

RESOLUTION NO. 20- 110

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

**AMENDING CHAPTER 5.12 OF THE PUEBLO COUNTY CODE INVOLVING THE
REGULATION OF LICENSED LIQUOR AND MARIJUANA ESTABLISHMENTS**

WHEREAS, the Pueblo County Board of County Commissioners has the authority to exercise all County powers for the unincorporated areas of Pueblo County pursuant to C.R.S. § 30-11-103; and

WHEREAS, the Board has the authority to adopt and enforce ordinances and resolutions regarding health, safety, and welfare issues pursuant to C.R.S. § 30-11-101(2); and

WHEREAS, Articles 43.3 and 43.4 of Title 12, C.R.S., and Sections 14 and 16 of Article XVIII of the Colorado Constitution authorize the County to adopt and establish regulations for the cultivation, manufacturing, distribution and sale of medical and retail marijuana within the entire area of unincorporated Pueblo County; and

WHEREAS, the Board, by way of Resolution 20-009, amended and reorganized Pueblo County's regulations for licensed marijuana establishments; and

WHEREAS, the Board now desires to amend those regulations further by imposing an immediate thirty-day amendment removing exceptions to the existing moratorium on new stores, centers and cultivations and by restricting the expansion of existing establishments, with such amendment to be extended or revised beyond that time; and

WHEREAS, the Board further desires to direct staff to investigate long-term, effective solutions to regulating the number of licensed marijuana establishments in unincorporated Pueblo County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that:

Section 1. For a period of thirty (30) days, Chapter 5.12 of the Pueblo County Code is amended as shown in the attached Exhibit A, which is incorporated into this Resolution by this reference. During that time, the Board shall consider input and comments from the public and staff to determine whether to make further changes. If no action is taken by the Board before the expiration of the thirty-day period, the amendments in Exhibit A shall go into full effect and no longer be subject to the comment period.

Section 2. The agents, officers and employees of Pueblo County are authorized and directed to develop a long-term system with rules to allow specific numbers of establishments and to regulate their responsible expansion.

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Section 3. The agents, officers and employees of Pueblo County are authorized and directed at any time in the future to correct typographical errors, to update the numbering of sections, subsections and paragraphs, and to modify outdated citations, references, or any other minor inconsistencies retained within the code as holdovers or unintended results of other substantive amendments to Title 5 of the Pueblo County Code.

Section 4. Except as specifically amended herein, Title 5 of the Pueblo County Code shall remain in full force and effect.

PASSED AND ADOPTED this 7th day of April 2020, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

BY: 
Garrison M. Ortiz, Chair

ATTEST:

BY: 
Gilbert Ortiz, County Clerk

EXHIBIT A

Sections 5.12.120, 5.12.140 and 5.12.170 of Title 5 of the Pueblo County Code are amended as follows with stricken language indicating deletions and underlined language indicating additions:

5.12.030 General Requirements.

B. Applications in General. Unless specific provisions of this Chapter direct otherwise, the following rules shall apply to all applications made under this Chapter:

1. Applications shall be filed along with payment or proof of payment and held for a pre-acceptance review period not to exceed thirty days. Filed applications shall be complete.

2. If, after review, an application is found to be complete, the Licensing Agent shall formally accept the application and note the date of formal acceptance.

3. If, after review, an application is found to be incomplete, the Licensing Agent shall reject and return the application to the licensee or applicant. Such licensee or applicant shall be entitled to a refund of the application fee, but may permit the Licensing Agent to hold the deposited fee pending resubmission, if resubmission is permitted.

4. If after formal acceptance under paragraph 2 above, the Licensing Agent later discovers that the application is incomplete or otherwise deficient, the Licensing Agent shall permit the applicant or licensee to amend the application within thirty days without altering the accepted status of the application. If, however, the deficiency has not been cured within that time, the Licensing Agent shall reject and return the application.

5.12.120 Change of Licensed Location.

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C. Notwithstanding any provision of this Chapter to the contrary, no change of licensed location application for a Medical Marijuana Center License or a Retail Marijuana Store License operating at the same location under the provisions of section 5.12.1320 shall be received, accepted or approved unless such application is submitted for to relocate both the Medical Marijuana Center License and the Retail Marijuana Store License to a new single location for operation on the same licensed premises pursuant to Section 5.12.120. In addition, no change of licensed location application for a Medical Marijuana Optional Premises Cultivation or a Retail Marijuana Cultivation Facility operating at the same location under the provisions of section 5.12.130 shall be received, accepted or approved unless such application is to relocate both the Medical Marijuana Optional Premises Cultivation License and Retail Marijuana Cultivation Facility License to a new single location.

5.12.140 Unlawful Acts: License Violations.

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C. It shall be unlawful for any person to consume or to permit the consumption of marijuana on any Licensed Premises, any premise open to the public unless

- ~~1. The premise is limited to only those who are twenty-one years of age or older;~~
- ~~2. The premise is clearly marked as place where marijuana is being consumed;~~
- ~~3. The premise complies with the Colorado Clean Indoor Air Act and the Pueblo County Smoke Free Air Act;~~
- ~~4. No alcohol is served on the premise unless the premise is licensed as any of the following:
 - ~~a. Art License;~~
 - ~~b. Beer and Wine License;~~
 - ~~c. Bed and Breakfast Permit;~~
 - ~~d. Brew Pub License;~~
 - ~~e. Club License;~~
 - ~~f. Hotel and Restaurant;~~
 - ~~g. Race Track;~~
 - ~~h. Retail Gaming Tavern License;~~
 - ~~i. Special Event Permits; or~~
 - ~~j. Vintner's Restaurant License;~~~~
- ~~5. The consumption of marijuana is not done openly and publicly; and~~
- ~~6. The premise otherwise complies with the provisions of Pueblo County Code Title 17, Division 1, Zoning.~~

5.12.170 Special Rules on Operations and Incomplete Applications

C. Restrictions on New Stores and Centers. Until January 1, 2021, the Local Licensing Authority shall not receive or accept applications for a new Retail Marijuana Store or Medical Marijuana Center. Notwithstanding anything herein to the contrary, a person who is operating in good standing a licensed Medical Marijuana Center located in Pueblo County ~~or a person who has a pending application for a Medical Marijuana Center License with Pueblo County~~ may apply for a Retail Marijuana Store License for operation in the same licensed premises as such Medical Marijuana Center pursuant to Section 5.12.120. In addition, a person who is operating in good standing a licensed Retail Marijuana Store located in Pueblo County may apply for a Medical Marijuana Center License for operation in the same licensed premises as such Retail Marijuana Store pursuant to Section 5.12.130.

D. Restrictions on New Cultivations. Until January 1, 2021, the Local Licensing Authority shall not receive or accept applications for either a new Retail Marijuana Cultivation Facility or a new Medical Marijuana Optional Premises Cultivation Facility, except that: a person who is operating in good standing under a Medical Marijuana Optional Premise Cultivation

Facility License may apply for a Retail Marijuana Cultivation Facility License for operation in the same licensed premise pursuant to Section 5.12.130. Likewise, a person who is operating in good standing under Retail Marijuana Cultivation Facility License may apply for a Medical Marijuana Cultivation Facility License for operation in the same licensed premises pursuant to Section 5.12.130.

- ~~1. A person who is operating in good standing under a Medical Marijuana Optional Premise Cultivation Facility License may apply for a Retail Marijuana Cultivation Facility License for operation in the same licensed premise pursuant to Section 5.12.120; and~~
- ~~2. A person who operates a licensed retail marijuana cultivation facility in another jurisdiction may apply to relocate that license within Pueblo County if the facility has remitted excise tax to the state and the proposed location within Pueblo County is not within a Residential Area; and~~
- ~~3. A person licensed to operate a Retail Marijuana Store in Pueblo County may apply for a new Retail Marijuana Cultivation Facility.~~

E. Restriction on the Expansion of Licensed Premises. Until January 1, 2021, no application for modification of premises of any Retail Marijuana Cultivation Facility, Retail Marijuana Store, Medical Marijuana Optional Premises Cultivation Facility, or Medical Marijuana Center shall be accepted, received or approved if such application would expand the total area of the Licensed Premises.