

STATE OF COLORADO  
COUNTY OF MOFFAT  
CITY OF CRAIG

**ORDINANCE NO. 998**

AN ORDINANCE AMENDING TITLE 16 OF THE MUNICIPAL CODE OF THE CITY OF CRAIG, COLORADO, CONCERNING ZONING, BY AMENDING TITLE 16, ARTICLE 3 OF THE CRAIG MUNICIPAL CODE, CONCERNING MEDICAL MARIJUANA DISPENSARIES.

RECITALS:

1. In 2000, Colorado voters passed Amendment 20 to the Colorado Constitution, legalizing the use of medical marijuana. Currently, there is no statewide regulatory scheme with respect to medical marijuana dispensaries.
2. Until such time as there may be statewide regulation of dispensaries, it is the desire of the City of Craig to promulgate reasonable regulations in the interests of public health and safety with respect to the time, place, and manner of operations of such dispensaries located in the City of Craig, Colorado.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO:

Section 1: That Article 16 of the Municipal Code of the City of Craig, Colorado, concerning zoning, is hereby amended as follows concerning requirements for medical marijuana dispensaries, to read in its entirety as follows:

§16.03.040k(2)(Q) Medical Marijuana Dispensaries

- A. Definition. "Medical marijuana dispensary" shall mean and include the use of any property or structure to distribute, transmit, give, dispense, or otherwise provide marijuana in any manner, in accordance with Section 14, of Article XVIII of the Colorado Constitution
- B. Application. Prior to the establishment of any medical marijuana dispensary, each of the following requirements shall be met:
  1. An application fee of \$1500.00 to cover administrative costs and expenses incurred in the application process
  2. Written approval from the City of Craig Police Department, as to each of the following:
    - a. A business plan for the dispensary to ensure compliance with law. The business plan must contain the following items:

- i. A description of the security provisions and systems;
      - ii. Hours of operation;
      - iii. Number of employees;
      - iv. Lighting plan;
      - v. A description of any cultivation within the dispensary, including:
        - a. where plants are grown
        - b. the number of plants that will be grown
        - c. the number of plants within a given stage of growth at any given time
        - d. a description of the ventilation system for the premises
        - e. a description of the lighting system
    - b. Criminal background check. Subject to the provisions of C.R.S. 24-5-101, no written approval will be issued to an applicant whose criminal history reflects a prior conviction for a felony offense. It shall be required that any applicant, owner, and/or operator submit a complete set of fingerprints before a permit can be granted.
  3. Written approval from the Planning Department that the location requirements set forth in subsection C below have been met.
  4. A statement to be initialed by the applicant that the applicant and the employees of the medical marijuana dispensary may be subject to prosecution under federal marijuana laws.
  5. A statement to be initialed by the applicant that the City accepts no legal liability in connection with the approval and subsequent operation of the medical marijuana dispensary.
- C. Location Requirements: No medical marijuana dispensary shall be established except in accordance with the following location requirements:
1. A medical marijuana dispensary shall be located in the C-2 zone district (Community Commercial) per CMC 16.03.040.
  2. No medical marijuana dispensary shall be located within 500 feet of any licensed child care facility, church, or City Park at the time of establishment of the dispensary.
  3. No medical marijuana dispensary shall be located within 500 feet of any educational institution or school, either public or private, at the time of establishment of the dispensary.
  4. No medical marijuana dispensary shall be located within 500 feet of any halfway house or correctional facility at the time of establishment of the dispensary.
  5. No medical marijuana dispensary shall be located within 100 feet of a residential dwelling at the time of the establishment of the dispensary.

6. No medical marijuana dispensary shall be in a building containing residential units at the time of establishment of the dispensary.
  7. No medical marijuana dispensary shall be located in a movable or mobile structure.
  8. No medical marijuana dispensary shall be located within 500 feet of another medical marijuana dispensary.
  9. No medical marijuana dispensary shall be located in a building containing a pediatrician at the time of the establishment of the dispensary.
- D. Additional Limitations. Medical marijuana dispensaries shall be subject to the following additional requirements.
1. All medical marijuana dispensing and production/cultivation activities shall be conducted indoors.
  2. All product storage shall be indoors. Products, accessories, and associated paraphernalia shall not be visible from a public sidewalk or right of way. All products shall be in a sealed/locked cabinet except when being accessed for distribution.
  3. The business may only be open for the sale of medical marijuana during the hours of 9:00 am to 7:00 p.m.
  4. No on-site consumption of marijuana is allowed on the premises or within 100 feet of the established medical marijuana dispensary.
  5. Cultivation of marijuana is only permitted when the premises are equipped with a ventilation system that filters out the odors of the marijuana so it is not detectable from the exterior of the business or from within any adjoining premises. Approval of such system from the Building Department is required prior to the cultivation process beginning.
  6. The sale or consumption of alcohol on the premises is prohibited, except for the sale of tinctures, which is permitted.
  7. All dispensaries shall be equipped with a secure safe that is utilized for the purposes of storing marijuana not then being actively cultivated when the business is open.
  8. All dispensaries shall provide adequate security on the premises. At a minimum, the security shall include:
    - a. security surveillance cameras installed to monitor the main entrance along the interior and exterior of the premises to discourage crime and to facilitate the reporting of criminal acts as well as nuisance activities;

security video shall be preserved for at least 20 days by the business;

b. robbery and burglary alarm systems that are professionally monitored and maintained in good working condition; and,

c. exterior lighting that illuminates the exterior walls of the business during evening hours and is in compliance with the Craig Municipal Code, Section 16.02.0150(B)(6) pertaining to excessive illumination.

9. It shall be unlawful for any Medical Marijuana Dispensary to employ any persons who are not at least 18 years of age. Medical Marijuana may only be obtained by individuals who are at least 18 years of age or older, with a legally recognized medical marijuana identification card.

E. Signage requirements

All signage associated with a medical marijuana dispensary will meet the standards established in the Craig Municipal Code, Title 16, Article 7 (signs).

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Section 2: Penalties. Any violation of this Ordinance shall be punishable, pursuant to Section 1.08.010 of the Craig Municipal Code, by a fine not to exceed one thousand (1,000) dollars or imprisonment not to exceed one hundred and eighty (180) days or by both such fine and imprisonment.

Section 3. If any provision, clause, sentence or paragraph of this Ordinance is currently or shall in the future be in conflict with any Statute or Regulation of the State of Colorado, the State Statute or Regulation shall apply. Furthermore, the City of Craig and all Medical Marijuana Dispensaries must abide by, cooperate in, and comply with all current and future Colorado statutes and regulations, as amended from time to time, with respect to Amendment 20.

Section 4. Severability. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

Section 5. Effective Date. This ordinance shall take effect ten days after passage, at which time Ordinance #997(attached) shall be deemed repealed in its entirety.

READ, APPROVED AND ORDERED PUBLISHED ON FIRST READING  
AND PUBLICATION AND POSTING ORDERED THIS 10<sup>th</sup> DAY OF NOVEMBER  
2009.

CITY OF CRAIG, COLORADO

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Don Jones, Mayor

ATTEST:

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Shirley M. Seely, City Clerk

PASSED, APPROVED, AND ADOPTED ON SECOND READING THIS 24<sup>TH</sup> DAY  
OF NOVEMBER, 2009, BY THE CITY COUNCIL OF THE CITY OF CRAIG.

CITY OF CRAIG, COLORADO

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Don Jones, Mayor

ATTEST:

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Shirley M Seely, City Clerk