

Chapter 5.58

RETAIL MARIJUANA BUSINESS

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5.58.010 Purpose.

A. It is the purpose of this Chapter to adopt regulations governing the operation of retail/recreational marijuana stores, referred to herein as “Retail Marijuana Stores” and retail/recreational marijuana cultivation facilities, referred to herein as “Retail Marijuana Cultivation Facilities” consistent with the provisions of Amendment 64, Article 10 of Title 44 of the Colorado Revised Statutes (the “Colorado Marijuana Code”), and the implementing regulations issued by the Colorado Department of Revenue (1 CCR 212-3), as amended from time to time. The objectives of this Chapter include, but are not limited to:

1. Requiring that any Retail Marijuana Business be operated in a safe and responsible manner; and

2. Establishing a non-discriminatory mechanism by which the City can control, through appropriate regulation, the location and operation of Retail Marijuana Businesses within the City.

B. Nothing in this Chapter allows a person to:

1. Possess, cultivate, grow, use, or distribute marijuana that is otherwise illegal under applicable law; or

2. Engage in any activity related to the possession, cultivation, growing, use, or distribution of marijuana that is not otherwise permitted under the laws of the City or the State of Colorado.

C. The provisions in this Chapter that are different from state law are consistent with the City of Lakewood’s responsibility to protect the public health, safety, and welfare as authorized by the Colorado Marijuana Code, and by the home rule authority granted to the City of Lakewood by Article XX of the Colorado Constitution and the Charter of the City of Lakewood. The City intends that both state law and this Chapter apply within the City of Lakewood. Where this Chapter

conflicts with state law, this Chapter shall govern on all matters authorized in the Colorado Marijuana Code and on all matters of local concern.

D. Adoption of this Chapter is not intended to waive or otherwise impair or limit any portion of the local option available to the City of Lakewood under the Colorado Marijuana Code.

5.58.020 Definitions.

A. Except as set forth below, terms used in this Chapter shall have the definitions found in the Colorado Marijuana Code.

“Amendment 64” means the voter-initiated amendment to the Colorado Constitution codified as Section 16 of Article XVIII of the Colorado Constitution.

“Applicant” means a person who is making an application for a Retail Marijuana Store license or Retail Marijuana Cultivation Facility license under this Chapter.

“City” means the City of Lakewood, Colorado.

“City Manager” means the City Manager of the City of Lakewood or designee.

“Colorado Marijuana Code” means Article 10 of Title 44, C.R.S.

“License” means a license to operate a Retail Marijuana Store or a Retail Marijuana Cultivation Facility issued by the City pursuant to this Chapter.

“Licensee” means the person to whom a license has been issued pursuant to this Chapter.

“Location” means a particular parcel of land that is identified as a zoning lot and inclusive of all structures thereon. To the extent the location consists of separate street addresses, units, suites, rooms, or other similar descriptor, the location shall nevertheless be counted as one (1) location for the purposes of this Chapter.

“Retail Marijuana Business” means a Retail Marijuana Store or a Retail Marijuana Cultivation Facility, as such terms are defined in the Colorado Marijuana Code.

5.58.030 License Required.

A. A Retail Marijuana Business may only be operated within the City pursuant to a local Retail Marijuana Business license issued by the City under this Chapter and a corresponding state Retail Marijuana Business license issued by the State of Colorado under the Colorado Marijuana Code.

B. A separate license shall be required for each Retail Marijuana Store and each Retail Marijuana Cultivation Facility. The requirement to obtain a Retail Marijuana Business license is in addition to the requirement to obtain a sales tax license and any other license required by the City.

C. Retail Marijuana-Infused Products Manufacturing facilities, as such term is defined in the Colorado Marijuana Code, are hereby prohibited within the City and no such license shall be available in the City.

5.58.040 Eligibility for Retail Marijuana Store License; Location of Retail Marijuana Stores.

A. No Retail Marijuana Store shall be licensed or otherwise permitted in the City unless the applicant for a Retail Marijuana Store license was, as of April 1, 2020, operating in good standing a licensed Medical Marijuana Center in the City, and the applicant is, as of the time of application for a local license under this Chapter, licensed as a Medical Marijuana Center by the City and the State of Colorado.

B. Any distance restrictions set forth in this Chapter shall not apply to any existing location where, as of April 1, 2020, a Medical Marijuana Center license was issued by the City and the State of Colorado, and the location, as of the time of application for a local license under this Chapter, is operated by a licensed Medical Marijuana Center.

C. Any person who obtains a transfer of ownership of the state and local licenses for a Medical Marijuana Center that was operating in the City as of April 1, 2020 and is duly licensed

by the City and State of Colorado may qualify for licensing as a Retail Marijuana Store in the City as allowed by Subsections (A) and (B) of this Section.

5.58.050 Eligibility for Retail Cultivation Facility License.

A. No Retail Marijuana Cultivation Facility shall be licensed or otherwise permitted in the City unless (i) the applicant for a Retail Marijuana Cultivation Facility license was, as of April 1, 2020, operating in good standing a licensed Medical Marijuana Optional Premises Cultivation facility in the City; (ii) the applicant is, as of the time of application for a local license under this Chapter, licensed as a Medical Marijuana Optional Premises Cultivation facility by the City and the State of Colorado; and (iii) the Retail Marijuana Cultivation Facility license is located at the same location as the applicant's existing Medical Marijuana Optional Premises Cultivation facility.

B. Any person who obtains a transfer of ownership of the state and local licenses for a Medical Marijuana Optional Premises Cultivation facility that was operating in the City as of April 1, 2020 and is duly licensed by the City and State of Colorado may qualify for licensing as a Retail Marijuana Cultivation Facility in the City as allowed by Subsection (A) of this Section.

5.58.060 Relocation.

A. After a license for a Retail Marijuana Store or a Retail Marijuana Cultivation Facility has been issued by the City and the State of Colorado, the licensee may apply for a transfer of location of the Retail Marijuana Business. Any transfer of location of a Retail Marijuana Store or Retail Marijuana Cultivation Facility license to a new location within the City shall be governed by the standards and procedures set forth in the Colorado Marijuana Code and any rules and regulations adopted pursuant thereto, and the City shall administer applications for transfer of location in the same manner as the State of Colorado administers transfer of location of state licenses, subject to the additional local requirements set forth in this section.

B. A Retail Marijuana Store applying to transfer to a new location in the City shall not be relocated:

1. Within three thousand (3,000) feet of any other licensed Medical Marijuana Center or Retail Marijuana Store; or

2. Within one thousand (1,000) feet of any elementary, middle or high school, or any athletic facilities associated with such schools.

C. For the purposes of this Section, the minimum distance shall be measured in a straight line, without regard to intervening structures, from the nearest property line of one Medical or Retail Marijuana Business to the nearest property line of the parcel on which the structure of another Medical or Retail Marijuana Business is located, or to the nearest property line of the parcel on which the school or athletic facility is located, whichever is applicable.

D. If the application to relocate a Retail Marijuana Business is to a building that is not in existence, the applicant shall file a plot plan and a detailed sketch for the interior and submit an architect's drawing of the building to be constructed.

E. At the time of submitting an application to the City for relocation, the applicant shall pay an application processing fee of one thousand dollars (\$1,000).

F. The Police Department will conduct a Crime Prevention through Environmental Design (CPTED) evaluation to address any security concerns regarding the exterior of the facility. A police agent trained in conducting CPTED evaluations shall conduct the review. The purpose of the CPTED review is to create an environment that impedes criminal activity by improving lighting, mitigating obstructions caused by such things as trees, bushes, fences, and dumpsters that create blind spots or hiding spots, and using security cameras to monitor the property. The Police Department shall promptly forward the results and recommendations of the CPTED evaluation to the City Clerk for administrative review.

G. An application for relocation shall be administratively approved or denied by the City Clerk within thirty (30) days after submittal of the application.

5.58.070 Application and Application Fee.

A. All applicants for a Retail Marijuana Business license shall file a completed application for such license with the City Clerk on forms provided by the City and/or the Colorado Department of Revenue. Applications for a new Retail Marijuana Business license shall be governed by the standards and procedures set forth in the Colorado Marijuana Code and any rules and regulations adopted pursuant thereto, and the City shall administer applications in the same manner as the State of Colorado administers applications for state licenses. A separate application shall be submitted for each Retail Marijuana Store and each Retail Marijuana Cultivation Facility license.

B. All applicants shall file at the time of application the floor plans and specifications for the interior of the premises of the Retail Marijuana Business that were submitted to the Colorado Department of Revenue.

C. The City and its departments and agencies may incorporate any findings as to good moral character of the applicant previously made by the Colorado Department of Revenue, and shall not be required to perform a criminal background check if the Colorado Department of Revenue has already performed a criminal background check on the applicant in connection with the Retail Marijuana Business application and/or other existing licenses held by the applicant in good standing with the Colorado Department of Revenue.

D. Each applicant for a Retail Marijuana Store license shall pay an application processing fee of two thousand dollars (\$2,000) at the time of submitting such application to the City Clerk. Each applicant for a Retail Marijuana Cultivation Facility license shall pay an application processing fee of five hundred dollars (\$500) at the time of submitting such application to the City Clerk. Such application fee shall be nonrefundable, unless the application is returned for being incomplete.

5.58.080 Investigation of Application.

A. When a complete application for a Retail Marijuana Business license has been accepted for filing and the license fee has been paid, the City Clerk shall transmit the application to the Police Department. In addition to any investigations required under state law, the Police Department will do the following:

1. Conduct a review of the application and investigate the accuracy of all the information submitted as a part of the application. The Police Department shall promptly forward its completed investigation of the application to the City Clerk for administrative review; and

2. For any transfer of location where a licensed Medical Marijuana Center is not currently operating at the same location, conduct a Crime Prevention through Environmental Design (CPTED) evaluation to address any security concerns regarding the exterior of the facility, as set forth in this Chapter.

5.58.090 Approval or Denial of Application.

A. Each application shall be administratively approved or denied by the City Clerk. A license shall not be effective until the license has been issued to the applicant by the City Clerk. An application shall be approved and a license shall be issued unless the City Clerk or designee finds that the applicant:

1. Knowingly made a false statement or knowingly gave false information in connection with the application;

2. Will operate the Retail Marijuana Business in violation of local or state law, statute, rule or regulation;

3. Has failed to comply with the results of the CPTED evaluation unless the City Clerk finds good cause to grant the applicant additional time to implement CPTED requirements; or

4. Has otherwise failed to comply with the provisions of this Chapter, the Colorado Marijuana Code, Amendment 64, or any implementing statutes and administrative regulations, as amended from time to time.

B. If necessary, the applicant and any individuals listed on the application may present written documentation to the City Clerk regarding criminal history, including but not limited to evidence of mitigating factors, rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a license.

5.58.100 Appeal of Application Denial.

A. In the event that the City Clerk denies a license application, the City Clerk shall prepare written findings of fact stating the reasons or basis for the denial. A copy of the City Clerk's findings shall be sent by certified mail, return receipt requested, to the address of the applicant as shown in the application. If no appeal is filed with the City Manager within thirty (30) days of the mailing, the denial of the license application shall become a final administrative decision of the City of Lakewood.

B. In the event that the City Clerk denies a license application, an applicant shall have the right to a quasi-judicial hearing before the City Manager for the purpose of appealing the City Clerk's administrative decision. The hearing shall be conducted within thirty (30) days of the City Manager's receipt of the denied applicant's written request for a hearing.

C. At the hearing, the City Manager shall hear and consider such evidence and testimony presented by the City of Lakewood, the applicant, or any other witnesses called by the City of Lakewood or the applicant which evidence is relevant to the stated reason and basis for the City Clerk's denial of the license application. The City Manager shall conduct the hearing in accordance with quasi-judicial proceedings and shall permit the relevant testimony of witnesses, cross-examination, and presentation of relevant documents and other evidence. The formal rules

of evidence shall not apply. The hearing shall be recorded. Any person requesting a transcript of such record shall pay the reasonable cost of preparing the record.

D. Within fourteen (14) days following the conclusion of the hearing, the City Manager shall send a written order by delivery confirmation, to the applicant at the address as shown on the application. The order shall include findings of fact and a final decision concerning the approval or denial of the application. In the event that the City Manager concludes that the application is approved, such approval shall constitute approval by the City Clerk, and the applicant may seek issuance of a license in accordance with this Chapter.

E. The order of the City Manager made pursuant to this section shall be a final decision and may be appealed pursuant to the Colorado Rules of Civil Procedure. For purposes of any appeal, the City Manager's decision shall be final upon the date on which the applicant receives the order or four (4) days after the date of mailing, whichever is earlier.

5.58.110 License Fee.

The license fee for any license issued pursuant to this Chapter shall be payable to the City Clerk at the time an initial license application is filed and thereafter at the time of biennial license renewal. The license fee is in addition to any application fee required by this Chapter. The license fee shall be nonrefundable unless an application is denied. The fee for a Retail Marijuana Store license shall be one thousand dollars (\$1,000) per year. The fee for Retail Marijuana Cultivation Facility license shall be five hundred dollars (\$500.00).

5.58.120 Term of the License.

A Retail Marijuana Business license shall be valid for a period of two (2) years from date of issuance, unless revoked or suspended.

5.58.130 Renewal.

A. To renew an existing license issued pursuant to this Chapter, the applicant must pay the license fee and file a renewal application with the City Clerk prior to the date of the license expiration. The City Clerk may administratively renew a license.

B. A license that is under suspension or otherwise subject to discipline may be renewed in accordance with this Section provided that such renewal shall not modify, alter, terminate, or shorten the period or term of the suspension.

5.58.140 Denial of Renewal, Suspension or Revocation of License.

A. The City Manager may deny renewal of, suspend, revoke, modify, or place conditions on the continuation of a Retail Marijuana Business license upon a finding that the licensee:

1. Has violated any material provision of this Chapter;
2. Has violated the Colorado Marijuana Code or the administrative regulations issued thereunder by the Colorado Department of Revenue;
3. Has failed to comply with the results of the CPTED evaluation regarding the exterior of the facility; or
4. Has allowed or permitted any other person to engage in any criminal conduct on the premises.

B. A licensee shall be entitled to a quasi-judicial hearing before the City Manager if the City seeks to deny renewal, suspend, revoke, modify, or place conditions on a license pursuant to this Chapter.

1. When there is probable cause to believe that a licensee has violated this Chapter or other law, the City Attorney may file a written complaint with the City Manager setting forth the circumstances of the alleged violation.

2. The City Manager shall send a copy of the complaint by delivery confirmation to the licensee at the address as shown on the license application, together with a notice to appear

before the City Manager for the purpose of a hearing to be conducted at a specified date and time and at a place designated in the notice to show cause why the licensee's license should not be suspended. Such hearing shall be held on a date within thirty (30) days following the date of mailing of the complaint unless the City Clerk grants an extension thereof. A licensee may be represented at the hearing by an attorney or other representative.

C. At the hearing, the City Manager shall hear and consider such evidence and testimony presented by the Police Department or other enforcement officers, the City of Lakewood, the licensee, or any other witnesses called by the City of Lakewood or the licensee, which evidence is relevant to the violations alleged in the complaint. The City Manager shall conduct the hearing in conformity with quasi-judicial proceedings and shall permit the relevant testimony of witnesses, cross-examination, and presentation of relevant documents and other evidence. The formal rules of evidence shall not apply. The hearing shall be recorded. Any person requesting a transcript of such record shall pay the reasonable cost of preparing the record.

D. The City Manager shall make written findings of fact from the statements and evidence offered and shall reach a conclusion as to whether the alleged violations occurred and what type of discipline, if any, shall be imposed against the license. Such written findings and conclusion shall be prepared and issued in an order by the City Manager within fourteen (14) days following the conclusion of the hearing. A copy of the findings, conclusion, and order shall be hand delivered or mailed to the licensee by delivery confirmation, at the address as shown on the license application.

E. The order of the City Manager made pursuant to this section shall be a final decision and may be appealed pursuant to the Colorado Rules of Civil Procedure. For purposes of any appeal, the City Manager's decision shall be final upon the date on which the applicant receives the order or four (4) days after the date of mailing, whichever is earlier.

5.58.150 Dual Operation of Medical Marijuana and Retail Marijuana Businesses.

A. A person who holds a license to operate a Medical Marijuana Center and a license to operate a Retail Marijuana Store may operate both licenses in the same premises and in the same location, subject to compliance with the applicable requirements of the Colorado Marijuana Code and any rules and regulations adopted pursuant thereto. Such Medical Marijuana Center and Retail Marijuana Store licenses must be held by the same business licensee.

B. A Medical Marijuana Center that does not authorize patients under the age of twenty-one (21) years to be on the premises may hold a Retail Marijuana Store license and operate a dual operation retail business at a shared licensed premises and may share the same entrances and exits, subject to the following:

1. The Medical Marijuana Center must post signage clearly conveying that persons under twenty-one (21) years of age may not enter the establishment.

2. Medical marijuana and retail marijuana and medical marijuana-infused products and retail marijuana products must be displayed separately on the same sale floor.

3. Record keeping for the business operations of both must enable the City of Lakewood and Colorado Department of Revenue to clearly distinguish the inventories and business transactions of medical marijuana and medical marijuana-infused products from retail marijuana and retail marijuana products.

C. A Medical Marijuana Center that does authorize patients under the age of twenty-one (21) years to be on the premises may hold a Retail Marijuana Store license and operate a dual operation retail business at a shared licensed premises, subject to the following:

1. The Retail Marijuana Store licensee must post signage clearly conveying that persons under twenty-one (21) years of age may not enter the area that contains the Retail Marijuana Store.

2. The Medical Marijuana Center and the Retail Marijuana Store must have separate entrances and exits, and medical marijuana and retail marijuana goods and products must be

separately displayed and sold. The shared licensed premises may include a common foyer, vestibule, check-in area, or waiting area for both Retail Marijuana Store customers and Medical Marijuana Center patients. Provided that it complies with applicable requirements for physical separation, the Medical Marijuana Center may sell medical marijuana to patients under twenty-one (21) years of age and may otherwise conduct its medical marijuana operations as allowed under the Colorado Marijuana Code.

3. Record keeping for the business operations of both must enable the City of Lakewood and Colorado Department of Revenue to clearly distinguish the inventories and business transaction of medical marijuana and medical marijuana-infused products from retail marijuana and retail marijuana products.

D. A person who holds a license to operate a Medical Marijuana Optional Premises Cultivation facility and a Retail Marijuana Cultivation Facility may operate both licenses in the same premises and in the same location, subject to compliance with the applicable requirements of the Colorado Marijuana Code and any rules and regulations adopted pursuant thereto. Such Medical Marijuana Optional Premises Cultivation and Retail Marijuana Cultivation Facility licenses must be held by the same business licensee.

5.58.160 Transfer of Ownership.

A. Transfer of ownership of any local Retail Marijuana Business license issued pursuant to this Chapter shall be governed by the standards and procedures set forth in the Colorado Marijuana Code and any rules and regulations adopted pursuant thereto, and the City Clerk shall administer transfers of such local licenses in the same manner as the Colorado Department of Revenue administers transfers of state licenses.

B. At the time of submitting an application for transfer of ownership to the City Clerk, the applicant shall pay an application processing fee of one thousand dollars (\$1,000.00). Said application fee shall be nonrefundable.

C. Any proposed or approved transfer of ownership of a Retail Marijuana Business license shall not affect any exemption that the location or the licensee may enjoy from the distance restrictions set forth in this Chapter.

5.58.170 Modification of Premises.

A. Any physical modification of the licensed premises of a Retail Marijuana Business license issued pursuant to this Chapter shall be governed by the standards and procedures set forth in the Colorado Marijuana Code and any rules and regulations adopted pursuant thereto, and the City Clerk shall administer applications for modification of premises in the same manner as the Colorado Department of Revenue administers modification of premises for state licenses.

B. At the time of submitting any application for modification of premises to the City Clerk, the applicant shall pay an application processing fee of five hundred dollars (\$500.00). Said application fee shall be nonrefundable.

C. Any proposed or approved modification of premises of a Retail Marijuana Business license shall not affect any exemption that the location or the licensee may enjoy from the distance restrictions set forth in this Chapter.

5.58.180 Hours of Operation.

A. A Retail Marijuana Store may open no earlier than eight o'clock (8:00) A.M. and shall close no later than ten o'clock (10:00) P.M. the same day. A Retail Marijuana Store may be open seven (7) days a week.

B. A Retail Marijuana Cultivation Facility may operate during the hours of operation authorized under the Colorado Marijuana Code and the State of Colorado rules and regulations adopted pursuant thereto.

5.58.190 Ventilation.

A Retail Marijuana Business shall be equipped with a ventilation system that filters out the odor of marijuana, to the extent practicable, to mitigate the smell at the exterior of the Retail Marijuana Business or any adjoining business, parcel, or tract of real property.

5.58.200 Security Requirements for Licensed Premises.

All Retail Marijuana Businesses shall comply with the security requirements for the licensed premises as set forth in the Colorado Marijuana Code and the State of Colorado rules and regulations adopted pursuant thereto.

5.58.210 Right of Entry.

All Retail Marijuana Businesses shall permit the Police Department or any other authorized agent of the City of Lakewood to conduct routine inspections, from time to time, of the licensed Retail Marijuana Business to ensure compliance with the requirements of this Chapter, the Colorado Marijuana Code, or any other applicable law, rule or regulation.

5.58.220 Duties of Licensee.

Each licensee shall:

A. Post the license in a conspicuous location on the premises of the Retail Marijuana Business that may be readily seen by persons entering the premises;

B. For Retail Marijuana Stores, post any public warning signage required by the Colorado Marijuana Code;

C. For Retail Marijuana Stores, sell or transfer to customers only the quantity of marijuana per transaction authorized by the Colorado Marijuana Code;

D. Comply with all of the terms and conditions of the license;

E. Comply with all of the requirements of this Chapter;

F. Comply with all other applicable City of Lakewood ordinances; and

G. Comply with all state laws and administrative regulations pertaining to the retail use of marijuana, including, but not limited to, Amendment 64; the Colorado Marijuana Code; and the rules and regulations adopted pursuant thereto.

5.58.230 Reasonable Procedures.

The City Clerk is hereby authorized to adopt such reasonable policies and procedures as are deemed necessary to implement the provisions of this Chapter.

[END]

Corresponding Changes to Lakewood Medical Marijuana Code (Chapter 5.51)

Section 5.51.035 of the Lakewood City Code shall be amended as follows:

5.51.035 Restrictions on Medical Marijuana Business.

Any Medical Marijuana Business for which a license is issued under this Chapter shall be subject to the following restrictions:

A. A building or structure containing a Medical Marijuana Business may be repaired, but it may not be structurally altered unless the building, structure, or a portion thereof, is declared unsafe by the City of Lakewood building inspector, in which case the building, structure, or portion thereof declared unsafe may be strengthened, altered, or restored to a safe condition.

~~B. No Medical Marijuana Business may be enlarged, extended or expanded. An extension or expansion shall include any increase in the floor area of the building or structure of the licensed premises of the Medical Marijuana Care-giver Facility.~~

~~C~~ B. If a Medical Marijuana Business discontinues operation for a period of one hundred twenty (120) days or more, regardless of any intent to resume operations, any future use of the building or structure shall not be for a Medical Marijuana Business. The City Manager may, in his or her sole discretion, extend the one hundred twenty (120) day period if he or she finds that extenuating circumstances exist.

Section 5.51.040 of the Lakewood City Code shall be amended as follows:

5.51.040 Location of Medical Marijuana Business.

A. It shall be unlawful to operate or to cause or permit the operation of a Medical Marijuana Business:

1. In any location that does not comply with the Lakewood Zoning Ordinance, except that any business for which the City of Lakewood had issued a sales tax license for a Medical Marijuana Care-giver Facility prior to the effective date of this Ordinance 0-2010-1 for a location that is not in a zone district in which a Medical Marijuana Center is a permitted use may continue to operate as a legal non-conforming use subject to the provisions of Article 16 of Title 17 of the Lakewood Municipal Code;

2. Within ~~three-quarters (3/4) of a mile~~ **three thousand (3,000) feet** of any other licensed Medical Marijuana Center **or Retail Marijuana Store**;

3. Within one thousand (1,000) feet of any elementary, middle or high school, or any athletic facilities associated with such schools, ~~regardless of the jurisdiction in which the school is located~~;

Section 5.51.045 of the Lakewood City Code shall be amended as follows:

5.51.045 Relocation.

A. After a license for a Medical Marijuana Center and/or Optional Premises Cultivation Operation has been issued by the City of Lakewood and the State of Colorado pursuant to the Colorado Medical Marijuana Code, the licensee may be allowed to apply for a relocation of the Medical Marijuana Business. ~~The licensee may only relocate from a location for which a Medical Marijuana Care-giver Facility license was issued by the City of Lakewood on or before the effective date of this Chapter or an application for a Medical Marijuana Care-giver Facility license was submitted to the City of Lakewood on or before July 1, 2010 and the decision of the City Clerk was still pending as of the effective date of this Chapter.~~

~~B. If the licensee has been issued a license for both a Medical Marijuana Center and an Optional Premises Cultivation Operation, both licensed businesses must be relocated to the same facility.~~

~~C. No Medical Marijuana Business may be relocated to a new location that results in any increase in the floor area of the building or structure of the licensed premises of the Medical Marijuana Care-giver Facility.~~

~~D B.~~ If the application to relocate a Medical Marijuana Business is to a building that is not in existence, the applicant shall file a plot plan and a detailed sketch for the interior and submit an architect's drawing of the building to be constructed.

~~E C.~~ The application to relocate a Medical Marijuana Business shall include written verification from the City of Lakewood that the location requirements imposed by this Chapter and the Lakewood Zoning Ordinance have been met.

~~F D.~~ At the time of submitting any application for relocation to the City Clerk, each applicant shall pay an application processing fee of two thousand dollars (\$2,000.00). In the future, fees will be set by City Council resolution. Such application fee shall be nonrefundable.

G E. The Police Department will conduct a Crime Prevention through Environmental Design (CPTED) evaluation to address any security concerns regarding the exterior of the facility. A police agent trained in conducting CPTED evaluations shall conduct the review. The purpose of the CPTED review is to create an environment that impedes criminal activity by improving lighting, mitigating obstructions caused by such things as trees, bushes, fences, and dumpsters that create blind spots or hiding spots, and using security cameras to monitor the property. The Police Department shall promptly forward the results and recommendations of the CPTED evaluation to the City Clerk for administrative review.

H F. An application for relocation shall be administratively approved or denied by the City Clerk pursuant to the criteria set forth in Section 5.51.070 within thirty (30) days after submittal of the application.

Section 5.51.150 of the Lakewood City Code shall be amended as follows:

5.51.150 Unlawful acts.

B. It is unlawful for a person licensed pursuant to this article to:

4. Sell, serve, or distribute medical marijuana at any time other than between the hours of 8:00 a.m. and ~~7:00 p.m.~~ **10:00 P.M.** Monday through Sunday;

[END]