

City Council

Study Session Agenda

January 29, 2013
Louisville Public Library, 1st Floor Meeting Room
951 Spruce Street
7:00 PM

- | | | |
|------------------|--------------|--|
| 7:00 p.m. | I. | Call to Order |
| 7:00 – 7:45 p.m. | II. | Discussion – Regulation of Recreational Marijuana |
| 7:45 – 8:30 p.m. | III. | Discussion – Financing/Bonding Options to Advance Capital Improvements |
| 8:30 – 8:45 p.m. | IV. | Discussion – Impacts of Special Events & 2013 City Events |
| 8:45 – 8:55 p.m. | VI. | City Manager’s Report
a. Advanced Agenda |
| 8:55 – 9:00 p.m. | VII. | Discussion Items for Next Study Session on February 12, 2013 and Identification of Future Agenda Items |
| 9:00 p.m. | VIII. | Adjourn |

SUBJECT: DISCUSSION – REGULATION OF RECREATIONAL MARIJUANA

DATE: JANUARY 29, 2013

**PRESENTED BY: MALCOLM FLEMING, CITY MANAGER
SAM LIGHT, CITY ATTORNEY
HEATHER BALSER, DEPUTY CITY MANAGER**

SUMMARY:

Please see the attached memo from City Attorney, Sam Light, outlining the various options available to the City for regulating recreational marijuana sales and use since Amendment 64 was approved by the voters on November 6, 2012. The City Attorney will be present at the January 29, 2013 Study Session to present the memo and respond to questions.

Results from the 2012 election on Amendment 64 are also included for your review.

FISCAL IMPACT:

Sales Tax Implications

RECOMMENDATION:

Discussion

ATTACHMENT(S):

1. Memo
2. Election Results

LIGHT, KELLY & DAWES, P.C.
ATTORNEYS AT LAW

WRITER SQUARE OFFICE TOWER
1512 LARIMER STREET, SUITE 300
DENVER, COLORADO 80202

TEL. (303) 298-1601
FAX (303) 298-1627
E-MAIL slight@lkdpc.com
www.lkdpc.com

MEMORANDUM

TO: Mayor and Councilmembers
City of Louisville

FROM: Samuel J. Light 
Melinda A. Culley 

DATE: January 16, 2013

RE: Regulation of Recreational Marijuana

The purpose of the memorandum is to provide you a brief summary of Amendment 64 and an overview of the options available to the City for regulating recreational marijuana sales and use since Amendment 64 was approved by the voters on November 6, 2012. A copy of the ballot title and text for Amendment 64 is attached.

A. Amendment 64 – Generally. Amendment 64 legalizes the following activities: (1) possessing marijuana accessories or one ounce or less of marijuana; (2) growing up to six marijuana plants, with three or fewer being mature, flowering plants, provided that the growing takes place in an enclosed, locked space, is not conducted openly or publicly, and is not made available for sale; (3) transfer of one ounce or less of marijuana without remuneration to a person who is 21 years of age or older; and (4) using marijuana in private. It also creates a system of licensed businesses to cultivate marijuana, manufacture marijuana products and sell recreational marijuana. The businesses are referred to as marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores. Collectively, they are referred to as “marijuana establishments.”

Amendment 64 includes a declaration that the matters therein are a matter of statewide concern. It directs the Department of Revenue (Department), by July 1, 2013, to adopt regulations concerning the licensing of marijuana establishments (including procedures for issuing, renewing and suspending licenses); qualifications for licensure; security requirements for marijuana establishments; labeling requirements for marijuana; and restrictions on advertising. Nothing in Amendment 64 changes federal law, under which marijuana possession is still illegal. The President recently stated that recreational users of marijuana should not be a top priority of federal law enforcement officials. However, there has been no official position taken or direction given by the Justice Department.

B. Licensing of Marijuana Establishments. Amendment 64 appears to establish a single licensing system for marijuana establishments with the license issued by the State. This

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kind of system differs from the licensing system for medical marijuana and retail liquor establishments, such as liquor stores, taverns, and restaurants, which are dually licensed by the State and local licensing authority. According to the text of Amendment 64, a local government's licensing authority only arises if the State fails to act.¹ Despite the text of Amendment 64, we understand the drafters of Amendment 64 have stated that they intended for the dual licensing of marijuana establishments. Therefore, it is difficult to predict what role the City may have in licensing marijuana establishments until the Department issues its regulations or the Legislature takes action. Their action may implement the single licensing system or, alternatively, implement a dual system under which some measure of licensing authority is vested in or delegated to local governments.

C. Effect on Medical Marijuana Businesses. Amendment 64 does not change existing medical marijuana laws, and medical marijuana businesses must continue to operate in compliances with the provisions of the Colorado Medical Marijuana Code. Specifically, medical marijuana businesses can only distribute marijuana to medical marijuana patients. Amendment 64 makes it clear that a retail marijuana operation may be licensed as a medical marijuana business or as a retail marijuana store, but not both. Under Amendment 64, a medical marijuana center wishing to convert to a retail marijuana store will pay a reduced fee for the marijuana license application.

D. Options for Regulating Marijuana Establishments. The full nature and extent of the City's regulatory authority over marijuana establishments will not be clear until the Legislature adopts a statutory scheme concerning recreational marijuana or the Department issues its regulations. However, we have initially identified the following options for the City to regulate marijuana establishments within the City:

1. Prohibit marijuana establishments. Amendment 64 authorizes local governments to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and marijuana stores through the enactment of an ordinance or through an initiated or referred measure. City Council may enact such an ordinance at any time pursuant to usual ordinance procedures. However, any initiated or referred measure to prohibit marijuana establishments must appear on a general election ballot during an even numbered year. Therefore, the first opportunity for City Council to refer a retail marijuana prohibition to the ballot is the general election on November 4, 2014. Although not explicitly stated, it appears likely that a local government could choose to ban certain types of marijuana establishments, such as marijuana cultivation facilities, while allowing other types of marijuana establishments, such as marijuana stores. A ban as authorized by Amendment 64 would apply only to businesses that want to provide recreational marijuana and would not affect existing

¹ Specifically, Section (5)(e) of Amendment 64 states: "Not later than October 1, 2013, each locality shall enact an ordinance or regulation specifying the entity within the locality that is responsible for processing applications submitted for a license to operate a marijuana establishment within the boundaries of the locality and for the issuance of such licenses should the issuance by the locality become necessary because of a failure by the Department to adopt regulations pursuant to paragraph (a) or because of a failure by the Department to process and issue licenses as required by paragraph (g).

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medical marijuana businesses. Such a ban also would not affect the provisions of Amendment 64 that allow individuals to grow, use and possess marijuana.

2. Allow and regulate marijuana establishments. If the City does not prohibit marijuana establishments, Amendment 64 authorizes local governments to enact ordinances or regulations governing the time, place, manner and number of marijuana establishment operations. Amendment 64 does not provide any detail as to the form these time, place, and manner regulations may take except to state they cannot conflict with Amendment 64, the regulations adopted by the Department, or any statutes enacted by the Legislature. Given this, it may be difficult to craft local regulations until the Legislature and Department enact laws and regulations on recreational marijuana. However, it seems likely the City can, at a minimum, adopt land use regulations regarding the zone districts in which marijuana establishments will be allowed. The City probably can also adopt minimum distance restrictions between marijuana establishments and schools, parks, and other marijuana establishments similar to those adopted for medical marijuana businesses. If the City desires to regulate marijuana establishments, we recommend regulations be in place no later than October 1, 2013.²

3. Adopt a temporary moratorium on the operation of marijuana establishments. As it did with medical marijuana businesses, the City could adopt a moratorium on the operation of marijuana establishments until the Legislature has acted or the Department has promulgated regulations. A moratorium would give the City additional time to consider its options to prohibit or regulate marijuana establishments. Colorado courts have generally upheld temporary moratoria so long as the duration is reasonable under the circumstances and the enactment was made in good faith without discrimination. Williams v. City of Central, 907 P.2d 701, 706 (Colo. App. 1995). The courts have not adopted a bright-line test for determining what length is reasonable, but the Williams case upheld a moratorium enacted for ten months. If the City would like additional time to consider its options to regulate medical marijuana businesses, we can prepare an ordinance establishing a temporary moratorium on the operation of marijuana establishments within the City.

4. Do nothing. As more fully explained in footnote 1, the City must, by October 1, 2013, adopt an ordinance designating a local licensing agency to issue licenses in the event the State fails to act. However, if the City were to do nothing more, then a marijuana establishment could probably begin operating in the City in zone districts where retail shops are allowed once it receives a license from the State.

If you have any questions or would like further information on any of the matters discussed above, please contact us.

cc: Malcolm Fleming, City Manager
Heather Balser, Deputy City Manager

² This is the date under Amendment 64 by which the Department must begin accepting and processing applications. This is also the date after which an applicant may seek a license from a locality if the Department does not adopt its regulations or process the application in accordance with Amendment 64. Given that the Department must adopt its regulations by July 1, 2013 and that potential businesses may be considering applications well in advance of October 1, 2013, the City may want to adopt its regulations as early as July 2013.

Amendment 64
Use and Regulation of Marijuana

1 **Ballot Title:** Shall there be an amendment to the Colorado constitution
2 concerning marijuana, and, in connection therewith, providing for the regulation
3 of marijuana; permitting a person twenty-one years of age or older to consume or
4 possess limited amounts of marijuana; providing for the licensing of cultivation
5 facilities, product manufacturing facilities, testing facilities, and retail stores;
6 permitting local governments to regulate or prohibit such facilities; requiring the
7 general assembly to enact an excise tax to be levied upon wholesale sales of
8 marijuana; requiring that the first \$40 million in revenue raised annually by such
9 tax be credited to the public school capital construction assistance fund; and
10 requiring the general assembly to enact legislation governing the cultivation,
11 processing, and sale of industrial hemp?

12 **Text of Measure:**

13 *Be it Enacted by the People of the State of Colorado:*

14 Article XVIII of the constitution of the state of Colorado is amended BY THE
15 ADDITION OF A NEW SECTION to read:

16 **Section 16. Personal use and regulation of marijuana**

17 **(1) Purpose and findings.**

18 (a) IN THE INTEREST OF THE EFFICIENT USE OF LAW ENFORCEMENT
19 RESOURCES, ENHANCING REVENUE FOR PUBLIC PURPOSES, AND INDIVIDUAL
20 FREEDOM, THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT THE
21 USE OF MARIJUANA SHOULD BE LEGAL FOR PERSONS TWENTY-ONE YEARS OF AGE
22 OR OLDER AND TAXED IN A MANNER SIMILAR TO ALCOHOL.

23 (b) IN THE INTEREST OF THE HEALTH AND PUBLIC SAFETY OF OUR
24 CITIZENRY, THE PEOPLE OF THE STATE OF COLORADO FURTHER FIND AND DECLARE
25 THAT MARIJUANA SHOULD BE REGULATED IN A MANNER SIMILAR TO ALCOHOL SO
26 THAT:

27 (I) INDIVIDUALS WILL HAVE TO SHOW PROOF OF AGE BEFORE PURCHASING
28 MARIJUANA;

1 (II) SELLING, DISTRIBUTING, OR TRANSFERRING MARIJUANA TO MINORS
2 AND OTHER INDIVIDUALS UNDER THE AGE OF TWENTY-ONE SHALL REMAIN
3 ILLEGAL;

4 (III) DRIVING UNDER THE INFLUENCE OF MARIJUANA SHALL REMAIN
5 ILLEGAL;

6 (IV) LEGITIMATE, TAXPAYING BUSINESS PEOPLE, AND NOT CRIMINAL
7 ACTORS, WILL CONDUCT SALES OF MARIJUANA; AND

8 (V) MARIJUANA SOLD IN THIS STATE WILL BE LABELED AND SUBJECT TO
9 ADDITIONAL REGULATIONS TO ENSURE THAT CONSUMERS ARE INFORMED AND
10 PROTECTED.

11 (c) IN THE INTEREST OF ENACTING RATIONAL POLICIES FOR THE
12 TREATMENT OF ALL VARIATIONS OF THE CANNABIS PLANT, THE PEOPLE OF
13 COLORADO FURTHER FIND AND DECLARE THAT INDUSTRIAL HEMP SHOULD BE
14 REGULATED SEPARATELY FROM STRAINS OF CANNABIS WITH HIGHER DELTA-9
15 TETRAHYDROCANNABINOL (THC) CONCENTRATIONS.

16 (d) THE PEOPLE OF THE STATE OF COLORADO FURTHER FIND AND DECLARE
17 THAT IT IS NECESSARY TO ENSURE CONSISTENCY AND FAIRNESS IN THE
18 APPLICATION OF THIS SECTION THROUGHOUT THE STATE AND THAT, THEREFORE,
19 THE MATTERS ADDRESSED BY THIS SECTION ARE, EXCEPT AS SPECIFIED HEREIN,
20 MATTERS OF STATEWIDE CONCERN.

21 **(2) Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
22 REQUIRES,

23 (a) "COLORADO MEDICAL MARIJUANA CODE" MEANS ARTICLE 43.3 OF
24 TITLE 12, COLORADO REVISED STATUTES.

25 (b) "CONSUMER" MEANS A PERSON TWENTY-ONE YEARS OF AGE OR OLDER
26 WHO PURCHASES MARIJUANA OR MARIJUANA PRODUCTS FOR PERSONAL USE BY
27 PERSONS TWENTY-ONE YEARS OF AGE OR OLDER, BUT NOT FOR RESALE TO OTHERS.

28 (c) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE OR ITS
29 SUCCESSOR AGENCY.

30 (d) "INDUSTRIAL HEMP" MEANS THE PLANT OF THE GENUS CANNABIS AND
31 ANY PART OF SUCH PLANT, WHETHER GROWING OR NOT, WITH A DELTA-9

1 TETRAHYDROCANNABINOL CONCENTRATION THAT DOES NOT EXCEED THREE-
2 TENTHS PERCENT ON A DRY WEIGHT BASIS.

3 (e) "LOCALITY" MEANS A COUNTY, MUNICIPALITY, OR CITY AND COUNTY.

4 (f) "MARIJUANA" OR "MARIHUANA" MEANS ALL PARTS OF THE PLANT OF
5 THE GENUS CANNABIS WHETHER GROWING OR NOT, THE SEEDS THEREOF, THE RESIN
6 EXTRACTED FROM ANY PART OF THE PLANT, AND EVERY COMPOUND,
7 MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE PLANT, ITS
8 SEEDS, OR ITS RESIN, INCLUDING MARIHUANA CONCENTRATE. "MARIJUANA" OR
9 "MARIHUANA" DOES NOT INCLUDE INDUSTRIAL HEMP, NOR DOES IT INCLUDE FIBER
10 PRODUCED FROM THE STALKS, OIL, OR CAKE MADE FROM THE SEEDS OF THE PLANT,
11 STERILIZED SEED OF THE PLANT WHICH IS INCAPABLE OF GERMINATION, OR THE
12 WEIGHT OF ANY OTHER INGREDIENT COMBINED WITH MARIJUANA TO PREPARE
13 TOPICAL OR ORAL ADMINISTRATIONS, FOOD, DRINK, OR OTHER PRODUCT.

14 (g) "MARIJUANA ACCESSORIES" MEANS ANY EQUIPMENT, PRODUCTS, OR
15 MATERIALS OF ANY KIND WHICH ARE USED, INTENDED FOR USE, OR DESIGNED FOR
16 USE IN PLANTING, PROPAGATING, CULTIVATING, GROWING, HARVESTING,
17 COMPOSTING, MANUFACTURING, COMPOUNDING, CONVERTING, PRODUCING,
18 PROCESSING, PREPARING, TESTING, ANALYZING, PACKAGING, REPACKAGING,
19 STORING, VAPORIZING, OR CONTAINING MARIJUANA, OR FOR INGESTING, INHALING,
20 OR OTHERWISE INTRODUCING MARIJUANA INTO THE HUMAN BODY.

21 (h) "MARIJUANA CULTIVATION FACILITY" MEANS AN ENTITY LICENSED TO
22 CULTIVATE, PREPARE, AND PACKAGE MARIJUANA AND SELL MARIJUANA TO RETAIL
23 MARIJUANA STORES, TO MARIJUANA PRODUCT MANUFACTURING FACILITIES, AND
24 TO OTHER MARIJUANA CULTIVATION FACILITIES, BUT NOT TO CONSUMERS.

25 (i) "MARIJUANA ESTABLISHMENT" MEANS A MARIJUANA CULTIVATION
26 FACILITY, A MARIJUANA TESTING FACILITY, A MARIJUANA PRODUCT
27 MANUFACTURING FACILITY, OR A RETAIL MARIJUANA STORE.

28 (j) "MARIJUANA PRODUCT MANUFACTURING FACILITY" MEANS AN ENTITY
29 LICENSED TO PURCHASE MARIJUANA; MANUFACTURE, PREPARE, AND PACKAGE
30 MARIJUANA PRODUCTS; AND SELL MARIJUANA AND MARIJUANA PRODUCTS TO
31 OTHER MARIJUANA PRODUCT MANUFACTURING FACILITIES AND TO RETAIL
32 MARIJUANA STORES, BUT NOT TO CONSUMERS.

33 (k) "MARIJUANA PRODUCTS" MEANS CONCENTRATED MARIJUANA
34 PRODUCTS AND MARIJUANA PRODUCTS THAT ARE COMPRISED OF MARIJUANA AND

1 OTHER INGREDIENTS AND ARE INTENDED FOR USE OR CONSUMPTION, SUCH AS, BUT
2 NOT LIMITED TO, EDIBLE PRODUCTS, OINTMENTS, AND TINCTURES.

3 (l) "MARIJUANA TESTING FACILITY" MEANS AN ENTITY LICENSED TO
4 ANALYZE AND CERTIFY THE SAFETY AND POTENCY OF MARIJUANA.

5 (m) "MEDICAL MARIJUANA CENTER" MEANS AN ENTITY LICENSED BY A
6 STATE AGENCY TO SELL MARIJUANA AND MARIJUANA PRODUCTS PURSUANT TO
7 SECTION 14 OF THIS ARTICLE AND THE COLORADO MEDICAL MARIJUANA CODE.

8 (n) "RETAIL MARIJUANA STORE" MEANS AN ENTITY LICENSED TO
9 PURCHASE MARIJUANA FROM MARIJUANA CULTIVATION FACILITIES AND
10 MARIJUANA AND MARIJUANA PRODUCTS FROM MARIJUANA PRODUCT
11 MANUFACTURING FACILITIES AND TO SELL MARIJUANA AND MARIJUANA PRODUCTS
12 TO CONSUMERS.

13 (o) "UNREASONABLY IMPRACTICABLE" MEANS THAT THE MEASURES
14 NECESSARY TO COMPLY WITH THE REGULATIONS REQUIRE SUCH A HIGH
15 INVESTMENT OF RISK, MONEY, TIME, OR ANY OTHER RESOURCE OR ASSET THAT THE
16 OPERATION OF A MARIJUANA ESTABLISHMENT IS NOT WORTHY OF BEING CARRIED
17 OUT IN PRACTICE BY A REASONABLY PRUDENT BUSINESSPERSON.

18 **(3) Personal use of marijuana.** NOTWITHSTANDING ANY OTHER PROVISION OF
19 LAW, THE FOLLOWING ACTS ARE NOT UNLAWFUL AND SHALL NOT BE AN OFFENSE
20 UNDER COLORADO LAW OR THE LAW OF ANY LOCALITY WITHIN COLORADO OR BE
21 A BASIS FOR SEIZURE OR FORFEITURE OF ASSETS UNDER COLORADO LAW FOR
22 PERSONS TWENTY-ONE YEARS OF AGE OR OLDER:

23 (a) POSSESSING, USING, DISPLAYING, PURCHASING, OR TRANSPORTING
24 MARIJUANA ACCESSORIES OR ONE OUNCE OR LESS OF MARIJUANA.

25 (b) POSSESSING, GROWING, PROCESSING, OR TRANSPORTING NO MORE
26 THAN SIX MARIJUANA PLANTS, WITH THREE OR FEWER BEING MATURE, FLOWERING
27 PLANTS, AND POSSESSION OF THE MARIJUANA PRODUCED BY THE PLANTS ON THE
28 PREMISES WHERE THE PLANTS WERE GROWN, PROVIDED THAT THE GROWING TAKES
29 PLACE IN AN ENCLOSED, LOCKED SPACE, IS NOT CONDUCTED OPENLY OR PUBLICLY,
30 AND IS NOT MADE AVAILABLE FOR SALE.

31 (c) TRANSFER OF ONE OUNCE OR LESS OF MARIJUANA WITHOUT
32 REMUNERATION TO A PERSON WHO IS TWENTY-ONE YEARS OF AGE OR OLDER.

1 (d) CONSUMPTION OF MARIJUANA, PROVIDED THAT NOTHING IN THIS
2 SECTION SHALL PERMIT CONSUMPTION THAT IS CONDUCTED OPENLY AND PUBLICLY
3 OR IN A MANNER THAT ENDANGERS OTHERS.

4 (e) ASSISTING ANOTHER PERSON WHO IS TWENTY-ONE YEARS OF AGE OR
5 OLDER IN ANY OF THE ACTS DESCRIBED IN PARAGRAPHS (a) THROUGH (d) OF THIS
6 SUBSECTION.

7 **(4) Lawful operation of marijuana-related facilities.** NOTWITHSTANDING ANY
8 OTHER PROVISION OF LAW, THE FOLLOWING ACTS ARE NOT UNLAWFUL AND SHALL
9 NOT BE AN OFFENSE UNDER COLORADO LAW OR BE A BASIS FOR SEIZURE OR
10 FORFEITURE OF ASSETS UNDER COLORADO LAW FOR PERSONS TWENTY-ONE YEARS
11 OF AGE OR OLDER:

12 (a) MANUFACTURE, POSSESSION, OR PURCHASE OF MARIJUANA
13 ACCESSORIES OR THE SALE OF MARIJUANA ACCESSORIES TO A PERSON WHO IS
14 TWENTY-ONE YEARS OF AGE OR OLDER.

15 (b) POSSESSING, DISPLAYING, OR TRANSPORTING MARIJUANA OR
16 MARIJUANA PRODUCTS; PURCHASE OF MARIJUANA FROM A MARIJUANA
17 CULTIVATION FACILITY; PURCHASE OF MARIJUANA OR MARIJUANA PRODUCTS FROM
18 A MARIJUANA PRODUCT MANUFACTURING FACILITY; OR SALE OF MARIJUANA OR
19 MARIJUANA PRODUCTS TO CONSUMERS, IF THE PERSON CONDUCTING THE
20 ACTIVITIES DESCRIBED IN THIS PARAGRAPH HAS OBTAINED A CURRENT, VALID
21 LICENSE TO OPERATE A RETAIL MARIJUANA STORE OR IS ACTING IN HIS OR HER
22 CAPACITY AS AN OWNER, EMPLOYEE OR AGENT OF A LICENSED RETAIL MARIJUANA
23 STORE.

24 (c) CULTIVATING, HARVESTING, PROCESSING, PACKAGING, TRANSPORTING,
25 DISPLAYING, OR POSSESSING MARIJUANA; DELIVERY OR TRANSFER OF MARIJUANA
26 TO A MARIJUANA TESTING FACILITY; SELLING MARIJUANA TO A MARIJUANA
27 CULTIVATION FACILITY, A MARIJUANA PRODUCT MANUFACTURING FACILITY, OR
28 A RETAIL MARIJUANA STORE; OR THE PURCHASE OF MARIJUANA FROM A
29 MARIJUANA CULTIVATION FACILITY, IF THE PERSON CONDUCTING THE ACTIVITIES
30 DESCRIBED IN THIS PARAGRAPH HAS OBTAINED A CURRENT, VALID LICENSE TO
31 OPERATE A MARIJUANA CULTIVATION FACILITY OR IS ACTING IN HIS OR HER
32 CAPACITY AS AN OWNER, EMPLOYEE, OR AGENT OF A LICENSED MARIJUANA
33 CULTIVATION FACILITY.

34 (d) PACKAGING, PROCESSING, TRANSPORTING, MANUFACTURING,
35 DISPLAYING, OR POSSESSING MARIJUANA OR MARIJUANA PRODUCTS; DELIVERY OR

1 TRANSFER OF MARIJUANA OR MARIJUANA PRODUCTS TO A MARIJUANA TESTING
2 FACILITY; SELLING MARIJUANA OR MARIJUANA PRODUCTS TO A RETAIL MARIJUANA
3 STORE OR A MARIJUANA PRODUCT MANUFACTURING FACILITY; THE PURCHASE OF
4 MARIJUANA FROM A MARIJUANA CULTIVATION FACILITY; OR THE PURCHASE OF
5 MARIJUANA OR MARIJUANA PRODUCTS FROM A MARIJUANA PRODUCT
6 MANUFACTURING FACILITY, IF THE PERSON CONDUCTING THE ACTIVITIES
7 DESCRIBED IN THIS PARAGRAPH HAS OBTAINED A CURRENT, VALID LICENSE TO
8 OPERATE A MARIJUANA PRODUCT MANUFACTURING FACILITY OR IS ACTING IN HIS
9 OR HER CAPACITY AS AN OWNER, EMPLOYEE, OR AGENT OF A LICENSED MARIJUANA
10 PRODUCT MANUFACTURING FACILITY.

11 (e) POSSESSING, CULTIVATING, PROCESSING, REPACKAGING, STORING,
12 TRANSPORTING, DISPLAYING, TRANSFERRING OR DELIVERING MARIJUANA OR
13 MARIJUANA PRODUCTS IF THE PERSON HAS OBTAINED A CURRENT, VALID LICENSE
14 TO OPERATE A MARIJUANA TESTING FACILITY OR IS ACTING IN HIS OR HER
15 CAPACITY AS AN OWNER, EMPLOYEE, OR AGENT OF A LICENSED MARIJUANA
16 TESTING FACILITY.

17 (f) LEASING OR OTHERWISE ALLOWING THE USE OF PROPERTY OWNED,
18 OCCUPIED OR CONTROLLED BY ANY PERSON, CORPORATION OR OTHER ENTITY FOR
19 ANY OF THE ACTIVITIES CONDUCTED LAWFULLY IN ACCORDANCE WITH
20 PARAGRAPHS (a) THROUGH (e) OF THIS SUBSECTION.

21 **(5) Regulation of marijuana.**

22 (a) NOT LATER THAN JULY 1, 2013, THE DEPARTMENT SHALL ADOPT
23 REGULATIONS NECESSARY FOR IMPLEMENTATION OF THIS SECTION. SUCH
24 REGULATIONS SHALL NOT PROHIBIT THE OPERATION OF MARIJUANA
25 ESTABLISHMENTS, EITHER EXPRESSLY OR THROUGH REGULATIONS THAT MAKE
26 THEIR OPERATION UNREASONABLY IMPRACTICABLE. SUCH REGULATIONS SHALL
27 INCLUDE:

28 (I) PROCEDURES FOR THE ISSUANCE, RENEWAL, SUSPENSION, AND
29 REVOCATION OF A LICENSE TO OPERATE A MARIJUANA ESTABLISHMENT, WITH
30 SUCH PROCEDURES SUBJECT TO ALL REQUIREMENTS OF ARTICLE 4 OF TITLE 24 OF
31 THE COLORADO ADMINISTRATIVE PROCEDURE ACT OR ANY SUCCESSOR
32 PROVISION;

33 (II) A SCHEDULE OF APPLICATION, LICENSING AND RENEWAL FEES,
34 PROVIDED, APPLICATION FEES SHALL NOT EXCEED FIVE THOUSAND DOLLARS, WITH
35 THIS UPPER LIMIT ADJUSTED ANNUALLY FOR INFLATION, UNLESS THE DEPARTMENT

1 DETERMINES A GREATER FEE IS NECESSARY TO CARRY OUT ITS RESPONSIBILITIES
2 UNDER THIS SECTION, AND PROVIDED FURTHER, AN ENTITY THAT IS LICENSED
3 UNDER THE COLORADO MEDICAL MARIJUANA CODE TO CULTIVATE OR SELL
4 MARIJUANA OR TO MANUFACTURE MARIJUANA PRODUCTS AT THE TIME THIS
5 SECTION TAKES EFFECT AND THAT CHOOSES TO APPLY FOR A SEPARATE
6 MARIJUANA ESTABLISHMENT LICENSE SHALL NOT BE REQUIRED TO PAY AN
7 APPLICATION FEE GREATER THAN FIVE HUNDRED DOLLARS TO APPLY FOR A
8 LICENSE TO OPERATE A MARIJUANA ESTABLISHMENT IN ACCORDANCE WITH THE
9 PROVISIONS OF THIS SECTION;

10 (III) QUALIFICATIONS FOR LICENSURE THAT ARE DIRECTLY AND
11 DEMONSTRABLY RELATED TO THE OPERATION OF A MARIJUANA ESTABLISHMENT;

12 (IV) SECURITY REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS;

13 (V) REQUIREMENTS TO PREVENT THE SALE OR DIVERSION OF MARIJUANA
14 AND MARIJUANA PRODUCTS TO PERSONS UNDER THE AGE OF TWENTY-ONE;

15 (VI) LABELING REQUIREMENTS FOR MARIJUANA AND MARIJUANA
16 PRODUCTS SOLD OR DISTRIBUTED BY A MARIJUANA ESTABLISHMENT;

17 (VII) HEALTH AND SAFETY REGULATIONS AND STANDARDS FOR THE
18 MANUFACTURE OF MARIJUANA PRODUCTS AND THE CULTIVATION OF MARIJUANA;

19 (VIII) RESTRICTIONS ON THE ADVERTISING AND DISPLAY OF MARIJUANA
20 AND MARIJUANA PRODUCTS; AND

21 (IX) CIVIL PENALTIES FOR THE FAILURE TO COMPLY WITH REGULATIONS
22 MADE PURSUANT TO THIS SECTION.

23 (b) IN ORDER TO ENSURE THE MOST SECURE, RELIABLE, AND ACCOUNTABLE
24 SYSTEM FOR THE PRODUCTION AND DISTRIBUTION OF MARIJUANA AND MARIJUANA
25 PRODUCTS IN ACCORDANCE WITH THIS SUBSECTION, IN ANY COMPETITIVE
26 APPLICATION PROCESS THE DEPARTMENT SHALL HAVE AS A PRIMARY
27 CONSIDERATION WHETHER AN APPLICANT:

28 (I) HAS PRIOR EXPERIENCE PRODUCING OR DISTRIBUTING MARIJUANA OR
29 MARIJUANA PRODUCTS PURSUANT TO SECTION 14 OF THIS ARTICLE AND THE
30 COLORADO MEDICAL MARIJUANA CODE IN THE LOCALITY IN WHICH THE
31 APPLICANT SEEKS TO OPERATE A MARIJUANA ESTABLISHMENT; AND

1 (II) HAS, DURING THE EXPERIENCE DESCRIBED IN SUBPARAGRAPH (I),
2 COMPLIED CONSISTANTLY WITH SECTION 14 OF THIS ARTICLE, THE PROVISIONS OF
3 THE COLORADO MEDICAL MARIJUANA CODE AND CONFORMING REGULATIONS.

4 (c) IN ORDER TO ENSURE THAT INDIVIDUAL PRIVACY IS PROTECTED,
5 NOTWITHSTANDING PARAGRAPH (a), THE DEPARTMENT SHALL NOT REQUIRE A
6 CONSUMER TO PROVIDE A RETAIL MARIJUANA STORE WITH PERSONAL
7 INFORMATION OTHER THAN GOVERNMENT-ISSUED IDENTIFICATION TO DETERMINE
8 THE CONSUMER'S AGE, AND A RETAIL MARIJUANA STORE SHALL NOT BE REQUIRED
9 TO ACQUIRE AND RECORD PERSONAL INFORMATION ABOUT CONSUMERS OTHER
10 THAN INFORMATION TYPICALLY ACQUIRED IN A FINANCIAL TRANSACTION
11 CONDUCTED AT A RETAIL LIQUOR STORE.

12 (d) THE GENERAL ASSEMBLY SHALL ENACT AN EXCISE TAX TO BE LEVIED
13 UPON MARIJUANA SOLD OR OTHERWISE TRANSFERRED BY A MARIJUANA
14 CULTIVATION FACILITY TO A MARIJUANA PRODUCT MANUFACTURING FACILITY OR
15 TO A RETAIL MARIJUANA STORE AT A RATE NOT TO EXCEED FIFTEEN PERCENT
16 PRIOR TO JANUARY 1, 2017 AND AT A RATE TO BE DETERMINED BY THE GENERAL
17 ASSEMBLY THEREAFTER, AND SHALL DIRECT THE DEPARTMENT TO ESTABLISH
18 PROCEDURES FOR THE COLLECTION OF ALL TAXES LEVIED. PROVIDED, THE FIRST
19 FORTY MILLION DOLLARS IN REVENUE RAISED ANNUALLY FROM ANY SUCH EXCISE
20 TAX SHALL BE CREDITED TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION
21 ASSISTANCE FUND CREATED BY ARTICLE 43.7 OF TITLE 22, C.R.S., OR ANY
22 SUCCESSOR FUND DEDICATED TO A SIMILAR PURPOSE. PROVIDED FURTHER, NO
23 SUCH EXCISE TAX SHALL BE LEVIED UPON MARIJUANA INTENDED FOR SALE AT
24 MEDICAL MARIJUANA CENTERS PURSUANT TO SECTION 14 OF THIS ARTICLE AND
25 THE COLORADO MEDICAL MARIJUANA CODE.

26 (e) NOT LATER THAN OCTOBER 1, 2013, EACH LOCALITY SHALL ENACT AN
27 ORDINANCE OR REGULATION SPECIFYING THE ENTITY WITHIN THE LOCALITY THAT
28 IS RESPONSIBLE FOR PROCESSING APPLICATIONS SUBMITTED FOR A LICENSE TO
29 OPERATE A MARIJUANA ESTABLISHMENT WITHIN THE BOUNDARIES OF THE
30 LOCALITY AND FOR THE ISSUANCE OF SUCH LICENSES SHOULD THE ISSUANCE BY
31 THE LOCALITY BECOME NECESSARY BECAUSE OF A FAILURE BY THE DEPARTMENT
32 TO ADOPT REGULATIONS PURSUANT TO PARAGRAPH (a) OR BECAUSE OF A FAILURE
33 BY THE DEPARTMENT TO PROCESS AND ISSUE LICENSES AS REQUIRED BY
34 PARAGRAPH (g).

35 (f) A LOCALITY MAY ENACT ORDINANCES OR REGULATIONS, NOT IN
36 CONFLICT WITH THIS SECTION OR WITH REGULATIONS OR LEGISLATION ENACTED
37 PURSUANT TO THIS SECTION, GOVERNING THE TIME, PLACE, MANNER AND NUMBER

1 OF MARIJUANA ESTABLISHMENT OPERATIONS; ESTABLISHING PROCEDURES FOR THE
2 ISSUANCE, SUSPENSION, AND REVOCATION OF A LICENSE ISSUED BY THE LOCALITY
3 IN ACCORDANCE WITH PARAGRAPH (h) OR (i), SUCH PROCEDURES TO BE SUBJECT
4 TO ALL REQUIREMENTS OF ARTICLE 4 OF TITLE 24 OF THE COLORADO
5 ADMINISTRATIVE PROCEDURE ACT OR ANY SUCCESSOR PROVISION; ESTABLISHING
6 A SCHEDULE OF ANNUAL OPERATING, LICENSING, AND APPLICATION FEES FOR
7 MARIJUANA ESTABLISHMENTS, PROVIDED, THE APPLICATION FEE SHALL ONLY BE
8 DUE IF AN APPLICATION IS SUBMITTED TO A LOCALITY IN ACCORDANCE WITH
9 PARAGRAPH (i) AND A LICENSING FEE SHALL ONLY BE DUE IF A LICENSE IS ISSUED
10 BY A LOCALITY IN ACCORDANCE WITH PARAGRAPH (h) OR (i); AND ESTABLISHING
11 CIVIL PENALTIES FOR VIOLATION OF AN ORDINANCE OR REGULATION GOVERNING
12 THE TIME, PLACE, AND MANNER OF A MARIJUANA ESTABLISHMENT THAT MAY
13 OPERATE IN SUCH LOCALITY. A LOCALITY MAY PROHIBIT THE OPERATION OF
14 MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING
15 FACILITIES, MARIJUANA TESTING FACILITIES, OR RETAIL MARIJUANA STORES
16 THROUGH THE ENACTMENT OF AN ORDINANCE OR THROUGH AN INITIATED OR
17 REFERRED MEASURE; PROVIDED, ANY INITIATED OR REFERRED MEASURE TO
18 PROHIBIT THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA
19 PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, OR
20 RETAIL MARIJUANA STORES MUST APPEAR ON A GENERAL ELECTION BALLOT
21 DURING AN EVEN NUMBERED YEAR.

22 (g) EACH APPLICATION FOR AN ANNUAL LICENSE TO OPERATE A
23 MARIJUANA ESTABLISHMENT SHALL BE SUBMITTED TO THE DEPARTMENT. THE
24 DEPARTMENT SHALL:

25 (I) BEGIN ACCEPTING AND PROCESSING APPLICATIONS ON OCTOBER 1, 2013;

26 (II) IMMEDIATELY FORWARD A COPY OF EACH APPLICATION AND HALF OF
27 THE LICENSE APPLICATION FEE TO THE LOCALITY IN WHICH THE APPLICANT DESIRES
28 TO OPERATE THE MARIJUANA ESTABLISHMENT;

29 (III) ISSUE AN ANNUAL LICENSE TO THE APPLICANT BETWEEN FORTY-FIVE
30 AND NINETY DAYS AFTER RECEIPT OF AN APPLICATION UNLESS THE DEPARTMENT
31 FINDS THE APPLICANT IS NOT IN COMPLIANCE WITH REGULATIONS ENACTED
32 PURSUANT TO PARAGRAPH (a) OR THE DEPARTMENT IS NOTIFIED BY THE RELEVANT
33 LOCALITY THAT THE APPLICANT IS NOT IN COMPLIANCE WITH ORDINANCES AND
34 REGULATIONS MADE PURSUANT TO PARAGRAPH (f) AND IN EFFECT AT THE TIME OF
35 APPLICATION, PROVIDED, WHERE A LOCALITY HAS ENACTED A NUMERICAL LIMIT
36 ON THE NUMBER OF MARIJUANA ESTABLISHMENTS AND A GREATER NUMBER OF
37 APPLICANTS SEEK LICENSES, THE DEPARTMENT SHALL SOLICIT AND CONSIDER

1 INPUT FROM THE LOCALITY AS TO THE LOCALITY'S PREFERENCE OR PREFERENCES
2 FOR LICENSURE; AND

3 (IV) UPON DENIAL OF AN APPLICATION, NOTIFY THE APPLICANT IN WRITING
4 OF THE SPECIFIC REASON FOR ITS DENIAL.

5 (h) IF THE DEPARTMENT DOES NOT ISSUE A LICENSE TO AN APPLICANT
6 WITHIN NINETY DAYS OF RECEIPT OF THE APPLICATION FILED IN ACCORDANCE WITH
7 PARAGRAPH (g) AND DOES NOT NOTIFY THE APPLICANT OF THE SPECIFIC REASON
8 FOR ITS DENIAL, IN WRITING AND WITHIN SUCH TIME PERIOD, OR IF THE
9 DEPARTMENT HAS ADOPTED REGULATIONS PURSUANT TO PARAGRAPH (a) AND HAS
10 ACCEPTED APPLICATIONS PURSUANT TO PARAGRAPH (g) BUT HAS NOT ISSUED ANY
11 LICENSES BY JANUARY 1, 2014, THE APPLICANT MAY RESUBMIT ITS APPLICATION
12 DIRECTLY TO THE LOCALITY, PURSUANT TO PARAGRAPH (e), AND THE LOCALITY
13 MAY ISSUE AN ANNUAL LICENSE TO THE APPLICANT. A LOCALITY ISSUING A
14 LICENSE TO AN APPLICANT SHALL DO SO WITHIN NINETY DAYS OF RECEIPT OF THE
15 RESUBMITTED APPLICATION UNLESS THE LOCALITY FINDS AND NOTIFIES THE
16 APPLICANT THAT THE APPLICANT IS NOT IN COMPLIANCE WITH ORDINANCES AND
17 REGULATIONS MADE PURSUANT TO PARAGRAPH (f) IN EFFECT AT THE TIME THE
18 APPLICATION IS RESUBMITTED AND THE LOCALITY SHALL NOTIFY THE DEPARTMENT
19 IF AN ANNUAL LICENSE HAS BEEN ISSUED TO THE APPLICANT. IF AN APPLICATION
20 IS SUBMITTED TO A LOCALITY UNDER THIS PARAGRAPH, THE DEPARTMENT SHALL
21 FORWARD TO THE LOCALITY THE APPLICATION FEE PAID BY THE APPLICANT TO THE
22 DEPARTMENT UPON REQUEST BY THE LOCALITY. A LICENSE ISSUED BY A LOCALITY
23 IN ACCORDANCE WITH THIS PARAGRAPH SHALL HAVE THE SAME FORCE AND EFFECT
24 AS A LICENSE ISSUED BY THE DEPARTMENT IN ACCORDANCE WITH PARAGRAPH (g)
25 AND THE HOLDER OF SUCH LICENSE SHALL NOT BE SUBJECT TO REGULATION OR
26 ENFORCEMENT BY THE DEPARTMENT DURING THE TERM OF THAT LICENSE.
27 A SUBSEQUENT OR RENEWED LICENSE MAY BE ISSUED UNDER THIS PARAGRAPH ON
28 AN ANNUAL BASIS ONLY UPON RESUBMISSION TO THE LOCALITY OF A NEW
29 APPLICATION SUBMITTED TO THE DEPARTMENT PURSUANT TO PARAGRAPH (g).
30 NOTHING IN THIS PARAGRAPH SHALL LIMIT SUCH RELIEF AS MAY BE AVAILABLE TO
31 AN AGGRIEVED PARTY UNDER SECTION 24-4-104, C.R.S., OF THE COLORADO
32 ADMINISTRATIVE PROCEDURE ACT OR ANY SUCCESSOR PROVISION.

33 (i) IF THE DEPARTMENT DOES NOT ADOPT REGULATIONS REQUIRED BY
34 PARAGRAPH (a), AN APPLICANT MAY SUBMIT AN APPLICATION DIRECTLY TO A
35 LOCALITY AFTER OCTOBER 1, 2013 AND THE LOCALITY MAY ISSUE AN ANNUAL
36 LICENSE TO THE APPLICANT. A LOCALITY ISSUING A LICENSE TO AN APPLICANT
37 SHALL DO SO WITHIN NINETY DAYS OF RECEIPT OF THE APPLICATION UNLESS IT
38 FINDS AND NOTIFIES THE APPLICANT THAT THE APPLICANT IS NOT IN COMPLIANCE

1 WITH ORDINANCES AND REGULATIONS MADE PURSUANT TO PARAGRAPH (f) IN
2 EFFECT AT THE TIME OF APPLICATION AND SHALL NOTIFY THE DEPARTMENT IF AN
3 ANNUAL LICENSE HAS BEEN ISSUED TO THE APPLICANT. A LICENSE ISSUED BY A
4 LOCALITY IN ACCORDANCE WITH THIS PARAGRAPH SHALL HAVE THE SAME FORCE
5 AND EFFECT AS A LICENSE ISSUED BY THE DEPARTMENT IN ACCORDANCE WITH
6 PARAGRAPH (g) AND THE HOLDER OF SUCH LICENSE SHALL NOT BE SUBJECT TO
7 REGULATION OR ENFORCEMENT BY THE DEPARTMENT DURING THE TERM OF THAT
8 LICENSE. A SUBSEQUENT OR RENEWED LICENSE MAY BE ISSUED UNDER THIS
9 PARAGRAPH ON AN ANNUAL BASIS IF THE DEPARTMENT HAS NOT ADOPTED
10 REGULATIONS REQUIRED BY PARAGRAPH (a) AT LEAST NINETY DAYS PRIOR TO THE
11 DATE UPON WHICH SUCH SUBSEQUENT OR RENEWED LICENSE WOULD BE EFFECTIVE
12 OR IF THE DEPARTMENT HAS ADOPTED REGULATIONS PURSUANT TO PARAGRAPH
13 (a) BUT HAS NOT, AT LEAST NINETY DAYS AFTER THE ADOPTION OF SUCH
14 REGULATIONS, ISSUED LICENSES PURSUANT TO PARAGRAPH (g).

15 (j) NOT LATER THAN JULY 1, 2014, THE GENERAL ASSEMBLY SHALL ENACT
16 LEGISLATION GOVERNING THE CULTIVATION, PROCESSING AND SALE OF
17 INDUSTRIAL HEMP.

18 **(6) Employers, driving, minors and control of property.**

19 (a) NOTHING IN THIS SECTION IS INTENDED TO REQUIRE AN EMPLOYER TO
20 PERMIT OR ACCOMMODATE THE USE, CONSUMPTION, POSSESSION, TRANSFER,
21 DISPLAY, TRANSPORTATION, SALE OR GROWING OF MARIJUANA IN THE WORKPLACE
22 OR TO AFFECT THE ABILITY OF EMPLOYERS TO HAVE POLICIES RESTRICTING THE
23 USE OF MARIJUANA BY EMPLOYEES.

24 (b) NOTHING IN THIS SECTION IS INTENDED TO ALLOW DRIVING UNDER THE
25 INFLUENCE OF MARIJUANA OR DRIVING WHILE IMPAIRED BY MARIJUANA OR TO
26 SUPERSEDE STATUTORY LAWS RELATED TO DRIVING UNDER THE INFLUENCE OF
27 MARIJUANA OR DRIVING WHILE IMPAIRED BY MARIJUANA, NOR SHALL THIS SECTION
28 PREVENT THE STATE FROM ENACTING AND IMPOSING PENALTIES FOR DRIVING
29 UNDER THE INFLUENCE OF OR WHILE IMPAIRED BY MARIJUANA.

30 (c) NOTHING IN THIS SECTION IS INTENDED TO PERMIT THE TRANSFER OF
31 MARIJUANA, WITH OR WITHOUT REMUNERATION, TO A PERSON UNDER THE AGE OF
32 TWENTY-ONE OR TO ALLOW A PERSON UNDER THE AGE OF TWENTY-ONE TO
33 PURCHASE, POSSESS, USE, TRANSPORT, GROW, OR CONSUME MARIJUANA.

34 (d) NOTHING IN THIS SECTION SHALL PROHIBIT A PERSON, EMPLOYER,
35 SCHOOL, HOSPITAL, DETENTION FACILITY, CORPORATION OR ANY OTHER ENTITY

1 WHO OCCUPIES, OWNS OR CONTROLS A PROPERTY FROM PROHIBITING OR
2 OTHERWISE REGULATING THE POSSESSION, CONSUMPTION, USE, DISPLAY,
3 TRANSFER, DISTRIBUTION, SALE, TRANSPORTATION, OR GROWING OF MARIJUANA
4 ON OR IN THAT PROPERTY.

5 **(7) Medical marijuana provisions unaffected.** NOTHING IN THIS SECTION SHALL
6 BE CONSTRUED:

7 (a) TO LIMIT ANY PRIVILEGES OR RIGHTS OF A MEDICAL MARIJUANA
8 PATIENT, PRIMARY CAREGIVER, OR LICENSED ENTITY AS PROVIDED IN SECTION 14
9 OF THIS ARTICLE AND THE COLORADO MEDICAL MARIJUANA CODE;

10 (b) TO PERMIT A MEDICAL MARIJUANA CENTER TO DISTRIBUTE MARIJUANA
11 TO A PERSON WHO IS NOT A MEDICAL MARIJUANA PATIENT;

12 (c) TO PERMIT A MEDICAL MARIJUANA CENTER TO PURCHASE MARIJUANA
13 OR MARIJUANA PRODUCTS IN A MANNER OR FROM A SOURCE NOT AUTHORIZED
14 UNDER THE COLORADO MEDICAL MARIJUANA CODE;

15 (d) TO PERMIT ANY MEDICAL MARIJUANA CENTER LICENSED PURSUANT TO
16 SECTION 14 OF THIS ARTICLE AND THE COLORADO MEDICAL MARIJUANA CODE TO
17 OPERATE ON THE SAME PREMISES AS A RETAIL MARIJUANA STORE; OR

18 (e) TO DISCHARGE THE DEPARTMENT, THE COLORADO BOARD OF HEALTH,
19 OR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FROM
20 THEIR STATUTORY AND CONSTITUTIONAL DUTIES TO REGULATE MEDICAL
21 MARIJUANA PURSUANT TO SECTION 14 OF THIS ARTICLE AND THE COLORADO
22 MEDICAL MARIJUANA CODE.

23 **(8) Self-executing, severability, conflicting provisions.** ALL PROVISIONS OF
24 THIS SECTION ARE SELF-EXECUTING EXCEPT AS SPECIFIED HEREIN, ARE SEVERABLE,
25 AND, EXCEPT WHERE OTHERWISE INDICATED IN THE TEXT, SHALL SUPERSEDE
26 CONFLICTING STATE STATUTORY, LOCAL CHARTER, ORDINANCE, OR RESOLUTION,
27 AND OTHER STATE AND LOCAL PROVISIONS.

28 **(9) Effective date.** UNLESS OTHERWISE PROVIDED BY THIS SECTION, ALL
29 PROVISIONS OF THIS SECTION SHALL BECOME EFFECTIVE UPON OFFICIAL
30 DECLARATION OF THE VOTE HEREON BY PROCLAMATION OF THE GOVERNOR,
31 PURSUANT TO SECTION 1(4) OF ARTICLE V.

Amendment 64 (CONSTITUTIONAL)

Precinct	Absentee Voting Ballots Cast	Early Voting Ballots Cast	Election Day Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout
200	443	51	66	560	666	84.08 %
201	408	43	90	541	678	79.79 %
202	757	81	136	974	1,314	74.12 %
203	725	57	128	910	1,049	86.75 %
204	676	53	167	896	1,138	78.73 %
205	644	69	148	861	1,086	79.28 %
206	433	22	99	554	660	83.94 %
207	660	53	169	882	1,124	78.47 %
208	736	68	151	955	1,173	81.42 %
209	435	46	85	566	668	84.73 %
210	636	51	135	822	1,000	82.20 %
211	751	81	165	997	1,285	77.59 %
212	525	66	132	723	945	76.51 %
213	1,102	53	64	1,219	1,481	82.31 %
214	1,009	92	57	1,158	1,426	81.21 %
TOTALS	9,940	886	1,792	12,618	15,693	

Yes	No	Totals	% Yes By Precinct
285	263	548	52%
339	189	528	64%
555	402	957	58%
519	366	885	59%
504	360	864	58%
558	280	838	67%
355	183	538	66%
600	258	858	70%
600	333	933	64%
304	241	545	56%
485	319	804	60%
639	332	971	66%
491	211	702	70%
701	470	1,171	60%
685	439	1,124	61%
7,620	4,646	12,266	62%
62%	38%		

TOTALS 16,227 1,418 2,849 20,494 25,455

12,481 7,432 19,912 63%
63% 37%

**SUBJECT: DISCUSSION – FINANCING/BONDING OPTIONS TO ADVANCE
CAPITAL IMPROVEMENTS**

DATE: JANUARY 29, 2013

**PRESENTED BY: MALCOLM FLEMING, CITY MANAGER
KEVIN WATSON, FINANCE DIRECTOR**

SUMMARY:

City Council asked staff to provide information on financing options should City Council like to advance a number of capital projects. This topic was also discussed at the joint meeting with Boulder City Council, as the City of Boulder approved a ballot question in November of 2011 to address the City's growing list of unfunded capital needs. For 2011, this included funding a bonding package that did not raise taxes and funded a balance of significant deficiencies to address maintenance and renovation of existing facilities as well as high priority facility enhancements. Based on existing revenues, the City of Boulder had the capacity to bond for \$55 million from General Fund revenues. After an extensive public process, the bond package that went to the voters totaled \$49 million in projects, used existing revenues to repay the bonds, and asked voters for bonding authority based on those existing revenues.

The City Council could consider using existing General Fund and Capital Fund dollars and bonding against those revenues to pay for projects up front. However that would limit resources in later years as funds would be dedicated to paying the annual debt service. Assuming revenues remain fairly static, capital projects would be limited without an additional revenue source. For example, per the chart below under Fiscal Impact, if Council wants to do \$10 million in capital projects, it would be necessary to reduce the otherwise available Capital and/or General Fund budget(s) by \$626,000 annually. Increments of an additional \$5 million are listed below to the maximum suggested of \$30 million in debt, which would reduce the otherwise available Capital and/or General Fund by \$1,879,000 annually. Using existing General and/or Capital Funds would still require a vote of Louisville's registered voters. If bonding is used, projects would need to begin construction very soon after the bonds are issued. This would require extensive staff work—perhaps necessitating additional staff, preliminary design work and a prioritization process for those potential projects to be funded.

Should City Council desire to raise additional revenues, the City could pursue General Obligation bonds. This also would require a vote of Louisville's voters. This could be done by proposing to increase the sales tax, which is currently at 3.5% for the City (8.3% total). Sales tax rates of neighboring cities are attached, as a comparison. The necessary sales tax rate (in addition to the current rate) to provide a range of \$10 million to \$30 million in projects is listed in the Fiscal Impact section below.

Additionally, the City Council could propose a property tax increase to the voters for additional capital projects. The increase to the current mill levy to fund a range of \$10 million to \$30 million in capital projects is also provided below.

The City could also sell revenue bonds for its enterprise funds, which would not require a vote of the people. However, the revenue generated must be able to cover the debt. It is unlikely the Golf Course can generate sufficient revenue to cover debt service for the anticipated improvements described in the Golf Course Master Plan. Thus, staff does not recommend pursuing this avenue for Golf Course improvements. Rather, if City Council wishes to include golf course improvements with other capital projects, staff would recommend adding those improvements to a larger list in conjunction with a tax increase or bonding up front using existing revenues. This would require a vote of the people.

As a result of changes in Federal water quality regulations, the City will have to make significant improvements at the Wastewater Treatment Plant in the next five years. At this point, staff projects the rough cost of these improvements will be close to \$20 million. The Wastewater Fund is an enterprise fund, and consequently the City can sell revenue bonds without a vote of the people. Because there are not currently sufficient reserves to fund these projects on a cash basis, because these projects will provide benefits over numerous years, and because interest rates are at historic lows, staff believes it is appropriate to fund these projects with bonds. With interest rates so low, the overall cost of construction will likely increase more rapidly than the cost of borrowing. Thus it may make sense to use bond financing to complete these projects now rather than wait until cash reserves have built up. If the City waits, the cost of the project at a later date would likely exceed the cost, including financing, of using bond funding to construct the project now.

Staff also anticipates the Water Treatment Plants will require maintenance upgrades as well as possible expansion at a cost of \$20 million. However, staff anticipates that these improvements can likely be spread over the next 20+ years and be funded with anticipated tap fee and rate revenue. Another reason for not using bonds to fund the Water Treatment Plant improvements is because the improvements are not needed for a number of years and proceeding now would create intergenerational equity concerns; while the City could use bonds to build the improvements now to take advantage of the low interest rates, is it equitable for current ratepayers, who would receive minimal benefit from the improvements, to pay the debt service on the bonds for those improvements? One last consideration, many of the Water Treatment Plant improvements are maintenance driven and are more properly supported by ongoing revenues rather than one-time bonding efforts. The planned Utility Rate Study will clarify rate impacts related to bonding vs. rate increases. Staff requests that City Council discuss this and other factors as it reviews future financing and bonding options.

Again, the issue of historically low interest rates and thus the possibility that the overall cost of construction may increase more rapidly than the cost of borrowing is an important consideration. As the City considers all future capital needs, the timeline and necessity for some improvements may suggest a pay/build now scenario rather than waiting for cash reserves to support demand. Staff would like some feedback from City Council on this concept.

Additional revenue generation possibilities include a transportation fee. Setting fees similar to the City of Loveland would generate approximately \$200,000 per year. City Council considered this in the past and decided not to pursue this mechanism.

Potential projects that could be funded with additional revenues from the sources outlined above include the following:

- Expanded Recreation and Senior Center
- Outdoor Aquatics Facility
- Golf Course Improvements
- Street Reconstruction
- Pedestrian and Bike Connections
- Museum Building/Enhancements
- Wastewater Plant Expansion (Revenue Bonds)
- Water Plant Maintenance and Expansion (Revenue Bonds)

As stated above in the communication, extensive work needs to be done to fully understand the costs for potential projects as well as complete a prioritization process to finalize which projects would be included in a ballot issue. For example, the last strategic/design look at potential improvements for the Recreation and Senior Center occurred in 2007. That work would need to be updated, 30% design completed and consensus obtained on the improvements to be constructed. Lastly, as expanded and additional capital facilities are considered, additional staffing and maintenance must be taken into account. New or enhanced facilities will likely require added staff for programming and/or maintenance. These operational and maintenance costs must be factored into the long-term fiscal plan for the City.

In 2010, prior to the use tax vote in November of that year, the City commissioned polling to gauge citizen support for such a tax increase. A power point on the results and the survey instrument are attached. City staff strongly suggests doing additional preliminary polling on revenue/tax preferences should the City Council decide to pursue a ballot initiative.

FISCAL IMPACT:

Debt Issuance Amount	Approx Annual Debt Service	Sales Tax Rate to Support Annual Debt Service	Sales Tax On \$100	Mill Levy to Support Annual Debt Service	Annual Property Tax on \$500,000 Home
10,000,000	626,000	0.219%	0.22	1.41	56.24
15,000,000	940,000	0.329%	0.33	2.12	84.45
20,000,000	1,253,000	0.439%	0.44	2.83	112.57
25,000,000	1,566,000	0.548%	0.55	3.53	140.69
30,000,000	1,879,000	0.658%	0.66	4.24	168.81
40,000,000	2,506,000	0.877%	0.88	5.66	225.14
50,000,000	3,132,000	1.096%	1.10	7.07	281.39

Assumptions:

- *Interest Rate on Bonds = Average 2.25%*
- *Term of Bonds = 20 Years*
- *City's Taxable Sales = \$285,700,000*
- *City's Net Assessed Valuation = \$443,000,000*

RECOMMENDATION:

Discussion: City staff is seeking feedback on the pros and cons of the various revenue generation opportunities to pursue unfunded capital needs in the City.

ATTACHMENTS:

1. Sales Tax Comparison
2. Presentation on Use Tax Poll

Sales and Use Tax Comparison			
City/Town	Sales Tax Rate	Use Tax Rate	Notes
Broomfield	4.150%	4.150%	Only on Autos & Building Materials
Northglenn	4.000%	4.000%	All tangible personal property and taxable services
Westminster	3.850%	3.850%	All tangible personal property and taxable services
Aurora	3.750%	3.750%	All tangible personal property and taxable services
Thornton	3.750%	3.750%	All tangible personal property and taxable services
Brighton	3.750%	3.750%	Only on Autos & Building Materials
Denver	3.620%	3.620%	All tangible personal property and taxable services
Commerce City	3.500%	3.500%	All tangible personal property and taxable services
Lafayette	3.500%	3.500%	All tangible personal property and taxable services
Erie	3.500%	3.500%	Only on Autos & Building Materials
Louisville	3.500%	3.500%	All tangible personal property and taxable services
Arvada	3.460%	3.460%	All tangible personal property and taxable services
Superior	3.460%	3.300%	Only on Autos & Building Materials
Boulder	3.410%	3.410%	All tangible personal property and taxable services
Longmont	3.275%	3.275%	All tangible personal property and taxable services
Golden	3.000%	3.000%	All tangible personal property and taxable services
Lakewood	3.000%	3.000%	All tangible personal property and taxable services
Wheat Ridge	3.000%	3.000%	All tangible personal property and taxable services



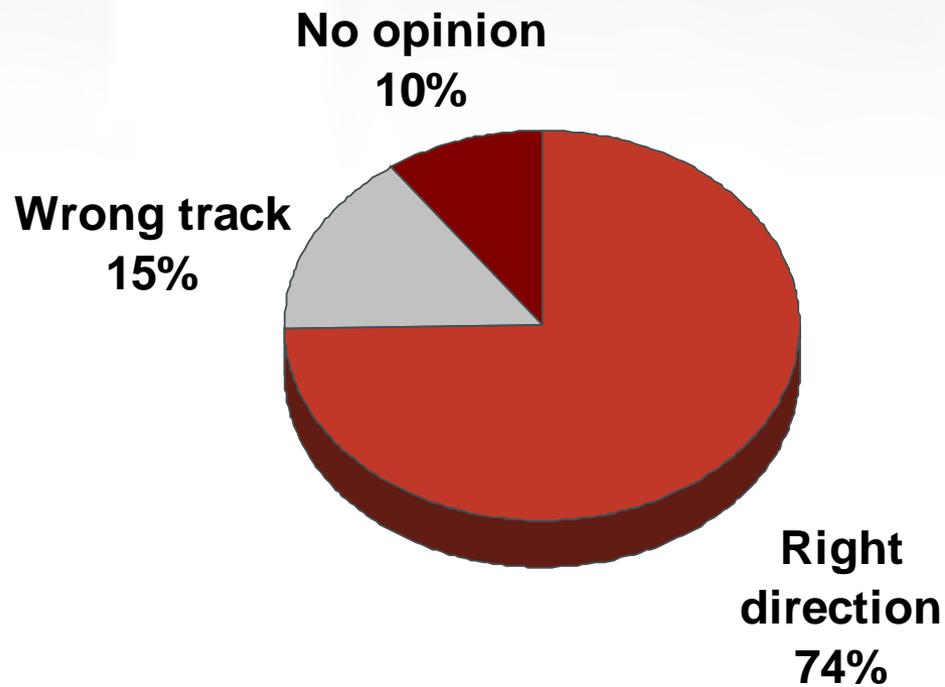
Louisville, CO public opinion survey

May 23-25, 2010

Background

- **Methodology**
 - Sample of 251 likely voters
 - Interviews conducted May 23-25, 2010
 - Average interview length of 13 minutes
 - Margin of error of $\pm 6.2\%$ for entire sample
- **Contributors**
 - Dr. David B. Hill, Director, HRC
 - Dr. Stephen N. White, Assistant Director
 - David J. Benzion, Senior Research Analyst
 - Jason Nemeck, Project Manager

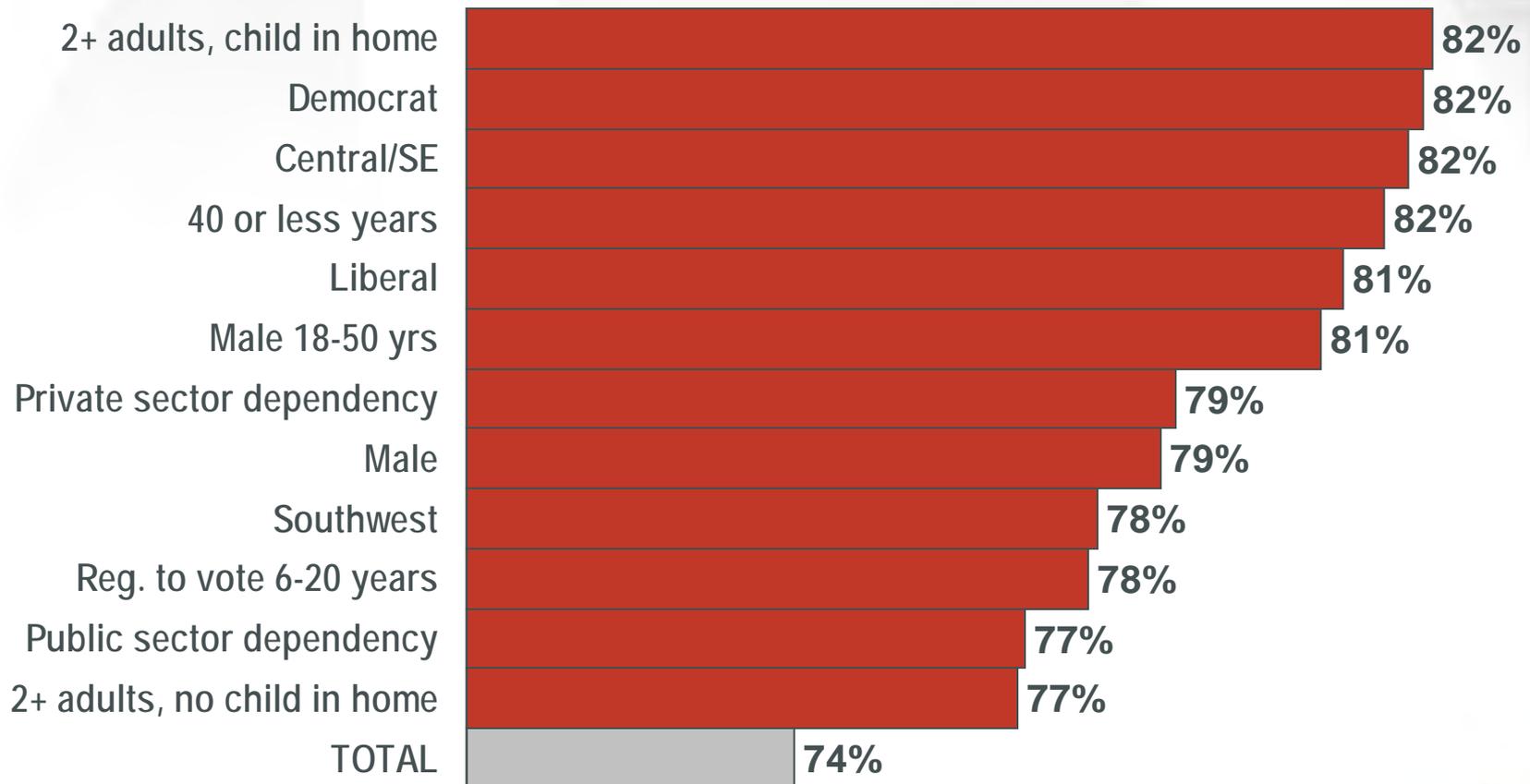
Direction of things in Louisville today



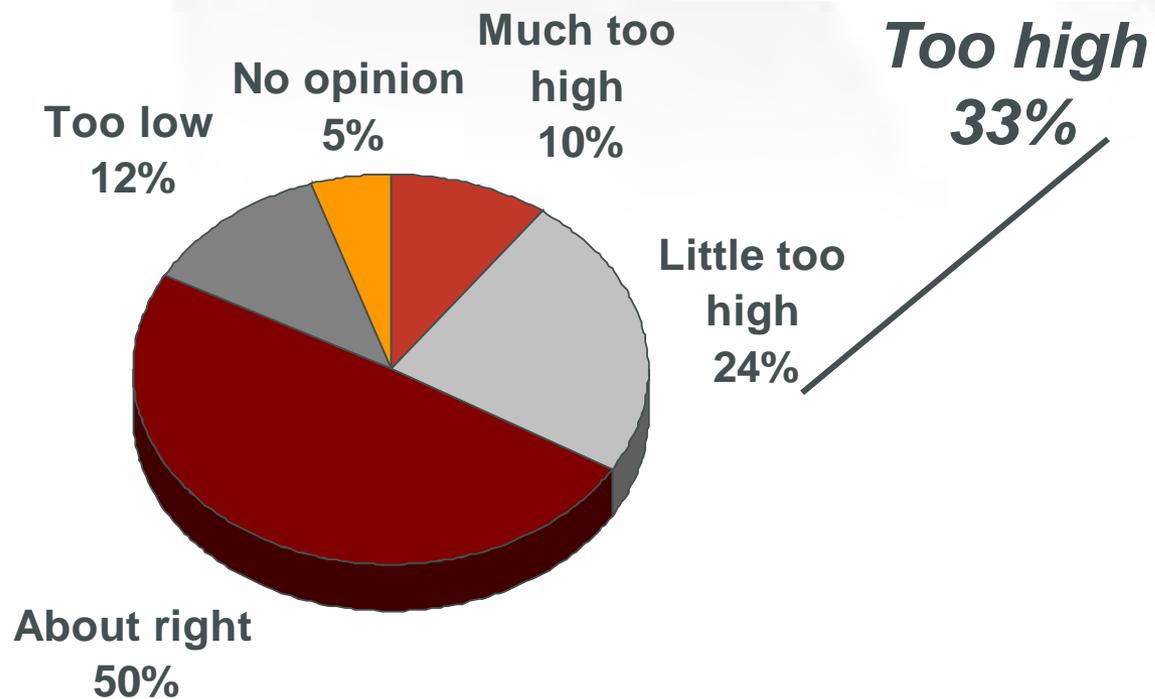
Note: percentages do not add up to 100% due to rounding.

Direction of things in Louisville today

categories with the highest percentage of “right direction”



Opinion of local taxes levied by Boulder County & other local governments & school districts



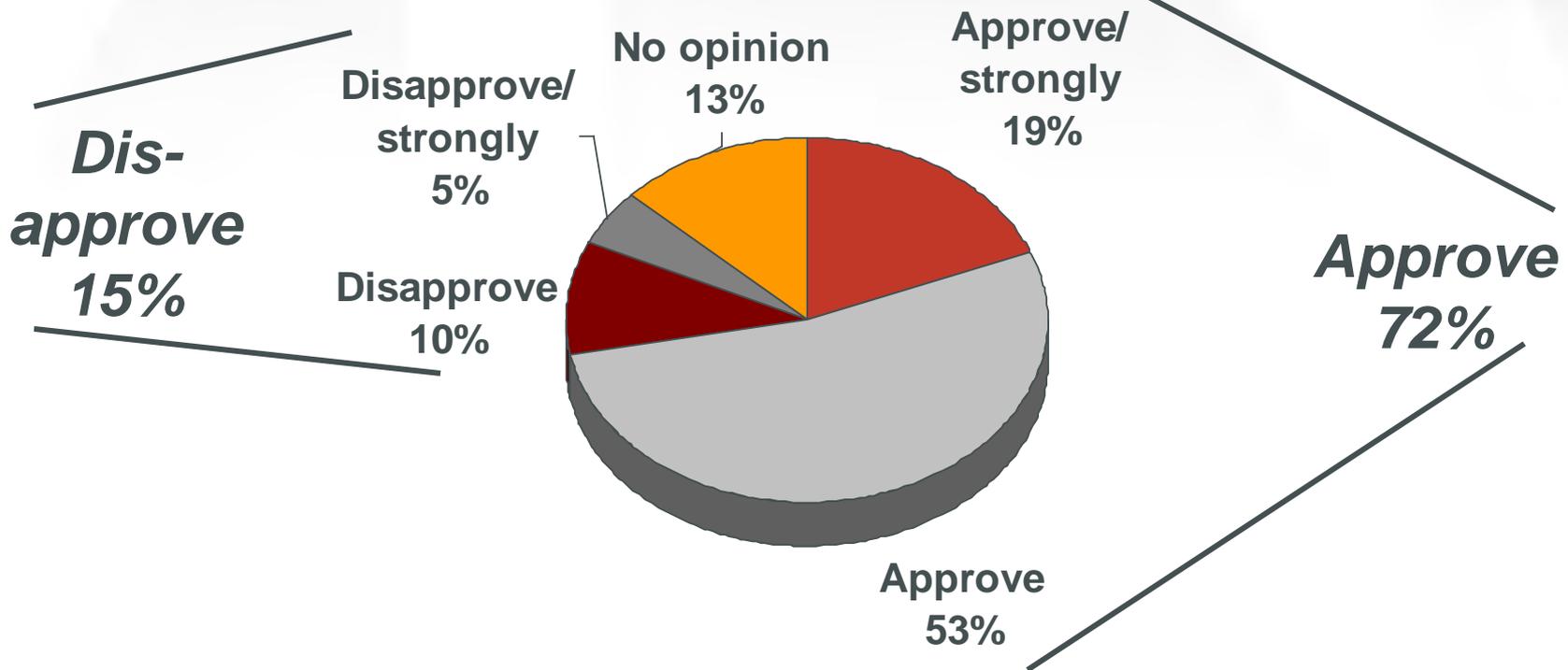
Note: percentages do not add up to 100% due to rounding.

Opinion of local taxes levied by Boulder County & other local governments & school districts

categories with the highest percentage of “too high”

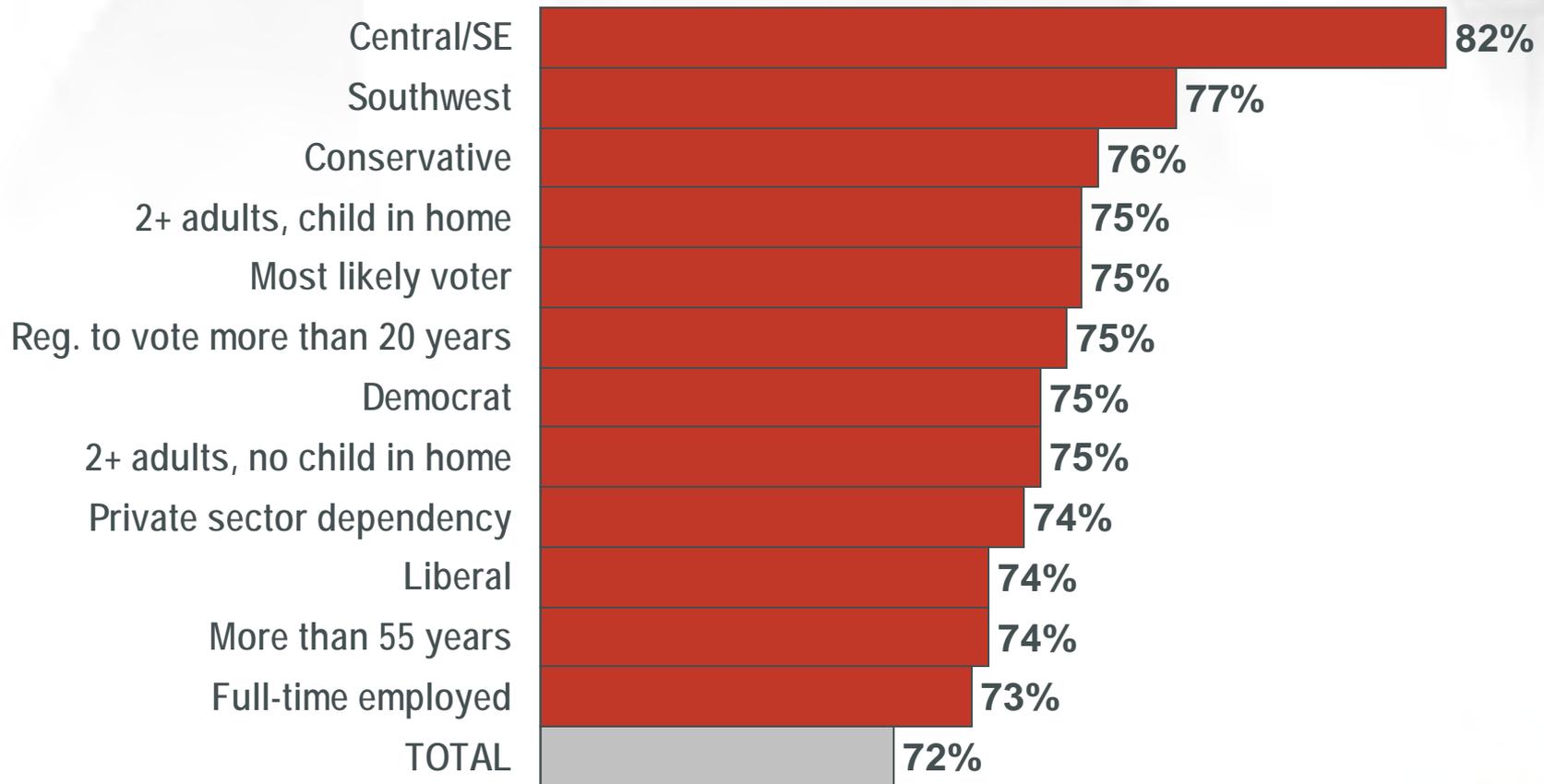


Mayor & City Council job approval

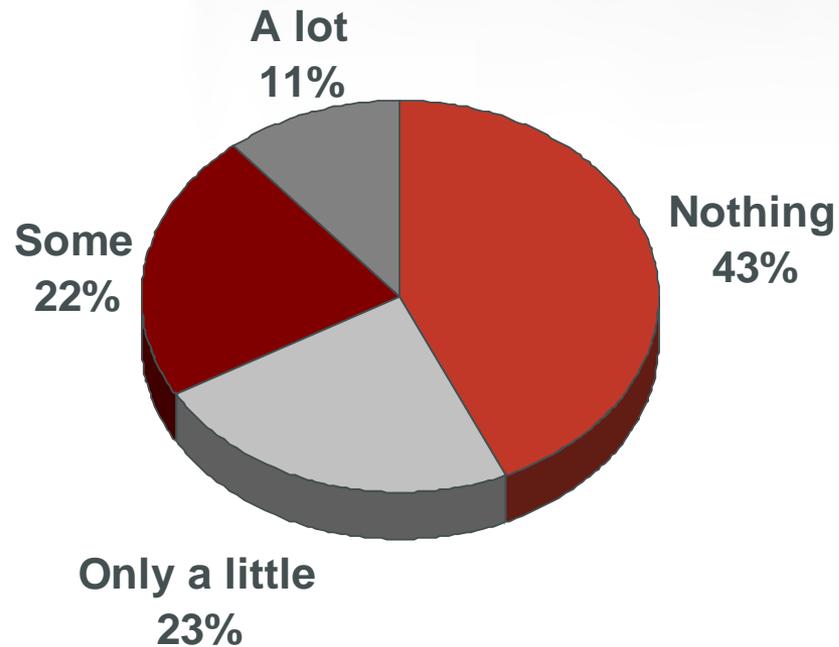


Mayor & City Council job approval

categories with the highest percentage of “approve”



Read, seen or heard lately about possible City of Louisville tax measure



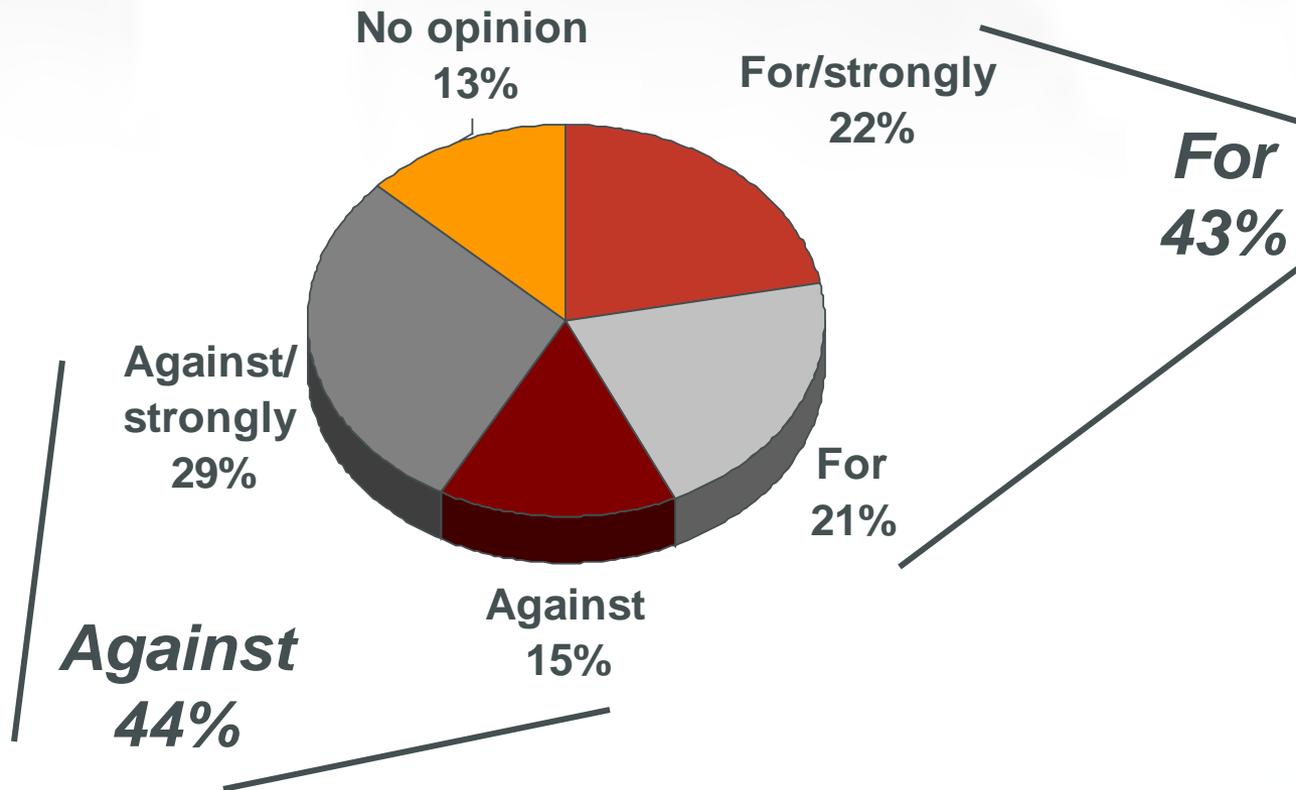
Note: percentages do not add up to 100% due to rounding.

Read, seen or heard lately about possible City of Louisville tax measure

categories with the highest percentage of “a lot + some”

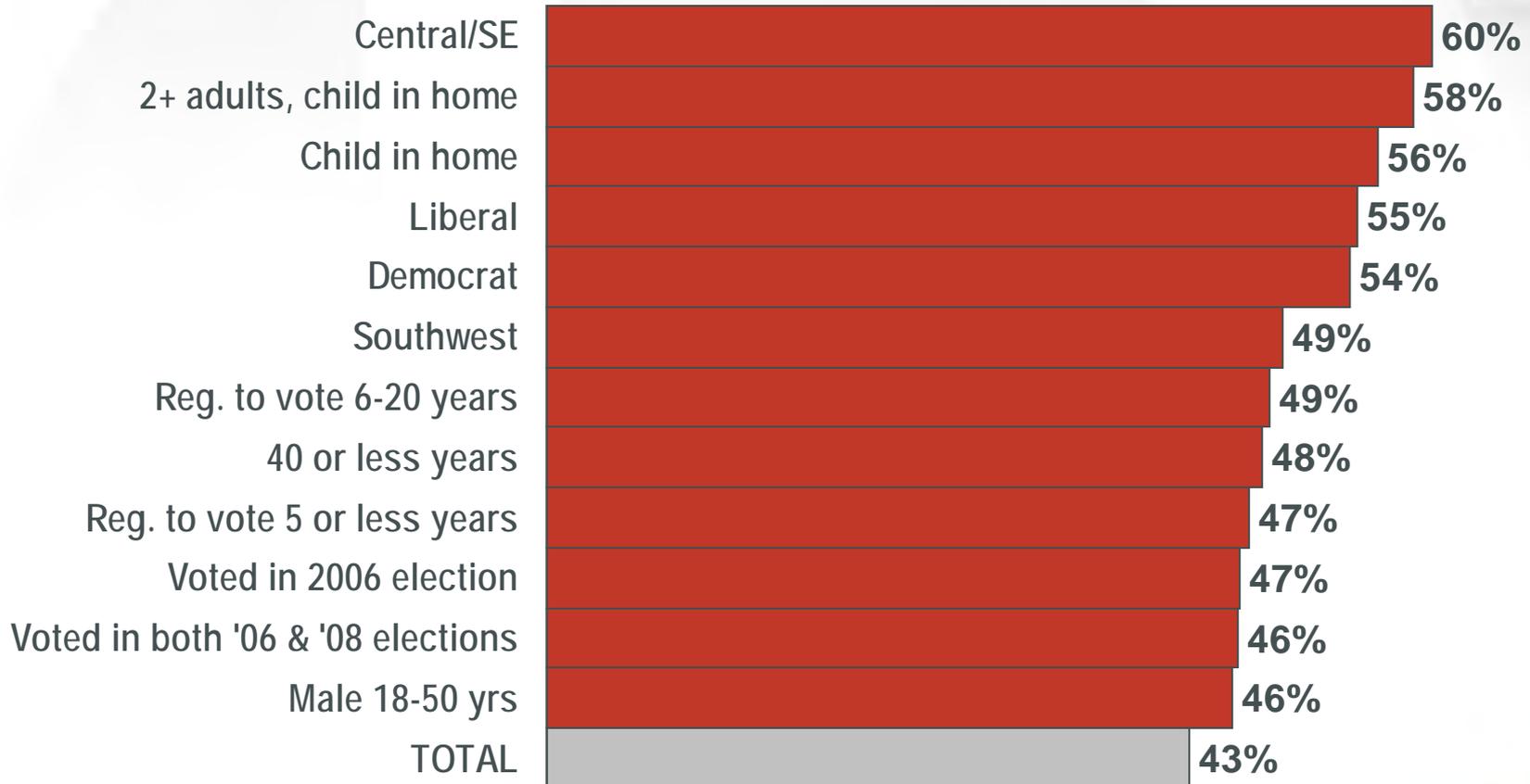


\$900,000 City of Louisville use tax proposal ballot



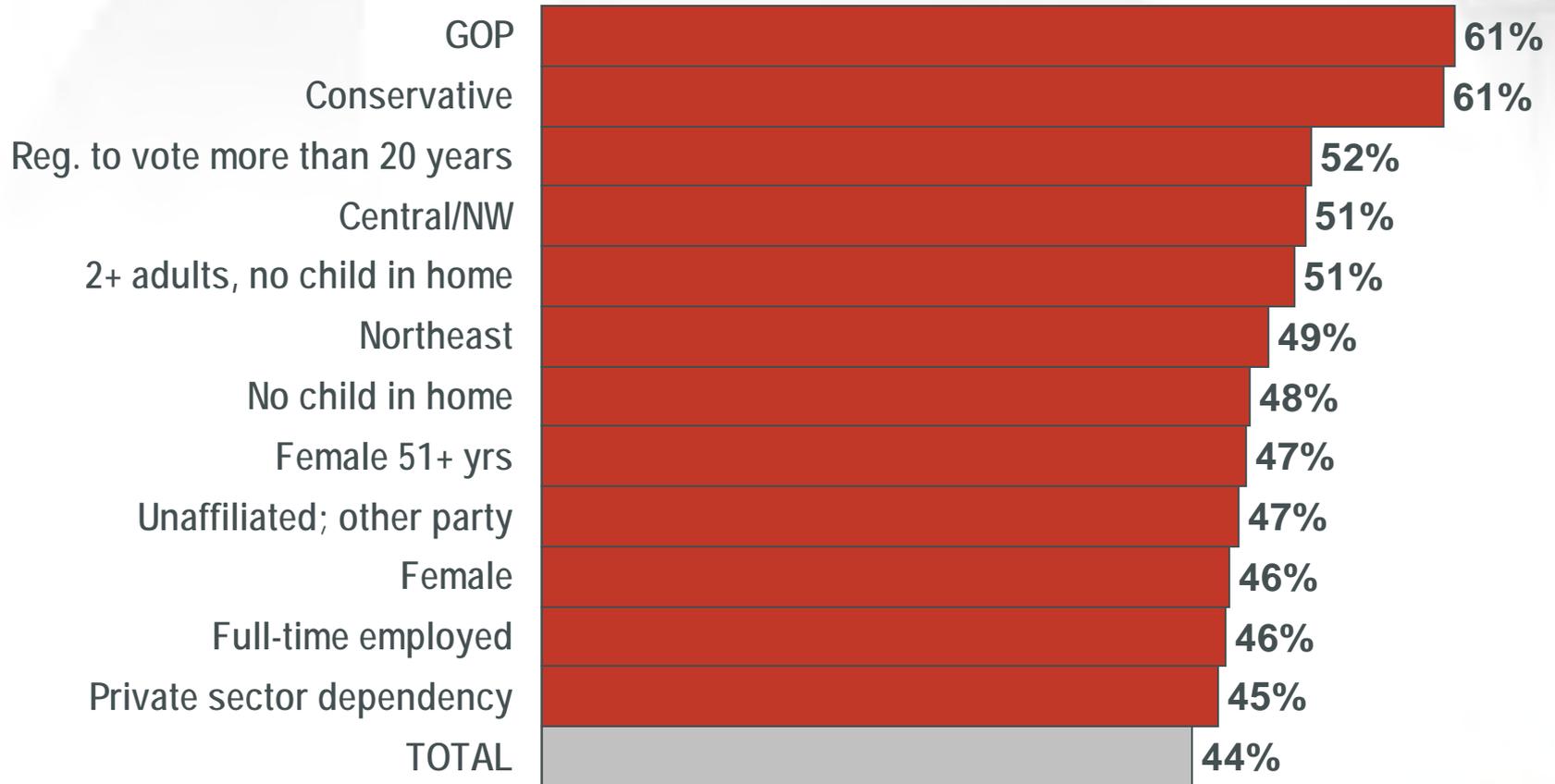
\$900,000 City of Louisville use tax proposal ballot

categories with the highest percentage of “for”



\$900,000 City of Louisville use tax proposal ballot

categories with the highest percentage of “against”



Support for selected parts of the proposal

	Support	Oppose
Using the revenue from a use tax for lawful municipal purposes, including but not limited to maintaining streets, restoring certain programs & services & maintaining parks & city facilities	75%	21%
Setting the tax rate at 3.5%	51%	35%
Imposition of a use tax for Louisville	50%	40%
Allowing the tax revenues to be free of TABOR	48%	36%

Support for imposition of use tax for Louisville

categories with the highest percentage of “support”



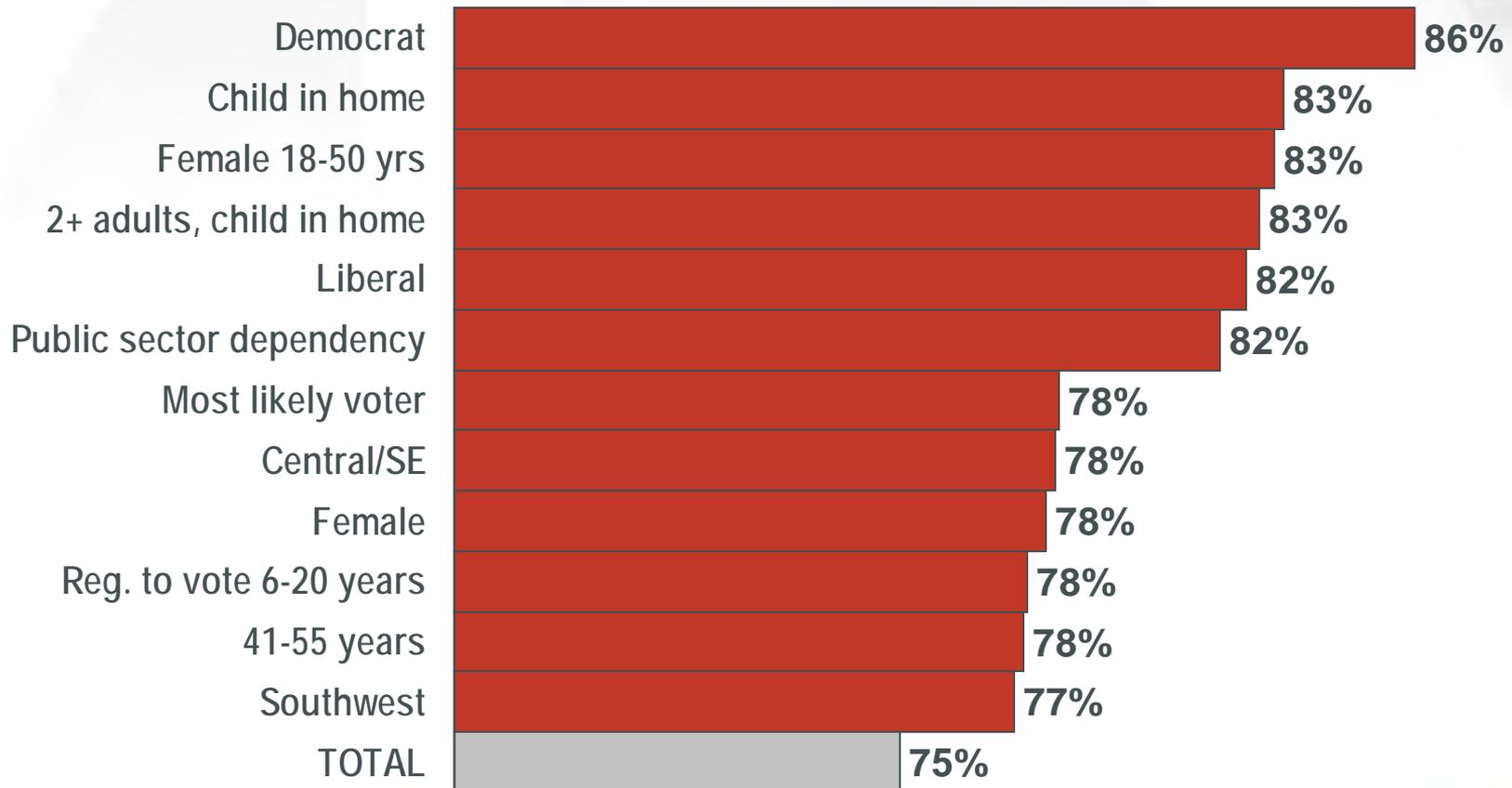
Support for setting the tax rate at 3.5%

categories with the highest percentage of “support”



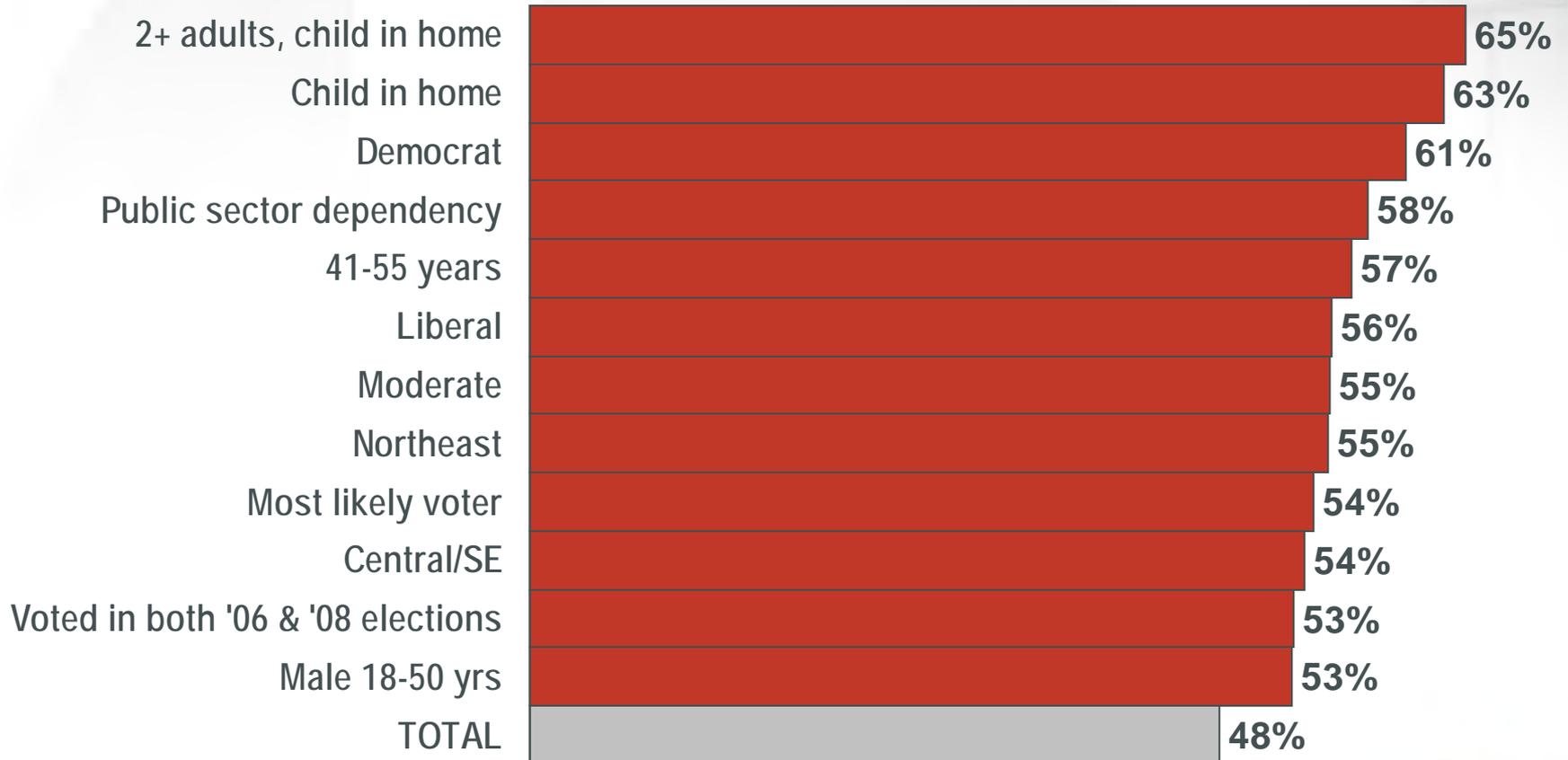
Support for using the revenue from a use tax for lawful municipal purposes...

categories with the highest percentage of "support"



Support for allowing the tax revenues to be free of TABOR

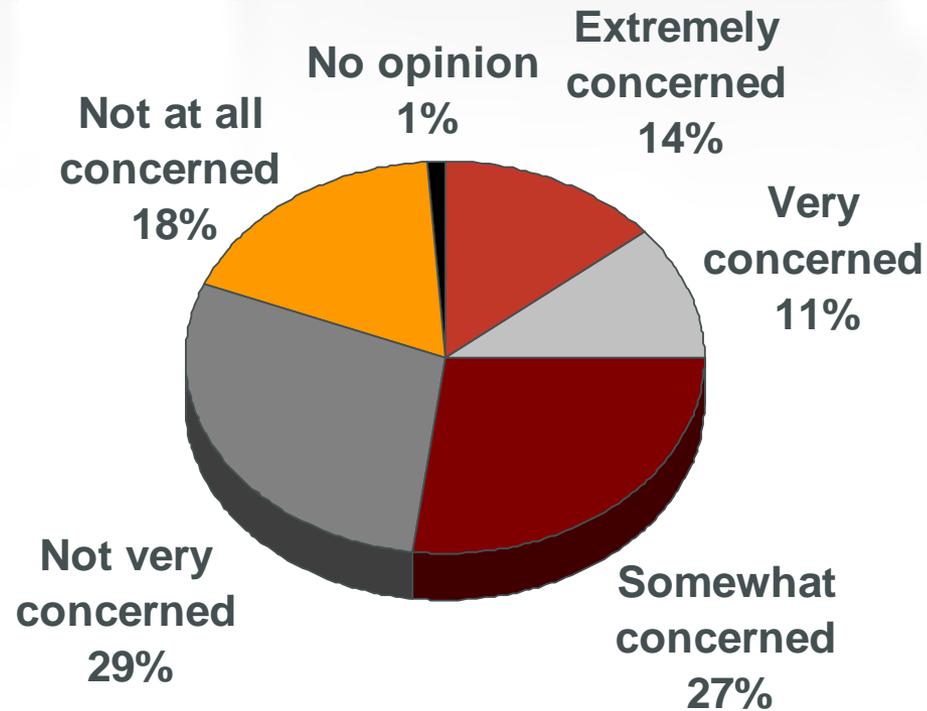
categories with the highest percentage of “support”



Approval of selected goals or objectives of the proposed tax plan

	Approve	Disapprove
Protecting the quality of life in Louisville	87%	11%
Making certain that Louisville's municipal financial situation doesn't reach a tipping point that discourages future investment in the community & new residents	82%	16%
Using a tax like the use tax that will mostly be paid by businesses like ConocoPhillips	73%	22%
Making certain that the more than 50 cost-cutting actions already taken by the mayor & council aren't followed by even more cutbacks in city services	72%	22%
Helping local businesses that are now at a disadvantage when competing with stores in other communities that don't presently charge taxes on goods delivered to Louisville residents	69%	27%
To make up revenue lost by the closure of Sam's Club & announced closure of Safeway	63%	32%
Avoiding increases in property or sales taxes that would impose a bigger burden on every homeowner & consumer	58%	39%
Adopting a tax that is already being used by 13 nearby cities	57%	32%

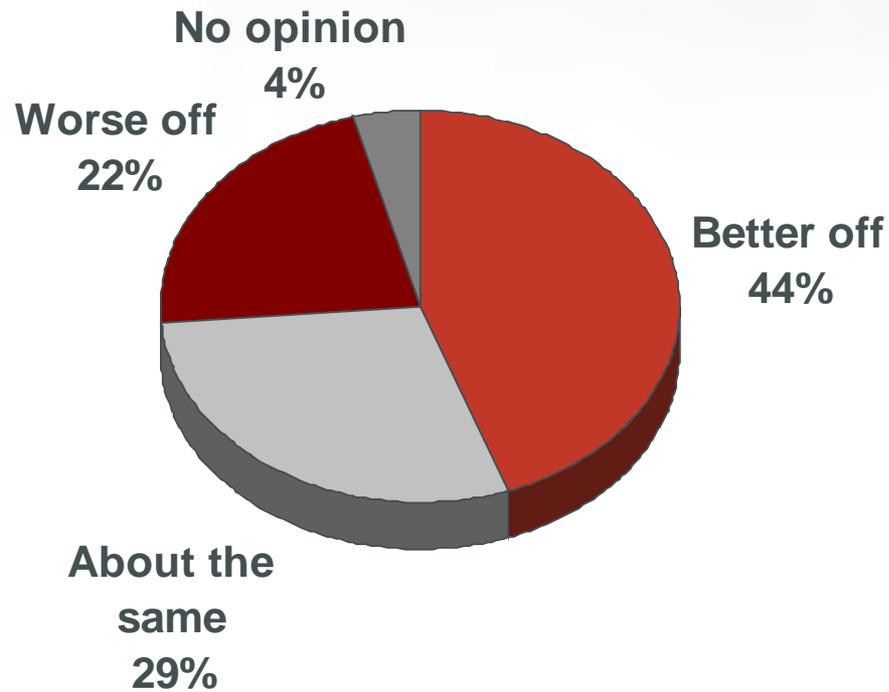
Impact of a use tax on own family's budget



Agreement with opinions others have about things in Louisville

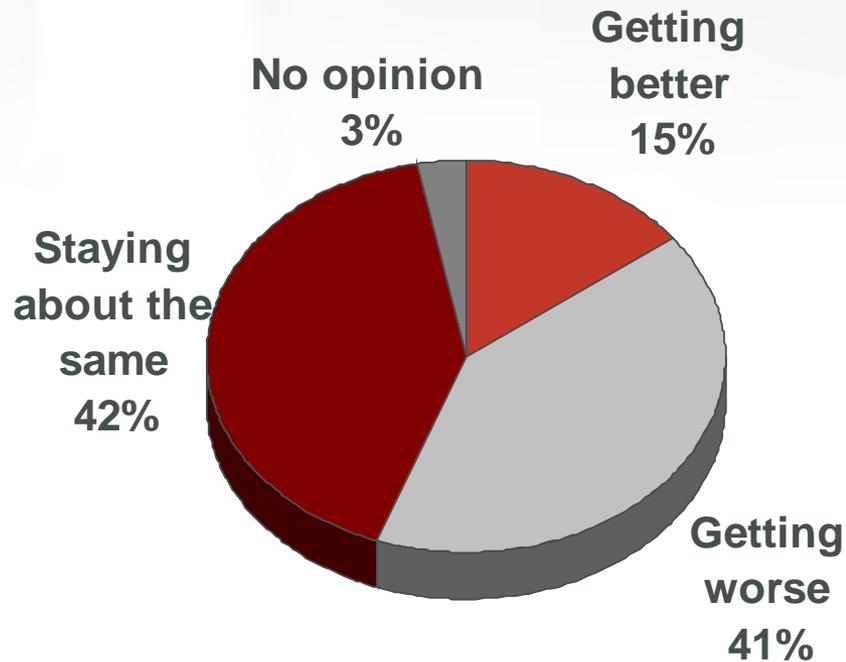
	Agree	Disagree
Safe, attractive, & well-maintained communities are the key to maintaining prosperity	92%	7%
Residents of Louisville get good value in city services for the taxes we pay	89%	7%
City government cares about my opinions	75%	20%
Louisville officials spend my tax dollars wisely	73%	17%
Taxpayers just cannot afford another tax in these tough times	57%	40%
Raising taxes on businesses will boomerang, causing us to lose businesses in the future	55%	42%
City could tighten its belt some more without causing harm	53%	39%
Voters have already said no to this use tax concept twice before, so it doesn't make sense to bring it up again; there's got to be a better solution	51%	44%
Louisville has always been a low-tax city when compared with surrounding communities	47%	31%
Property tax increase would be better than a use tax because property tax revenues are more predictable	41%	48%
Spending so much money on parks, festivals & other events seems like a big waste of our city tax dollars	26%	73%
Transportation fee, based on the number of trips caused by the typical office, home, restaurant, or other land use, would be better than a use tax	24%	53%

Expectations for financial situation at this time next year



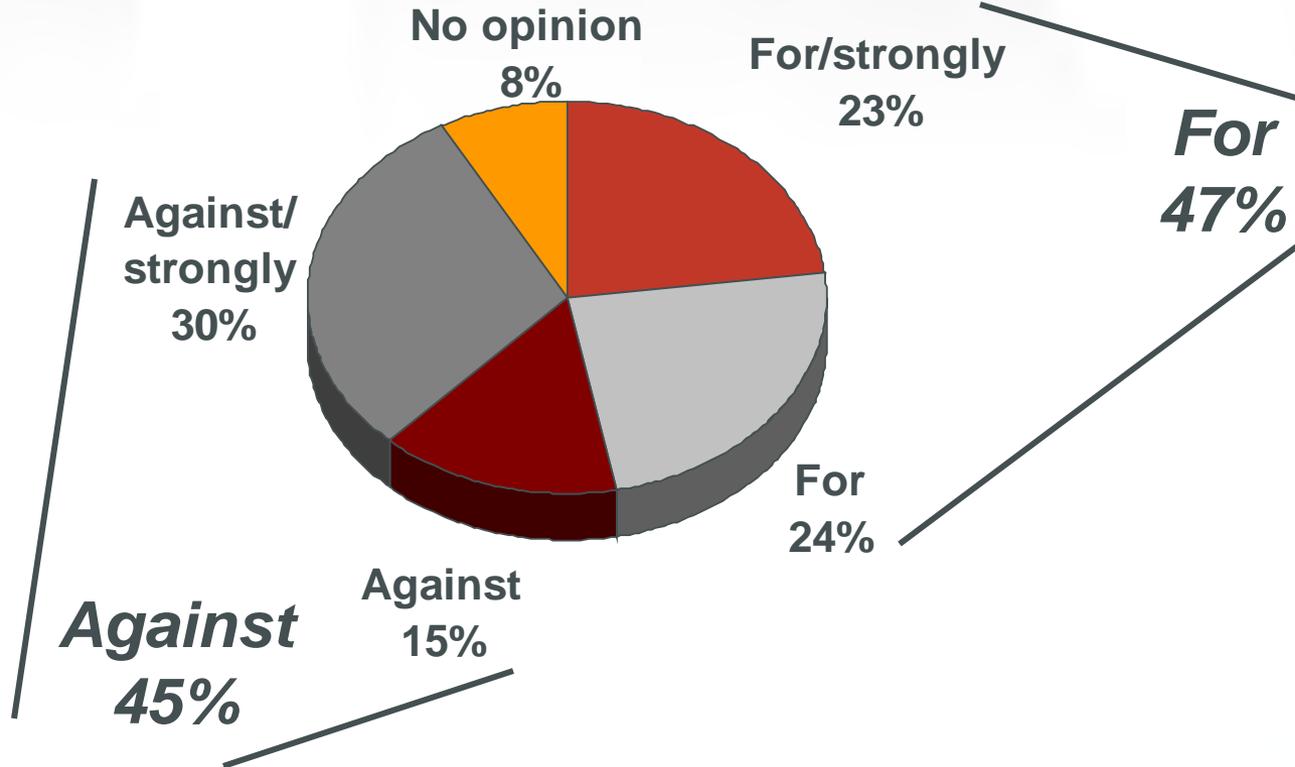
Note: percentages do not add up to 100% due to rounding.

Economic conditions in Louisville as a whole are...



Note: percentages do not add up to 100% due to rounding.

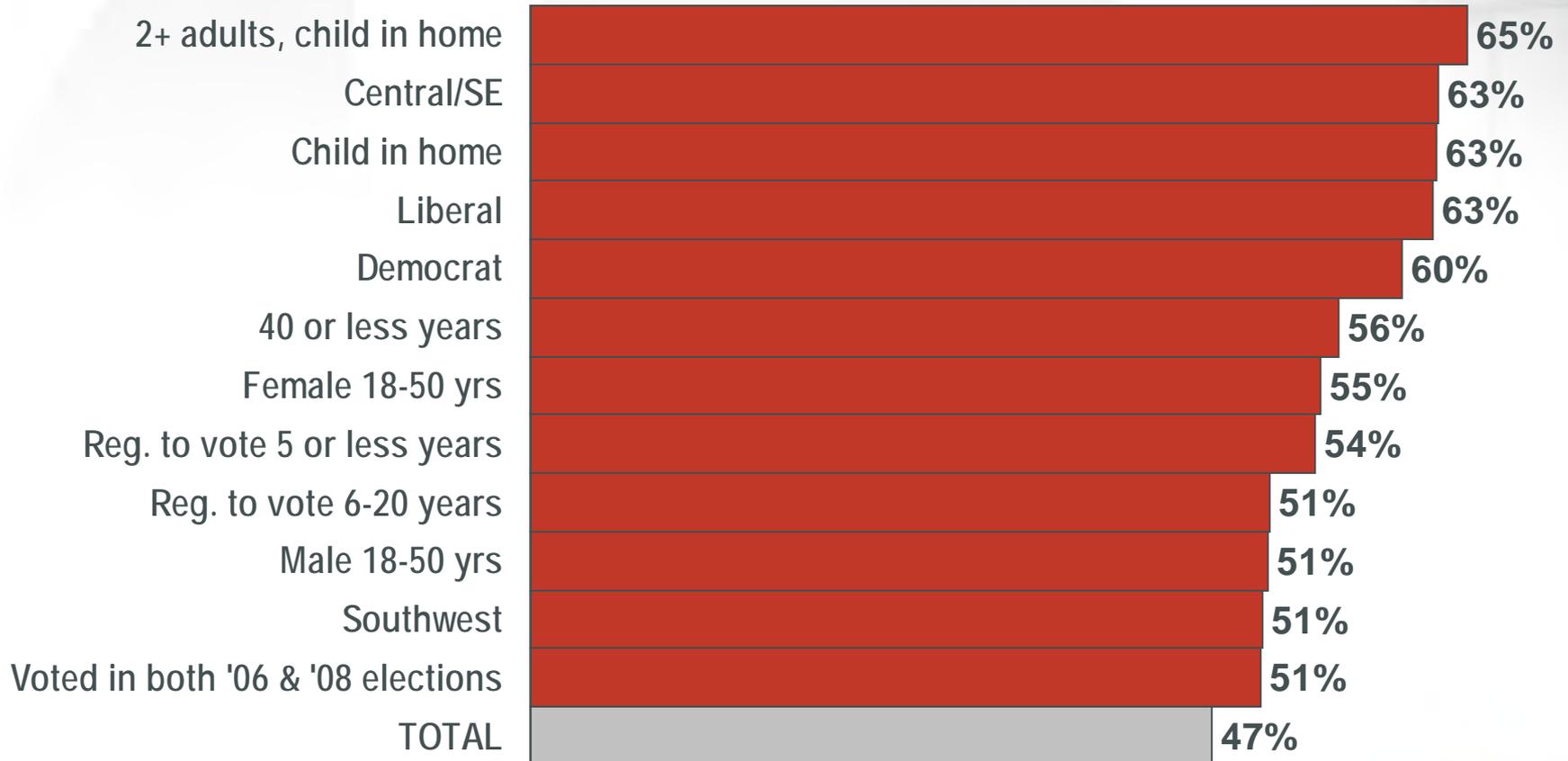
\$900,000 City of Louisville use tax proposal ballot (follow-up)



\$900,000 City of Louisville use tax proposal ballot

(follow-up)

categories with the highest percentage of "for"



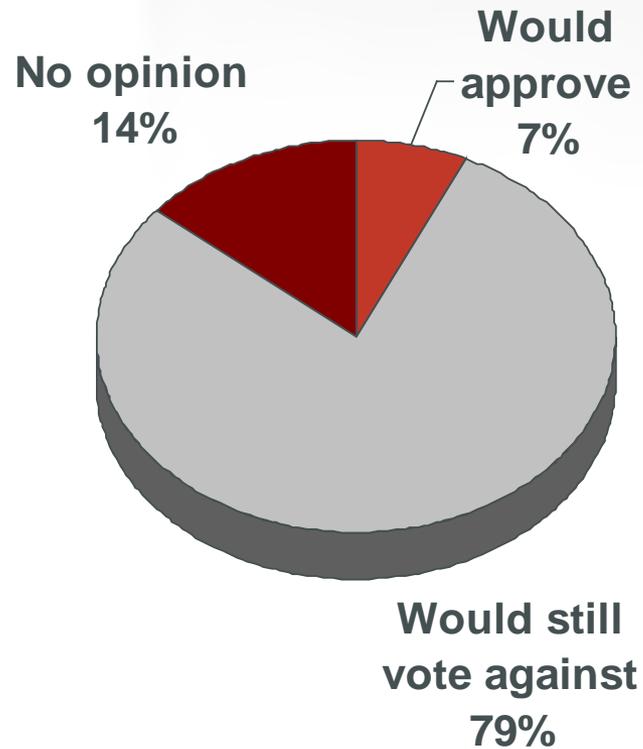
\$900,000 City of Louisville use tax proposal ballot

(follow-up)

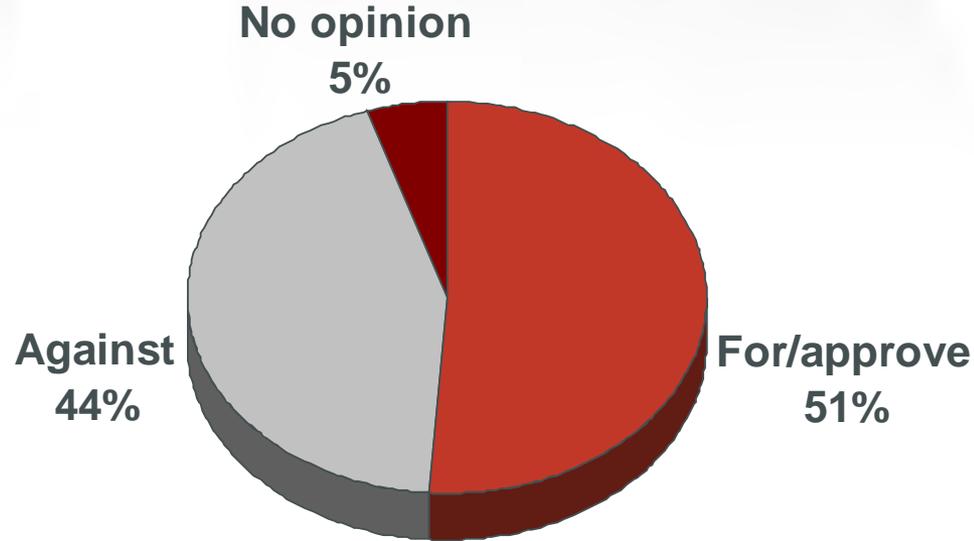
categories with the highest percentage of “against”



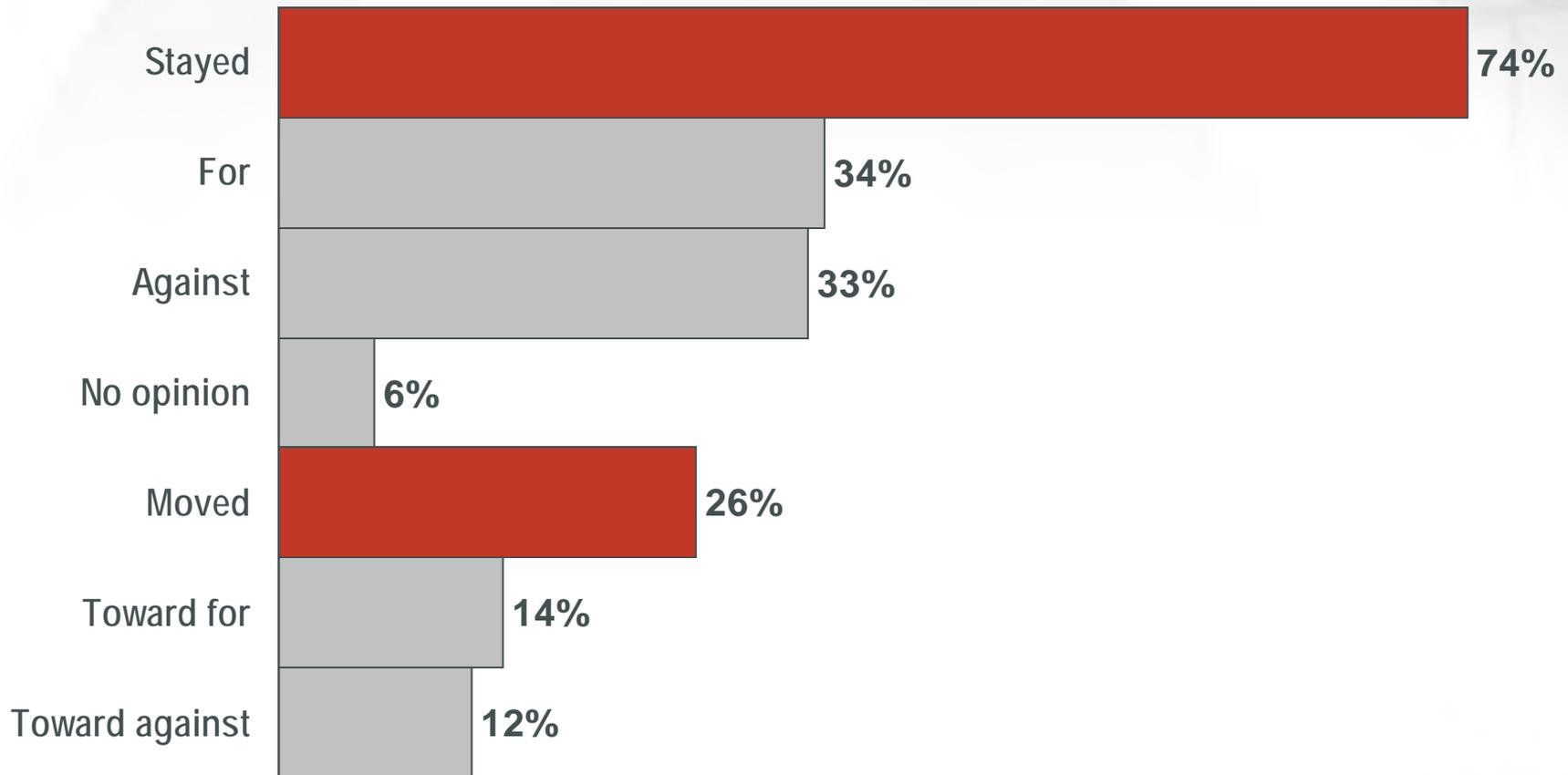
Tax proposal ballot, with provision to expire in six years (respondents against or unsure on proposal only)



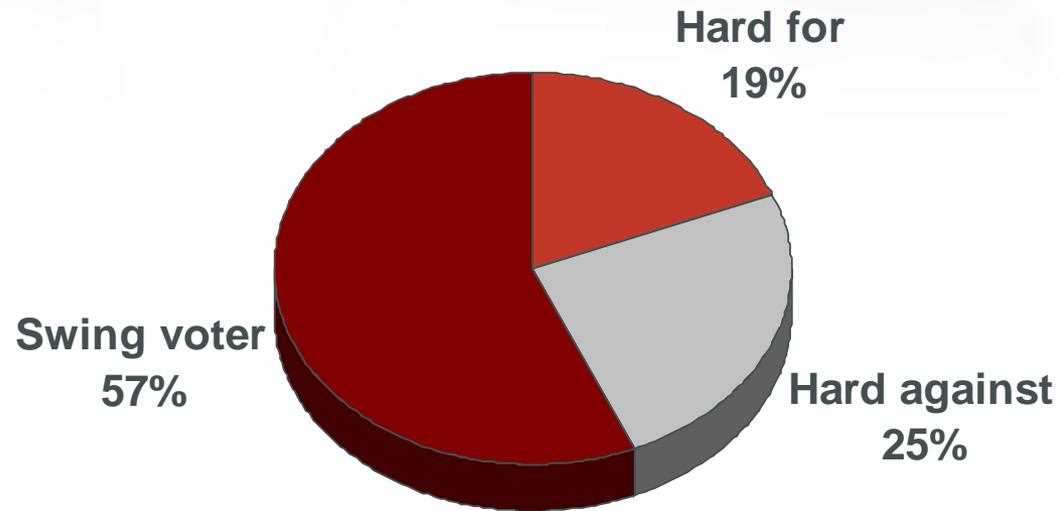
\$900,000 City of Louisville use tax proposal ballot (follow-up) with provision to expire in six years



Louisville use tax proposal ballot movement



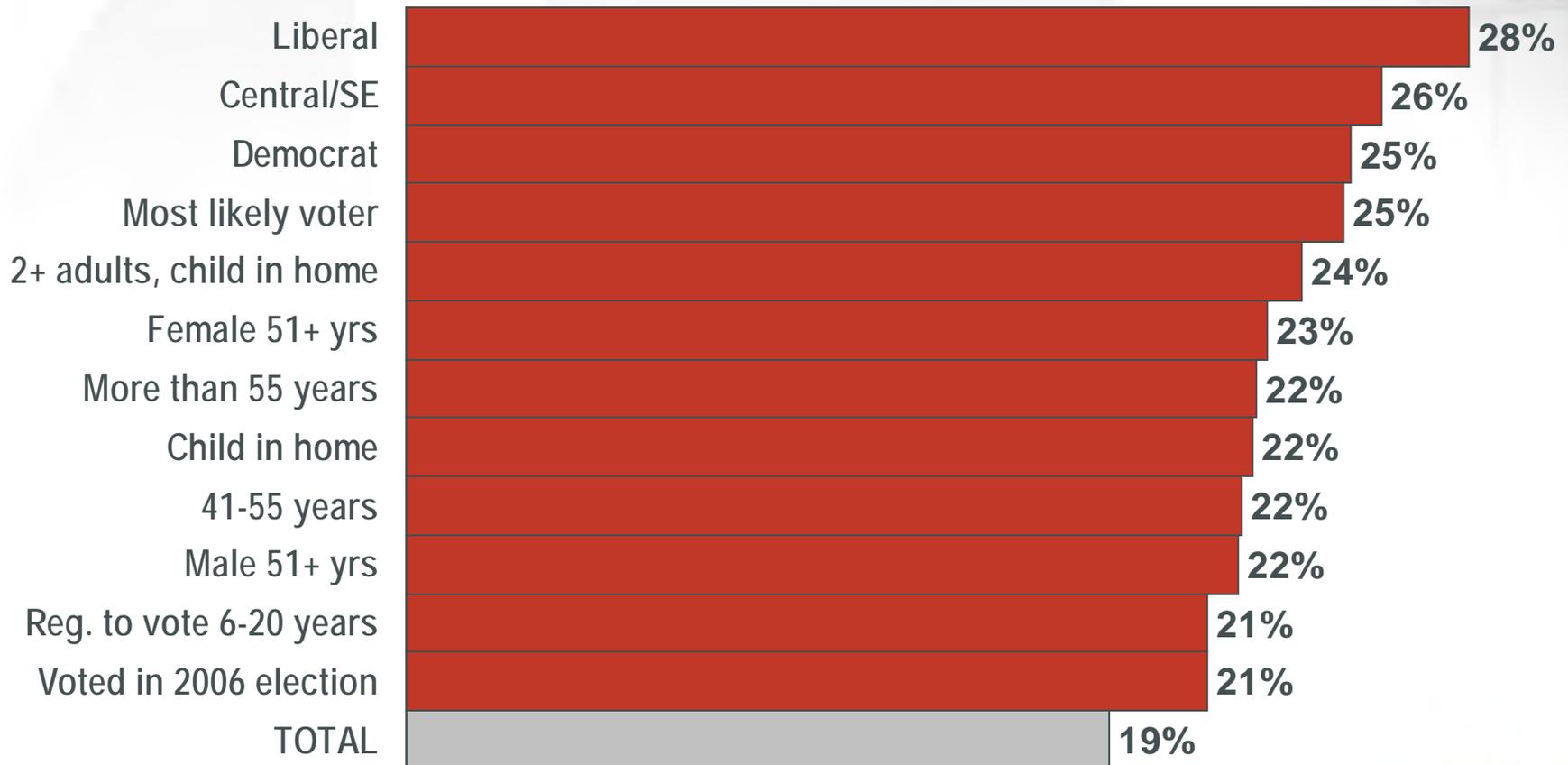
Louisville use tax proposal ballot segmentation



Note: percentages do not add up to 100% due to rounding.

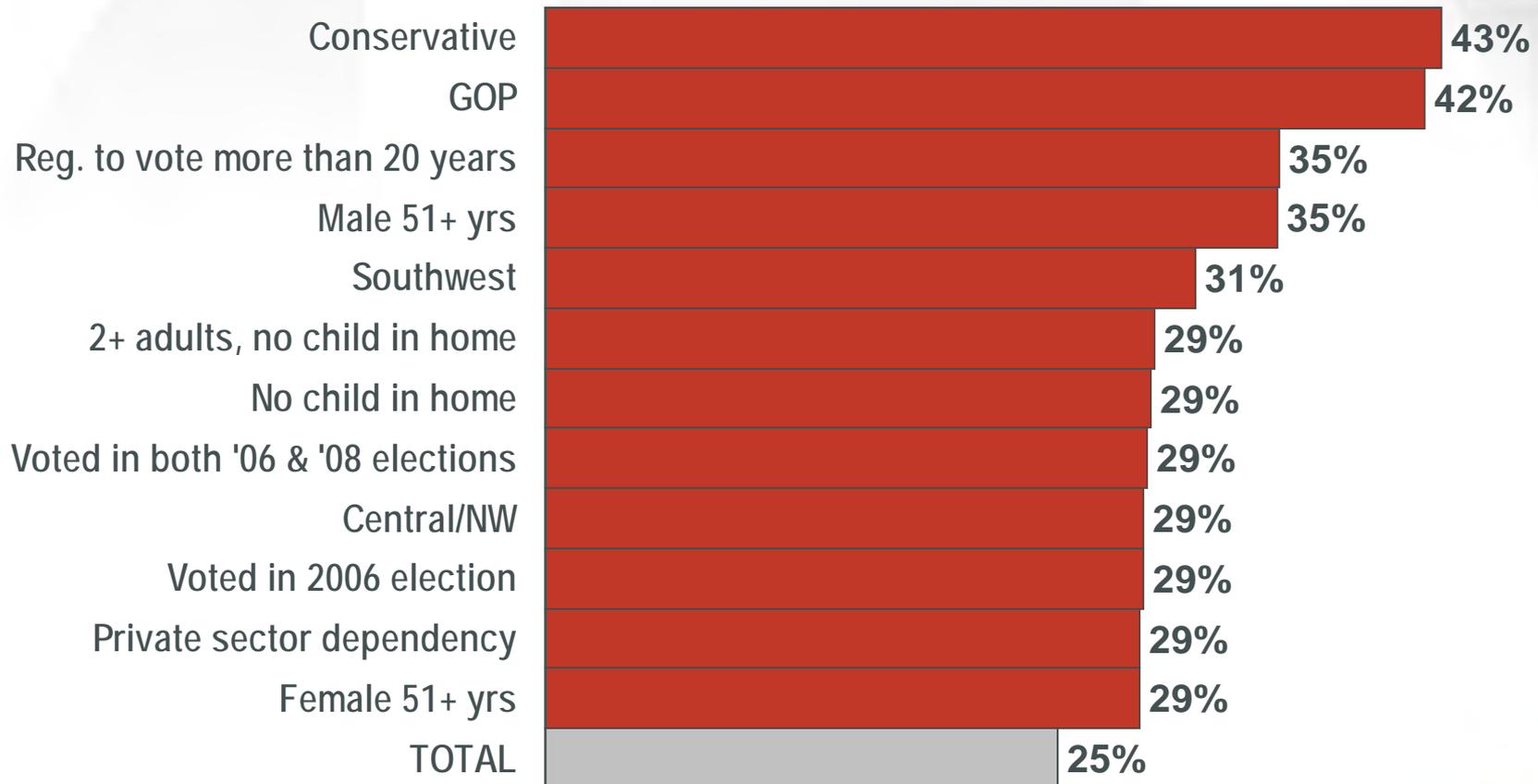
Louisville use tax proposal ballot segmentation

categories with the highest percentage of “hard yes”



Louisville use tax proposal ballot segmentation

categories with the highest percentage of “hard no”



Louisville use tax proposal ballot segmentation

categories with the highest percentage of “swing voters”



SUBJECT: DISCUSSION – IMPACTS OF SPECIAL EVENTS & 2013 CITY EVENTS

DATE: JANUARY 29, 2013

PRESENTED BY: MEREDYTH MUTH, PUBLIC RELATIONS MANAGER

SUMMARY:

General Impacts of Special Events:

Staff is receiving more complaints about the increased number of events in town and their impact on residents and businesses. These events bring people to town (and specifically downtown) to shop and eat and they help improve the sales tax generation. However, traffic and parking congestion associated with the events is beginning to wear on some residents. Events just in the downtown area include the Street Faire, events at the Arts Center, Friday Night Art Walks, swim meets at Memory Square Pool, the Taste of Louisville, the Parade of Lights, the Labor Day Parade, the Sonic Boom bike race, the Farmer's Market, multiple running events, and various events at the Steinbaugh Pavilion.

Not all events require special permitting from the City; however events requiring use of City streets, trails, and other facilities do. Staff follows guidelines for permitting (attached), but they are fairly lenient. For the most part, if a sponsor can meet all of our requirements (the major one being proper traffic control plans for street closures and crossings) we will permit them.

Staff is in no way suggesting these events should end, rather we want everyone to understand the impacts that multiple events have in the course of the year on residents, particularly those downtown.

The increased number of events has also impacted staff time including permitting, clean up, and enforcement of permit conditions.

2013 City Events

Historically the City has sponsored two events each year: Fall Festival over Labor Day Weekend and a July 4th event. For many years these two events along with the Chamber of Commerce's Taste of Louisville and Parade of Lights were really the only special events in town.

Staff is not suggesting any changes to the July 4th Fireworks (except perhaps significantly more snowpack and rain in the month of June). However, staff would like some discussion regarding the Fall Festival. Two issues have been identified regarding Fall Festival. One is perhaps moving the event back downtown and away from

Community Park. The second is whether we should continue with a three-plus day event or should we shorten the event.

The boom of the Street Faire and other local events, both in Louisville and nearby towns, has affected Fall Festival. Over the past five to six years we have seen diminished attendance over the course of the weekend with the exception of the Labor Day Parade. Additionally, the attendance we do get has changed somewhat. The Fall Festival is made up of numerous smaller events (please see the attached flyer). While some of the individual events are very popular with a specific crowd (dog show, pet parade, bocce tournament) we are finding that people come for their one event and tend to leave. Meaning we are spending a large amount of money for multiple small events. (One positive item for 2013 is BVSD is not scheduling a 5-day weekend for Labor Day in 2013. This long weekend may have also been affecting our attendance numbers.)

Also of concern is our ability to attract vendors. The big vendors want Street Faire like numbers to come (5000+ people) and the smaller vendors are not interesting enough to bring the people creating a bit of a conundrum. This trend has continued even though we have significantly lowered our vendor fee.

The Fall Festival has much more competition now. The Street Faire is not in direct competition with the Fall Festival, however we hear that people may be somewhat tired of events by the end of the summer. Additionally, Fall Festival now directly competes with the Boulder Hometown Festival which is much bigger and to which we are losing vendors.

Feedback from residents has been varied and in some cases conflicting: they go to the Street Faire all summer and don't really want to go to another event; they want the pet parade (for example), but don't stay for anything else; they want it back downtown, but don't want any further impacts from events downtown.

In the broad scheme of things, unlike previous years in which Fall Festival was really the only major event in town, it no longer offers anything unique with the exception of the annual Labor Day parade. Vendors, music, and running races can all be found at multiple other events in town. That said, as noted above, some of the events are very popular with specific groups of people.

Suggestions for 2013 Fall Festival include:

- Leave it as is at Community Park
- Move all events to Memory Square Park
- Shorten the event in either location
- Only do the Annual Labor Day Parade

SUBJECT: DISCUSSION – 2013 SPECIAL EVENTS AND IMPACTS

DATE: JANUARY 29, 2013

PAGE 3 OF 3

FISCAL IMPACT:

N/A

RECOMMENDATION:

Discussion

ATTACHMENTS:

1. Special Event Permit Guidelines
2. Special Event Permit Application
3. List of 2012 events permitted in town (not necessarily inclusive of all events)
4. 2012 Fall Festival Flyer

Special Event Permit Guidelines

Special event permits are required for groups of more than 25 people using any City right-of-way, street, or trail, including City-sponsored, non-profit, school, or commercial groups. The City may deny any permit request that conflicts with construction work, street repairs, or other events. *(This policy does not apply to neighborhood block parties.)*

Priority for permits will be given in this order:

1. City-sponsored events, including, but not limited to:
 - July 4th and Fall Festival
 - Taste of Louisville
 - Parade of Lights
 - Downtown Street Faire
 - Farmer's Market
 - WinterSkate

2. Established local civic groups including, but not limited to:
 - Louisville Chamber of Commerce
 - Downtown Business Association
 - McCaslin/Centennial Valley Business Association
 - Colorado Tech Center Owners' Association
 - Boulder Valley School District

Application requirements:

1. Signed application form;
2. Application review fee;
3. A detailed map showing the proposed street, trail, or public facility to be used;
4. A Traffic Control Plan that meets Model Traffic Code standards.;
5. List of all barricades/traffic control devices that applicant is requesting to borrow from the City;
6. A zero-waste plan: For groups of more than 50 people, a zero waste plan showing reasonable efforts to incorporate composting and waste minimization practices into the conduct of the event;
7. An event notice for affected residents and businesses is required to be mailed or delivered a minimum of 10 days prior to the event. A copy of the notice and list of addresses to which it will be delivered must be included with the application. *Depending on the event, the City may require additional notices;*
8. If required, a petition form showing the approval of those affected by the closure;
9. Proof of insurance listing the City as an additional insured party (due no later than one week prior to the event date).

Application fees:

- \$200 at the time the application is submitted
- Additional charges
 - Late fee: additional \$50 if less than 6 weeks prior to the event;
 - Barricade/Traffic Control use;

Fees may be waived at the discretion of the City Manager for events with a limited impact on City facilities or staff.

Conditions:

- The applicant agrees to comply with all of the terms, conditions, and stipulations of this permit, all ordinances of the City, and all other applicable laws, and understands that failure to comply will result in immediate revocation of this permit. Final conditions will be sent to the applicant with the approved permit.
- The City has no liability for bodily injury or property damage arising from this event. Any liability arising from the event shall be the sole responsibility of the applicant and participants. The City's insurance does not cover the applicant. The Applicant agrees to comply with all of the terms, conditions and stipulations of this permit, all ordinances of the City, other applicable laws and understands that failure to comply will result in immediate revocation of this permit.
- Adequate crowd control, including ingress and egress control, noise control, restroom facilities, space for anticipated number of participants, clean-up, trash removal, and parking are all the responsibility of the applicant.
- Events sponsors who hold an event without a permit will not be eligible for a permit again for 12 months.
- Failure to clean up from an event as required in the permit will make the applicant/sponsor ineligible for a permit for 12 months.
- The City has the discretion to limit the number of events in one area (downtown, Community Park) to mitigate the impact on residents and property owners.
- Additional conditions may be placed on the permit at the time of approval.

Other Permits that may be required:

- **Special Event Liquor Licensing** – Carol Hanson, City Clerk's Office, 303.335.4574, CarolH@LouisvilleCO.gov;
- **Live Music Permit** (for residentially zoned areas) – Nancy Varra, City Clerk's Office, 303.335.4571, NancyV@LouisvilleCO.gov;
- **Use of Park or the Steinbaugh Pavilion** – Peggy Jones, Recreation Center, 303.335.4920, PeggyJ@LouisvilleCO.gov;
- **Open Space Use** – Polly Boyd, Parks & Recreation, 303.335.4735, PollyB@LouisvilleCO.gov;
- **Special Event on Commercial Property** – Gavin McMillan, Planning Department, 303.335.4594, GavinM@LouisvilleCO.gov.



2013 SPECIAL EVENT PERMIT APPLICATION

Special event permits are required for groups of more than 25 people using any City right-of-way, street, trail, or open space, including City-sponsored, non-profit, school, or commercial groups. The City may deny any permit request that conflicts with construction work, street repairs, or other events. (This form does not apply to [neighborhood block parties](#).) Please see the [Special Event Permit Guidelines](#) for complete information.

APPLICANT INFORMATION:

Name: _____ Cell Phone: _____
 Email: _____
 Address: _____
 City: _____ State: _____ Zip Code: _____

EVENT DESCRIPTION:

DAY & DATE OF EVENT:

PROPOSED CLOSURE AREA:

PROPOSED CLOSURE TIME (INCLUDING SET-UP & BREAKDOWN) _____ AM/PM _____ AM/PM

PROPOSED EVENT START TIME AND FINISH TIME: _____ AM/PM _____ AM/PM

ESTIMATED NUMBER OF PARTICIPANTS AT THE EVENT:

Are fees, charges, or other donations to be received for the event? If so, how will the funds be used?

Required Attachments:

Item Attached?

- | | |
|--|-----------------|
| 1. Fees: \$200 submitted with application. <i>Please make checks payable to the City of Louisville.</i> | ___ Yes ___ N/A |
| Additional charges: | |
| Late fee: additional \$50 if submitted less than 6 weeks prior to the event; | ___ Yes ___ N/A |
| Barricades/Traffic Control | ___ Yes ___ N/A |
| <i>Fees may be waived at the discretion of the City Manager for events with a limited impact on City facilities or staff.</i> | |
| 2. A detailed map showing the proposed street, trail, or public facility to be used | ___ Yes ___ N/A |
| 3. A Traffic Control Plan that meets Model Traffic Code standards and addresses any street use, closing, or crossing. | |
| 4. Are you requesting to use City of Louisville barricades? _____ yes _____ no | |
| If yes, attach a list of all barricades/traffic control devices that you are requesting to borrow from the City; <i>The City offers barricades on a limited basis. A fee may be charged.</i> | ___ Yes ___ N/A |
| <i>Barricade delivery address and phone number:</i> _____ | |
| 5. Zero-Waste: For groups of more than 50 people, a zero waste plan showing reasonable efforts to incorporate composting and waste minimization practices into the conduct of the event. | ___ Yes ___ N/A |
| 6. An event notice for affected residents and businesses is required to be mailed or delivered a minimum of 10 days prior to the event. A copy of the notice and list of addresses to which it will be delivered must be included with the application. <i>Depending on the event, the City may require additional notices.</i> | ___ Yes ___ N/A |
| 7. A petition form showing the approval of those affected by the closure. <i>Please inquire if one is needed.</i> | ___ Yes ___ N/A |

8. **Proof of liability insurance** is required for events expecting more than 50 Yes N/A people *or as deemed necessary*. Such proof must be provided to the City **at least five business days in advance of the event date**. The City of Louisville must be listed as an additional insured party on the insurance policy. Vendors contracted by the applicant for the event should be covered on the insurance policy as well. If proof of insurance is not provided five (5) business days prior to the event date, the City reserves the right to cancel the event.

Will live music be provided? yes no

If live music is to be played in a residentially zoned area, a permit is required. There is a \$20.00 permit fee. Please contact the Deputy City Clerk (303.335.4574 or CarolH@LouisvilleCO.gov) for the application.

Will liquor be served at the event? yes no

If liquor will be served, a permit may be required. Please contact the Deputy City Clerk (303.335.4574 or CarolH@LouisvilleCO.gov) to determine if a special event liquor license is required. Special Event liquor permits are only available to non-profit organizations and must meet state liquor requirements.

Conditions:

- The applicant agrees to comply with all of the terms, conditions, and stipulations of this permit, all ordinances of the City, and all other applicable laws, and understands that failure to comply will result in immediate revocation of this permit. Final conditions will be sent to the applicant with the approved permit.
- The City has no liability for bodily injury or property damage arising from this event. Any liability arising from the event shall be the sole responsibility of the applicant and participants. The City's insurance does not cover the applicant. The Applicant agrees to comply with all of the terms, conditions and stipulations of this permit, all ordinances of the City, other applicable laws and understands that failure to comply will result in immediate revocation of this permit.
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- The City has the discretion to limit the number of events in one area (downtown, Community Park) to mitigate the impact on residents and property owners.
- Additional conditions may be placed on the permit at the time of approval.

APPLICANT SIGNATURE

DATE

Return the completed application to the City Manager's Office at City Hall (749 Main Street or by email to MeredythM@LouisvilleCO.gov or by fax to 303.335.4550.

EVENT DESCRIPTION/DATE: _____

INTERNAL REVIEW:

- | | | |
|---|------------------------------|------------------------------|
| <i>Operations Division Review on File</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| <i>Public Works Engineering Review on File</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| <i>Police Department Review on File</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| <i>Parks & Recreation Department Review on File</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| <i>Fire District Review on File</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> N/A |

Comments:

APPROVAL CONDITIONS

CONDITIONS/SPECIAL TERMS/STIPULATIONS:

- 1.
- 2.
- 3.
- 4.
- 5.

This application is approved, subject to all terms, conditions, and stipulations stated above.

CITY MANAGER

DATE

Other Permits that may be required:

- Use of Parks or the Steinbaugh Pavilion – Peggy Jones, Recreation Center, 303.335.4920, PeggyJ@LouisvilleCO.gov;
- Open Space Use –Ember Brignull, Parks & Recreation, 303.335.4729, EmberB@LouisvilleCO.gov;
- Special Event on Privately Owned Commercial Property – Gavin McMillan, Planning Department, 303.335.4594, GavinM@LouisvilleCO.gov.

Should you have questions, please contact the City Manager's Office at 303.335.4536 or MeredythM@LouisvilleCO.gov.

2012 Permitted Events Using City Property or Facility & Impacting City Streets

- Boulder Racing Criterium – Centennial Valley
- Spring Lucky Mile Series, 7 Thursday nights – Downtown Streets
- Rocky Mountain Lab Rescue 5K – Community Park, Coal Creek Trail
- Coal Miner’s Classic Criterium – Centennial Valley
- Taste of Louisville - Main Street
- Taste of Louisville 5K and Half-marathon – Main Street and Coal Creek Trail
- Touch-A-Truck – Via Appia
- Farmer’s Market – Steinbaugh Pavilion and Front Street
- Bark for Life Fund Raiser – Community Park
- CTC Corporate Challenge 8K – CTC
- Summer Concert Series – Community Park
- Street Faire – Steinbaugh Pavilion and surrounding streets
- Louisville Trail Half-Marathon – Community Park, Coal Creek Trail
- July 4th 10K – Powerline Trail and Coal Creek Trail
- Sonic Boom Bike Race – Downtown
- Heroes in Recovery 6K – Community Park, Coal Creek Trail
- Oral Cancer Foundation 5K – Community Park, Coal Creek Trail
- Dog Agility Competition – Community Park
- La Festa – Memory Square
- Fall Festival – Community Park, Coal Creek Trail, Bella Vista, Main Street
- Oktoberfest – Steinbaugh Pavilion and surrounding streets
- Fall Lucky Mile Race Series, 3 nights – Downtown Streets
- Coal Creek Cross Country Challenge – Community Park and Coal Creek Trail
- MonsterDash 5K – Downtown Streets
- Holiday Market, 4 days – John Breaux Plaza
- Ugly Sweater 5K – Downtown Streets
- Cyclocross Race – Recreation Center Grounds and Via Appia
- Parade of Lights – Main Street
- Chrohn’s Disease5K – Davidson Mesa
- WinterSkate – Steinbaugh Pavilion

List not inclusive

List does not include block parties, family gatherings, private events etc.



HAVIN' FUN

2012 Fall Festival

Labor Day Weekend

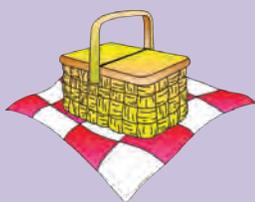
August 31 - September 3

Community Park

955 Bella Vista Drive

Join us in Community Park all weekend for live music, bouncy castles, rock climbing wall, bungee jumping, and food & craft booths.

Friday,
August 31
18th Annual
Senior Dinner,
5:00 PM



Fried chicken dinner, door prizes, music and more. *Sponsored by:*

Balfour
a new generation of retirement living

For more information regarding Fall Festival, visit www.LouisvilleCO.gov or call 303.335.4536.

Fall Festival is a Zero-Waste event.



Saturday, September 1

Coal Creek Crossing 5k, 10 Mile, and Kids Fun Run

Register at www.LouisvilleRecreation.com or Active.com.

7:00 AM 10 MILE RACE
8:00 AM 5K RACE
9:00 AM KIDS FUN RUN



Runners Roost
COLORADO

Pancake Breakfast, 9:00 AM

Prepared by the United Methodist Church.



Bocce & Horseshoe Tournaments, 9:00 AM

Email LouisvilleSummerEvents@gmail.com to register, \$5.00/player, cash prizes.



Pet Parade, 11:00 AM

Bring your pets and join the parade. Be original, dress up, and have fun! Registration forms at www.LouisvilleCO.gov or at the event 10:15 - 10:45 AM.

17th Annual Fall Motorfest, 10:00 AM - 3:00 PM

Registration forms at www.LouisvilleCO.gov. *Sponsored in part by Louisville Tire and Auto Care and Louisville NAPA Auto Parts.*



Live Music, 12:30 - 3:30 PM

Retro Sonics, Colorado's Premier 80's Pop Band.



Food & Craft Booths, 9:00 AM - 4:00 PM

HAVIN' FUN

2012 Fall Festival



Sunday, September 2

11th Annual Dog Show,

11:00 AM - 12:30 PM



With categories like the cutest, best trick, and best costume, this dog show is pure fun. Entry forms available at Black Paw (459 South McCaslin Boulevard) or at www.LouisvilleCO.gov.

Dog Demonstrations

1:00 - 3:00 PM

Come and watch some amazing dogs at work and play! Agility, Fly Ball, Nose Work, Police K9's and Search and Rescue Dogs!

Used Computer & Electronics Drop Off

Noon - 4:00 PM

Drop off your used computers and electronics in the south parking lot to be refurbished and donated to local non-profit groups. *A small fee will be collected to support this worthy project. Fee schedule available at www.LouisvilleCO.gov.*

Live Music, 1:00 - 3:00 PM

Skean Dubh – Louisville's own acoustic Celtic band.

Food & Craft Booths, 11:00 AM - 4:00 PM

Monday, September 3

77th Annual Labor Day Parade

Main Street, 10:00 AM

Enter the parade!! It is fun and free. For an application, visit www.LouisvilleCO.gov.
8:00 - 9:30 AM - REGISTRATION & CHECK-IN at the corner of Main & Lafayette Streets
10:00 AM- Parade begins at corner of Main & Lafayette Streets moving south on Main Street.
12:30 PM - PARADE WINNERS ANNOUNCED & TROPHIES AWARDED, Community Park



The Huckleberry's Pie Baking Contest

Are you the best pie baker in town? Entry forms available at the Huckleberry (700 Main Street) or at www.LouisvilleCO.gov.

9:30 - 11:00 AM - PIE DROP OFF

11:30 AM - 1:00 PM - JUDGING

1:00 PM - WINNERS ANNOUNCED



Live Music

9:00 - 10:00 AM BRUCE CURTIS cowboy music, corner of Spruce and Main Streets

11:30 AM - 3:00 PM Zyzyx Road – Louisville hometown favorites with a unique blend of rock, blues and originals, Community Park

Food & Craft Booths, 9:00 AM - 3:00 PM

The City of Louisville thanks our sponsors for helping make this a great community event:

Avista Adventist Hospital
Centura Health.

ETKIN
JOHNSON
GROUP

GHX



inovonics

PRECISION
PLUMBING • COOLING • ELECTRICAL

Boulder Valley
CREDIT UNION

David A. Wertz, DDS