



PETITION STATEMENT OF SUFFICIENCY

IO 2022-002A Petition Title:

Shall the ordinances of the City of Colorado Springs be amended to:

- Authorize the regulation of retail/recreational marijuana establishments in the same manner as medical marijuana;
- Repeal the prohibition against retail/recreational marijuana establishments; and
- Authorize medical marijuana establishments to also be licensed as retail/recreational marijuana establishments without raising the cap on the number of locations set forth in City Code §2.2.104.

Authorization of recreational marijuana.

Section 1. Legislative declaration of voters.

(a) Recreational Marijuana is legal in the State of Colorado, having been approved by voters in 2012 as “retail marijuana,” subject to local control by cities.

(b) Legalization of Recreational Marijuana statewide and in many cities throughout the state has reduced underground sales and attendant public safety dangers in these jurisdictions and brought needed tax revenue for important local programs.

(c) Citizens of the City of Colorado Springs (“City”) with debilitating medical conditions now benefit from medical marijuana that is sold here.

(d) The City developed a thorough and effective licensing system for Medical Marijuana Businesses, and this licensing system can be readily adapted to provide for licensing and oversight of Recreational Marijuana Businesses.

(e) Given the benefits of legalizing recreational marijuana recognized by other Colorado cities, the voters of Colorado Springs approve of the limited expansion of Recreational Marijuana Activities subject to the existing limit on the total number of and locational restrictions for licensed Medical Marijuana Businesses in the City and, further, express their expectation that the City Council and the Local Licensing Authority will Facilitate implementation of this ordinance. After enactment of this ordinance, the City Council may enact ordinances that meet but do not exceed operational and licensing standards provided in state law for “retail marijuana” that apply to a Recreational Marijuana Business in the City.

(f) The voters intend that currently licensed Medical Marijuana Businesses, having established their capacity to operate in a heavily regulated industry, are presumed to be qualified and should be able to continue to operate solely as medical marijuana licensees, to operate solely as Recreational Marijuana Businesses conducting Recreational Marijuana Activities, or to combine both medical and recreational marijuana operations at the same licensed facility, unless their existing state or local licenses allowing such operations are revoked or suspended.

Section 2. Definitions. In addition to such definitions in section 16(2) of article XVIII of the Colorado Constitution as apply to the purposes of this ordinance and are therefore incorporated herein, the following terms mean:

(a) “Facilitate” means legislation or rulemaking that furthers, rather than impairs, limits, or destroys, the authority granted in this ordinance to make recreational marijuana available by Recreational Marijuana Businesses.

(b) “License Type” means the category of license, issued under the authority of section 14 or 16, or both, of article XVIII of the Colorado Constitution, pertinent state statutes or state regulations, or ordinances adopted by the City Council or rules adopted by the Local Licensing Authority, allowing a licensee to undertake a specific industry activity, such activity being the licensed purchase, sale, cultivation, possession, production, distribution, testing, transporting, or storing of marijuana.

(c) “Local Licensing Authority” means the City Clerk or the City Clerk’s designee acting pursuant to the authority granted under this ordinance.

(d) “Medical Marijuana Businesses” means those facilities licensed to operate under the authority of section 14 of article XVIII of the Colorado Constitution, pertinent state statutes or state regulations, and ordinances adopted by the City Council or rules adopted by the Local Licensing Authority as provided in this ordinance.

(e) “Recreational Marijuana” means “marijuana” and “marijuana products,” as those terms are defined in and authorized by state law including section 16(2)(f) and 16(2)(k) of article XVIII of the Colorado Constitution.

(f) “Recreational Marijuana Activities” means the purchase, sale, cultivation, possession, production, distribution, testing, transporting, and storing of Recreational Marijuana.

(g) “Recreational Marijuana Business” means a licensed Recreational Marijuana Store, a licensed Recreational Marijuana cultivation facility, a licensed Recreational Marijuana products manufacturer, a licensed Recreational Marijuana testing facility, a licensed Recreational Marijuana Business operator, a licensed Recreational Marijuana transporter, and any other marijuana enterprise that is authorized by state statute or rule or City ordinance or rule and licensed to conduct business regarding Recreational Marijuana as defined in this ordinance.

(h) “Recreational Marijuana Store” means an entity licensed to purchase Recreational Marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers, in the same manner as a “retail marijuana store” as provided in section 16(2)(n) of article XVIII of the Colorado Constitution.

(i) “Regulated Marijuana Business” means a Medical Marijuana Business and also, as defined in this ordinance, a Recreational Marijuana Business.

Section 3. Existing licensing process, standards, and violations – adoption by reference.

(a) The licensing and operation of Recreational Marijuana Businesses shall be subject to:

(i) all pertinent marijuana-related provisions of the Colorado Constitution, state statutes, and the rules and regulations of the State licensing authority;

(ii) the standards that apply to the licensing and operation of Medical Marijuana Businesses in sections 2.2.102 through 2.2.109 of the Colorado Springs Municipal Code except section 2.2.109(A)(12) and (D) that make the operation of a “retail marijuana establishment” unlawful

in the City, provided that this subsection shall not prohibit enactment of ordinances by the City so long as such ordinances Facilitate implementation of, and do not conflict with, this ordinance; and

(iii) the standards in the rules and regulations of the Local Licensing Authority that apply to the licensing and operation of Medical Marijuana Businesses, provided that this subsection shall not prohibit adoption of rules by the Clerk so long as such rules Facilitate implementation of, and do not conflict with, this ordinance.

(b) When duly licensed by the Local Licensing Authority, Recreational Marijuana Businesses shall be permitted to engage in all Recreational Marijuana Activities whose products are permitted by pertinent state statutes or state regulations, or the Colorado Constitution.

(c) In order to make possible the safe, accountable supply and testing of Recreational Marijuana, the Local Licensing Authority shall accept applications for, investigate applicants, and grant licenses so that Recreational Marijuana Businesses can lawfully conduct Recreational Marijuana Activities, provided that the applicant is currently a licensed Medical Marijuana Business in the City and qualifies as provided in this ordinance.

(d) Without increasing the number of locations of Medical Marijuana Businesses, an existing licensed Medical Marijuana Business shall be permitted to submit an application for a Recreational Marijuana Business license that would permit it to co-locate or expand its licensed operations to conduct the same authorized License Type activity for Recreational Marijuana as is authorized under that Medical Marijuana Business's License Type. If the Local Licensing Authority finds that the Medical Marijuana Business is currently licensed by the City of Colorado Springs, and the application is complete and meets the minimum requirements for approval including payment of required application and investigation fees, the Local Licensing Authority shall approve the application and issue a license so that the Regulated Marijuana Business can lawfully conduct Recreational Marijuana Activities as authorized by this ordinance and that License Type.

(e) The Local Licensing Authority shall grant or deny any license application within ninety (90) days of filing of a completed application.

Section 4. Licensed operation of Recreational Marijuana Businesses.

Businesses granted licenses pursuant to this ordinance are authorized to conduct the licensed Recreational Marijuana Business or Businesses, consistent with the requirements and limitations of state law including section 16 of article XVIII of the Colorado Constitution. No business or person may conduct the operations of a Recreational Marijuana Business without being duly licensed under this ordinance.

Section 5. Licensing of Recreational Marijuana Businesses.

(a) Any licensed Medical Marijuana Business may also be licensed as a Recreational Marijuana Business so that a portion of its premises may be used for Recreational Marijuana Activities in accordance with its current permitted use and License Type. Any medical marijuana center that applies to add a Recreational Marijuana Store to operate in the same location will count as one (1) license for purposes of the City's cumulative cap on licensed marijuana stores; provided, however, that any medical marijuana store that does not seek or receive a Recreational Marijuana Store license shall also be treated as one (1) license for purposes of the cumulative cap on licensed marijuana locations.

(b) The Local Licensing Authority shall not approve a license for any facility seeking to operate as a Recreational Marijuana Business unless that facility:

(i) meets the pertinent requirements in state law and in the Colorado Springs Municipal Code as provided in this ordinance;

(ii) has been approved by the state licensing authority and the Local Licensing Authority to conduct authorized functions of a Recreational Marijuana Business; and

(iii) will not, if granted, exceed the total permitted number of licenses or locations in the City, as provided in this ordinance.

(c) The Local Licensing Authority shall not approve any license unless that applicant meets the pertinent requirements in state law and the Colorado Springs Municipal Code, as provided in this ordinance.

(d) Any currently licensed Medical Marijuana Business may continue operating under its current license as permitted or apply for the same License Type activity that would allow it to:

(i) operate as a licensed Recreational Marijuana Business conducting Regulated Marijuana Activities; or

(ii) combine both its operations as a Medical Marijuana Business and Recreational Marijuana Activities as a Recreational Marijuana Business at the same licensed facility.

(e) The Local Licensing Authority may impose license application and investigation fees in amounts sufficient to offset its costs associated with consideration and investigation of applications for Recreational Marijuana-related licenses.

Section 6. Effective date.

All provisions of this ordinance that permit the filing of applications for licenses and for the Local Licensing Authority to consider, investigate, and impose fees in connection with such applications shall be effective on January 1, 2023. All provisions that permit the conduct of licensed Recreational Marijuana Businesses are effective on and after April 1, 2023

Petitioner's Committee: Karlie Van Arnam, Rachel Beisel, Clifton L Black, Abbagail Kelly, and Anthony Siracusa.

Petition Name: Authorization of Retail Marijuana/Recreational Marijuana
Election: 2022 Coordinated Election
Election Date: November 8, 2022

Date on which the petition was submitted for verification: June 17, 2022

Total number of signature lines submitted:	45,762
Total number of signature lines not accepted:	24,194
Total number of signature lines accepted:	21,568
Total number of valid signature lines required:	19,245

Petition signature requirements are hereby determined to be: **SUFFICIENT**.

Signed this 15th day of July, 2022.

Sarah B. Johnson
City Clerk