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Debra A Green  
Park County Clerk

PARK COUNTY, COLORADO

Ordinance No. 22- 01

**AN ORDINANCE OF PARK COUNTY, COLORADO, REGULATING THE LICENSING AND OPERATIONS OF REGULATED MARIJUANA BUSINESSES.**

WHEREAS, pursuant to C.R.S. §§ 30-11-101(2) and 30-15-401(1), Park County has the power to adopt and enforce ordinances regarding health, safety, and welfare issues otherwise prescribed by law; and

WHEREAS, Colorado Constitution, Article XVIII, Section 16(5)(f) and C.R.S. § 44-10-104 authorize the County to enact an ordinance governing the time, place, and manner of retail and medical marijuana businesses, which may include a local licensing requirement; and

WHEREAS, by prior action on March 23, 2016, the Board of County Commissioners of Park County (the "Board") adopted Ordinance No. 16-01 regulating the licensing and operations of retail marijuana establishments and, on March 2, 2017, the Board adopted Ordinance No. 17-01 amending Ordinance No. 16-01; and

WHEREAS, by prior action on August 25, 2016, the Board Adopted Ordinance No. 16-03 regulating the licensing and operations of medical marijuana establishments; and

WHEREAS, the 2019 enactment by the Colorado Legislature of the Colorado Marijuana Code, C.R.S. § 44-10-101, et seq., clarifies Colorado law regarding the scope and extent of Amendment 64 to the Colorado Constitution and combines the laws for regulated medical marijuana and retail marijuana; and

WHEREAS, the County wishes to similarly combine local requirements for regulated medical marijuana and retail marijuana and clarify license requirements.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PARK COUNTY, COLORADO AS FOLLOWS:

**Section 1. Adoption.**

The Board of County Commissioners (the "Board") hereby adopts the Park County Marijuana Licensing Regulations, as attached hereto.

**Section 2. Effective date.**

Pursuant to C.R.S. § 30-15-405, this ordinance shall be published in full following its initial introduction and reading and published by title only following final adoption by the Board of County Commissioners and shall be effective thirty (30) days following such publication by title only.

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Debra A Green  
Park County Clerk

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Debra A Green  
Park County Clerk

SIGNED this 22<sup>nd</sup> day of FEBRUARY, 2022.

CERTIFICATION: The foregoing Ordinance was introduced and read on February 22, 2022, by the Board of County Commissioners of Park County, Colorado and approved for publication.

DATE OF FIRST PUBLICATION: MARCH 4, 2022.

The foregoing Ordinance was considered on: March 15, 2022, and adopted by the Board of County Commissioners of Park County and ordered published by reference to title and changes only in *The Flume*.

DATE OF SECOND PUBLICATION: March 25, 2022.

EFFECTIVE DATE: April 24, 2022.

BOARD OF COUNTY COMMISSIONERS



Chairman

Debra A Green  
Park County Clerk

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# PARK COUNTY 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 “Park County Marijuana Licensing Regulations” (referred to herein as “Regulations”).

**Section 1.02 Authority**

The Board of County Commissioners hereby finds, determines, and declares that it has the power to adopt these Regulations pursuant to Article XVIII, Section 16 of the Colorado Constitution; the Colorado Marijuana Code, C.R.S. §44-10-101, *et seq.*; the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; article 11 of Title 30, C.R.S. (concerning county powers and functions); article 15 of Title 30, C.R.S. (concerning county police powers); and article 28 of Title 30, C.R.S. (concerning county planning and building regulations).

**Section 1.03 Repealer; Intent**

The Board of County Commissioners (the “Board”) finds, determines, and declares that Ordinances Nos. 16-01, 17-01, and 16-03 are repealed in their entirety. The intent of these Regulations is to implement the provisions of the Colorado Marijuana Code, C.R.S. § 44-10-101, *et seq.*, which authorizes the licensing and regulation of marijuana businesses and affords local government the option to determine whether or not to allow marijuana businesses within their respective jurisdictions and to adopt licensing requirements that are supplemental to or more restrictive than the requirements set forth in state law.

**Section 1.04 Incorporation of state law**

The provisions of the Colorado Marijuana Code, and any rules and regulations promulgated thereunder, are incorporated herein by reference except to the extent that more restrictive or additional regulations are set forth in these Regulations.

**Section 1.05 Definitions**

A. For purposes of these Regulations, the following terms shall have the following meanings:

*Advertising* means the act of providing consideration for the publication, dissemination, solicitation, or circulation of visual, oral, or written communication to directly induce any individual to patronize a particular medical marijuana business or retail marijuana business or purchase particular regulated marijuana. “Advertising” does not include packaging and labeling, consumer education materials, or branding.

*Applicant* means an individual twenty-one (21) years of age or older who has submitted an application for a license or renewal of a license issued pursuant to these Regulations. If the applicant is an entity and not a natural person, the *applicant* shall include all individuals who are the members, managers, officers, and directors of such entity.

*Cannabinoid* means any of the chemical compounds that are the active principles of marijuana.

*Control, controls, controlled, controlling, controlled by, and under common control with*, means the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting owner’s interests, by contract, or otherwise.

*County* means Park County, Colorado.

*Criminal justice agency* means any federal, state, or municipal court or any governmental agency or sub-unit of such agency that performs the administration of criminal justice pursuant to a statute or executive order and that allocates a substantial part of its annual budget to the administration of criminal justice.

*Cultivation or cultivate* means the process by which a person grows a marijuana plant.

*Disqualifying event* means any licensee prohibition listed in C.R.S. § 44-10-307(1).

*Dual operation* means a business that operates as both a licensed medical marijuana business and a licensed retail marijuana business in accordance with Section 2.08 of these Regulations.

*Good cause*, for purposes of refusing or denying a license renewal, reinstatement, or initial license issuance, means:

1. The licensee or applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of the Colorado Marijuana Code; any rules promulgated pursuant to the Colorado Marijuana Code; or any supplemental local law, rules, or regulations;
2. 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; or
3. 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 business is located.

*Good Moral Character* means having a history that demonstrates honesty, fairness, and respect for the rights of others and for the law.

*Greenhouse* means a hoop house or other structure with non-rigid walls that utilizes natural light, in whole or in part, for the cultivation of Regulated Marijuana.

*Industrial Hemp* means the plant of the genus cannabis and any part of such plant, whether growing or not, with a Delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths percent on a dry weight basis.

*Ingredient* means any non-marijuana-derived substance that is added to Regulated Marijuana to achieve a desired effect. The term Ingredient includes all Additives.

*License* means a document issued by the County officially authorizing an applicant to operate a retail and/or medical marijuana store, retail and/or medical marijuana products manufacturing operation, retail and/or medical marijuana testing facility, or a retail and/or medical marijuana cultivation facility pursuant to these Regulations.

*Licensed premises* means the premises specified in an application for a license under this article 10 that are owned or in possession of the licensee and within which the licensee is authorized to cultivate, manufacture, distribute, sell, or test regulated marijuana and regulated marijuana products in accordance with these Regulations.

*Licensee* means the person to whom a license has been issued pursuant to these Regulations.

*Limited Access Area* means a building, room, or other contiguous area upon the licensed premises where regulated marijuana and regulated marijuana products are cultivated, manufactured, stored, weighed, packaged, sold, possessed for sale, or tested, under control of the licensee, with access limited to only those persons licensed by the state licensing authority and those visitors escorted by a person licensed by the state licensing authority. All areas of ingress or egress to limited access areas must be clearly identified as such by a sign as designated by the state licensing authority.

*Local licensing authority* means the Board of County Commissioners of the County of Park.

*Marijuana* means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. *Marijuana* does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

*Marijuana Code* means the Colorado Marijuana Code found at sections 44-10-101 et seq., C.R.S.

*Marijuana testing facility* means an entity licensed to analyze and certify the safety and potency of marijuana.

*Medical Marijuana* means marijuana that is grown and sold pursuant to the provisions of article 10 and for a purpose authorized by section 14 of article XVIII of the state constitution but shall not be considered a nonprescription drug for purposes of section 12-42.5-102(21) or 39-26-717, or an over-the-counter medication for purposes of section 25.5-5-322. If the context requires, Medical Marijuana includes Medical Marijuana Concentrate and Medical Marijuana Products.

*Medical marijuana business* means any of the following entities licensed pursuant to this article 10: A medical marijuana store, a medical marijuana cultivation facility, a medical marijuana

products manufacturer, a medical marijuana testing facility, a marijuana research and development licensee, or a medical marijuana business operator.

*Medical Marijuana Concentrate* means a specific subset of Medical Marijuana that was produced by extracting cannabinoids from Medical Marijuana. Categories of Medical Marijuana Concentrate include Water-Based Medical Marijuana Concentrate, Food-Based Medical Marijuana Concentrate, Solvent-Based Medical Marijuana Concentrate, and Heat/Pressure Based Medical Marijuana Concentrate as defined in the Colorado Marijuana Code. Medical Marijuana Concentrate includes Medical Marijuana Concentrate consumed using a Vaporizer Delivery Device or Pressurized Metered Dose Inhaler.

*Medical Marijuana Cultivation Facility* means a person licensed pursuant to these Regulations to operate a business as described in section 44-10-502, C.R.S.

*Medical Marijuana Product* means a product infused with Medical Marijuana and other ingredients that are intended for use or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures.

*Medical Marijuana Products Manufacturer* means a person licensed pursuant to these Regulations to operate a business as described in section 44-10-503.

*Medical Marijuana Store* means a business operated by a person that is licensed pursuant to the Medical Code to operate a business as described in section 44-10-501, C.R.S., and that sells Medical Marijuana to registered patients of primary caregivers as defined in Article XVIII, Section 44 of the Colorado Constitution, but is not a primary caregiver.

*Person/person* means an individual, an estate, a trust, an entity, or a state or other jurisdiction.

*Regulated Marijuana* means Medical Marijuana and Retail Marijuana. If the context requires, Regulated Marijuana includes Medical Marijuana Concentrate, Medical Marijuana Product, Retail Marijuana Concentrate, and Retail Marijuana Product.

*Regulated Marijuana Business* means Medical Marijuana Businesses and Retail Marijuana Businesses.

*Regulated Marijuana Products* means Medical Marijuana Products and Retail Marijuana Products.

*Retail Food Establishment* means a retail operation that stores, prepares, or packages food for human consumption or serves or otherwise provides food for human consumption to consumers directly or indirectly through a delivery service, whether such food is consumed on or off the premises or whether there is a charge for such food. "Retail food establishment" does not mean:

1. Any private home;
2. Private boarding house;
3. Hospital and health facility patient feeding operations licensed by the department;

4. Child care centers and other child care facilities licensed by the department of human services;
5. Hunting camps and other outdoor recreation locations where food is prepared in the field rather than at a fixed base of operation;
6. Food or beverage wholesale manufacturing, processing, or packaging plants, or portions thereof, that are subject to regulatory controls under state or federal laws or regulations;
7. Motor vehicles used only for the transport of food;
8. Establishments preparing and serving only hot coffee, hot tea, instant hot beverages, and non-potentially hazardous doughnuts or pastries obtained from sources complying with all laws related to food and food labeling;
9. Establishments that handle only non-potentially hazardous prepackaged food and operations serving only commercially prepared, prepackaged foods requiring no preparation other than the heating of the food within its original container or package;
10. Farmers markets and roadside markets that offer only uncut fresh fruit and vegetables for sale;
11. Automated food merchandising enterprises that supply only prepackaged non-potentially hazardous food or drink in bottles, cans, or cartons only, and operations that dispense only chewing gum or salted nuts in their natural protective covering;
12. The donation, preparation, sale, or service of food by a nonprofit or charitable organization in conjunction with an event or celebration if such donation, preparation, sale, or service of food:
  - a. Does not exceed the duration of the event or celebration or a maximum of fifty-two days within a calendar year; and
  - b. Takes place in the county in which such nonprofit or charitable organization resides or is principally located.
13. A home, commercial, private, or public kitchen in which a person produces food products sold directly to consumers pursuant to the "Colorado Cottage Foods Act."

*Retail marijuana* means "marijuana" or "marihuana", as defined in section 16 (2)(f) of article XVIII of the state constitution, that is cultivated, manufactured, distributed, or sold by a licensed retail marijuana business. If the context requires, retail marijuana includes retail marijuana concentrate and retail marijuana products.

*Retail marijuana cultivation facility* means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

*Retail marijuana business* means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturer, a marijuana hospitality business, a retail marijuana hospitality and sales business, a retail marijuana testing facility, or a retail marijuana business operator licensed pursuant to these Regulations.

*Retail marijuana product manufacturing facility* means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

*Retail marijuana products* means “marijuana products” as defined in section 16 (2)(k) of article XVIII of the state constitution that are produced at a retail marijuana products manufacturer.

*Retail marijuana store* means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

*Retail marijuana testing facility* means an entity licensed by the County and the State of Colorado to analyze and certify the safety and potency of retail marijuana.

*Security Alarm System* means a device or series of devices, intended to summon law enforcement personnel during, or as a result of, an alarm condition. Devices may include hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals that emit or transmit a remote or local audible, visual, or electronic signal; motion detectors, pressure switches, duress alarms (a silent system signal generated by the entry of a designated code into the arming station to indicate that the user is disarming under duress); panic alarms (an audible system signal to indicate an emergency); and hold-up alarms (a silent system signal to indicate that a robbery is in progress).

*State licensing authority* means the authority created by the State of Colorado for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, sale, and testing of retail marijuana in the State of Colorado pursuant to C.R.S. § 44-10-201.

*Transfer(s)(red)(ring)* means to grant, convey, hand over, assign, sell, exchange, donate, or barter, in any manner or by any means, with or without consideration, any Regulated Marijuana from one Licensee to another Licensee, to a patient, or to a consumer. A Transfer includes the movement of Regulated Marijuana from one Licensed Premises to another, even if both premises are contiguous, and even if both premises are owned by a single entity or individual or group of individuals and also includes a virtual transfer that is reflected in the Inventory Tracking System, even if no physical movement of the Regulated Marijuana occurs.

B. In addition to the definitions provided in Subsection (A) hereof, other terms used in these Regulations shall have the meaning ascribed to them in Article XVIII, § 16 of the Colorado Constitution, the Colorado Marijuana Code, or Colorado Marijuana Rules and such definitions are hereby incorporated into these Regulations by reference.

**Section 1.06 License required for operation of a regulated marijuana business**

The County hereby authorizes the operation of regulated marijuana businesses in the County as set forth in these Regulations. It shall be unlawful for any person to establish or

operate a marijuana business in the County without first having obtained a license for such business from the local licensing authority. Such license shall be kept current at all times, and the failure to maintain a current license shall constitute a violation of these Regulations.

**Section 1.07 Number of retail marijuana store and medical marijuana store licenses**

The number of retail marijuana store and/or medical marijuana store licenses active and in effect at any given time shall not exceed eight (8). A dual operation in the same facility shall constitute one license.

**Section 1.08 No waiver of governmental immunity**

In adopting these Regulations, the Board of County Commissioners is relying on and does not waive or intend to waive by any provision of these Regulations, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., as from time to time amended, or any other limitation, right, immunity, or protection otherwise available to the County, its officers or its employees.

**Section 1.09 Other laws remain applicable**

A. To the extent the State has adopted or adopts in the future any additional or stricter law or regulation governing the sale or distribution of marijuana or marijuana products, the additional or stricter regulation shall control the establishment or operation of any marijuana business in the County. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under these Regulations, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

B. Any licensee may be required to demonstrate, upon demand by the local licensing authority or by law enforcement officers that the source and quantity of any marijuana found upon the licensed premises are in full compliance with any applicable state law or regulation.

C. If the State prohibits the sale or other distribution of marijuana through marijuana stores, any license issued hereunder shall be deemed immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the licensee.

D. The issuance of any license pursuant to these Regulations shall not be deemed to create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the cultivation, possession, sale, distribution, or use of marijuana.

**Part II. License Types and Regulations**

**Section 2.01 Approved license types**

The County hereby authorizes the below list of regulated marijuana license types:

A. Retail marijuana store license;

- B. Medical marijuana store license;
- C. Retail marijuana products manufacturer license;
- D. Medical marijuana products manufacturer license;
- E. Retail marijuana cultivation facility license;
- F. Medical marijuana cultivation facility license;
- G. Retail marijuana testing facility license; and
- H. Medical marijuana testing facility license.

**Section 2.02 Retail marijuana stores and medical marijuana stores**

- A. Retail marijuana Stores
  - 1. A licensed retail marijuana store may sell retail marijuana or retail marijuana products to individuals twenty-one (21) years of age or older in accordance with state law.
  - 2. The retail marijuana offered for sale and distribution must be packaged and labeled in accordance with state law.
  - 3. Retail marijuana stores may only sell products in accordance with state law.
  - 4. Retail marijuana stores shall not sell retail marijuana or retail marijuana products over the internet
- B. Medical marijuana Stores
  - 1. A licensed medical marijuana store may sell medical marijuana or medical marijuana products to patients or caregivers in accordance with state law.
  - 2. The medical marijuana offered for sale must be packaged and labeled in accordance with state law.
  - 3. Medical marijuana stores may only sell or give away products in accordance with state law.
- C. Hours of operation
  - 1. A retail or medical marijuana store may not be open between the hours of 12:00 a.m. and 6:00 a.m. A marijuana store may be open seven (7) days a week.

**Section 2.03 Retail marijuana products manufacturer facilities and medical marijuana products manufacturer facilities**

A. Licensed retail and medical marijuana products manufacturers may manufacture, prepare, package, and label marijuana products, whether in concentrated form or that are comprised of marijuana and other ingredients intended for use or consumption. Licensed marijuana products manufacturing facilities may sell marijuana products of their manufacture to persons holding a marijuana store license or other licensed marijuana products manufacturers. Licensed marijuana product manufacturers are prohibited from selling marijuana or marijuana products to any consumer.

B. Licensed marijuana products manufacturers are prohibited from manufacturing, preparing, packaging, or labeling regulated marijuana products in a location that is operated as a retail food establishment or a wholesale food registrant.

C. All regulated marijuana products shall be sealed and conspicuously labeled in compliance with state law.

**Section 2.04 Retail marijuana cultivation facilities and medical marijuana cultivation facilities**

A. Licensed marijuana cultivation facilities may propagate, cultivate, harvest, prepare, cure, package, and label marijuana, whether in concentrated form or otherwise. The cultivation, growing, processing, display, or storage of marijuana plants by a licensee shall be conducted only at the cultivation facility shown on the licensee's application.

B. Licensed marijuana cultivation facilities are prohibited from selling regulated marijuana to any consumer.

C. All regulated marijuana products shall be sealed and conspicuously labeled in compliance with state law.

D. Access to any cultivation facility that is located in the same building as a marijuana store or a marijuana product manufacturing operation shall be secured so as to render the cultivation facility inaccessible to any unauthorized individuals during all hours of operation of the business facility. All such cultivation facilities shall be independently ventilated so as to prevent odors, debris, and dust from entering the marijuana store.

**Section 2.05 Retail marijuana testing facilities and medical marijuana testing facilities**

A. Licensed marijuana testing facilities may accept samples of marijuana or marijuana products from marijuana businesses for testing and research purposes only. Licensed marijuana testing facilities are permitted to develop marijuana products; however, marijuana testing facilities may not engage in the manufacturing of marijuana. Licensed marijuana testing facility licensees are further prohibited from selling, distributing, or transferring regulated marijuana or regulated marijuana products.

B. A person who has an interest in a retail or medical marijuana testing facility is prohibited from holding any interest in a retail or medical marijuana business licensed pursuant to the Colorado Marijuana Code or an interest in any other retail marijuana business.

**Section 2.06 Dual operations**

A. A licensed medical marijuana business may share its existing licensed premises with a retail marijuana business as follows:

1. A medical marijuana cultivation facility and a retail marijuana cultivation facility may share their licensed premises in order to operate a dual cultivation business operation.

- 2. A medical marijuana-infused products manufacturing business licensee may apply to hold a retail marijuana product manufacturing facility license and operate a dual manufacturing business at a shared licensed premises.
- 3. A medical marijuana store that does not authorize patients under the age of twenty-one (21) years to be on the premises may hold a retail marijuana store license and operate a dual operation retail business at a shared licensed premises.

B. Licensees operating dual cultivation operations must maintain either physical or virtual separation of the facilities, marijuana plants, and marijuana inventory. Record keeping for the business operations and labeling of products must allow the County to clearly distinguish the inventories and business transactions of medical marijuana from retail marijuana.

C. Licensees operating dual product manufacturing operations shall maintain either physical or virtual separation of the facilities, product ingredients, product manufacturing, and final product inventory. Record keeping for the business operations and labeling of products must allow the County to clearly distinguish the inventories and business transactions of medical marijuana-infused products from retail marijuana products.

D. Provided that a medical marijuana center licensee posts signage that clearly conveys that individuals under the age of twenty-one (21) years may not enter, such licensee may share the same entrances and exits to the shared premises with the retail marijuana store and medical and retail marijuana may be separately displayed on the same floor. Record keeping for the business operations of both businesses must allow the County to clearly distinguish the inventories and business transactions of medical marijuana and medical marijuana-infused products from retail marijuana and retail marijuana products.

E. Licensees who operate a medical marijuana business and a retail marijuana business dual operation shall maintain separate and distinct inventory tracking processes for medical and retail marijuana inventories. The inventories must be clearly tagged or labeled so that the products can be reconciled to a particular medical or retail business.

**Part III. License Applications**

**Section 3.01 Requirements of an application for license, payment of application fee**

A. A person seeking a license issued pursuant to these Regulations shall submit a complete application to the local licensing authority on forms provided by the Park County Planning Department.

B. At the time of application, each applicant shall pay a nonrefundable operating fee to the Park County Planning Department in an amount to be determined by the County by a separate Resolution to defray the costs incurred by the County for costs including but not limited to inspection, administration, and enforcement of marijuana businesses.

C. The applicant shall pay a canvassing deposit to the County in an amount to be determined by the County by a separate Resolution to defray the costs of canvassing the property owners of the license application.

D. The applicant shall present one (1) of the following forms of identification:

1. Driver's license or identification card issued by a state or outlying territory of the United States;
3. An enrollment card issued by the government authority of a federally recognized tribe located in the United States;
4. A valid passport; or
5. A United States military identification card.

E. The applicant shall also provide the following information on a form approved by, or acceptable to the County, which information shall be required for the applicant, for the marijuana business, and all persons having a ten percent (10%) or more financial interest in the marijuana business that is the subject of the application or, if the applicant is an entity, having a ten percent (10%) or more financial interest in the entity:

1. name, address, date of birth;
2. a complete set of fingerprints;
3. suitable evidence of proof of lawful presence and good character and reputation that the County may request;
4. an acknowledgment and consent that the County will conduct a background investigation, including a criminal history check;
5. if the applicant is a business entity, information regarding the entity, including, without limitation, the name and address of the entity, its legal status, and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State, as applicable;
6. the name and complete address of the proposed marijuana business, including the facilities to be used in furtherance of such business, whether or not such facilities are, or are planned to be, within the territorial limits of the County;
7. if the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a marijuana business;
8. a copy of any deed, lease, contract, or other document reflecting the right of the applicant to possess the proposed licensed premises along with the conditions of occupancy of the premises;
9. evidence of a valid sales tax license for the business if such a license is required by state or local law;
10. if the marijuana business will be providing marijuana products in edible form, evidence of at a minimum a pending application for any food establishment license or permit that may be required by the State;
11. a health and sanitation plan demonstrating compliance with the Colorado Permanent Regulated Marijuana Rules;

of

- 12. a to-scale diagram of the premises, showing, without limitation, a site plan, building layout, all entryways and exits to the marijuana business, loading zones, and all areas in which marijuana will be stored, grown or dispensed;
- 13. a comprehensive plan for the marijuana business which shall contain, without limitation, the following:
  - a. Mechanical functions such as cooling and ventilation systems, filters, discharge systems, heating systems, grow light configurations and locations if applicable, wall construction and separation from other occupants, and any other information necessary as determined by the County Building Inspector.
  - b. A security plan meeting the requirements of Section 6.13 of these Regulations, which shall include a general description of the security system(s) and confirmation that those systems will meet State requirements and be approved by the State prior to commencing operations.
  - c. A lighting plan meeting the requirements of Section 6.14 of these Regulations, which shall conform to the Park County Land Use Regulations and confirmation that the plan will meet any applicable State requirements.
  - d. A signage plan that complies with all applicable requirements of these Regulations and other applicable provisions of the County's Building Codes and Land Use Regulations, as well as the Colorado Marijuana Code and all rules and regulations promulgated thereunder.
  - e. A plan for the disposal of marijuana and related byproducts meeting the requirements of Section 6.16 of these Regulations and the Permanent Marijuana Rules.
- 14. proof of application submittal to the State of Colorado Department of Revenue;
- 15. tax receipts showing no past due balance of property taxes with Park County and the Colorado Department of Treasury; and
- 16. any additional information that the local licensing authority reasonably determines to be necessary in connection with the investigation and review of the application.

F. The applicant shall verify the truthfulness of the information required by this Section by the applicant's signature on the application.

G. A license issued pursuant to these Regulations does not eliminate the need for the licensee to obtain other required permits or licenses related to the operation of the regulated marijuana business, including, without limitation, a license from the state licensing authority and any development approvals or building permits required by these Regulations and any other ordinances, resolutions, laws, and regulations of the County.

**Part IV: Approval Criteria**

**Section 4.01 Location Criteria**

Prior to the issuance of a license for a regulated marijuana business, the local licensing authority shall determine whether the proposed location of the marijuana business complies with the requirements of this Section. Failure to comply with the requirements of this Section shall preclude the issuance of a license.

- A. No regulated marijuana business shall be located at the following locations:
  - 1. within 500 feet of a licensed childcare facility;
  - 2. within 500 feet of any educational institution or school, college or university, either public or private;
  - 3. within 500 feet of any public park, public pool, or public recreational facility;
  - 4. within 1000 feet of any other retail marijuana business (retail marijuana stores only);
  - 5. within 500 feet of any halfway house or correction facility;
  - 6. within 1000 feet of any medical marijuana business (retail marijuana stores only);
  - 7. within 1000 feet of any dual operation marijuana business (retail marijuana stores only);
  - 8. within any building or structure that contains a residential unit; or
  - 9. upon any County-owned property;
  - 10. within one (1) mile of any municipal boundary at the time of application submittal unless the governing body of such municipality waives, in writing, any objection to the location of the proposed retail marijuana business.

B. The distances described in subsection A shall be computed by direct measurement from the nearest property line of the land used for the above purposes to the unit within a building or structure housing the marijuana business using a route of direct pedestrian access.

C. No residence of any type may exist on a licensed marijuana premises. Marijuana-related businesses cannot be home occupations. Marijuana may not be sold from any residential unit nor shall marijuana be grown in a residence with the intent to sell.

D. Each marijuana business shall be operated from a permanent location. No marijuana business shall be permitted to operate from a moveable, mobile or transitory location.

E. The suitability of a location for a marijuana business shall be determined at the time of the issuance of the first license for such business. The fact that changes in the neighborhood that occur after the issuance of the first license might render the site unsuitable for a marijuana business under this Section shall not be grounds to suspend, revoke or refuse to renew the license for such business so long as the license for the business remains in effect.

**Section 4.02 Persons prohibited as licensees**

- A. No license shall be issued to, held by, or renewed by any of the following:
  1. Any person until all applicable fees have been paid;
  2. Any person who is not of good moral character satisfactory to the local licensing authority;
  3. Any corporation, any of whose officers, directors, or stockholders are not of good moral character satisfactory to the local licensing authority;
  4. Any partnership, association, or company, any of whose officers are not of good moral character satisfactory to the local licensing authority;
  5. Any person employing, assisted by, or financed in whole or in part by any other person who is not of good character and reputation satisfactory to the local licensing authority;
  6. Any sheriff, deputy sheriff, police officer, prosecuting officer, and state or local licensing authority or any of its members, inspectors, or employees;
  7. Any natural person under twenty-one (21) years of age;
  8. Any person who fails to file any tax return with a taxing agency, stay out of default on a government-issued student loan, pay child support, or remedy outstanding delinquent taxes;
  9. Any person for a licensed location that is also a retail food establishment or wholesale food registrant;
  10. Any person who has discharged a sentence for a felony conviction within the past three (3) years;
  11. Any person who, at any time, has been convicted of a felony for drug possession, distribution, or use, unless such felony drug charge was based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date he or she applied for the license;
  12. Any person whose license for a medical or retail marijuana business in another town, city, county, city and county or state has been revoked;
  13. Any entity whose directors, shareholders, partners or other persons having a financial interest in said entity do not meet the criteria set forth above;
  14. Any person who employs another person at a marijuana business who has not submitted fingerprints for a criminal record history check or whose criminal record history check reveals the employee is ineligible;
  15. Any person who has made a false, misleading, or fraudulent statement on his or her application; or
  16. Any person who has pending Park County Land Use Regulation violations.

B. Jurisdiction. In investigating the qualifications described herein, the local licensing authority may have access to law enforcement action and criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency. In the event the local licensing authority takes into consideration information concerning the applicant's criminal history record, the local licensing authority shall also consider any information provided by the applicant regarding such criminal history record,

including but not limited to evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a license.

**Part V: Action on Application; Hearings**

**Section 5.01 County notice and posting requirements**

A. Within thirty (30) days following acceptance of an application by the local licensing authority, the Director of Development Services, or designee, shall administratively review the application and determine whether the application complies with the application content requirements. A determination that an application is complete shall not preclude the County from later finding that the application must be supplemented.

B. Upon receipt of a completed application, the local licensing authority shall circulate the application to all affected departments of the County and, in the County's discretion, other governmental entities having jurisdiction, to determine whether the application is in full compliance with all applicable laws, rules, and regulations.

C. Upon determining that an application for a new license is complete, the local licensing authority shall schedule a public hearing on the application to be held not less than thirty (30) days after the date of the completed application. The local licensing authority shall cause a notice of such hearing to be:

1. published in the official county newspaper or a newspaper of general circulation within the County not less than fourteen (14) days prior to the hearing;
2. mailed, via United States Mail, or other comparable method of service including hand-delivery to the owners of adjacent properties not less than fourteen (14) days prior to the hearing; and
3. by posting a sign on the proposed licensed premises in a location that is reasonably determined to be conspicuous and visible to members of the public not less than fourteen (14) days prior to the hearing. Such posted notice shall, at a minimum, include a sign of suitable material, not less than twenty-two (22) inches wide and twenty-six (26) inches high, composed of letters of not less than one (1) inch in height. Both the posted and the published notice shall state the type of license applied for, the date of the hearing, 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.

D. Within thirty (30) days following the determination that an application is complete the local licensing authority shall designate the neighborhood affected by the application. The applicant shall, at its expense, canvass the neighborhood regarding the desires of the adult inhabitants thereof. Such canvass shall be conducted by the Park County Planning Department using petition or canvassing forms prescribed or approved by the County. The

canvass results, in written form, shall be submitted to the Board of County Commissioners no later than ten (10) days prior to the public hearing on the application.

E. Not less than five (5) days prior to the date of the public hearing for a new license, the local licensing authority may cause its preliminary findings based on its investigation to be known in writing to the applicant and other parties in interest. The local licensing authority shall deny any application that does not meet the requirements of these Regulations. The local licensing authority shall also deny any application that contains any false, misleading, or incomplete information. The local licensing authority shall also deny or refuse to issue a license for good cause. Denial of an application for a license shall not be subject to further administrative review but only to review by a court of competent jurisdiction.

F. Before entering a decision approving or denying the application for a local license, the local licensing authority may consider, except where these Regulations specifically provides otherwise, the facts and evidence adduced as a result of its investigation, as well as any other facts, the reasonable requirements of the neighborhood for the type of license for which application has been made, the desires of the adult inhabitants of the neighborhood under consideration, the number, type and availability of marijuana businesses located in or near the premises under consideration, and any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed. The local licensing authority shall issue its decision by Resolution and shall state the reasons for the decision. The Resolution shall be sent via regular or electronic mail to the state licensing authority and the applicant at the address shown in the application.

G. In the event that an application is denied by the local licensing authority, appeals shall be pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

H. The County shall, prior to issuance of the license, perform an inspection of the proposed licensed premises, to determine compliance with any applicable requirements of these Regulations or other applicable requirements of the County.

I. A licensee may not commence business operations until the structure has received a certificate of occupancy.

**Section 5.02 Authority to impose conditions on license**

The local licensing authority shall have the authority to impose such reasonable terms and conditions on a license as may be necessary to protect the public health, safety, and welfare, and to obtain compliance with the requirements of these Regulations and applicable law.

**Section 5.03 Issuance of license; duration**

A. Upon issuance of a license, the County shall provide the licensee with one (1) original license for each marijuana business to be operated by the licensee in the County. Each such copy shall show the name and address of the licensee, the type of facility or business for which it is issued, and the address of the facility at which it is to be displayed.

B. Each license issued pursuant to these Regulations shall be valid for one (1) year from the date of issuance and may be renewed only as provided in Part VII of these Regulations.

C. A licensee whose license expires shall not cultivate, process, manufacture, distribute or sell marijuana or marijuana products until all necessary new licenses have been obtained.

**Part VI: Duties of Licensee**

**Section 6.01 Licensing fee**

Upon issuance of a license or any renewal of a license, the licensee shall pay to the County a fee in an amount determined by the County by separate Resolution to be sufficient to cover the cost of processing the application together with the annual cost of inspections conducted pursuant to Section 8.01 of these Regulations by the Park County Sheriff's Office, and such other departments of the County as may be designated by the local licensing authority, for the purpose of determining compliance with the provisions of these Regulations and any other applicable state or local laws or regulations.

**Section 6.02 Use of premises; Display of license**

A. Each license shall be limited to use at the premises specified in the application for such license.

B. Each license shall be continuously posted in a conspicuous location at the regulated marijuana business.

**Section 6.03 Required notices**

There shall be posted in a conspicuous location in each regulated marijuana business, a legible sign containing the following warnings:

1. that the use of marijuana or marijuana products may impair an individual's ability to drive a motor vehicle or operate machinery, and that it is illegal under state law to drive a motor vehicle or to operate machinery when under the influence of or impaired by marijuana;
2. that loitering in or around a marijuana business is prohibited by law;
3. that possession and distribution of marijuana is a violation of federal law; and
4. any other notices as required by law.

**Section 6.04 Sales and business license required**

At all times while a license is in effect the licensee shall possess all required state and local sales tax and/or business licenses.

**Section 6.05 Sales, excise, and property tax**

Each licensee shall collect and remit all applicable sales tax on all marijuana, marijuana products, paraphernalia, and other tangible personal property sold by the licensee and shall at all times be current on all real and personal property taxes. Excise tax, in an amount prescribed through a separate Resolution, shall be promptly paid as described therein.

**Section 6.06 Required books and records**

A. Every licensee shall maintain an accurate and complete record of all marijuana purchased, sold, or dispensed by the regulated marijuana business in any usable form. Such record shall include the following:

1. the identity of the seller and purchaser involved in each transaction;
2. the total quantity of, and amount paid for, the marijuana and/or the marijuana product(s); and
3. the date, time, and location of each transaction.

B. All transactions shall be kept in a numerical register in the order in which they occur.

C. All records required to be kept under these Regulations must be kept in the English language in a legible manner and must be preserved and made available for inspection for a period of three (3) years after the date of the transaction. Information inspected by the Park County Sheriff's Office or other County departments pursuant to these Regulations shall be used for regulatory and law enforcement purposes only and shall not be a matter of public record.

**Section 6.07 Persons prohibited as employees**

No licensee shall employ or contract with any person to perform work functions directly related to the testing, possession, cultivation, dispensing, selling, serving, or delivering of marijuana for a licensed marijuana business, who is any of the following:

1. Any person who is not of good moral character satisfactory to the local licensing authority;
2. Any person who is under twenty-one (21) years of age;
3. Any person who has discharged a sentence for a felony conviction within the past three (3) years;
4. Any person who, at any time, has been convicted of a felony for drug possession, distribution, or use, unless such felony drug charge was based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date he or she applied for the license; or
5. Any sheriff, deputy sheriff, police officer, prosecuting officer, and state or local licensing authority or any of its members, inspectors, or employees.

**Section 6.08 Change of address; felony conviction, or other license prohibition**

All applicants and license holders must notify the local licensing authority of any address changes, felony convictions, or disqualifying event(s), in writing within twenty-eight (28) days of the event. Failure to do so shall cause a nonrenewal, suspension, or revocation of the license.

**Section 6.09 On-site consumption of marijuana**

The use, consumption, ingestion, or inhalation of marijuana or marijuana products on or within the premises of a marijuana business is prohibited.

**Section 6.10 Management of licensed premises**

Licensees who are natural persons shall either manage the licensed premises themselves or employ a separate and distinct manager on the premises and report the name of such manager to the local licensing authority. Licensees that are entities shall employ a manager on the premises and report the name of the manager to the local licensing authority. All managers must be natural persons who are at least twenty-one (21) years of age. No manager shall be a person having a criminal history as described in Sections 4.01(A)(10) and (11) of these Regulations.

**Section 6.11 Change in manager; change in financial interest**

A. Each licensee shall report any change in managers to the local licensing authority within thirty (30) days after the change. Such report shall include all information required for managers under Section 6.10 of these Regulations.

B. Each licensee shall report in writing to the local licensing authority any transfer or change of financial interest in the license holder or in the marijuana business that is the subject of the license. Such a report must be filed with the local licensing authority within thirty (30) days after any such transfer or change. A report shall be required for any transfer of the capital stock of a public corporation totaling more than ten percent (10%) of the stock in any one (1) year, as well as any transfer of a controlling interest in the corporation whenever a sufficient number of shares have been transferred to effectuate the transfer of a controlling interest. No person having or acquiring a financial interest in the marijuana business that is the subject of a license shall be a person having a criminal history as described in Sections 4.02(A)(10) and (11) of these Regulations.

C. Whenever any licensee causes a change in its officers, directors or manager, a license addendum and application fee in an amount established by Resolution are required to be filed with and paid to the County.

**Section 6.12 Signage and advertising**

All signage and advertising for a regulated marijuana business shall comply with all applicable state laws as well as the provisions of these Regulations and other applicable provisions of the Park County Land Use Regulations.

**Section 6.13 Security requirements**

A. Security measures at marijuana businesses shall comply with all requirements of the State but shall include at a minimum the following:

- I. security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the

- reporting of criminal acts and nuisance activities occurring at the premises;
2. security alarm systems which are professionally monitored and maintained in good working condition;
  3. limited access area on the premises that is suitable for storage of all marijuana and cash stored overnight on the licensed premises;
  4. exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of these Regulations and other applicable provisions of the Park County Land Use Regulations; and
  5. deadbolt locks on all exterior doors.

B. All security recordings shall be preserved for at least forty (40) days by the licensee and be made available to the Park County Sheriff's Office and other applicable County departments upon request for inspection.

**Section 6.14 Lighting plan**

A lighting plan, including security-related and other lighting shall be submitted and approved before operation of a regulated marijuana business. All lighting shall conform to the Park County Land Use Regulations, and no fugitive light shall be emitted from marijuana businesses except as specifically approved through license conditions.

**Section 6.15 Visibility of activities; paraphernalia; control of emissions**

A. All activities of marijuana businesses, including, without limitation, cultivating, growing, processing, displaying, selling, and storage shall be conducted indoors. For purposes of this section, greenhouse cultivation shall be deemed to occur indoors.

B. Devices, contrivances, instruments, and paraphernalia for inhaling or otherwise consuming marijuana, including, but not limited to, rolling papers and related tools, water pipes, and vaporizers may lawfully be sold at a marijuana store. No marijuana or paraphernalia shall be displayed or kept in a marijuana business so as to be visible from outside the licensed premises.

C. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids, and other substances from exiting a marijuana business must be provided at all times. In the event that any odors, debris, dust, fluids, or other substances exit a marijuana business, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items, and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state, and local laws and regulations.

**Section 6.16 Disposal of marijuana byproducts**

The disposal of marijuana, marijuana products, byproducts, and paraphernalia shall be done so as to render the waste unusable and unrecognizable in accordance with plans and procedures approved in advance by the local licensing authority.

**Section 6.17 Prohibited Acts**

It shall be unlawful for any licensee to:

- A. employ any individual at a marijuana business who is not at least twenty-one (21) years of age or who has a criminal history as described in Sections 6.07(C) and (D);
- B. purchase or otherwise obtain marijuana from any source that is not properly authorized under state and local law to sell or dispense marijuana;
- C. dispense marijuana in or upon its cultivation facility;
- D. permit the sale or consumption of alcoholic beverages on the licensed premises;
- E. post or allow to be posted signs or other advertising materials identifying cultivation facilities as being associated with the use or cultivation of marijuana;  
or
- F. dispense marijuana to an individual that is or appears to be under the influence of alcohol or under the influence of any controlled substance, including marijuana.

alcohol or under the influence of any controlled substance, including marijuana.

**Part VII: Renewals, Transfers, Modification of Premises, or Change in Trade Name**

**Section 7.01 Requirements of an application for license renewal**

- A. A complete application for the renewal of an existing license shall be made to the local licensing authority, not more than sixty (60) days and not less than thirty (30) days prior to the date of expiration of the license. All renewals of a license shall be for no more than one (1) year.
- B. Application for renewals shall be made on prescribed forms and shall be accompanied by a non-refundable renewal fee established by Resolution to defray the costs incurred by the County for costs including but not limited to inspection, administration, and enforcement of marijuana businesses. Payments shall be made to the Park County Planning Department.
- C. A licensee may submit to the local licensing authority a late renewal application on the prescribed forms and pay a non-refundable late application fee in an amount established by Resolution for a renewal application made less than thirty (30) days prior to the date of the expiration of the license. All other provisions concerning renewal applications apply to a late renewal application.
- D. The timely filing of a completed renewal application or a late renewal application shall extend the current license until a decision is made on the renewal.

E. No marijuana business license shall be renewed where the licensee has not commenced operation of the licensed business during the initial term of the license.

F. License renewals may be approved by the Director of Development Services or designee. The local licensing authority may review and consider renewal applications if necessary. A public hearing shall be held on such renewal applications that are deemed to be noncompliant with these Regulations and before any renewal application is denied. A public hearing may also be held as requested. Any such hearing shall be preceded by ten days' notice to the licensee and by posting of a sign on the licensed premises in a location that is reasonably determined to be conspicuous and visible to members of the public not less than ten days prior to the hearing. Such posted notice shall, at a minimum, include a sign of suitable material, not less than twenty inches wide and twenty inches high, composed of letters of not less than one inch in height. The posted notice shall state the type of license held by the license holder, the date and place of the hearing, the name and address of the license holder, and such other information as may be required to fully appraise the public of the nature of the hearing.

- G. The applicant shall present one of the following forms of identification:
  1. Driver's license or identification card issued by a state or outlying territory of the United States;
  2. an enrollment card issued by the government authority of a federally recognized tribe located in the United States;
  3. A valid passport;
  4. A United States military identification card.

H. The applicant shall also provide the following information on a form approved by, or acceptable to the County, which information shall be required of the applicant, of the marijuana business, and all persons having a ten (10) percent or more financial interest in the marijuana business that is the subject of the application or, if the applicant is an entity, having a ten percent or more financial interest in the entity:

1. name, address, date of birth;
2. suitable evidence of proof of lawful presence and good character and reputation that the County may request;
3. an acknowledgment and consent that the County will conduct a background investigation, including a criminal history check;
4. if the applicant is a business entity, information regarding the entity, including, without limitation, the name, and address of the entity, its legal status, and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State, as applicable;
5. the name and complete address of the licensed marijuana business, including the facilities to be used in furtherance of such business and whether or not such facilities are within the territorial limits of the County;
6. if the applicant is not the owner of the licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a marijuana business;

- 7. a copy of any deed, lease, contract, or other document reflecting the right of the applicant to possess the licensed premises along with the conditions of occupancy of the premises;
- 8. evidence of a valid sales tax license for the business if such a license is required by state or local law;
- 9. if the marijuana business will be providing marijuana products in edible form, evidence of at a minimum a pending application for any food establishment license or license that may be required by the State;
- 10. a health and sanitation plan demonstrating compliance with the State of Colorado Permanent Marijuana Rules;
- 11. a comprehensive plan for the marijuana business which shall contain, without limitation, the following:
  - a. Mechanical functions such as cooling and ventilation systems, filters, discharge systems, heating systems, grow light configurations if applicable, and locations, wall construction and separation from other occupants, and any other information necessary as determined by the County Building Inspector.
  - b. A security plan meeting the requirements of Section 6.13 of these Regulations, which shall include a general description of the security system(s) and confirmation that those systems will meet State requirements and be approved by the State prior to commencing operations.
  - c. A lighting plan meeting the requirements of Section 6.14 of these Regulations, which shall conform to the Park County Land Use Regulations and confirmation that the plan will meet any applicable State requirements.
  - d. A signage plan that complies with all applicable requirements of these Regulations and other applicable provisions of the County's Building Codes and Land Use Regulations, as well as the Colorado Marijuana Code and all rules and regulations promulgated thereunder.
  - e. A plan for the disposal of marijuana and related byproducts meeting the requirements of Section 6.16 of these Regulations and the Permanent Marijuana Rules.
- 12. any information that has changed within the last year;
- 13. tax receipts showing no past due balance of property taxes with Park County and the Colorado Department of Treasury; and
- 14. any additional information that the local licensing authority reasonably determines to be necessary in connection with the investigation and review of the application.

I. Notwithstanding state law to the contrary, a licensee whose license expires and for which a renewal application has not been received by the expiration date shall be deemed to have forfeited its license under these Regulations. The County shall not accept renewal applications after the expiration date of such license.

**Section 7.02 Transfer of ownership**

A. Transfers of ownership may be approved by the Director of Development Services or designee. To complete a transfer of ownership, a license holder shall apply to the state and local licensing authority on forms provided by the state and local licensing authority. In considering whether to permit a transfer of ownership, the local licensing authority shall consider only the requirements of these Regulations, the Colorado Marijuana Code, and the regulations promulgated in conformance therewith. The local licensing authority may hold a hearing on the application for a transfer of ownership as determined by the Director of Development Services or designee but such hearing shall not be held until a notice of such hearing has been posted on the licensed retail marijuana business premises for a period of at least ten (10) days prior to such hearing, and the applicant has been provided at least ten (10) days prior notice of such hearing.

- B. Complete applications for a transfer of ownerships must include:
  - 1. A suitable form of identification as listed in Section 7.01(G) and
  - 2. the following information on a form approved by, or acceptable to the County, which information shall be required of the applicant, of the marijuana business, and all persons having a ten (10) percent or more financial interest in the marijuana business that is the subject of the application or, if the applicant is an entity, having a ten percent or more financial interest in the entity:
    - a. name, address, date of birth;
    - b. suitable evidence of proof of lawful presence and good character and reputation that the County may request;
    - c. an acknowledgment and consent that the County will conduct a background investigation, including a criminal history check;
    - d. if the applicant is a business entity, information regarding the entity, including, without limitation, the name, and address of the entity, its legal status, and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State, as applicable;
    - e. the name and complete address of the marijuana business, including the facilities to be used in furtherance of such business and whether or not such facilities are within the territorial limits of the County;
    - f. a copy of any deed, lease, contract, or other document reflecting the right of the applicant to possess the proposed licensed premises along with the conditions of occupancy of the premises;
    - g. any information that has changed within the last year;
    - h. tax receipts showing no past due balance of property taxes with the Treasury Department; and

- i. any additional information that the local licensing authority reasonably determines to be necessary in connection with the investigation and review of the application.

**Section 7.03 Change in trade name**

A. Changes in trade name may be approved by the Director of Development Services or designee. The local licensing authority may hold a hearing on the application for a change in trade name as determined by the Director of Development Services or designee, but such hearing shall not be held until a notice of such hearing has been posted on the licensed retail marijuana business premises for a period of at least ten (10) days prior to such hearing, and the applicant has been provided at least ten (10) days prior notice of such hearing.

B. Complete applications for a transfer of ownerships must include:

- 1. The proposed new trade name;
- 2. a suitable form of identification as listed in Section 7.01(G); and
- 3. the following information on a form approved by, or acceptable to the County, which information shall be required of the applicant, of the marijuana business, and all persons having a ten (10) percent or more financial interest in the marijuana business that is the subject of the application or, if the applicant is an entity, having a ten percent or more financial interest in the entity:
  - a. if the applicant is a business entity, information regarding the entity, including, without limitation, the name, and address of the entity, its legal status, and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State, as applicable;
  - b. the name and complete address of the existing marijuana business, including the facilities to be used in furtherance of such business and whether or not such facilities are within the territorial limits of the County;
  - c. a copy of any deed, lease, contract, or other document reflecting the right of the applicant to possess the proposed licensed premises along with the conditions of occupancy of the premises;
  - d. evidence of a valid sales tax license for the business if such a license is required by state or local law;
  - e. any information that has changed within the last year;
  - f. tax receipts showing no past due balance of property taxes with the Treasury Department; and
  - g. any additional information that the local licensing authority reasonably determines to be necessary in connection with the investigation and review of the application.

**Section 7.04 Modification of premises**

A. Modification of premises may be approved by the Director of Development Services or designee. A modification of premises shall require an application showing the

proposed changes to the premises. The local licensing authority may hold a hearing on the application for a modification of premises as determined by the Director of Development Services or designee, but such hearing shall not be held until a notice of such hearing has been posted on the licensed retail marijuana business premises for a period of at least ten (10) days prior to such hearing, and the applicant has been provided at least ten (10) days prior notice of such hearing.

- B. Complete applications for modification of premises must include:
  1. A to-scale plan showing the existing premises and proposed changes;
  2. a suitable form of identification as listed in Section 7.01(G); and
  3. the following information on a form approved by, or acceptable to the County, which information shall be required of the applicant, of the marijuana business, and all persons having a ten (10) percent or more financial interest in the marijuana business that is the subject of the application or, if the applicant is an entity, having a ten percent or more financial interest in the entity:
    - a. the name and complete address of the marijuana business, including the facilities to be used in furtherance of such business and whether or not such facilities are within the territorial limits of the County;
    - b. if the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a marijuana business;
    - c. a copy of any deed, lease, contract, or other document reflecting the right of the applicant to possess the proposed licensed premises along with the conditions of occupancy of the premises;
    - d. a health and sanitation plan demonstrating compliance with the State of Colorado Permanent Marijuana Rules;
    - e. tax receipts showing no past due balance of property taxes with the Treasury Department; and
    - f. any additional information that the local licensing authority reasonably determines to be necessary in connection with the investigation and review of the application.

**Section 7.05 Change of location**

A licensee may apply for a change of location within Park County. Any such application shall be subject to approval by the Board of County Commissioners following a public hearing at which the Board shall consider the criteria set forth in Section 5.01(F) above. Any relocation of a marijuana business from outside Park County to a location within Park County shall be treated as an application for a new license.

**Part VIII: Enforcement**

**Section 8.01 Inspection of licensed premises**

During all business hours and other times of apparent activity, all licensed premises shall be subject to inspection by the Park County Sheriff's Office and all other County departments designated by the local licensing authority for the purpose of investigating and determining compliance with the provisions of these Regulations and any other applicable state and local laws or regulations. Said inspection may include, but need not be limited to, the inspection of books, records, and inventory. Where any part of the licensed premises consists of a locked area, such area shall be made available for inspection, without delay, upon request.

**Section 8.02 Nonrenewal, suspension, or revocation of license**

A. The local licensing authority may, after notice and hearing, suspend, revoke, or refuse to renew a local license for good cause. The local licensing authority is authorized to adopt rules and procedures governing the conduct of such hearings.

B. The local licensing authority may, in its discretion, revoke or elect not to renew any license if it determines that the licensed premises has been inactive, without good cause, for at least one year.

**Section 8.03 Violations and penalties**

In addition to the possible denial, suspension, revocation, or nonrenewal of a license under the provisions of these Regulations, any person, including, but not limited to, any licensee, manager or employee of a marijuana business, or any customer of such business, who violates any of the provisions of these Regulations, shall be subject to the following penalties:

- A. It shall be unlawful for any person to violate any provision of these Regulations. Any person convicted of having violated any provision of these Regulations shall be punished as prescribed by state law.
- B. The operation of a marijuana business 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.
- C. The operation of a marijuana business without a valid license issued pursuant to these Regulations is also specifically determined to be a public nuisance.

**Section 8.04 Rules and regulations**

The County Manager or designee shall have the authority from time to time to adopt, amend, alter and repeal administrative rules and regulations, and file the same with the County Clerk, as may be necessary for the proper administration of these Regulations.

**Part IX: Waiver and Release of Liability**

**Section 9.01 No county liability; indemnification**

A. By accepting a license issued pursuant to these Regulations, the licensee waives and releases the County, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution

of marijuana business owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

B. By accepting a license issued pursuant to these Regulations, all licensees, jointly and severally if more than one, agree to indemnify, defend and hold harmless the County, its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the marijuana business that is the subject of the license.