuant to the Colorado Retail Marijuana Code to operate a business as described in section 12-43.4-405, C.R.S.

Primary care-giver has the meaning provided in section 14(1)(f) of Article XVIII of the Colorado Constitution as further defined and regulated in section 25-1.5-106, C.R.S. and 5 C.C.R. 1006-2.

School shall mean a public or private preschool or a public or private elementary, middle, junior high or high school.

State licensing authority shall mean the authority created for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, sale, and testing of retail marijuana in this state, pursuant to section 12-43.4-201, C.R.S.

(b) In addition to the definitions provided in subsection (a) of this section, the other defined terms in section 16 of Article XVIII of the Colorado Constitution are incorporated into this article by reference.

Sec. 11-402. Local licensing authority established.

(a) There is hereby established a local licensing authority, which shall have and is vested with the authority to:

1. Grant and refuse licenses and approve and deny applications for renewal and transfer of licenses for the sale, cultivation and manufacture of retail marijuana and retail marijuana products;
2. Promulgate reasonable rules and regulations concerning licenses issued under this article;
3. Suspend and revoke licenses issued under this article in the matter provided by law; and
4. Have all of the powers of the local licensing authority as provided in the Colorado Retail Marijuana Code.

(b) The Tax and Licensing Division of the City shall serve as the local licensing authority for any administrative purposes described in subsections (a)(1), (a)(2) and (a)(4) of this section. An administrative hearing officer shall serve as the local licensing authority for purposes of hearing any requests for suspension or revocation described in subsection (a)(3).

Sec. 11-403. Types of retail marijuana establishment licenses.

(a) The local licensing authority may issue the following types of retail marijuana establishment licenses:

1. Retail marijuana store license;
2. Retail marijuana products manufacturing license;
3. Retail marijuana cultivation facility license; and
4. Retail marijuana testing facility license.

(b) Each type of retail marijuana establishment license issued under this article is separate and distinct.

Sec. 11-404. Licenses required.

(a) No person shall operate a retail marijuana establishment within the City without a valid and appropriate retail marijuana establishment license issued in accordance with this article.

(b) This requirement to obtain the appropriate retail marijuana establishment license is in addition to the requirement to obtain a business license pursuant to article II of this chapter and any other license or permit required by the City.

(c) No person shall operate a retail marijuana establishment within the City without a valid and appropriate license to operate such establishment issued by the state licensing authority in accordance with the provisions of the Colorado Retail Marijuana Code.

(d) No person may operate a business within the city concerning the sale, use, consumption, manufacture of marijuana unless specifically authorized pursuant to the provisions of this article.

(e) No marijuana clubs may operate or obtain a business license to operate within the city.

Sec. 11-405. Application of Colorado Retail Marijuana Code. Except as otherwise provided herein, the local licensing authority shall be governed by the Colorado Retail Marijuana Code now in effect or subsequently amended. In the event of a conflict between the provisions in this article and those in the Colorado Retail Marijuana Code, the more stringent provision shall apply.

Sec. 11-406. Application for license.

(a) A person seeking to obtain a license pursuant to this article shall file an application with the local licensing authority on a form provided by the state, and shall include all additional information required by the Colorado Retail Marijuana Code.

(b) The local licensing authority is hereby authorized to request any applicant to provide information that is in addition to the requirements of the Colorado Retail Marijuana Code if it determines that such information is reasonably necessary to complete the investigation and review of the application.

Sec. 11-407. Operating fee.

(a) An applicant shall pay to the City a non-refundable operating fee when the application for a license under this article is filed.

(b) The licensee shall pay the non-refundable operating fee to the City annually along with any application for renewal of a license.

(c) The purpose of the operating fee is to cover the costs of inspection, administration and enforcement of retail marijuana establishments. The amount of the operating fee shall be fixed by the City Council by motion.

Sec. 11-408. Standards for approval of license, no hearing required.

(a) The local licensing authority is authorized to administratively approve any license under this article so long as the following conditions are met:

1. The application (including any required attachments and submissions) is complete and signed by the applicant;

2. The applicant has paid the operating fee and any other fees required by this code;

3. The application does not contain a material falsehood or misrepresentation;

4. The application complies with all of the requirements of this article and the Colorado Retail Marijuana Code; and

5. The licensing authority has received written approval from the City of Wheat Ridge Police Department as to the applicant's criminal background.

6. The licensing authority has received written approval from the Community Development Department that the location and zoning requirements imposed by this article and Section 26-204 of the Code have been met.

(b) The local licensing authority may, but is not required to hold a hearing as permitted by section 12-43.4-412, C.R.S. prior to granting a retail marijuana establishment license.

(c) The local licensing authority shall inform the state licensing authority of approval of an application for a license.

Sec. 11-409. Authority to recommend and impose conditions on license.

(a) Any City department shall have the authority to recommend reasonable terms and conditions on a license as may be necessary to protect the public health, safety, and welfare, and to obtain compliance with the requirements of this article and applicable law.

(b) The local licensing authority is authorized to approve any license issued under this article subject to such reasonable conditions as required by the City.

(c) In the event an application is conditionally approved, the local licensing authority shall clearly set forth in writing the conditions of approval.

Sec. 11-410. Denial of license. The local licensing authority shall deny an application for a license under this article when the applicant fails to meet all of the standards set forth in section 11-408 of this article.

Sec. 11-411. Appeal of denial or conditional approval of license.

(a) An applicant has the right to appeal the denial of an application or condition imposed thereon to an administrative hearing officer.

(b) The applicant must file a written notice of appeal with the local licensing authority within fifteen (15) business days after the date of mailing of the denial or conditional approval of the application.

(c) Upon notice from the local licensing authority that the applicant has satisfied the requirement in subsection (b), the City Manager shall appoint an administrative hearing officer.

(d) The applicant shall be provided with not less than ten (10) business days prior written notice of the appeal hearing to be held by the administrative hearing officer.

(e) The burden of proof in an appeal filed under this section shall be on the applicant.

(f) If the administrative hearing officer finds by a preponderance of the evidence that the decision of the local licensing authority was correct, the administrative hearing officer shall uphold that decision. If the administrative hearing officer finds by a preponderance of the evidence that the decision of the local licensing authority was incorrect, the administrative hearing officer shall set aside the denial and issue the license. The administrative hearing officer may impose additional conditions on the license issued (if it was previously denied) or require that the conditions of approval be stricken or modified.

(g) Any decision made by the administrative hearing officer pursuant to this section shall be a final decision and may be appealed to the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The applicant's failure to timely appeal the decision is a waiver of the applicant's right to contest the denial or conditional approval of the application.

Sec. 11-412. Duration of license, renewal.

(a) Each license issued pursuant to this article shall expire on the first day of the month one year from the month of issuance, and may be renewed as provided in this section.

(b) An application for the renewal of an existing license shall be made to the local licensing authority as required by the Colorado Retail Marijuana Code.

Sec. 11-413. Duties of licensee. Each licensee shall:

(a) Post the license issued under this article in a conspicuous location on the licensed premises;

(b) Comply with all of the terms and conditions of the license;

(c) Comply with all of the requirements of this article;

(d) Comply with all other applicable City ordinances;

(e) Comply with the Colorado Retail Marijuana Code;

(f) Comply with all applicable federal laws, rules, or regulations, other than a federal law, rule or regulation concerning the possession, sale or distribution of retail marijuana;

(g) Permit inspection of its records and operation by the local licensing authority for the purpose of determining the licensee's compliance with the terms and conditions of the license and the City's tax laws; and

(h) Permit inspection of the premises by authorized City officials during permitted business hours for the purpose of determining compliance with this article.

Sec. 11-414. Hearing, suspension, revocation of license.

(a) A license issued pursuant to this article may be suspended or revoked 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. A violation of any City ordinance, state, or federal law or regulation, other than a federal law or regulation concerning the possession, sale or distribution of marijuana that conflicts with Article XVIII Section 16 of the Colorado Constitution;
3. A violation of any of the terms and conditions of the license;
4. A violation of any of the provisions of this article; or
5. Good cause.

(b) Request for suspension or revocation, notice of hearing, burden.

1. Any authorized City official may request in writing that a license issued under this article be suspended or revoked.
2. The City Manager shall appoint an administrative hearing officer to preside over the hearing on the suspension or revocation of a license.
3. The administrative hearing officer shall
 - a. Set a date and time on which to determine whether to revoke or suspend such license;
 - b. Notify the licensee in writing of the date and time of the hearing at least ten (10) business days prior to conducting such hearing. Such notice shall be sent by regular mail postage prepaid. Notice is deemed to have been given upon mailing;
 - c. Conduct a hearing based on the allegations provided in the written request. This shall be an informal hearing where no rules of evidence shall apply. The burden shall be on the City to prove by a preponderance of the evidence that the licensee has violated the provisions in subsection 11-404 (a); and

- d. Provide a written decision to the licensee within a reasonable time after the conclusion of the hearing.

(c) In deciding whether a license should be suspended or revoked, and in deciding what conditions to impose in the event of a suspension, if any, the administrative hearing officer shall consider:

1. The nature and seriousness 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 recurrence;
5. All circumstances surrounding the violation;
6. Whether the violation was willful;
7. The number of previous violations by the licensee; and
8. Previous sanctions, if any, imposed against the licensee.

(d) In connection with the suspension of a license, the administrative hearing officer may impose reasonable conditions thereon.

(e) Any decision made by the administrative hearing officer pursuant to this section shall be a final decision and may be appealed to the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The applicant's failure to timely appeal the decision is a waiver of the applicant's right to contest the decision.

(f) No fee previously paid by a licensee in connection with the application shall be refunded if such license is suspended or revoked.

Sec. 11-415. Collocation of operations. A medical marijuana establishment may share its existing licensed premises with a retail marijuana establishment as follows:

(a) An optional premises cultivation operation and a retail marijuana cultivation facility may share their licensed premises in order to operate a dual cultivation business operation.

(b) A medical marijuana-infused product manufacturer may apply to hold a retail marijuana product manufacturing facility license and operate a dual manufacturing business at a shared licensed premises.

(c) A medical marijuana center may hold a retail marijuana store license and operate a dual retail business at a shared licensed premises.

Sec. 11-416. Prohibited locations.

(a) Except as provided in subsection (g) of this section, no retail marijuana establishment shall be located at a location that does not conform to the requirements of this section.

(b) No retail marijuana store shall be located within one thousand (1,000) feet of a school, an alcohol or drug treatment facility, or the principal campus of a college, university, or seminary, or a residential child care facility. This limitation will be computed by direct measurement from the nearest property line of the land used for a school, alcohol or drug treatment facility, or the principal campus of a college, university, or seminary, or a residential child care facility to the nearest portion of the building in which retail marijuana is to be sold, using a route of direct pedestrian access.

(c) No retail marijuana store shall be located within three quarters ($\frac{3}{4}$) of a mile of another retail marijuana store. This limitation will be measured using a straight line from the perimeter of the parcel where a proposed retail marijuana store will be located. This limitation shall apply to retail marijuana stores whether they located within or outside of the city limits.

(d) No retail marijuana store shall be located within three quarters ($\frac{3}{4}$) of a mile of a medical marijuana center unless the retail marijuana store and the medical marijuana center are operating a dual retail business as described in section 11-415. This limitation will be measured using a straight line from the perimeter of the parcel where a proposed retail marijuana store will be located. This limitation shall apply to retail marijuana stores and medical marijuana centers whether they are located within or outside of the city limits.

(e) No person shall operate a retail marijuana cultivation facility within the City unless the licensed premises of the person's retail marijuana cultivation facility are contiguous with the licensed premises of the person's retail marijuana store license and/or the person's retail marijuana products manufacturing license.

(f) Each retail marijuana establishment shall be operated from a permanent location. No retail marijuana establishment shall be licensed to operate from a moveable, mobile, or transitory location.

(g) The suitability of a location for a retail marijuana establishment shall be determined at the time of the issuance of the first license for such establishment. The fact that changes in the neighborhood that occur after the issuance of the first license might render the site unsuitable for a retail marijuana establishment under this section shall not be grounds to suspend, revoke or refuse to renew the license for such establishment so long as the license for the establishment remains in effect.

Sec. 11-417. Signage. All signage for a retail marijuana establishment shall comply with the requirements of chapter 26 of this code and the Colorado Retail Marijuana Code.

Sec. 11-418. Taxes. Each licensee shall collect and remit sales tax on all retail marijuana, paraphernalia, and other tangible personal property sold by the licensee at the retail marijuana establishment according to the provisions of chapter 22 of this code and any regulations issued pursuant thereto.

Sec. 11-419. Hours of operation.

(a) A retail marijuana store may open no earlier than 8:00 a.m. and shall close no later than 7:00 p.m. the same day.

(b) A retail marijuana establishment may be open seven (7) days a week.

Sec. 11-420. Penalties, injunctive relief.

(a) It is a misdemeanor offense for any person to violate any provision of this article. Any person convicted of having violated any provision of this article shall be punished as set forth in section 1-5 of this code.

(b) In addition to all other remedies available to the city under this code and by law, the operation of a retail marijuana establishment without a valid license issued pursuant to this article may be enjoined by the City in an action brought in a court of competent jurisdiction.

Section 3. Section 26-123 of the Code, entitled Definitions, is hereby amended by the addition of the following terms:

Retail marijuana store means the premises at which a person operates a business as described in Article XIII of Chapter 11 of this code and section 12-43.4-402, C.R.S.

Retail marijuana cultivation facility means the premises at which a person operates a business as described in Article XIII of Chapter 11 of this code and section 12-43.4-403, C.R.S.

Retail marijuana products manufacturer means the premises at which a person operates a business as described in Article XIII of Chapter 11 of this code and section 12-43.4-404, C.R.S.

Retail marijuana testing facility means the premises at which a person operates a business as described in Article XIII of Chapter 11 of this code and section 12-43.4-405, C.R.S.

Section 4. The Table of Uses for Commercial and Industrial Districts provided for in Section 26-204 of the Code is hereby amended as follows:

<i>Uses</i>	<i>Notes</i>	<i>NC</i>	<i>RC</i>	<i>C-1</i>	<i>C-2</i>	<i>I-E</i>
Residential uses in commercial zones	See § 26-626	P	P	P	P	P
RETAIL MARIJUANA CULTIVATION FACILITY				P		P
RETAIL MARIJUANA PRODUCTS MANUFACTURERS				P		P
RETAIL MARIJUANA STORES				P		P
RETAIL MARIJUANA TESTING FACILITY				P		P
Rooming and boarding houses					P	P

Section 5. Police Power Finding. The City Council hereby finds, determines, and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City of Wheat Ridge and the inhabitants thereof.

Section 6. Authority. The City Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 40, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401, C.R.S. (concerning municipal police powers); (v) Section 31-15-501, C.R.S. (concerning municipal power to regulate businesses); (vi) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; (vii) the powers contained in the City of Wheat Ridge, Colorado Home Rule Charter (the "Charter"); and (viii) Part 3 of Article 43.4 of Title 12, C.R.S. (concerning licensing of retail marijuana establishments).

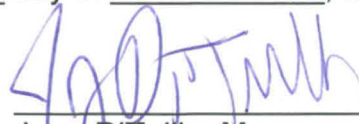
Section 7. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 8. Effective Date. This Ordinance shall take effect upon final adoption as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 5 to 2 on this 9th day of September, 2013, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for September 23, 2013 at 7:00 p.m., continued to October 14, 2013 at 7:00 p.m. in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.


READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 5 to 3, this 14th day of October, 2013.

SIGNED by the Mayor on this 14th day of October, 2013.



Jerry DiTullio, Mayor

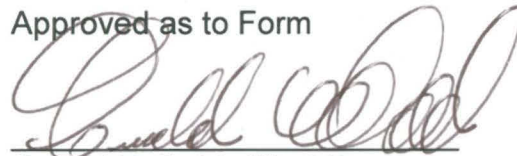
ATTEST:



Janelle Shaver, City Clerk



Approved as to Form



Gerald E. Dahl, City Attorney

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