


COUNCIL COMMUNICATION

Meeting Date: September 22, 2020	Agenda Item: 12B	Agenda Location: Action Items	Goal(s):	Legal Review: 	<input type="checkbox"/> 1 st Reading <input checked="" type="checkbox"/> 2 nd Reading
Subject: An ordinance adding Subsection 42-715(e)(10) of the Thornton City Code regarding grounds for denying an initial marijuana application.					
Recommended by: Robb Kolstad <i>RK</i> Approved by: Kevin S. Woods <i>KW/RK</i>				Ordinance previously introduced by: <u>Sandgren</u>	
Presenter(s): Kristen Rosenbaum, City Clerk					

SYNOPSIS:

On September 8, 2020, City Council voted 8-1 to approve this ordinance on first reading.

This ordinance adds Subsection 42-715(e)(10) of the Thornton City Code (Code) to clarify that no individual may enter more than one marijuana application into the lottery and no two applications may be submitted for the same physical location.

RECOMMENDATION:

Staff recommends Alternative No. 1, approve the ordinance, as drafted, which adds Subsection 42-715(e)(10) of the Code to clarify that no individual may enter more than one application into the lottery and no two applications may be submitted for the same physical location.

BUDGET/STAFF IMPLICATIONS:

None.

ALTERNATIVES:

1. Approve the ordinance as drafted.
2. Approve the ordinance with amendments directed by Council.
3. Do not approve the ordinance.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

On December 3, 2019, Council approved an ordinance establishing a lottery system, which replaced the point system.

INTRODUCED BY: Sandgren

AN ORDINANCE ADDING SUBSECTION 42-715(e)(10) OF THE THORNTON CITY CODE REGARDING GROUNDS FOR DENYING AN INITIAL MARIJUANA APPLICATION.

WHEREAS, the City has a lottery process by which licenses for retail marijuana stores are awarded; and

WHEREAS, the process for determining who is eligible for the lottery needs to be clarified; and

WHEREAS, the health, welfare, and safety of the citizens of the City are promoted by an updated screening process for the award of retail marijuana store licenses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. Subsection 42-715(e)(10), Application screening – Grounds for denial of the initial application, is hereby amended by the addition of the words double-underlined, to read as follows:

Sec. 42-715. - General application requirements.

(e) *Application screening—Grounds for denial of the initial application.* In addition to the prohibitions on persons as licensees found in C.R.S §44-11-306 and C.R.S. §44-12-305, each of the following, in and of itself, constitutes full and adequate grounds for denying an application for a license:

(10) The application is for the same physical location as an application that has already been received. The first application with proper proof of possession per 42-715(d)(7) and (8) will be the only application permitted for any particular location. No subsequent applications for any location will be considered for any particular lottery, even if an applicant for a location is ineligible for other reasons.

2. If any portion of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared unconstitutional or invalid.
3. 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.

4. The repeal or amendment of any provision of the Code 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.
5. This ordinance shall take effect upon final passage.

INTRODUCED, READ, PASSED on first reading, ordered posted in full, and title ordered published by the City Council of the City of Thornton, Colorado, on September 8, 2020.

PASSED AND ADOPTED on second and final reading on _____, 2020.

CITY OF THORNTON, COLORADO

Jan Kulmann, Mayor

ATTEST:

Kristen N. Rosenbaum, City Clerk

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO LEGAL FORM:

Luis A. Corchado, City Attorney

PUBLICATION:

Posted at City Hall, Margaret W. Carpenter Recreation Center, and Thornton Active Adult Center after first and second readings.

Published on the City's official website after first reading on September 9, 2020, and after second and final reading on _____, 2020.