

COUNCIL COMMUNICATION

Meeting Date: May 11, 2021	Agenda Item: 12A	Agenda Location: Action Items	Goal(s):	Legal Review: <i>WAT</i>	<input type="checkbox"/> 1 st Reading <input checked="" type="checkbox"/> 2 nd Reading
Subject: An ordinance amending Article X, Marijuana, Division 3, of Chapter 42, Licenses, Permits and Businesses, of the Thornton City Code to add Section 42-723 (Delivery of Retail Marijuana) to allow the delivery of Retail Marijuana to locations in the City of Thornton.					
Recommended by: Robb Kolstad <i>RK</i>				Approved by: Kevin S. Woods <i>KW</i>	
Presenter(s): Kristen Rosenbaum, City Clerk				Ordinance previously introduced by: <u> Sandgren </u>	

SYNOPSIS:

On April 27, 2021, City Council voted 6-2 to approve this ordinance on first reading.

The City Code (Code) currently does not allow delivery of Retail Marijuana. The proposed Code amendment would allow Thornton-licensed Retail Marijuana Stores to deliver Retail Marijuana to locations in the City, provided that such delivery complies with State Law.

RECOMMENDATION:

Staff recommends Alternative No. 1, approve the ordinance as drafted to allow delivery of Retail Marijuana to locations in the City from Thornton-licensed Retail Marijuana Stores.

BUDGET/STAFF IMPLICATIONS:

None.

ALTERNATIVES:

1. Approve the ordinance as drafted.
2. Amend the proposed ordinance in a manner directed by Council.
3. Do not approve the ordinance, which would continue to prevent the delivery of Retail Marijuana.

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

The Colorado General Assembly recently enacted House Bill 19-1234, which authorizes the City to permit the delivery of marijuana to locations in the City.

INTRODUCED BY: Sandgren

AN ORDINANCE AMENDING ARTICLE X, MARIJUANA, DIVISION 3, OF CHAPTER 42, LICENSES, PERMITS AND BUSINESSES, OF THE THORNTON CITY CODE TO ADD SECTION 42-723 (DELIVERY OF RETAIL MARIJUANA) TO ALLOW THE DELIVERY OF RETAIL MARIJUANA TO LOCATIONS IN THE CITY OF THORNTON.

WHEREAS, the Colorado General Assembly recently enacted House Bill 19-1234, which authorizes the City to permit the delivery of marijuana to locations in the City of Thornton; and

WHEREAS, City Council wishes to allow delivery of Retail Marijuana to locations in the City of Thornton, from Thornton-licensed Retail Marijuana Stores, provided that such delivery complies with State Law.

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

1. Section 42-723 Delivery of Retail Marijuana, is hereby added to the Thornton City Code, to read as follows:

Section 42-723. - Delivery of Retail Marijuana.

- (a) A licensed retail marijuana store, located in the city, may deliver retail marijuana and retail marijuana products to private residences in the city, provided that such delivery satisfies the requirements set forth in C.R.S. § 44-10-601(13), as amended or relocated, and the Colorado Marijuana Rules. Deliveries may only be made by employees of the licensed retail marijuana store.
 - (b) All retail marijuana products delivered to any location in the city are subject to city sales tax.
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 portion 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 April 27, 2021.

PASSED AND ADOPTED on second and final reading on _____, 2021.

CITY OF THORNTON, COLORADO

Jan Kulmann, Mayor

ATTEST:

Kristen N. Rosenbaum, City Clerk

APPROVED AS TO LEGAL FORM:

William A. Tuthill III, Interim 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 April 28, 2021, and after second and final reading on _____, 2021.