



R-21-51

**A RESOLUTION ADOPTING AMENDED AND RESTATED REGULATIONS FOR
THE REGULATION AND LICENSING OF MARIJUANA BUSINESS
ESTABLISHMENTS**

WHEREAS, the General Assembly enacted the Colorado Medical Marijuana Code (C.R.S. §12-43.3-101, et seq., subsequently recodified by HB 18-1023 (Laws 2018, Ch. 55) to Article 11 of Title 44, hereafter, "Medical Marijuana Code") to implement Amendment 20 to the Colorado Constitution (Article XVIII, §14) authorizing the use of marijuana for medical purposes; and

WHEREAS, thereafter, in 2012, the people of Colorado enacted Amendment 64 to the Colorado Constitution (Article XVIII, §16 to the Constitution) authorizing specified non-medical marijuana establishments and non-medical marijuana use, now identified as "retail" marijuana establishments and use; and

WHEREAS, pursuant to Amendment 64, the General Assembly enacted the Colorado Retail Marijuana Code (CRS §12-43.4-101, et seq., subsequently recodified by HB 18-1023 (Laws 2018, Ch. 55) to Article 12 of Title 44, hereafter, "Retail Marijuana Code") governing retail marijuana establishments and use as more particularly described in the Retail Marijuana Code; and

WHEREAS, the majority of voters in Clear Creek County voting on the legalization of medical marijuana and retail marijuana have approved it, including approving Amendment 20 and Amendment 64; and

WHEREAS, the Medical Marijuana Code, including specifically §12-43.3-301(2)(a) therein, required that a local government that has not prohibited the operation of medical marijuana establishments adopt regulations by July 1, 2012, for local licensing of those establishments, and pursuant thereto the Clear Creek County Board of Commissioners adopted Resolution 12-84 adopting Clear Creek County Medical Marijuana Regulations; and

WHEREAS, pursuant to Amendment 64, and the Retail Marijuana Code, including specifically, C.R.S. §§12-43.4-104(3) and 309(1), counties may adopt regulations governing the time, place, manner and number of retail marijuana establishments, which may include a local licensing requirement, that are at least as restrictive as the provisions of the Retail Marijuana Code; and

WHEREAS, effective July 1, 2020, pursuant to Senate Bill S.B. 19-224 (Laws 2019, Ch 315, §5), the General Assembly combined the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, which had been in separate articles in title 44, into one article in title 44, titled the Colorado Marijuana Code, and codified in title 44, article 10 of the Colorado Revised Statutes; and



WHEREAS, the Clear Creek County Board of Commissioners is authorized by C.R.S. §30-11-101(2) to adopt and enforce ordinances and resolutions regarding health, safety, and welfare issues as otherwise prescribed by law, and provide for the enforcement thereof; and

WHEREAS, on September 24, 2013, the Board of County Commissioners adopted Resolution R-13-76, adopting licensing regulations for all marijuana establishments located in unincorporated areas of Clear Creek County, which were replaced by Resolution R-16-127; and

WHEREAS, on November 20, 2018, the Board of County Commissioners adopted Resolution R-18-103, adopting licensing regulations for all marijuana establishments located in unincorporated areas of Clear Creek County, which replaced Resolution R-16-127; and

WHEREAS, in 2020, the Board has determined that minor revisions to the Marijuana Licensing Regulations were needed to remove unnecessary language and provide clarity to some areas of the regulations and on June 2, 2020, the Board of County Commissioners adopted Resolution R-20-60, adopting amended and restated licensing regulations for all marijuana business establishments in unincorporated areas of Clear Creek County, which replaced R-18-103; and

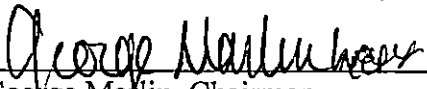
WHEREAS, the Board has determined that it would be helpful for the County's regulations to more closely match the state marijuana enforcement division's regulations and desires to amend its regulations to provide clarity and avoid conflicting terminology; and

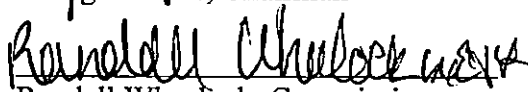
WHEREAS, the Board finds it is in the interest of public health, safety and welfare that the Board adopt the Clear Creek County Amended and Restated Marijuana Licensing Regulations, as attached hereto.

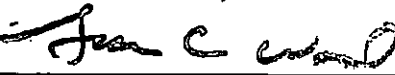
NOW, THEREFORE, BE IT RESOLVED, that the Clear Creek County Board of Commissioners hereby adopts the Clear Creek County Amended and Restated Marijuana Licensing Regulations attached hereto, effective June 22, 2021.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that Resolution R-20-60 is rescinded, effective June 29, 2021.


ADOPTED this 29th day of June, 2021, at a regularly scheduled meeting of the Clear Creek Board of County Commissioners.


George Maflin, Chairman


Randall Wheelock, Commissioner


Sean C. Wood, Commissioner

ATTEST:


Deputy Clerk and Recorder
For Brenda L. Corbett
Clear Creek County Clerk and Recorder



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**CLEAR CREEK COUNTY
AMENDED AND RESTATED MARIJUANA LICENSING REGULATIONS**

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Part I. GENERAL PROVISIONS

Section 1.01 Title

These regulations shall be known and referred to as the "Clear Creek County Marijuana Licensing Regulations" (referred to herein as "Regulations").

Section 1.02 Authority

These Regulations are adopted pursuant to Colorado Const., Art. XVIII, §16(5)(f); the Colorado Marijuana Code, C.R.S. §44-10-101, et seq. ("Colorado Marijuana Code"), including § C.R.S. §30-11-101(1)(e), (2); and C.R.S. §30-11-107(1)(i).

Section 1.03 Purpose

1.03.1 The purposes of these Regulations are to:

- (1) Comply with the County's obligations under the Colorado Marijuana Code;
- (2) Require that "Marijuana Establishments" shall operate in a safe manner that does not endanger the public welfare and in a manner that conforms to the Colorado Marijuana Code;
- (3) Mitigate potential negative impacts that the Marijuana Establishments may cause on surrounding properties and persons;
- (4) Regulate the conduct of persons owning, operating, and using Marijuana Establishments to protect the public health, safety and welfare;
- (5) Establish a nondiscriminatory mechanism by which the County appropriately regulates the location and operation of Marijuana Establishments within the County.

1.03.2 By enacting these Regulations, Clear Creek County does not intend to encourage or promote the establishment of any business or operation, or the commitment of any act, that constitutes or may constitute a violation of federal law.

Section 1.04 Application of Regulations

These Regulations apply only to the unincorporated areas of Clear Creek County, Colorado.

Section 1.05 Definitions

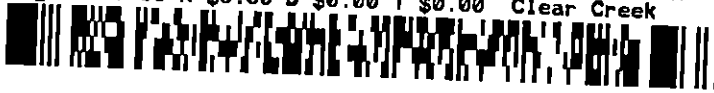
1.05.1 Unless otherwise expressly provided, the definitions in the Colorado Marijuana Code, including the definitions in C.R.S. §44-10-103, shall apply in these Regulations with respect to Medical Marijuana Establishments and Retail Marijuana Establishments.

1.05.2 The following words, terms and phrases, when used in these Regulations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "Authority," "Clear Creek County Local Licensing Authority" and "Local Licensing Authority" have the same meaning for the purposes of these Regulations.



- (2) *"Colorado Marijuana Code"* means the Colorado Marijuana code, Article 10 of Title 44, CRS, and the state administrative regulations promulgated pursuant thereto.
- (3) *"Good Cause"*, for purposes of refusing or denying a license issuance, renewal or transfer means:
- (a) The Licensee or applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of these Regulations, the Colorado Marijuana Code, or the state administrative regulations promulgated pursuant thereto, as applicable;
 - (b) The Licensee or applicant has failed to comply with any special terms or conditions that were placed on its license pursuant to an order of the State or Local Licensing Authority;
 - (c) The Licensed Premises have been operated in a manner that adversely affects the public health or welfare or the safety of the immediate neighborhood in which the establishment is located; or
 - (d) The Licensed Premises have been inactive for at least one year.
- (4) *"Licensed Premises"* means the premises specified in a license under these Regulations, which are owned or in possession of the Licensee and within which the Licensee is authorized to cultivate, manufacture, distribute, sell or test medical marijuana and/or retail marijuana in accordance with the provisions of the Colorado Marijuana Code, and these Regulations. *"Licensed Premises"* includes an off-premises storage facility owned, operated or used by the Licensee.
- (5) *"Licensee"* means a person licensed pursuant to these Regulations.
- (6) *"Location"* means a particular parcel of land that may be identified by an address or other descriptive means.
- (7) *"Medical Marijuana Establishment"* means a medical marijuana store, medical marijuana-infused products manufacturer, medical marijuana testing facility, and/or optional premises cultivation operation, each as defined in the Colorado Marijuana Code.
- (8) *"Owner"* means any person having a beneficial interest, as defined by the State Licensing Authority, in a Medical or a Retail Marijuana Establishment.
- (9) *"Premises"* means a distinctly identified, as required by the State Licensing Authority, and definite Location, which may include a building, a room, or any other definite contiguous area.



(10) *“Retail Marijuana Establishment”* means a retail marijuana store, retail marijuana cultivation facility, retail marijuana products manufacturer and/or retail marijuana testing facility, each as defined in the Colorado Marijuana Code.

(11) *“Sale”* or *“Sell”* includes to exchange, barter, or traffic in, to solicit or receive and order except through a licensee licensed under these Regulations, to deliver for value in any way other than gratuitously, to peddle or possess with intent to sell, or to traffic in for any in for any consideration promised or obtained directly or indirectly.

Section 1.06 Adoption of Colorado Marijuana Code and State Administrative Regulations

1.06.1 Except where the provisions expressly set forth in these Regulations are inconsistent with or differ from the Colorado Marijuana Code, all of the provisions of the Colorado Marijuana Code, as they are amended from time-to-time, are adopted herein by this reference, and apply to all applications received and licenses issued by the Local Licensing Authority with respect to Medical Marijuana Establishments and Retail Marijuana Establishments.

1.06.2 If there is a conflict between the provisions of these Regulations and the Colorado Marijuana Code, , including with the state administrative regulations promulgated pursuant to them, respectively, the provisions of these Regulations control to the fullest extent permitted by applicable law.

Section 1.07 Co-Location of License Types

A person may operate a licensed Medical Marijuana Store, Optional Cultivation Facility or Medical Marijuana-infused Products Manufacturing Facility and any licensed Retail Marijuana Establishment at the same Location if the Local Licensing Authority determines that the operations will meet the requirements of these Regulations.

Section 1.08 Operation Limitations

Licensees shall be subject to the following additional operation limitations:

- (1) All product storage shall be indoors. Marijuana products, and accessories or paraphernalia used or intended to be used to consume them, shall not be visible from a public sidewalk or right-of-way or an adjacent property.
- (2) No Marijuana Establishment shall be permitted to operate from a moveable, mobile or transitory Location.
- (3) Indoor Licensed Premises shall be ventilated so that the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the Licensed Premises or at any adjoining use or property.
- (4) A medical marijuana store and retail marijuana store may be open for the sale of marijuana only between the hours of 8 a.m. to 12 a.m.
- (5) No Marijuana Establishment may use metals, butane, propane, or other solvent or flammable product, or produce flammable vapors to process marijuana unless the process used and the Licensed Premises are verified as safe and in compliance with all applicable codes by a qualified industrial hygienist.



Section 1.09 Prohibited Locations

1.09.1 No medical marijuana store or retail marijuana store shall be licensed to operate at a Location that is:

- (1) within 1000 feet of a licensed child care center; or
- (2) within 1000 feet of any school.

The provisions of this subsection shall not apply to an Establishment whose license was in effect and which was actively doing business before the child care center, school, or municipal boundary were established within the proscribed area.

1.09.2 The distances described in this Section 1.09 shall be computed by direct measurement from the closest point on the perimeter of the applicant's property to the closest point of the property of the child care center, school, or within the municipality.

1.09.3 No License may be issued to operate a Medical or Retail Marijuana Establishment in a residential zone district as a "home occupation" under the Clear Creek County Zoning Regulations.

Section 1.10 Limitation on Total Number of Medical Store and Retail Store Licenses

The maximum number of medical marijuana store and retail marijuana store licenses, when added together, may not exceed six licenses at any one time for locations in the unincorporated area of the county.

Section 1.11 County Reservations

1.11.1 Adoption of these Regulations is not intended to waive or otherwise impair any portion of the local option available under Colorado Const. Art. XVIII, §16(5)(f), or CRS §44-10-104 .

1.11.2 Adoption of these Regulations is not intended to waive or otherwise impair the County's authority to adopt specific or different standards or other regulations for the issuance and administration of local licenses from time-to-time.

Section 1.12 Relationship to Resolution R-12-84, Resolution Adopting the Clear Creek County Medical Marijuana Regulations

Any local license issued pursuant to the provisions of Resolution R-12-84, Resolution Adopting the Clear Creek County Medical Marijuana Regulations, which is valid and effective as of the date these Regulations are promulgated, shall be deemed to have been issued pursuant to these Regulations, and the provisions of these Regulations shall govern the expiration, renewal, revocation, suspension and transfer of such license, provided such license shall not expire before the date stated on the license issued by the County (if issued in or after August 2013) or the date stated on the state-issued license corresponding to the local license (if the local license was approved before August 2013).



Part II. LOCAL LICENSING AUTHORITY

Section 2.01 Establishment of Local Licensing Authority

The Clear Creek County Local Licensing Authority shall be the Clear Creek County Board of Commissioners. The Chairman and Vice-chairman of the Board of County Commissioners shall be, respectively, the Chairman and Vice-chairman of the Local Licensing Authority.

Section 2.02 Clerk

The Clear Creek County Clerk & Recorder, or his or her deputy delegated to serve as Clerk to the Clear Creek County Board of Commissioners, shall be the Clerk to the Clear Creek County Local Licensing Authority.

Section 2.03 Powers

The Local Licensing Authority shall have the powers described in the Colorado Marijuana Code , including to hear and determine at a public hearing any contested local license denial, any complaints against a Licensee, and administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing so held. In the absence of the Chairman, the Vice-chairman may exercise the powers of the Local Licensing Authority.



Part III. LICENSES

Section 3.01 Medical Marijuana Licenses

The Clear Creek County Local Licensing Authority shall issue local licenses to applicants only for the purpose of operating a Medical Marijuana Establishment pursuant to the Colorado Marijuana Code who fulfill the requirements for one of the following:

- (1) medical marijuana store;
- (2) optional premises cultivation operation;
- (3) medical marijuana-infused products manufacturer; and
- (4) medical marijuana testing facility.

Section 3.02 Retail Marijuana Licenses

The Clear Creek County Local Licensing Authority shall issue local licenses to applicants only for the purpose of operating a Retail Marijuana Establishment pursuant to the Colorado Marijuana Code who fulfill the requirements for one the following:

- (1) retail marijuana store;
- (2) retail marijuana cultivation facility;
- (3) retail marijuana products manufacturing facility; and
- (4) retail marijuana testing facility.

Section 3.03 Nature of Local License

3.03.1 A local license pursuant to these Regulations shall apply to and be valid for only a specific person, a particular Marijuana Establishment, and a specific Premises, and will not be transferrable to another person, a different Establishment, or different Premises except as provided by these Regulations.

3.03.2 Any license given hereunder does not provide any exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution or possession of marijuana.

Section 3.04 Entitlements

No person shall have any entitlement or vested right to licensing under these Regulations.

Part IV. LICENSES REQUIRED

Section 4.01 Unlawful Acts

4.01.1 For any business, establishment, facility or activity which is required by the Colorado Marijuana Code to have a state license, excepting a medical marijuana transporter or a retail marijuana transporter licensed under one of those codes, it is unlawful and a violation of these Regulations to operate in unincorporated Clear Creek County without both a current state license and a current license issued by the Local Licensing Authority of the same type for the same activity at the same Location.

4.01.2 A person shall not have a financial interest in a license issued pursuant to these Regulations that has not been reported to the Local Licensing Authority and State Licensing Authority and, when required by applicable law, their approval. This subsection shall not apply to banks, savings and loan associations or industrial banks supervised and regulated by an agency of the state or federal government.

Section 4.02 Co-ordination of Local and State Licenses

4.02.1 If a state license is suspended or revoked by the State Licensing Authority, the Licensee shall immediately cease operation of the Marijuana Establishment in this County until the state license is re-instated during the term of a valid local license. The Local Licensing Authority may suspend or revoke the local license upon the denial, suspension or revocation of the associated state license.

4.02.2 Upon the surrender of a state license for a Marijuana Establishment which has been issued a license under these Regulations, the local license shall be deemed surrendered and of no further effect.

Section 4.03 Duration of Local Licenses

4.03.1 Except as provided in Section 4.03.2, any local license approved under these Regulations shall be valid for a period of one year from the date of issuance, or as otherwise stated on the license, unless sooner suspended, revoked, surrendered by the Licensee, or otherwise terminated. Notwithstanding the foregoing, the Local Licensing Authority may change the duration to no fewer than ten months and no more than fourteen months from the date of issuance to synchronize the license periods of the state and local licenses of the same type for the same activity at the same Location.

4.03.2 If a court of competent jurisdiction having jurisdictional effect in Colorado determines that the issuance of local licenses, or some of them, violates federal law, and such decision becomes final and unappealable, all such licenses issued under these Regulations shall be deemed immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the Licensee.

Section 4.04 License Contents

The licenses issued pursuant to these Regulations must specify the type of license, the name of the Licensee, the Premises licensed, the date of issuance, and the date of expiration or the period the license is effective.

Part V. LICENSE APPLICATIONS

Section 5.01 Application Information

5.01.1 Applications for a local license shall be submitted by submitting a duplicate of the application form(s) submitted to the State Licensing Authority for a license of the same type for the same activity at the same Location, together with or including:

- (1) A complete and accurate list of all Owners, officers and others who own, manage, or are otherwise substantially associated with conducting the business or establishment such that an occupational license or registration is required pursuant to the Colorado Marijuana Code;
- (2) Identity of the owner of the Premises on which the Licensed Premises are to be located;
- (3) A site plan (interior) of the building(s) on the Premises being licensed;
- (4) A site plan of the Premises;
- (5) A list of all other uses on the Premises;
- (6) The Waiver and Release of Liability and Agreement to Indemnify Clear Creek County Form (substantially in the form in Appendix A to these regulations);
- (7) An Investigation Authorization And Authorization/Request to Release Information;
- (8) If the Premises are not owned by the applicant, a complete copy of the lease or other agreement by which the applicant has possession of the Premises, which must expressly state possession is for the purpose of operating the proposed Marijuana Establishment;
- (9) A copy of the most recent deed for the Premises (or the property of which the Premises are a part);
- (10) If the legal description of the Premises (or the property of which the Premises are a part) in the most recent deed is a metes and bounds description, a copy of the most recent, pre-September 1, 1972, deed for the Premises (or property of which the Premises are a part);
- (11) For applications for a renewal or transfer, verification that the State Licensing Authority issued a license of the same type for the same activity at the same Location for the previous term of the license sought to be renewed or transferred;
- (12) Verification of the State Licensing Authority having accepted the application to it, in the form submitted to the Local License Authority, as complete for processing;
- (13) An explanation of any enforcement action taken by the state or any other jurisdiction with respect to any Marijuana Establishment license held by the applicant during the previous 12 months;
- (14) A description of all toxic, flammable, hazardous or other materials regulated by a federal, state or local government having authority (or that would have authority over the business if it was not a marijuana business), that will be used, kept, or created at the Premises (or the property of which the Premises are a part); Material Safety Data Sheets for each; the location of use and storage of each shall be identified on the site plans;
- (15) A plan for ventilation of the facilities that describes the ventilation systems that will be used to prevent any odor of marijuana off the premises of the business. For all

Marijuana Establishments that produce marijuana products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process;

- (16) An inspection of the Licensed Premises fully equipped per the current plan of operation from a state electrical inspector, master electrician licensed in Colorado or electrical engineer registered in Colorado for compliance with applicable electrical codes; and
- (17) Such other information as the Local Licensing Authority requires.

5.01.2 A site plan of the Premises will be scaled and show the following:

- (1) The scale used;
- (2) North arrow designating true north;
- (3) Property boundaries of the Premises, indicating front, rear and side lines;
- (4) Location of all proposed buildings/structures and existing buildings/structures that will remain;
- (5) Locations and dimensions of all existing and proposed roads, on and adjacent to the Premises, driveways, easements, rights-of-way, existing and proposed utilities;
- (6) Setbacks from buildings and structures, measured in feet (measured from the nearest lot line, road right-of-way or platted right-of-way, whichever is closest, to the eaves or projections from the building or from decks, for all sides of a structure);
- (7) Platted building envelope(s), if applicable;
- (8) Parking areas and spaces;
- (9) Location of signs/advertising, outdoor lighting, landscaping and/or fencing, structural screening elements;
- (10) Total acreage or square footage of the Premises; and
- (11) Total square footage of all buildings and total square footage of building footprints.

5.01.3 All applications for licenses involving cultivation of marijuana shall submit a plan that specifies whether and how CO₂ gas will be used in the cultivation and the location of the generation, use or storage shall be identified on the site plans.

5.01.4 The applicant shall provide complete and accurate information in the application.

5.01.5 The applicant must promptly update any of the information required of an application by this section 5.01 in the event of any material change between the time the application is first submitted and the issuance or denial of the license.

5.01.6 By submitting a license application, the owner of the Premises and the applicant authorize (a) the Authority and its designee, (b) the Clear Creek County Building, Planning, Public Health & Environment, and Site Development Departments and other departments and agencies of the County, (c) in its jurisdiction, the Clear Creek Fire Authority and its designee, (d) in its jurisdiction, the Evergreen Fire Protection District and its designee, and (e) the Clear Creek County Sheriff and his designees, to enter upon and inspect the Premises for the purposes of implementing these Regulations. Such inspections shall take place at reasonable times and before issuance of a local license. This section shall not in any way limit any inspection authority of any of these departments and agencies authorized under any other provision of law.



5.01.07 All applications for licenses must be submitted in paper copy format and will not be accepted via email. At the discretion of the Local Licensing Authority, supporting documentation may be submitted electronically and in portable document format (PDF) only. Documentation submitted in any other format, (e.g., TIFF or JPG) will not be accepted.

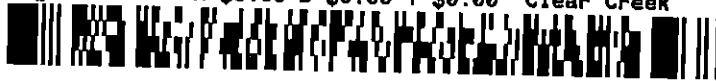
Section 5.02 Processing Applications

5.02.1 Applications shall be submitted to the Authority in care of the Clear Creek County Attorney's office.

5.02.2 Applications will be deemed submitted only when complete and when accompanied by the applicable fees. Notwithstanding having deemed an application complete, the Authority may, at its discretion, require the submission of additional information and materials as may be useful in investigating the application and making a determination under these Regulations.

5.02.3 Upon a determination that a complete application, including all required forms and fees, for a license has been received, the County Attorney's office will refer copies of the application or relevant portions of it to the following agencies or departments for the following purposes:

- (1) Assessor: For determination that assessment records and personal property schedules are current and complete.
- (2) Building Department: For determination of compliance with Clear Creek County Building Regulations relative to structure features. The Building Department also shall conduct the post-approval inspections required by these Regulations as a condition of license approval.
- (3) Finance Department: For determination of compliance with the County-Wide Retail Marijuana Excise Tax.
- (4) Planning Department: For determination of compliance with Clear Creek County Subdivision and Zoning Regulations.
- (5) Public Health & Environment: For determination of compliance with sanitation system regulations and whether there are unresolved public health enforcement actions with respect to the Premises.
- (6) Site Development Department: For determination of compliance with County Site Development (including BMP) Regulations.
- (7) Treasurer: For determination of payment of property taxes on the Premises.
- (8) Any other County department deemed relevant in the circumstances: For determination of compliance with laws and regulations administered by it.
- (9) Clear Creek County Sheriff: For investigation as requested by the Local Licensing Authority; for post-approval inspection of the Premises authorized by the Colorado Marijuana Code, except and to the extent the inspection is performed by the County Building Department.
- (10) Clear Creek Fire Authority or the Evergreen Fire Protection District, as appropriate, for its determination of Fire Code compliance.
- (11) County departments shall inspect the Premises as deemed appropriate or requested by the Local Licensing Authority to confirm compliance with building and equipment standards imposed by the Colorado Marijuana Code.



5.02.4 Referral agencies and departments must submit their written findings and conclusions to the County Attorney's office no later than thirty days after the referral.

5.02.5 The Local Licensing Authority may request that the State Licensing Authority advise the Local Licensing Authority of any items the State Licensing Authority finds in its investigation that could result in the denial of the state license. If the Local Licensing Authority receives such information from the state, it shall suspend its review of the local license until it receives a notice from the State Licensing Authority that the issues have been corrected and the applicant is eligible for a state license.

5.02.6 The Local Licensing Authority shall endeavor to take final action on a license application within ninety days after a complete application, together with all applicable fees, has been submitted.

5.02.7 The applicant is responsible for submitting any required application, fees and materials directly to the State Licensing Authority under the Colorado Marijuana Code.

5.02.8 An application not deemed complete within 90 days of the submittal date will be considered abandoned. No further action will be taken on the application and it will returned to the applicant

Part VI. APPROVAL CRITERIA

Section 6.01 Basic Criteria

Before approving a local license, the Authority shall determine that all of the following requirements have been met by the Applicant:

- (1) The appropriate application is complete and the full application, license and operating fees have been paid;
- (2) The Planning Department has determined that the use is permitted at the Location of the Premises and the owner or operator has obtained any required approvals under the Clear Creek County Zoning Regulations;
- (3) No zoning violations exist on the Premises;
- (4) All proposed signs meets the requirements of the Clear Creek County Zoning Regulations;
- (5) All proposed lighting meets the Clear Creek County Zoning Regulations;
- (6) Any structure in which the use is located has been inspected by the Clear Creek County Building Official or her designee, complies with all applicable Building Regulation provisions and these regulations, and all necessary building permits have been obtained;
- (7) The Premises complies with all applicable Site Development regulations including, but not limited to, driveway, grading, and BMP regulations;
- (8) The Premises has all required well and sanitation system permits or is adequately served by public water and/or sewer;
- (9) Evidence of a legal water supply has been established for marijuana cultivation;
- (10) The Premises is not subject to unresolved enforcement action by the Clear Creek County Department of Public Health and Environment;



- (11) The Premises complies with the applicable Fire Code;
- (12) All personal property tax schedules related to the Premises are submitted timely and are complete;
- (13) All property taxes have been paid and no tax liens exist on the Premises;
- (14) All Clear Creek County sales taxes have been timely reported and paid;
- (15) All Clear Creek County retail marijuana cultivation facility excise taxes have been timely reported and paid;
- (16) The applicant and Premises are in compliance with all other applicable County regulations;
- (17) The application, including any required attachments and submissions, does not contain a material falsehood or misrepresentation; and
- (18) The proposed Licensed Premises are located in a Location permitted by these Regulations.

Section 6.02 Applicant Burden of Proof

The applicant bears the burden of proving it meets all licensing requirements.

Section 6.03 State License Must Be Issued First

Before a new local license may be issued, or a transfer of ownership is approved, the applicant must have been issued a state license of the same type for the same activity at the same Location, or had the transfer of ownership approved by the state, as provided in the Colorado Marijuana Code. If the Local Licensing Authority determines it is impracticable to withhold action on an application which it would otherwise approve until a state license is issued, a local license may be issued – conditioned on the issuance of the state license – if it is demonstrated to the satisfaction of the Local Licensing Authority that the applicant is eligible to receive its state license of the same type for the same activity at the same Location based on information provided by the State Licensing Authority.

Section 6.04 Buildings Must be Ready for Occupancy

No license shall be issued after approval of an application until the building in which the business is to be conducted is ready for occupancy (and, a building permit certificate of occupancy issued, if applicable) with such furniture, fixtures, and equipment in place as is necessary to comply with the applicable provisions of these Regulations, and then only after inspection of the Premises has been made by the Local Licensing Authority or State Licensing Authority to determine that the applicant has complied.

Section 6.05 Conditional Approval of an Application

If the Local Licensing Authority approves an application with conditions, such conditional approval shall be valid for a maximum period of one year from the date of approval. If the conditions have not been completely satisfied within that time period, the approval expires, and the applicant must file a new application if it still desires a license under these Regulations.



Section 6.06 Condition of Local License For Release of Clear Creek County

It shall be a condition of all local licenses that the applicant/Licensee releases Clear Creek County from liability to the applicant/Licensee and also agrees to indemnify, defend and hold harmless Clear Creek County from liability arising from injuries and damages substantially in the form in Appendix A to these Regulations.

Part VII. ACTION ON APPLICATION; HEARINGS

Section 7.01 Action on Applications

7.01.1 The Local Licensing Authority shall consider and act upon all complete local license applications as authorized by these Regulations. The Authority shall deny any application that is not in full compliance with these Regulations. Except as otherwise provided in these Regulations, the Local Licensing Authority may take action administratively, without hearing, by its Chairman.

Section 7.02 Public Hearings and Public Notice

7.02.1 A public hearing may be held to consider every application for a license subject to the limitations with respect to applications to renew licenses as provided in Part IX hereof.

7.02.2 If a public hearing is held, it shall begin not less than ninety days after the date the complete application is submitted. The Authority shall post and publish public notice thereof not less than ten days before the hearing. The Authority shall give public notice by posting a sign in a conspicuous place on the license applicant's Premises for which a local license application has been made and by publication in a newspaper of general circulation in the County.

7.02.3 Notice given by posting shall include a sign of suitable material, not less than twenty-two inches wide and twenty-six inches high, composed of letters not less than one inch in height and stating the type of license applied for, the date of the application, the date of the hearing, and the name and address of the applicant, and such other information as may be required to fully apprise the public of the nature of the application. If the applicant is a partnership, the sign shall contain the names and addresses of all partners, and if the applicant is a corporation, association, or other organization, the sign shall contain the names and addresses of the president, vice-president, secretary, and manager or other managing officers.

7.02.4 Notice given by publication shall contain the same information as that required for signs.

7.02.5 If the building in which the marijuana is to be sold, cultivated, processed or tested is in existence at the time of the application, any sign posted as required in this Section 7.02 shall be placed so as to be conspicuous and plainly visible to the general public. If the building is not constructed at the time of the application, the applicant shall post the premises upon which the building is to be constructed in such a manner that the notice shall be conspicuous and plainly visible to the general public.



Section 7.03 Preliminary Findings

Not less than five days before the date of hearing, if one has been set, or before taking action on the application, the Local Licensing Authority shall make known its findings based on its investigation, in writing, to the applicant. If a public hearing has not already been set, the applicant may request a public hearing which request shall be granted unless the recommendation is for approval.

Section 7.04 License Findings

7.04.1 Before entering any decision approving, conditionally approving or denying the application, the Local Licensing Authority shall consider, except where these Regulations specifically provide otherwise, the facts and evidence adduced as a result of its investigation, as well as any other facts, and any other pertinent matters affecting the qualifications of the applicant for operating the type of Marijuana Establishment proposed.

7.04.2 Before entering any decision approving, conditionally approving or denying the application, the Authority shall make a finding as to the good moral character of the applicant in accordance with the standards and procedures set forth in the Colorado Marijuana Code. In so doing, the Authority may incorporate any findings as to good moral character previously made by the State Licensing Authority. The Authority shall not be required to perform a criminal background check: (i) if the State Licensing Authority has performed a criminal background check on the applicant to the satisfaction of the Authority; or (ii) if the Authority approves a license conditioned on the completion and successful review of the criminal background check by the State Licensing Authority.

7.04.3 Before entering any decision approving, conditionally approving or denying the application, the Authority shall make a specific finding of fact as to whether the proposed Licensed Premises is located within any distance restrictions established pursuant to Section 1.09 of these Regulations.

Section 7.05 Decision on Application

7.05.1 The Local Licensing Authority has authority to refuse to issue, renew or transfer any license for Good Cause.

7.05.2 The Local Licensing Authority may approve an application subject to conditions related to these Regulations, and the Colorado Marijuana Code.

7.05.3 Within thirty days after the public hearing or completion of the application investigation, the Local Licensing Authority shall issue its decision approving, approving with conditions or denying an application. The decision shall be in writing and shall state the reasons for the decision.

Section 7.06 Notice of Decision

The Local Licensing Authority promptly shall notify the applicant and the State Licensing Authority of its decision. Notice to the applicant will be deemed given upon personal delivery



or three calendar days after deposit in a depository of the US Postal Service, first class postage paid.

Section 7.07 Review of Local Licensing Authority Decision

7.07.1 If a license is conditionally approved or denied without a public hearing, the applicant may request a hearing by the Local Licensing Authority, by a writing delivered to it within twenty days after notice of the action has been given to the applicant.

7.07.2 If a license is conditionally approved or denied following a public hearing by the Local Licensing Authority, that decision shall be deemed final action and the applicant's sole remedy is review of the decision pursuant to Colorado Rules of Civil Procedure Rule 106(a)(4).

Part VIII. DUTIES OF LICENSEE

Section 8.01 Notice of Changes

8.01.1 Proposed Officer or Manager. A Licensee shall report in writing to the Local Licensing Authority, using the forms provided by the State Licensing Authority, the name, address, and date of birth of a proposed officer or corporate manager change thirty days prior to the change. The proposed officer or corporate manager must pass a fingerprint-based criminal history record check as required by the State Licensing Authority and obtain the required identification before managing, or associating with the operation.

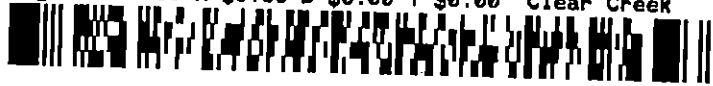
8.01.2 Change in Financial Interest. A Licensee shall report in writing, using the forms provided by the State Licensing Authority, each transfer or change of financial interest in the license to the State and Local Licensing Authorities and receive approval prior to any transfer or change. A report is required for transfers of capital stock of any corporation not listed on a U.S. securities exchange.

8.01.3 Change of Trade Name. A Licensee shall report in writing any change of trade name, before using it, to the Local Licensing Authority by submitting to the Local Licensing Authority a file stamped copy of the Statement of Trade Name of a Reporting Entity that was filed with the Secretary of State.

8.01.4 Change in Facility or Manufacturing Process. A Licensee shall report in writing any change in its facility or changes in its manufacturing processes from what was described in its approved application, or which could affect its ability to comply with the Approval Criteria in Part VI of these regulations.

Section 8.02 Possession of Licensed Premises

At all times, a Licensee shall have possession of the Licensed Premises for which the License is issued by ownership, lease, or other written arrangement suited for possession of the Premises for the duration of the License.



Section 8.03 Reporting of Enforcement Action

A Licensee shall notify the Local Licensing Authority within four business days of any enforcement action commenced or taken by the state or any other jurisdiction with respect to any Marijuana Establishment license held by the Licensee.

Section 8.04 Publicly Display Licenses

The Licensee shall conspicuously display the local- and the state-issued licenses at all times on the Licensed Premises.

Section 8.05 On-site Access to Occupational Licenses and Registrations

All persons owning, managing, operating, employed by, working in or having access to restricted areas of a Licensed Premises of, any Licensee who are required by the Colorado Marijuana Code, to have occupational licenses and registrations must at all times have a valid license and/or registration from the State Licensing Authority. At all times when on the Licensed Premises, all such persons shall have on their person, and conspicuously display, their occupational licenses and registrations required by the State Licensing Authority.

Section 8.06 Compliance with Laws

A Licensee shall at all times comply with and maintain the Licensed Premises in compliance with all of the terms and conditions of the license; the requirements of these Regulations; Colo. Const. Art. XVIII, §§14 and 16, and the Colorado Marijuana Code; Clear Creek County Building, Subdivision and Zoning Regulations; Clear Creek County public health regulations; applicable fire code; and all other state and local laws, rules and regulations applicable to the Establishment.

Section 8.07 Notices of Changes in State License Status

A Licensee shall notify the Local Licensing Authority in writing if its state license of the same type for the same type of activity at the same Location as that issued by the Local Licensing Authority has been denied, expired, renewed, revoked or transferred. Notice must be in writing, and given to the Clear Creek County Attorney within one business day of the action by the State Licensing Authority. The Licensee shall give a copy of a new or renewed state license to the Local Licensing Authority within four business days of its receipt from the state.

Section 8.08 Notices to Public Safety Agencies

8.08.1 Before commencing operation, a Licensee shall notify the local firefighting agency and Clear Creek County Office of Emergency Management of the identity of all toxic, flammable, hazardous, or other materials regulated by a federal, state or local government having authority (or that would have authority over the business if it was not a marijuana business), that will be used, kept, or created at the Licensed Premises, the location of such materials, how such materials will be stored, and shall provide Material Safety Data Sheets where applicable.

8.08.2 Before commencing operation, a licensee also shall notify the local firefighting agency and Clear Creek County Office of Emergency Management whether CO2 or CO2-generating is



used on the Licensed Premises, the method and the location.

8.08.3 A licensee shall promptly, within no more than one week, notify its local firefighting agency and Clear Creek County Office of Emergency Management of any changes in this information.

8.08.4 All notices under this Section 8.08 shall be in writing, with a copy sent to the Local Licensing Authority.

PART IX. RENEWALS

Section 9.01 Time to Apply for Renewal License

9.01.1 A License is immediately invalid upon its expiration. Unless otherwise expressly provided in these Regulations, if a license is not renewed by the Local Licensing Authority before its expiration, the Licensee may not operate after its expiration.

9.01.2 A Licensee desiring a renewal of an existing license must apply for the renewal to the Local Licensing Authority not less than thirty days before the date of expiration of the current license. A Licensee who files a complete renewal application and pays the requisite fees may continue to operate until the Local Licensing Authority takes final action to approve or deny the renewal application.

9.01.3 Notwithstanding the provisions of subsection 9.01.1 and 9.01.2, the Local Licensing Authority, in its discretion, based upon reasonable grounds, may waive the deadline for filing an application for renewal but the Local Licensing Authority shall not accept an application for renewal of a license filed more than ninety days after the date of its expiration. Reasonable grounds for waiving the renewal deadline must include that the Licensee lawfully may operate under its corresponding state license for the same activity at the same Location. A waiver will not be considered without filing a complete application and payment of all fees for renewal. Upon finding reasonable grounds exist for a waiver and its approval of an administrative extension of the expiring(ed) license, the Local Licensing Authority shall give written notice of the administrative extension. The renewal fee will be refunded if the administrative extension is not granted.

9.01.4 If a license has been administratively extended in writing, the Licensee may continue to operate until the Local Licensing Authority takes final action to approve or deny the renewal application .

9.01.5 The application for any renewal shall contain a duplicate of the application form(s) submitted to and accepted by the State Licensing Authority for the renewal of the license of the same type for the same activity at the same Location, and any supplemental information requested by the Authority. The provisions of Part V shall govern the application form and processing as applicable.



Section 9.02 Action on Application for Renewal

Applications to renew a license shall be approved administratively by the Chairman of the Local Licensing Authority without public hearing unless the Licensee has had complaints filed against it, has a history of violations, or there are allegations against the Licensee that could constitute Good Cause, in which case a public hearing on the renewal application may be set. For purposes of this section, complaints include a recommendation by any referral department or agency to deny renewal.

Section 9.03 Procedures; Action on Application

To the extent applicable, the provisions of Part VII shall govern processing and action on the application for renewal.

Section 9.04 Approval Criteria

The approval criteria in Part VI hereof for approval of a new license shall be applicable to an application for a renewal.

Part X. TRANSFERS

Section 10.01 No Transfers or Assignment of Licenses

A license issued under these Regulations is not transferable or assignable, including, without limitation, not transferable or assignable to different Premises, or to a different Owner or Licensee, except in accordance with these Regulations. Any attempt to transfer or assign a license in violation of these provisions voids the license.

Section 10.02 License Transfers Allowed

A Licensee may transfer or assign all ownership, rights and interests in a local license issued pursuant to these Regulations, or transfer that license to a different Premises within unincorporated Clear Creek County, subject to prior application to, and approval by, the Local Licensing Authority and in compliance with the Colorado Marijuana Code.

Section 10.03 License Transfer Application

The application for any transfer shall contain a duplicate of the application form(s) submitted to and accepted by the State Licensing Authority for the transfer of the license, all of the information required by these Regulations for an original license application, and any supplemental information requested by the Authority.

Section 10.04 Approval Criteria

The approval criteria in Part VI hereof for approval of a new license shall be applicable to an application for a transfer.



Section 10.05 Procedures; Action on Application

The Local Licensing Authority may hold a public hearing on the application. To the extent applicable, the provisions of Parts V and VII shall govern processing and action on the application for transfer.

Section 10.06 Period of Transferred License

Approval of the transfer of a license has no effect on the license expiration date. A transferred license will continue for the balance of the license term set forth in the license.

Part XI. ENFORCEMENT

Section 11.01 Inspection

11.01.1 The Local Licensing Authority shall have the rights of entry upon and into and inspection of the Premises and records of a Licensee to the fullest extent authorized by the Colorado Marijuana Code, and the state administrative regulations promulgated pursuant thereto.

11.01.2 The Local Licensing Authority shall at all times during the Licensee's business hours, upon request, be admitted to the Licensed Premises, including any limited access or other secured areas within them, to inspect for compliance with these Regulations. The Local Licensing Authority may request to inspect during non-business hours.

Section 11.02 Hearing; Suspension, Revocation of License

11.02.1 A license issued pursuant to these Regulations may be suspended or revoked by the Local Licensing Authority after a hearing for any of the following reasons:

- (1) Fraud, misrepresentation or a false statement of material fact contained in the license application;
- (2) A violation of any County, state or federal law or regulation with respect to the ownership or operation of the licensed Establishment or with respect to the Licensed Premises – other than a federal law or regulation concerning the possession, sale or distribution of marijuana that conflicts with Amendment 20 or Amendment 64 – including, without limiting the foregoing, the failure of a retail marijuana cultivation facility to timely report or timely pay its Clear Creek County marijuana excise tax;
- (3) A violation of any of the terms and conditions of the license;
- (4) A violation of any of the provisions of these Regulations;
- (5) The corresponding state license has been suspended or revoked by the State Licensing Authority; or
- (6) The Licensed Premises have been inactive for at least one year.

11.02.2 A Licensee shall be given notice in writing of the allegations and of a hearing to consider suspending or revoking its license at least ten days before the hearing. The notice shall be sent by regular mail, postage prepaid. Notice will be deemed given upon mailing:



11.02.3 Evidence in support of the charges shall be given first, followed by cross-examination of those testifying thereto. The Licensee, in person or by counsel, shall then be permitted to give evidence in defense and in explanation.

11.02.4 If the evidence presented at the hearing does not support the charges stated in the notice and order served upon the Licensee, but standing alone establishes that the Licensee has engaged in a different violation of Section 11.02.1, these Regulations, the Colorado Marijuana Code, or an order of a state or local licensing authority, the Licensee shall be permitted to give evidence and statement in defense if then prepared to do so. If such evidence is not then available, but can be obtained by the Licensee, the Licensee shall state the substance thereof and upon his request the hearing may be recessed for not more than fourteen days, and shall then continue under the same procedure as through no recess had occurred.

11.02.5 The burden of proof is preponderance of the evidence and shall be on the person, department or agency alleging that grounds exist for suspension or revocation of the license.

11.02.6 Any decision made by the Local Licensing Authority pursuant to this Section 11.02 shall constitute the final decision of the County, is effective immediately, and may be appealed pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

11.02.7 No fee previously paid by a Licensee in connection with the application or license shall be refunded if the license is suspended or revoked.

Section 11.03 These Enforcement Provisions are not Exclusive

In addition to all other remedies available to the County under these Regulations or by other law, including the Colorado Marijuana Code, the operation of a Marijuana Establishment without a valid license issued pursuant to these Regulations may be enjoined by the County in an action brought in a court of competent jurisdiction.

Section 11.04 Deference to State Licensing Authority

The Authority may defer to the state to enforce compliance with the requirements in the Colorado Marijuana Code.

PART XII. FEES

Section 12.01 Fees Set by Resolution

The Board of County Commissioners may revise application, license and operating fees by resolution. Fees shall be set with the objective of fully offsetting the cost to the County of administering these Regulations.

Section 12.02 No Refund of Fees

No fee will be refunded in whole or part even if: the application is withdrawn; the license is denied, transferred, revoked, surrendered, suspended or otherwise is not valid for a full year; or



the Establishment ceases or never commences operations before expiration or other termination of the license or its approval.

Section 12.03 Medical Marijuana Establishments

The following fees shall apply:

(1)	Application Fee for any type of license:	\$1,000.00
(2)	Application Fee for a transfer or change of financial interest of any type of license:	\$200.00
(3)	Application Fee for a complete transfer of ownership or change of location:	\$1,000.00
(4)	Application Fee for renewal of any type of license:	\$1,000.00
(5)	Application Fee for modification of premises:	\$250.00
(6)	Late Application Fee for renewal of any type of license:	\$500.00
(7)	Post-expiration Late Application Fee for renewal of any license:	\$1,000.00
(8)	License Fee for any type of license:	\$75.00

Section 12.04 Retail Marijuana Establishments – Application Fees

Application fees for Retail Marijuana Establishment licenses are determined by the Colorado Marijuana Code and collected by the State Licensing Authority.

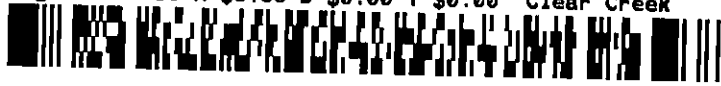
Section 12.05 Retail Marijuana Establishments – License Fees

Ordinarily there is no license fee for Retail Marijuana Establishment licenses.

Section 12.06 Retail Marijuana Establishments – Operating Fees

12.06.1 Operating fees for any license (including any renewal) shall be \$1000.00 per year (or for such other period for which a license is issued). Operating fees must be paid in full before a license, including a renewal, is approved. No operating fee is due for any Retail Marijuana Establishment license that is being converted from a Medical Marijuana Establishment license, which means the Licensee surrenders the medical marijuana license when the retail marijuana license is issued.

12.06.2 If it is deemed reasonably necessary to engage the services of an outside consultant to review an application for a retail marijuana license, including a transfer or renewal, the cost of the consultant shall be charged to the applicant as an additional operating fee. Once the estimate is established, the Local Licensing Authority shall notify the applicant in writing of the fee and its amount. Until the fee is paid, the application shall be incomplete and shall not be further processed. The amount of the fee may be increased at any time if it is determined by the Authority that the fee is not sufficient to cover all consulting costs associated with the application. If the Authority so determines, it shall notify the applicant in writing of the amount of the increase. Not later than ten days following the notice, the applicant shall pay the amount of the increase. If the increase is not timely paid, the application shall be deemed withdrawn by the applicant.



Section 12.07 Retail Marijuana Establishments – Late Filing Penalty

If a complete application for a renewal license is not submitted until after the renewal application deadline, the renewal application must be accompanied by a late renewal penalty of \$500.00. If a complete application for a renewal license is not submitted until after the expiration of a license, the renewal application must be accompanied by a late renewal penalty of \$1000.00.

Section 12.08 Payment of Fees

All fees are due and must be paid before a license of any type will be issued or effective.



APPENDIX A

**WAIVER AND RELEASE OF LIABILITY
AND
AGREEMENT TO INDEMNIFY CLEAR CREEK COUNTY**

Release of Clear Creek County From Liability to License Applicant and Licensee

By applying for a license pursuant to the Colorado Marijuana Code (CRS §44-10-101, et seq.) and (if it is approved and issued) by accepting a license, from the Clear Creek County Board of County Commissioners acting as the Clear Creek County Local Licensing Authority, the applicant/licensee, and each of them, waives and releases Clear Creek County, and its elected officials, employees, agents, insurers and attorneys, and each of them, from any liability for injuries, damages, costs and expenses of any nature whatsoever that result or relate to the investigation, arrest or prosecution of business owners, operators, employees, clients or customers of the applicant/licensee for a violation of state or federal laws, rules or regulations relating to marijuana.

Agreement to Indemnify Clear Creek County

By applying for a license pursuant to the Colorado Marijuana Code (CRS §44-10-101, et seq.) and (if it is approved and issued) by accepting a license, from the Clear Creek County Board of County Commissioners acting as the Clear Creek County Local Licensing Authority, the applicant/licensee, and each of them, jointly and severally if more than one, agrees to indemnify, defend and hold harmless Clear Creek County, and its elected officials, employees, agents, insurers and attorneys, and each of them, against all liability, claims and demands, of any nature whatsoever, including, but not limited to, those arising from bodily injury, sickness, disease, death, property loss and property damage, arising out of or in any manner related to the operation of the medical marijuana business that is the subject of the license.

THE UNDERSIGNED AGREES TO THE RELEASE AND AGREEMENT ABOVE.

Signed on _____.

Applicant



STATE OF _____)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____
, 20_____, by _____, in their capacity as _____
_____ of _____
_____.

SEAL

Notary Public

My Commission Expires:_____.