

**ORDINANCE NO 1769
SERIES 2019**

**AN ORDINANCE AMENDING TITLES 5 AND 17 OF THE LOUISVILLE
MUNICIPAL CODE CONCERNING MEDICAL AND RETAIL MARIJUANA
BUSINESSES**

WHEREAS, the City Council previously adopted licensing standards and regulations governing the time, place, manner, and number of medical and retail marijuana businesses, which such standards and regulations are set forth in Chapters 5 10 and 5 11 and Title 17 of the Louisville Municipal Code, and

WHEREAS, the City Council has determined that certain amendments to said licensing standards and regulations should be adopted, including allowing medical marijuana testing facilities and retail marijuana product manufacturing facilities to operate in the City, changing the distance restrictions and size limitations applicable to medical and retail marijuana businesses and eliminating the cap on the number of retail marijuana stores operating within the City; and

WHEREAS, House Bill 18-1023, which was signed into law on March 22, 2018, relocated the Colorado Medical Marijuana and Retail Marijuana Codes from Title 12 of the Colorado Revised Statutes to Title 44 and the references to such statutes in the Louisville Municipal Code need to be amended accordingly; and

WHEREAS, the Louisville Planning Commission, after notice by publication and a public hearing, has provided its recommendation to the City Council regarding the amendments to Title 17 of the Louisville Municipal Code concerning the matters addressed in this ordinance, and

WHEREAS, City Council has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO

Section 1. Chapter 5 10 of the Louisville Municipal Code is hereby by amended by deleting all the references to the statutes in Colorado Revised Statutes Title 12, Article 43 3 (e g C R.S § 12-43 3-404) and replacing all such references with "Colorado Medical Marijuana Code "

Section 2. The following definitions in Section 5 10 020 of the Louisville Municipal Code are hereby added or amended (words to be added are underlined, words to be deleted are ~~stricken through~~):

Sec. 5.10.020 Definitions.

Colorado Medical Marijuana Code means Article 11 of Title 44 of the Colorado Revised Statutes, as amended.

Good cause for purposes of denying, refusing to renew, suspending or revoking a license, means.

1 The licensee or applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of this chapter, any rules promulgated pursuant to this chapter, or any supplemental state or local law, rules, or regulations,

2 The licensee or applicant has failed to comply with any special terms or conditions that were placed on its license pursuant to an order of the state or local licensing authority; or

3 The licensed premises have been operated in a manner that adversely affects the public health or welfare or the safety of the immediate neighborhood in which the licensed premises is located. Evidence to support such a finding can include, without limitation, a continuing pattern of disorderly conduct, a continuing pattern of drug related criminal conduct within the licensed premises or proposed licensed premises or in the immediate area surrounding such premises, a continuing pattern of criminal conduct directly related to or arising from the operation of the medical marijuana business center or medical marijuana-infused products manufacturer, or an ongoing nuisance condition emanating from or caused by the medical marijuana business center or medical marijuana-infused products manufacturer.

Medical marijuana business shall mean a medical marijuana center, medical marijuana-infused products manufacturer or a medical marijuana testing facility. ~~any person acting alone or in concert with another person, whether for profit or not for profit, who cultivates, grows, harvests, processes, packages, transports, displays, sells, dispenses or otherwise distributes the stalks, stems, roots, seeds, leaves, buds or flowers of the plant (genus) cannabis, or any mixture or preparation thereof, for medical use as authorized by Article XVIII, Section 14 of the Colorado Constitution.~~

Medical marijuana testing facility means an entity licensed to analyze and certify the safety and potency of medical marijuana.

Premises means the legal parcel of property upon which a medical marijuana business center or medical marijuana-infused product manufacturer is located

Section 3. Section 5 10 030 of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined, words to be deleted are ~~stricken through~~):

Sec. 5.10 030 Classes and number of medical marijuana licenses authorized.

A. The local licensing authority may issue only the following medical marijuana licenses upon payment of the fee and compliance with all local licensing requirements, as determined by the local licensing authority:

1 A medical marijuana center license A medical marijuana center license shall be issued only to a person selling medical marijuana pursuant to the terms and conditions of this chapter, and the Colorado Medical Marijuana Code and any related rules and regulations C.R.S. § 12-43.3-402 to registered patients or primary caregivers, but is not a primary caregiver

2 A medical marijuana-infused products manufacturing license A medical marijuana-infused products manufacturing license may be issued to a person who manufactures medical marijuana-infused products, pursuant to the terms and conditions of this chapter, and the Colorado Medical Marijuana Code and any related rules and regulations C.R.S. § 12-43.3-404

3 A medical marijuana testing facility license. A medical marijuana testing facility license may be issued to a person who performs testing and research on medical marijuana and medical marijuana-infused products. The facility may develop and test medical marijuana products, pursuant to the terms and conditions of this chapter, the Colorado Medical Marijuana Code and any related rules and regulations.

B. There shall be no more than a total of six licensed medical marijuana centers and retail marijuana stores operating within the city. If at the time of application for a medical marijuana center or retail marijuana store license there are fewer than six medical marijuana centers and retail marijuana stores operating in the city, applications shall be reviewed and acted upon by the local licensing authority in the order in which complete applications are received.

Section 4. Section 5.10.060 B and C of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined, words to be deleted are ~~stricken through~~)

Sec. 5.10 060 - Application and fee

B The applicant shall also provide the following information on a form approved by, or acceptable to, the city, which information shall be required for the applicant, the proposed manager and employees of the medical marijuana business, and all persons having any financial interest in the medical marijuana business that is the subject of the application

1 Name, address, date of birth,

2 A complete set of fingerprints,

3 An acknowledgement and consent that the city will conduct a background investigation, including a criminal history check, and that the city will be entitled to full and complete disclosure of all financial records of the medical marijuana business, including records of or relating to deposits, withdrawals, balances and loans,

4 If the applicant is a business entity, information regarding the entity, including, without limitation, the name and address of the entity, its legal status, a copy of its articles of incorporation or organization or other filing required for organization, copies of any ownership agreements, operating agreement, and bylaws, and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State,

5 The name and complete address of the proposed medical marijuana business,

6 If the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a medical marijuana business center ~~or medical marijuana infused products manufacturer~~;

7 A copy of any deed reflecting the ownership of, or lease reflecting the right to possess, the proposed licensed premises;

8 Evidence of a valid sales tax license for the business,

9 If the medical marijuana center will be providing medical marijuana in edible form, evidence of any food establishment license or permit that may be required by the state,

10 A "to scale" diagram of the premises, showing, without limitation, a site plan, building layout, all entry ways and exits to the medical marijuana business, loading zones and all areas in which medical marijuana will be stored, processed or dispensed,

11 A comprehensive business plan for the medical marijuana business which shall contain, without limitation, the following

a A security plan meeting the requirements of section 5 10 160 of this chapter;

b A description of all products to be sold,

c. A signage plan that is in compliance with all applicable requirements of section 5 10 150 of this chapter, this Code and the commercial development design standards and guidelines, and d A plan for the disposal of medical marijuana and related byproducts to ensure that such disposal is in compliance with all applicable federal, state and local laws or regulations; and

12 A plan for ventilation of the medical marijuana business that describes the ventilation systems that will be used to prevent any odor of marijuana off the premises of the business. For medical marijuana-infused product manufacturers and medical marijuana testing facilities, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.

13. A description of the processes used to extract or distill marijuana from its source and the process used to incorporate marijuana into all products produced, including verifying compliance of all processes regulated by a federal, state, or local government that would have authority over the business if it was not a medical marijuana business.

14. For a medical marijuana-infused product manufacturer or a medical marijuana testing facility, a plan that specifies all means to be used for extraction, heating, washing, or otherwise changing the form of the marijuana plant, or testing any marijuana, and verification of compliance with all applicable laws for ventilation and safety measures for each process. The city shall require the manufacturer or testing facility to obtain a report from an industrial hygienist to verify that the plan submitted, and the improvements to be constructed, adequately protect the business and adjacent properties and persons, and comply with all applicable laws.

15. Any additional information that the local licensing authority reasonably determines to be necessary in connection with the investigation and review of the application

C A license issued pursuant to this chapter does not eliminate the need for the licensee to obtain other required permits or licenses related to the operation of the medical marijuana business center or medical marijuana-infused products manufacturer operation, including, without limitation, any State of Colorado license or any sales tax license, business registration, development approvals or building permits required by this Code

Section 5. Sections 5 10 070 of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined, words to be deleted are ~~stricken through~~)

Sec. 5.10 070 - Location criteria, size restrictions.

A. No medical marijuana center ~~or medical marijuana-infused product manufacturer~~ shall, at the time it is established and first licensed by the city, be located within 1,500~~4,320~~ feet of another medical marijuana center or a retail marijuana store unless they share premises in accordance with section 5.11.080.F.~~or medical marijuana-infused product manufacturer~~

B No medical marijuana business center ~~or medical marijuana-infused product manufacturer~~ shall, at the time it is established and first licensed by the city, be located

1 Within 1,000~~4,320~~ feet of a public or private preschool, elementary, middle, junior high, or high school, ~~a public playground or outdoor pool, an outdoor education~~

~~facility serving children, an alcohol or drug treatment facility; the principal campus of a college, university, or seminary; or a residential child care facility;~~

2 Upon any city property;

3 In a dwelling unit or any residentially zoned districts, ~~or~~

4 Within any zone district or other area where the medical marijuana business is not a permitted use or approved special review use as provided in Title 17 of this Code ~~the agricultural (A), open space (OS) administrative office (AO), business office (BO), administrative office transitional (AO-T), industrial (I), planned community zone district (PCZD), mixed use (MU-R), commercial neighborhood (CN), or commercial community (CC) zone districts, or~~

5. Within Downtown Louisville as defined by section 17.08.113 of this Code.

C No licensed premises for a medical marijuana center ~~or medical marijuana infused product manufacturer~~ shall, at the time it is established and first licensed by the city, be located in a physical space exceeding ~~5,000~~4,800 square feet of leasable floor space, nor shall such licensed premises ever exceed 5,000~~4,800~~ square feet of leasable floor space.

D No medical marijuana business center ~~or medical marijuana infused product manufacturer~~ shall operate as an outdoor or transient retailer, vendor or peddler

E The distances described in subsections A, ~~and B~~ and C of this section shall be computed by a radius measurement that begins at the principal doorway of the premises for which application is made and ends at the principal doorway of the other medical marijuana center or retail marijuana store. The distance described in subsection B.1 shall be computed by direct measurement in a straight line from the nearest property line of the land used for the school purposes stated in subsections A, and B and C of this section to the nearest portion of the building or unit in which the medical marijuana business center or medical marijuana infused product manufacturer is located

Section 6. Section 5 10 080 E of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined, words to be deleted are ~~stricken through~~).

Sec. 5.10 080 - Persons prohibited as licensees.

E. At the time of filing an application with the local licensing authority for issuance or renewal of a medical marijuana business center license ~~or medical marijuana-infused product manufacturer license~~, the applicant shall submit [Remainder of section to remain the same]

Section 7. Section 5 10 090.A of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined, words to be deleted are ~~stricken through~~):

Sec. 5.10 090 - Duration of license, renewal.

A. Upon issuance of a license, the city shall provide the licensee with one original of such license for each medical marijuana business center ~~or medical marijuana-infused product manufacturer~~ to be operated by the licensee in the city. Each such copy shall show the name and address of the licensee, the type of facility or business for which it is issued, and the address of the facility at which it is to be displayed.

Section 8. Section 5 10 110 C of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined, words to be deleted are ~~stricken through~~):

Sec. 5 10 110 - Use and display of license.

C. Each license shall be continuously posted in a conspicuous location at the licensed premises of the medical marijuana business center ~~or medical marijuana-infused product manufacturer~~.

Section 9. Section 5 10 150 of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined, words to be deleted are ~~stricken through~~):

Sec. 5.10 150 - Signage and advertising.

All signage and advertising for any medical marijuana business center ~~or medical marijuana-infused products manufacturer~~ shall comply with all applicable provisions of this chapter, title 17 of this Code, and the city's commercial development design standards and guidelines. In addition, no signage or advertising shall use the word "marijuana" or "cannabis," or any other word, phrase or symbol commonly understood to refer to marijuana unless such word,

phrase or symbol is immediately preceded by the word "medical" in type and font that is at least as readily discernible as all other words, phrases or symbols, and no signage visible outside of the premises shall use any word or phrase other than "medical marijuana" to refer to marijuana. Such signage and advertising must clearly indicate that the products and services are offered only for medical marijuana patients and primary caregivers.

Section 10. The second paragraph of Section 5 10 160 of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined, words to be deleted are ~~stricken through~~).

Sec. 5.10 160 - Security requirements.

Security measures at all medical marijuana businesses ~~centers and medical marijuana-infused product manufacturers~~ shall be consistent with all requirements imposed by the state licensing authority and its rules and regulations as authorized by the Colorado Medical Marijuana Code C.R.S. § 12-43.3-101 et seq. The local licensing authority shall have the authority to impose additional security requirements upon a licensee as part of any order or stipulation issued in connection with a proceeding for suspension or revocation of a license.

Section 11. Section 5 10 190 ("Sale of edible products") and Section 5 10.200 ("Labeling") of the Louisville Municipal Code are hereby repealed in their entirety and replaced with the following new Section 5 10 190 to read as follows.

Section 5.10 190 - Requirements for public health and labeling.

A. The production of any medical marijuana-infused product shall be at a medical marijuana-infused product manufacturing facility that meets all requirements of all applicable state and local health regulations related to the production, preparation, labeling, and sale of infused products.

B All medical marijuana and medical marijuana-infused products sold or otherwise distributed by the licensee shall be packaged and labeled in a manner consistent with the Colorado Medical Marijuana Code and any related rules and regulations, as from time to time amended.

C The product shall be packaged in a sealed container that cannot be opened without obvious damage to the packaging.

Section 12. Section 5 10 170 of the Louisville Municipal Code entitled

“Required notices” is hereby repealed in its entirety

Section 13. Section 5 10.210 of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined, words to be deleted are ~~stricken through~~).

Sec. 5 10.210 - On-site consumption of medical marijuana.

The consumption, ingestion or inhalation of medical marijuana on or within the licensed premises of a medical marijuana business center or ~~medical marijuana infused product manufacturer~~ is prohibited

Section 14. Section 5 10.230 of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined, words to be deleted are ~~stricken through~~):

Sec. 5.10.230 - Visibility of activities, control of emissions

A. All activities of medical marijuana businesses centers and ~~medical marijuana infused product manufacturers~~, including, without limitation, processing, displaying, selling and storage, shall be conducted indoors

B No medical marijuana or paraphernalia shall be displayed or kept in a medical marijuana business center or ~~infused product manufacturer~~ so as to be visible from outside the licensed premises.

C Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a medical marijuana business must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a medical marijuana business center or ~~infused product manufacturer~~, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

Section 15. Chapter 5 10 is hereby amended by the addition of a new Section 5 10.232 of the Louisville Municipal Code to read as follows.

Sec. 5.10.232. - Marijuana Odor Emissions.

A. No medical marijuana business shall permit the

emission of marijuana odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property

B Whether or not a marijuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity able to detect the odor of marijuana from outside the medical marijuana business.

C A marijuana odor emission shall be deemed to interfere with the reasonable and comfortable use and enjoyment of property if marijuana odor is detectable at the property line of the premises.

Section 16. Chapter 5 10 of the Louisville Municipal Code is hereby amended by the addition of a new Section 15 10.235 to read as follows.

Sec. 5 10.235 - Additional requirements for testing and manufacturing of medical marijuana and infused products.

A. No medical marijuana business may use metals, butane, propane, or other solvent or flammable product, or produce flammable vapors, to process or test marijuana unless the process used and the premises are verified as safe and in compliance with all applicable codes by a qualified industrial hygienist.

B The city shall require the business to obtain verification from a qualified industrial hygienist that the manner in which the business producing or testing marijuana complies with all applicable laws and does not produce noxious or dangerous gases or odors or otherwise create a danger to any person or entity in or near the businesses.

Section 17. Section 5 10 320 C of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined, words to be deleted are ~~stricken through~~)

Sec. 5 10.320 - Other laws remain applicable.

C If the state or federal government prohibits the activities ~~sale or other distribution of marijuana through of any~~ medical marijuana business centers or medical marijuana-infused products ~~manufacturers~~, any license issued hereunder shall be deemed immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the licensee

Section 18. Chapter 5 11 of the Louisville Municipal Code is hereby by amended by deleting all the references to the statutes in Colorado Revised Statutes Title 12, Article 43 4 (e g C.R.S. § 12-43 4-306) and replacing all such references with “Colorado Retail Marijuana Code ”

Section 19. The following definitions in Section 5 11 020 of the Louisville Municipal Code are hereby amended (words to be added are underlined, words to be deleted are ~~stricken through~~)

Sec. 5.11 020 Definitions

Colorado Retail Marijuana Code means ~~Article 43.4 of Title 12~~ Article 11 of Title 44 of the Colorado Revised Statutes, as amended

~~*Public playground* means a city owned outdoor public area used for play or recreation by children containing recreational equipment such as slides or swings.~~

Retail marijuana establishment means a retail marijuana store, retail marijuana products manufacturing facility or a retail marijuana testing facility

Retail marijuana testing facility means an entity licensed to analyze and certify the safety and potency of retail marijuana.

Section 20. Section 5 11 030 of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined, words to be deleted are ~~stricken through~~)

Sec. 5.11 030 Classes and number of retail marijuana licenses authorized

A. The local licensing authority may issue only the following retail marijuana licenses upon payment of the fee and compliance with all local licensing requirements, as determined by the local licensing authority:

1 A retail marijuana store license A retail marijuana store license shall be issued only to a person selling retail marijuana or retail marijuana products pursuant to the terms and conditions of this chapter, the Colorado Retail Marijuana Code ~~C.R.S. § 12-43.4-402~~ and any related rules and regulations

2 A retail marijuana testing facility license shall be issued to a person who performs testing and research on retail

marijuana and industrial hemp The facility may develop and test retail marijuana products and industrial hemp, pursuant to the terms and conditions of this chapter, the Colorado Retail Marijuana Code C.R.S. § 12-43.4-405 and any related rules and regulations

3. A retail marijuana products manufacturing license. A retail marijuana products manufacturing license may be issued to a person who manufactures retail marijuana products, pursuant to the terms and conditions of this chapter, the Colorado Retail Marijuana Code and any related rules and regulations.

B There shall be no more than ~~four~~ a total of six licensed retail marijuana stores and medical marijuana centers operating within the city. If at the time of application for a retail marijuana store or medical marijuana center license there are fewer than ~~four~~ six retail marijuana stores and medical marijuana centers operating in the city, applications shall be reviewed and acted upon by the local licensing authority in the order in which complete applications are received

Section 21. Section 5.11.070 B of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined, words to be deleted are ~~stricken through~~)

Sec. 5.11 070 - Local license procedure

B The applicant shall also provide the following information to the city, which information shall be required for the applicant, the proposed manager of the retail marijuana establishment, and all persons having any financial interest in the retail marijuana establishment that is the subject of the application, to the extent that any of the following information has been included with the applicant's state license application and forwarded to the city by the state licensing authority, the local licensing authority may rely upon the information forwarded from the state without requiring resubmittal of the same materials for the local license application

1 Name, address, date of birth,

2 A complete set of fingerprints,

3 If the applicant is a business entity, information regarding the entity, including, without limitation, the name and address of the entity, its legal status, a copy of its articles of incorporation or organization or other filing required for organization, copies of any ownership agreements, operating agreement, and bylaws, and proof

of registration with, or a certificate of good standing from, the Colorado Secretary of State,

4 The name and complete address of the proposed retail marijuana establishment;

5 If the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a retail marijuana establishment;

6 A copy of any deed reflecting the ownership of, or lease reflecting the right to possess, the proposed licensed premises;

7 Evidence of a valid sales tax license for the business,

8 A "to scale" diagram of the premises, showing, without limitation, a site plan, building layout, leasable floor space, all entryways and exits to the retail marijuana establishment, loading zones and all areas in which retail marijuana or retail marijuana products will be stored, processed or dispensed,

9 A comprehensive business plan for the retail marijuana establishment which shall contain, without limitation, the following

a A security plan meeting the requirements of section 5 11 170,

b A description of all products to be sold,

c. A signage plan that is in compliance with all applicable requirements of section 5 11 160, this Code and the applicable design standards and guidelines, and

10. A plan for ventilation of the retail marijuana establishment that describes the ventilation systems that will be used to prevent any odor of marijuana off the premises of the business. For retail marijuana products manufacturers and retail marijuana testing facilities, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.

11. A description of the processes used to extract or distill marijuana from its source and the process used to incorporate marijuana into all products produced, including verifying compliance of all processes regulated by a federal, state, or local government that would have authority over the business if it was not a retail

marijuana establishment.

12. For a retail marijuana products manufacturer or a retail marijuana testing facility, a plan that specifies all means to be used for extraction, heating, washing, or otherwise changing the form of the marijuana plant, or testing any marijuana, and verification of compliance with all applicable laws for ventilation and safety measures for each process. The city shall require the manufacturer or testing facility to obtain a report from an industrial hygienist to verify that the plan submitted, and the improvements to be constructed, adequately protect the business and adjacent properties and persons, and comply with all applicable laws.

13. Any additional information that the local licensing authority reasonably determines to be necessary in connection with the investigation and review of the application

Section 22. Section 5.11.080 of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined, words to be deleted are ~~stricken through~~)

Sec. 5.11 080 - Location criteria, co-location.

A No retail marijuana store shall, at the time it is established and first licensed by the city, be located within 1,500 feet of another retail marijuana store or a medical marijuana center unless they share premises in accordance with section 5.11.080.F.

~~B.A. No retail marijuana establishment shall, at the time it is established and first licensed by the city, be located within 1,000 1,320 feet of a public or private preschool, elementary, middle, junior high, or high school, or a public playground, all as defined in section 5.11.020 of this Code, or a public pool, or an outdoor education facility serving children, or an alcohol or drug treatment facility; or the principal campus of a college, university, or seminary; or a residential child care facility~~

Further no retail marijuana establishment shall be located, permitted, or licensed to operate.

- 1 Upon any city property; or
- 2 In a dwelling unit or any residentially zoned districts, or
- 3 Within Downtown Louisville as defined by section 17 08 113 of this Code, or

~~4 Within the Agricultural (A), Open Space (OS), Administrative Office Transitional (AO-T), Mixed Use (MU-R), or Commercial Neighborhood (CN) zone districts, or any zone district or other zoned area in which the retail marijuana establishment is not a permitted use or approved special review use as provided in Title 17 of this Code.~~

~~B. C.~~ No licensed premises for a retail marijuana store shall, at the time it is established and first licensed by the city, be located in a physical space exceeding 5,000 ~~2,000~~ square feet of leasable floor space, nor shall such licensed premises ever exceed 5,000 ~~2,000~~ square feet of leasable floor space. The maximum physical space occupied by any medical marijuana center ~~business~~ and retail marijuana store ~~establishment~~ sharing premises shall never exceed 5,000 ~~3,800~~ square feet of leasable floor space

~~C. D.~~ No retail marijuana establishment shall operate as an outdoor or transient retailer, vendor or peddler, or as any temporary or accessory use

~~D. E.~~ The distances described in subsections A ~~and B~~ above shall be computed by a radius measurement that begins at the principal doorway of the premises for which application is made and ends at the principal doorway of the other retail marijuana store or medical marijuana center. The distance described in subsection B shall be computed by direct measurement in a straight line from the nearest property line of the land used for the school purposes stated in subsections A ~~and B~~ above to the nearest portion of the building or unit in which the retail marijuana establishment is located

~~E. F.~~ Medical marijuana businesses and retail marijuana establishments are subject to the following shared licensed premises and operational separation requirements.

1 A medical marijuana center that does not authorize patients under the age of 21 years to be on the premises, may also hold a retail marijuana store license and operate a dual retail business operation on the same licensed premises. In such case the medical marijuana center licensee must post signage that clearly conveys that persons under the age of 21 years may not enter Under these circumstances and upon approval of the local and state licensing authorities, the medical marijuana center and the retail marijuana store may share the same entrances and exits, and medical marijuana and retail marijuana may be separately displayed on the same sale floor Record keeping for the business operations of both

must allow the local and state licensing authorities and city to clearly distinguish the inventories and business transactions of medical marijuana and medical marijuana-infused products from retail marijuana and retail marijuana products

2 A medical marijuana center that authorizes medical marijuana patients under the age of 21 years to be on the premises is prohibited from sharing its licensed premises with a retail marijuana establishment. The two shall not be co-located in this instance and shall maintain distinctly separate licensed premises, including, but not limited to, separate retail and storage areas, separate entrances and exits, separate inventories, separate point-of-sale operations, and separate record-keeping

3. A medical marijuana-infused products manufacturer and a retail marijuana products manufacturing facility may share a single licensed premises and operate at the same location upon the approval of the state and local licensing authorities and subject to all applicable state and local, rules and regulations, including not limited to the requirements for virtual or physical separation between the retail and medical marijuana-related inventory.

4. A medical marijuana testing facility and a retail marijuana testing facility may share a single licensed premises and operate at the same location upon the approval of the state and local licensing authorities and subject to all applicable state and local, rules and regulations, including not limited to the requirements for virtual or physical separation between the retail and medical marijuana-related inventory.

3.5. Co-located licensed operations shall be operated in accordance with all applicable state and local, rules and regulations.

Section 23. Section 5 11 190 of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined, words to be deleted are ~~stricken through~~)

Section 5.11 190 - Requirements for Public Health and Labeling.

A. The production of any retail marijuana product shall be at a retail marijuana product manufacturing facility that meets all requirements of all applicable state and local health regulations related to the production, preparation, labeling, and sale of marijuana products.

B. All marijuana and retail marijuana products sold or

otherwise distributed by the licensee shall be packaged and labeled in a manner consistent with the Colorado Retail Marijuana Code and any related rules and regulations, as from time to time amended

C. The product shall be packaged in a sealed container that cannot be opened without obvious damage to the packaging

Section 24. Section 5 11.210.A of the Louisville Municipal Code is hereby amended by the addition of a new subsection 10 to read as follows (words to be added are underlined)

Sec. 5 11.210 Prohibited acts.

A. It shall be unlawful for any licensee to

10. Cultivate or permit the cultivation of retail marijuana outside of a locked enclosed space within a building.

Section 25. Chapter 5 11 is hereby amended by the addition of a new Section 5 11.222 of the Louisville Municipal Code to read as follows.

Sec. 5.11.222. - Marijuana Odor Emissions.

A. No retail marijuana establishment shall permit the emission of marijuana odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property

B Whether or not a marijuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity able to detect the odor of marijuana from outside the retail marijuana establishment.

C A marijuana odor emission shall be deemed to interfere with the reasonable and comfortable use and enjoyment of property if marijuana odor is detectable at the property line of the premises.

Section 26. Chapter 5 11 of the Louisville Municipal Code is hereby amended by the addition of a new Section 15 11.225 to read as follows.

Sec. 5.11.225. – Additional requirements for testing and manufacturing of retail marijuana and infused products.

A. No retail marijuana establishment may use metals, butane, propane, or other solvent or flammable product, or produce flammable vapors, to process or test marijuana unless the process used and the premises are verified as safe and in compliance with all applicable codes by a qualified industrial hygienist.

B The city shall require the establishment to obtain verification from a qualified industrial hygienist that the manner in which the business producing or testing marijuana complies with all applicable laws and does not produce noxious or dangerous gases or odors or otherwise create a danger to any person or entity in or near the businesses.

Section 27. Section 9 76 030 B of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined, words to be deleted are ~~stricken through~~)

Sec. 9 76.030 - Public consumption of marijuana prohibited.

B It shall be unlawful for any person to consume marijuana on the premises of a medical marijuana business center, ~~medical marijuana-infused products manufacturing facility~~, ~~retail marijuana store~~ or retail marijuana establishment ~~products manufacturing facility~~, as defined in sections 5 10 020 and 5 11 020 of this Code, respectively

Section 28. Section 17 08 321 of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined, words to be deleted are ~~stricken through~~)

Sec. 17 08.321 – Medical marijuana.

A.1 Medical marijuana business. Medical marijuana business means a medical marijuana center, medical marijuana-infused products manufacturer or a medical marijuana testing facility. ~~any person acting alone or in concert with another person, whether for profit or not for profit, who cultivates, grows, harvests, processes, packages, transports, displays, sells, dispenses or otherwise distributes the stalks, stems, roots, seeds, leaves, buds or flowers of the plant (genus) cannabis, or any mixture or preparation thereof, for medical use as authorized by Article XVIII, Section 14 of the Colorado Constitution~~

2 Medical marijuana center Medical marijuana center means a person licensed pursuant to this code to operate a business as described in the Colorado Medical Marijuana Code C.R.S. § 12-

43.3-402 and Chapter 5 10 of this Code that sells medical marijuana to registered patients or primary caregivers as defined in Article XVIII, Section 14 of the Colorado Constitution, but is not a primary caregiver

3 Medical marijuana-infused products manufacturer Medical marijuana-infused products manufacturer means a person licensed pursuant to this code to operate a business as described in the Colorado Medical Marijuana Code C.R.S. § 12-43.3-404 and Chapter 5 10 of this Code

4. Medical marijuana testing facility means an entity licensed to analyze and certify the safety and potency of medical marijuana.

Section 29. Section 17 08.356.A of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined, words to be deleted are ~~stricken through~~)

Sec. 17.08.356. - Optional premises.

A. 1 *Optional premises* means the premises specified in an application for a medical marijuana center license or medical marijuana-infused products manufacturer license with related growing facilities in Colorado for which the application seeks authorization to grow and cultivate marijuana for a purpose authorized by Article XVIII, Section 14 of the Colorado Constitution

2 Optional premises cultivation operation Optional premises cultivation operation means a business as described in the Colorado Medical Marijuana Code C.R.S. § 12-43.3-403

Section 30. The following definitions in Section 17 08 406 of the Louisville Municipal Code are hereby amended (words to be added are underlined, words to be deleted are ~~stricken through~~)

Sec. 17.08.406. - Retail marijuana.

Retail marijuana establishment means a retail marijuana store, retail marijuana products manufacturing facility or a retail marijuana testing facility

Retail marijuana testing facility means an entity licensed to analyze and certify the safety and potency of retail marijuana

Section 31. Section 17 12 030 of the Louisville Municipal Code is hereby

amended by revising the following use groups (words to be added are underlined, words to be deleted are ~~stricken through~~)

Sec. 17 12.030 Use groups

Use Groups		Districts																	
		A	A-O	B-O	A-O T	R RR	SF -R	SF -E	R-R R-E R-L	SF-LD SF-MD SF-HD	R-M	R H	C-N	C-C	C-B	I	PC ZD	MU R	OS
29a	Medical Marijuana Center****	No	No	No	No	No	No	No	No	No	No	No	No	No <u>Yes</u>	Yes	No	No	No	No
29b	Medical Marijuana -infused products manufacturer****	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	No <u>Yes</u>	No	No	No
29c	<u>Medical Marijuana Testing Facility****</u>	<u>No</u>	<u>R</u>	<u>R</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>R</u>	<u>Yes</u>		<u>No</u>	<u>No</u>	
29c	Optional premises	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
29c	Optional premises cultivation operation***	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
52a	Retail Marijuana Store****	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	No		No	No
52b	Retail Marijuana Cultivation Facility****	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
52c	Retail Marijuana Products Manufacturing Facility****	No	No	No	No	No	No	No	No	No	No	No	No	No	No <u>Yes</u>	No <u>Yes</u>	No	No	No
52d	Retail Marijuana Testing Facility****	No	<u>R</u>	<u>R</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>R</u>	<u>Yes</u>		<u>No</u>	<u>No</u>

**** No retail marijuana establishment or medical marijuana business store or ~~retail marijuana testing facility~~ shall be located, permitted or licensed to operate in Downtown Louisville as defined by section 17 08 113 of this Code

Section 32. Section 17 16 040 of the Louisville Municipal Code is hereby

amended by the addition of new use groups to read as follows.

Sec. 17 16.040 - Home occupations.

H The following uses, because of their tendency to go beyond the limits permitted for home occupations and thereby impair the use and value of the residential area, shall not be permitted as home occupations. auto repair or motorized implement repair; dance, music or other types of instruction (if more than four students being instructed at one time); dental offices, medical offices, medical marijuana businesses, centers, medical marijuana-infused products manufacturers, medical marijuana optional premises cultivation operations, retail marijuana establishments, retail marijuana cultivation facilities, the painting of vehicles, trailers or boats, private schools with organized classes; radio and television repair; barber and/or beauty shop, welding shops, nursing homes, massage therapy by a massage therapist; sexually oriented businesses, and, irrespective of whether the use may be categorized as a sexually oriented business, any retail or wholesale sales to consumers upon the premises of any types of materials specified in this title which describe or depict specified sexual activities or specified anatomical areas.

Section 33. Section 17 16.235 of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined, words to be deleted are ~~stricken through~~)

Sec. 17 16.235 - Medical marijuana business.

A. Except for medical marijuana businesses center ~~and medical marijuana-infused products manufacturer~~ uses in locations permitted under title 17 sections 17.12.030 and section 5 10 070 of this Code and licensed pursuant to chapter 5 10 of this Code, and for those activities exempt from licensing under section 5 10 050 B of this Code, it is unlawful for any person to operate, cause to be operated or permit to be operated in the city any medical marijuana business

B No medical marijuana center shall, at the time it is established and first licensed by the city, be located within 1,500 feet of another medical marijuana center or retail marijuana store unless they share premises in accordance with section 5.11.080.F of this Code.

~~CB.~~ No medical marijuana establishment center ~~or medical marijuana-infused product manufacturer~~ shall, at the time it is

established and first licensed by the city, be located

~~1. Within 1,320 feet of another medical marijuana center or medical marijuana-infused product manufacturer.~~

~~2. 1. Within 1,000 4,320 feet of a public or private preschool, elementary, middle, junior high, or high school, a public playground or outdoor pool, an outdoor education facility serving children, an alcohol or drug treatment facility; the principal campus of a college, university, or seminary; or a residential child care facility;~~

~~3. 2. Upon any city property;~~

~~4. 3. In a dwelling unit or any residentially zoned districts, or~~

~~4. Within Downtown Louisville as defined by section 17.08.113 of this Code, or~~

~~5. Within any zone district or other area where the medical marijuana business is not a permitted use or approved special review use as provided in Title 17 of this Code the agricultural (A), open space (OS) administrative office (AO), business office (BO), administrative office transitional (AO-T), industrial (I), planned community zone district (PCZD), mixed use (MU-R), commercial neighborhood (CN), or commercial community (CC) zone districts, or;~~

~~C. D. No licensed premises for a medical marijuana center or medical marijuana-infused product manufacturer shall, at the time it is established and first licensed by the city, be located in a physical space exceeding 5,000 4,800 square feet of leasable floor space, nor shall such a licensed premises ever exceed 5,000 4,800 square feet of leasable floor space~~

~~D. E. No medical marijuana business center or medical marijuana-infused product manufacturer shall operate as an outdoor or transient retailer, vendor or peddler~~

~~E. The distances described in subsections B and C of this section shall be computed by a radius measurement that begins at the principal doorway of the premises for which application is made and ends at the principal doorway of the other medical marijuana center or retail marijuana store. The distance described in subsection C.1 shall be computed by direct measurement in a straight line from the nearest property line of the land used for the~~

~~school purposes stated in subsections B and C of this section to the nearest portion of the building or unit in which the medical marijuana business center or medical marijuana-infused product manufacturer is located~~

F. Medical marijuana businesses shall comply with all the operational requirements in Chapter 5.10, including but not limited to those related to emissions, odor control, ventilation and processing of marijuana.

Section 34. Section 17 16.237 of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined, words to be deleted are stricken through)

Sec. 17 16.237 - Retail marijuana establishments

A. Except for retail marijuana ~~establishments store and retail marijuana testing facility~~ uses in locations permitted under title 17 sections 17.12.030, 17.14.050, 17.72.090 and section 5 11 080 and licensed pursuant to chapter 5 11, it is unlawful for any person to operate, cause to be operated or permit to be operated in the city any retail marijuana establishments

B No retail marijuana store shall, at the time it is established and first licensed by the city, be located within 1,500 feet of another retail marijuana store or a medical marijuana center unless they share premises in accordance with section 5.11.080.F.

~~CB~~ No retail marijuana establishment ~~store or retail marijuana testing facility~~ shall, at the time it is established and first licensed by the city, be located, within 1,000 ~~1,320~~ feet of a public or private preschool, elementary, middle, junior high, or high school, or a public playground, all as defined in section 5.11.020 of this Code, or a public pool, or an outdoor education facility serving children, or an alcohol or drug treatment facility, or the principal campus of a college, university, or seminary, or a residential child care facility

Further no retail marijuana establishment ~~store or retail marijuana testing facility~~ shall be located, permitted, or licensed to operate

- 1 Upon any city property;
- 2 In a dwelling unit or any residentially zoned districts;

3 Within Downtown Louisville as defined by section 17 08 113 of this Code, or

4 Within the ~~Agricultural (A), Open Space (OS), Administrative Office Transitional (AO-T), Mixed Use (MU-R), or Commercial Neighborhood (CN) zone districts, or any zone district or other zoned area in which the retail marijuana establishment is not a permitted use or approved special review use as provided in this Title 17.~~

~~DC.~~ No licensed premises for a retail marijuana store shall, at the time it is established and first licensed by the city, be located in a physical space exceeding 5,000 ~~2,000~~ square feet of leasable floor space, nor shall such a licensed premises ever exceed 5,000 ~~2,000~~ square feet of leasable floor space. The maximum physical space occupied by any medical marijuana business and retail marijuana establishment sharing premises shall never exceed 5,000 ~~3,800~~ square feet of leasable floor space.

~~ED.~~ No retail marijuana establishment ~~store or retail marijuana testing facility~~ shall operate as an outdoor or transient retailer, vendor or peddler, or as any temporary or accessory use.

~~FE.~~ The distances described in subsection B above shall be computed by a radius measurement that begins at the principal doorway of the premises for which application is made and ends at the principal doorway of the other retail marijuana store or medical marijuana center. The distance described in subsection C shall be computed by direct measurement in a straight line from the nearest property line of the land used for the school purposes stated in subsection A above to the nearest portion of the building or unit in which the retail marijuana establishment store or retail marijuana testing facility is located.

G. Retail marijuana establishments shall comply with all the operational requirements in Chapter 5.11, including but not limited to those related to emissions, odor control, ventilation and processing of marijuana.

Section 35. The following use groups in Section 17 14 050 of the Louisville Municipal Code are hereby amended to read as follows (words to be added are underlined)

Principal Uses	CC	MU-R
Commercial Use Group		
Retail Marijuana Store	Yes – Except prohibited	No

<u>and Medical Marijuana Center</u>	within Downtown Louisville, as defined by section 17 08 113 of this Code	
Retail Marijuana Cultivation Facility <u>and Optional Premises Cultivation Facility</u>	No	No
Retail Marijuana Products Manufacturing Facility <u>and Medical Marijuana-Infused Products Manufacturing</u>	No	No
Retail Marijuana Testing Facility <u>and Medical Marijuana Testing Facility</u>	No	No

Section 36. Section 17 72 090 B.21 of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined, words to be deleted are ~~stricken through~~)

Sec. 17 72.090 - Commercial and office

B *Uses permitted* The following commercial and noncommercial uses may be permitted within any planning area designated “commercial” on the adopted planned community development general plan

21 Retail marijuana stores, and retail marijuana testing facilities, medical marijuana centers and medical marijuana testing facilities, except the foregoing uses are not allowed in any mixed use lot that includes a residential use

Section 37. Section 17 72 100 of the Louisville Municipal Code is hereby amended by the addition of a new subsection E to read as follows (words to be added are underlined, words to be deleted are ~~stricken through~~)

Sec. 17 72.100 – Industrial uses permitted.

The following industrial and nonindustrial uses may be permitted within any planning area designated “industrial” on the adopted planned community development general plan

D Retail marijuana products manufacturing facilities, retail marijuana testing facilities, medical marijuana-infused products manufacturing facilities and medical marijuana testing facilities, except the foregoing uses are not allowed in any mixed use lot that includes a residential use

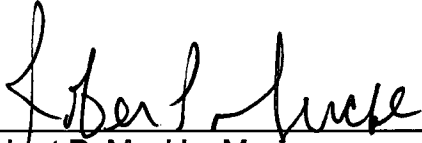
Section 38. The 1,500 foot distance requirement between retail marijuana stores and medical marijuana centers set forth in Sections 5 10 070.A, 5 11 080.A, 17 16.235 B and 17 16.237 B of the Louisville Municipal Code shall not apply to existing retail marijuana stores or existing medical marijuana centers and shall not apply when an existing retail marijuana stores or existing medical marijuana centers transfers ownership pursuant to applicable law For the purposes of this ordinance, the term “existing medical marijuana center” and “existing retail marijuana store” means any medical marijuana center or retail marijuana store that prior to the effective date of this ordinance has been issued the applicable licenses by the State and Local Licensing Authorities and has been lawfully operating in the City

Section 39 If any portion of this ordinance is held to be invalid for any reason such decisions shall not affect the validity of the remaining portions of this ordinance The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that anyone part be declared invalid


Section 40 The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.


Section 41. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED this 8th day of January, 2019

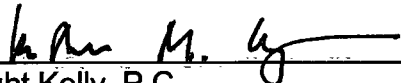

Robert P. Muckle, Mayor

ATTEST

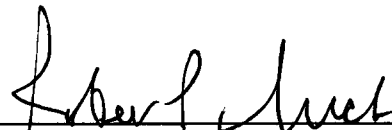

 Meredyth Muth, City Clerk



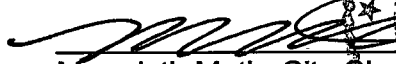
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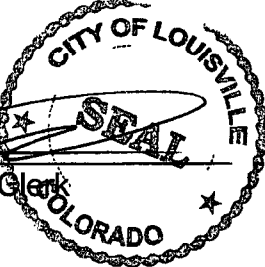

 Light Kelly, P C
 City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this 5th day of February, 2019


 Robert P Muckle, Mayor

ATTEST


 Meredyth Muth, City Clerk



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