TOWN OF PARACHUTE
ORDINANCE NO. 708-2016

AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, AMENDING CHAPTER 6.11 OF THE PARACHUTE MUNICIPAL CODE REGARDING MARIJUANA LICENSE RENEWAL.

WHEREAS, the Town of Parachute (the "Town") is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and under the Parachute Home Rule Charter;

WHEREAS, Title 12, Articles 43.3 and 43.4, C.R.S., authorize the Town to provide for the local licensing and regulation of medical and retail marijuana businesses within the Town;

WHEREAS, by Ordinance No. 683-2015, as amended, the Parachute Board of Trustees adopted Chapter 6.11 of the Parachute Town Code to provide for local control of marijuana businesses, including the licensing, regulation, and renewal thereof; and

WHEREAS, the Town Board desires to amend Chapter 6.11, regarding the marijuana business license renewal process.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Section 6.11.160 is hereby amended to read as follows, with **bold, underlined text added** and ~~strike through language deleted~~.

6.11.160 Renewal of license.

A. ~~At any time from sixty (60) to thirty (30) days prior to the expiration of the current license, a licensee may make application for license renewal for the succeeding year and pay the required fees. Unless otherwise provided by this chapter, if a renewal application is made and no punitive action has been taken or is pending against the licensee, such license may continue as valid until the renewal application is reviewed by the authority.~~

All applications for renewal of medical marijuana licenses and retail marijuana licenses shall be on forms provided by the state licensing authority and the local licensing authority, and must be submitted to the Town Clerk not less than thirty (30) days prior to the license expiration date, together with the required renewal application fee, as established by the Town.

B. ~~The Town Manager or its designee shall send the license renewal application to all applicable Town departments and other referral agencies for review and comment.~~

Upon receiving the renewal application, the Town Clerk shall assemble the applicant's file containing reports from staff regarding the applicant or the premises for the preceding year. Unless there is evidence to the contrary in the applicant's file or otherwise, it will be presumed that the licensed premises are in compliance with the provisions of state statutes and Town regulations, and that the applicant continues to be qualified under the provisions of this Chapter. If these presumptions apply, the application for renewal shall be recommended for approval by the Town Clerk and set for local licensing authority consent at the next Town Board meeting. All successful applicants shall be subject to license fees as referenced in PMC 6.12.090 or otherwise established.

C. ~~The license renewal application shall be brought before the authority for consideration at a public hearing.~~

If there is evidence to rebut the presumptions in subsection (B) of this section which otherwise arise, the Town Clerk shall immediately notify the licensee in writing of the objections to the renewal application and set a public hearing. The written notice shall be mailed by certified mail to the applicant, shall state generally the grounds for staff's recommendation of nonrenewal, and shall provide the date, time and place of the hearing to show cause for nonrenewal. Notice of the hearing must also be conspicuously posted on the premises for a period of ten (10) days prior to the hearing. The hearing shall be conducted in the same manner as provided for hearings on revocation or suspension of the type of license involved.

D. ~~The authority may renew the license upon a finding that there have not been any suspensions of the license or violations of this chapter, the Colorado Medical Marijuana Code, the Colorado Retail Marijuana Code, the Medical Marijuana Regulations, or the Retail Marijuana Regulations, as applicable, by the licensee within the preceding one (1) year period. Should a violation have been found to exist, the authority may deny the renewal or may renew the license with conditions.~~

Licenses may continue as valid until the renewal application is reviewed by the authority.

Section 3. Section 6.11.140 is hereby amended to read as follows, with bold, underlined text added and ~~strike through language deleted~~.

6.11.140 Expiration of license.

Each license shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in PMC 6.11.**160**~~090~~.

Section 4. If any provision of this Ordinance is found to be unconstitutional or unlawful, such finding shall only invalidate that part of portion found to violate the law. All other provisions shall be deemed severable and shall continue in full force and effect.

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY by a vote of 5 to 1 of the Board of Trustees of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 20th day of October, 2016 and approved by the Mayor on the 20th day of October, 2016.

BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO

By: Roy B McClung
Roy McClung, Mayor

ATTEST:

Lucy Cordova
Lucy Cordova, Town Clerk

PUBLIC NOTICE

Public notice is hereby given that an Ordinance entitled:

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was introduced before the Board of Trustees on October 20, 2016; that a copy of said Ordinance is posted at Town Hall; and that the Ordinance was approved at a regular meeting of the Board of Trustees held on October 20, 2016, and approved by the Mayor on October 20, 2016.

Copies of the adopted ordinance are available for inspection at the Town Hall, Parachute, Colorado and available on the internet at http://www.parachutecolorado.com.

Dated this 20th day of October, 2016.

TOWN OF PARACHUTE

Lucy Cardenas

Town Clerk