

ORDINANCE NO. 2021-1127

INTRODUCED BY: MICHAEL SANCHEZ

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO AND ENACTING A NEW ARTICLE XII OF CHAPTER 6 OF THE FORT LUPTON MUNICIPAL CODE REGARDING THE REGULATIONS AND LICENSING OF REGULATED MARIJUANA

WHEREAS, on November 3, 2020, the registered electors of the City of Fort Lupton approved ballot initiatives permitting for the establishment and operation of medical marijuana centers and retail marijuana stores subject to the requirements of the State of Colorado medical and retail marijuana codes and regulations and the ordinances and codes to be adopted by the City of Fort Lupton; and

WHEREAS, at the same election, the registered voters approved an additional 3.1% sales tax on the sales of retail marijuana and retail marijuana products with the rate of tax being able to decrease or increase without further voter approval so long as the rate of taxation does not exceed 10%.

WHEREAS, the City of Fort Lupton, Colorado (“City”) is authorized under Title 31 of the Colorado Revised Statutes to adopt and amend ordinances in furtherance of governmental administration and the City’s police powers; and

WHEREAS, the Colorado Constitution specifically authorizes the City to prohibit or regulate marijuana establishments and to adopt regulations consistent with the intent of state law; and

WHEREAS, The City desires to adopt a comprehensive licensing and regulatory program concerning marijuana establishments; and

WHEREAS, the City has determined that the comprehensive licensing scheme for marijuana establishments will further the public health, safety, and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO, THAT:

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as finding of the City Council.

Section 2. **Enactment of Article XII of Chapter 6 of the Municipal Code.** A new Article XII of Chapter 6 of the Fort Lupton Municipal Code is hereby enacted to read in full as follows:

Article XII –Regulated Marijuana Establishments

Sections:

6-350	Legislative intent and authority
6-351	Relationship to other laws
6-352	Definitions
6-353	Prohibited marijuana license types
6-354	License/bond requirements
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6-359	Issuance of license; duration, renewal
6-360	Annual operating and administrative fees
6-361	Location, operational restrictions and requirements, marijuana stores
6-362	Inspection of books, records, and licensed premises
6-363	Transfer of Ownership
6-364	Change of Corporate Structure
6-365	Unlawful acts of licensees and persons
6-366	Nonrenewal, suspension or revocation of license
6-367	Violations and penalties
6-368	No city liability; indemnification
6-369	Other laws remain applicable

Sec. 6-350. - Legislative intent and authority.

- (a) Section 16 of Article XVIII of the Colorado Constitution ("Amendment 64") authorizes a system of state licensing for businesses engaged in the cultivation, testing, manufacturing, and retail sale of marijuana (collectively "Retail Marijuana Establishments"). Subsection 16(5) (f) of Article XVIII allows localities to prohibit retail marijuana establishments and to license them subject to the time, place, and manner in which such establishments may operate and to limit the total number of such establishments.
- (b) Section 14 of Article XVIII of the Colorado Constitution establishes an affirmative defense from criminal prosecution by the state for certain persons who use or provide medical marijuana to treat debilitating conditions and the Colorado Marijuana Code, C.R.S. §44-10-101, *et seq.*, as amended, authorizes a system of state and local licensing for businesses engaged in the cultivation, testing, manufacturing, and retail sale of medical marijuana (collectively "Medical Marijuana Establishments"), which allows localities to prohibit licensing of medical marijuana establishments and to impose distance and size restrictions upon such establishments along with other requirements to ensure control of the premises and ease of enforcement.

- (c) The authority of the city to regulate marijuana establishments is further set forth in the Colorado Marijuana Code, Article 10, Title 44, C.R.S., including its rules and regulations (1-CCR 212-3) and Part 3, Article 23, Title 31, C.R.S., (municipal zoning powers), C.R.S. § 31-15-103, (Making of Ordinances) and C.R.S. § 31-15-401, (Municipal Police Powers), C.R.S. § 31-15-501, (Municipal Authority to Regulate Businesses).

Sec. 6-351. - Relationship to other laws.

Except as otherwise specifically provided herein, this article incorporates the requirements and procedures set forth in the Colorado Marijuana Code and its rules. In the event of any conflict between the provisions of this article and the provisions of the Colorado Marijuana Code, including its rules, or any other applicable state or local law, the more restrictive provision shall control.

Sec. 6-352. - Definitions.

- (a) The following words and phrases shall mean as follows unless the context clearly indicates otherwise:

Applicant means a person 21 years of age or older who has submitted an application for a license or renewal of a license issued pursuant to this Chapter. If the applicant is an entity and not a natural person, applicant shall include all persons who are the members, managers, officers, directors, and shareholders of such entity.

Co-located marijuana establishment means both a licensed retail marijuana store and a medical marijuana store operating contiguously and located within the same building, and under exclusive control of the same licensee.

Colorado Marijuana Code ("Colorado Marijuana Code") shall mean Title 44, Article 10, Colorado Revised Statutes ("C.R.S."), as the same may be amended.

C-1 means the C1 General Commercial District as defined by Article II of Chapter 16 of the Code.

C-2 means the C-2 Heavy Commercial District as defined in Article II of Chapter 16 of the Code.

Dual Operation means a regulated marijuana business that operates as both a licensed medical marijuana store and a licensed retail marijuana store in accordance with this Article.

Financier means any person who lends money or otherwise provides assets to any person applying for a license under this Article. If a financier is an entity rather than an individual, the same disclosure, shall be required for each entity with an ownership interest until a managing member that is a natural person is identified. Financier shall not include a bank, savings and loan association, credit union, or industrial bank supervised and regulated by an agency of the state or

federal government, or any person in the business of leasing equipment or marijuana business for which the rental amount does not include any percentage of the business or its profits.

Financial Interest means any ownership interest.

Good Cause purpose of denying, refusing to renew, suspending, or revoking a license, or exercising other discretionary authority granted the local licensing authority means

1. The applicant or licensee has violated, does not meet, or has failed to comply with any of the terms, requirements, conditions, or provisions of this Article, the Colorado Marijuana Code, its rules, or any applicable state or local law, rule, or regulation.
2. The local licensing authority has determined that the applicant or licensee's character record, or reputation is not satisfactory after consideration of factors, which include without limitation the following:
 - a. The applicant or licensee has knowingly submitted false application(s), made willful misrepresentations, or knowingly committed fraudulent acts;
 - b. The applicant or licensee has a criminal history of crimes of moral turpitude, which may include without limitation murder, burglary, robbery, arson, kidnapping, sexual assault, and illegal drugs or narcotics convictions;
 - c. The applicant or licensee has any previous retail or medical marijuana license denied or revoked as a result of a law, rule, or regulation, or finding of bad moral character by any licensing authority;
 - d. The applicant or licensee has been found to be currently delinquent in the payment of any state or local taxes
 - e. The applicant or licensee has established a pattern of multiple statutory violations which resulted in the revocation or denial of any other professional license, leading to the finding of bad moral character by any licensing authority; or
 - f. The licensed premises has been operated in a manner that adversely affects the public health, safety, or welfare. Evidence to support such a finding may include without limitation a continuing pattern of disorderly conduct or drug related criminal conduct upon or in the immediate vicinity of the premises, continuing pattern of criminal conduct directly related to or arising from the operation of the regulated marijuana establishment, or ongoing nuisance condition emanating from or caused by the regulated marijuana establishment.
3. The applicant or licensee has failed to comply with any special terms or conditions of a license, including without limitation those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any renewal or suspension proceedings held subsequent to the date of issuance of the license; or
4. The licensed premises has been operated in a manner that adversely affects the public health, welfare, or safety of the immediate neighborhood in which the licensed business is located. Evidence to support such a finding can include without limitation a pattern of disorderly conduct or continuing pattern of drug related criminal conduct within the business.

I-1 means the *Light Industrial District* as defined in Article II of Chapter 16 of the Code.

I-2 means the Heavy Industrial District as defined in Article II of Chapter 16 of the Code.

Local Licensing Authority (“Authority”) shall mean the City of Fort Lupton City Council.

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, but excluding industrial hemp, fiber produced from the stalks, oils, 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 business means any of the following entities licensed pursuant to the Colorado Marijuana Code: A medical or retail marijuana store, a medical or retail marijuana cultivation facility, a medical or retail marijuana products manufacturer, a medical or retail marijuana testing facility, a marijuana research and development licensee, a medical or retail marijuana business operator, a medical or retail marijuana transporter, or a medical or retail marijuana business operator.

Medical marijuana code rules (“Rules”) means the permanent rules pertaining to the Colorado Marijuana Code adopted by the Colorado Department of Revenue, Marijuana Division, 1 CCR 212-3 as may be amended from time to time.

Medical marijuana cultivation facility means a person licensed pursuant to Title 44, Article 10 to operate a business as described in C.R.S. § 44-10-502.

Medical marijuana product means a product infused with medical marijuana that is 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 C.R.S. § 44-10-101 *et. seq.* to operate a business as described in section C.R.S. § 44-10-503.

Medical marijuana store means a person licensed pursuant to the Colorado Marijuana Code to operate a business that sells medical marijuana to registered patients or primary caregivers, but is not a primary caregiver.

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

Medical marijuana transporter means an entity or person licensed to transport medical marijuana and medical marijuana-infused products from one medical marijuana establishment to another medical marijuana establishment and to temporarily store the transported medical marijuana and medical marijuana-infused products at its licensed premises, but is not authorized to sell medical marijuana or medical marijuana-infused products under any circumstances.

Parks means any public land that has been designated or used for any *park*, open space or recreational uses or activities, including but not limited to a *park*, playground, nature trail, swimming pool, reservoir, athletic field, basketball court, tennis court, bike or pedestrian path, open space, wilderness area or similar land within the City.

PUD means the Planned Unit Development District as defined in Article II of Chapter 16 of the Code.

Residential District means the R-1, R-1A, R-2, R-3, M-H, and R-O Districts as defined in Article II of Chapter 16 of the code.

Retail marijuana accelerator cultivator means a social equity licensee who exercises the privileges of a retail marijuana cultivation facility license on the premises of an accelerator-endorsed retail marijuana cultivation facility. They may receive technical assistance and financial support from the retail marijuana cultivation facility licensee with an accelerator endorsement.

Retail marijuana means marijuana that is cultivated, manufactured, distributed, or sold by a licensed retail marijuana establishment.

Retail marijuana accelerator manufacturer means a social equity licensee who exercises the privileges of a retail marijuana products manufacturer license on the premises of an accelerator-endorsed retail marijuana products manufacturer. They may receive technical assistance and financial support from the retail marijuana products manufacturer licensee with an accelerator endorsement.

Retail marijuana accelerator store means a social equity licensee who exercises the privileges of a retail marijuana store license on the premises of an accelerator-endorsed retail marijuana store. They may receive technical assistance and financial support from the retail marijuana store licensee with an accelerator endorsement.

Retail marijuana business operator means a person who is licensed to operate a licensed retail marijuana business for an owner and who may receive a portion of the profits as compensation.

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

Retail marijuana establishment means a retail marijuana business that has a license from the State of Colorado and the city to operate.

Retail marijuana hospitality means a business license authorizing the licensee to operate a licensed premise in which marijuana may be consumed.

Retail marijuana hospitality and sales means a licensee authorized to operate a licensed premise in which marijuana may be sold and consumed.

Retail marijuana products means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

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

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 sell marijuana and marijuana products to consumers.

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

Retail marijuana transporter means an entity or a person that is licensed to transport retail marijuana and retail marijuana products from one retail marijuana establishment to another retail marijuana establishment and to temporarily store the transported retail marijuana and retail marijuana products at its licensed premises, but is not authorized to sell, give away, buy, or receive complimentary retail marijuana and retail marijuana products under any circumstances. A retail marijuana transporter does not include a licensee that transports and distributes its own retail marijuana or retail marijuana products.

School means a public or private preschool or a public or private elementary, middle, junior high or high school or institution of higher education.

- (b) In addition to the definitions set forth herein, the terms used in this article shall have the meaning ascribed to them in Article XVIII, Section 16 of the Colorado Constitution, the Colorado Marijuana Code, including its rules.

Sec. 6-353. – Prohibited marijuana license types.

Except as to marijuana stores as permitted herein by this article, it shall be unlawful for any person to operate, cause to be operated, or permit to be operated a marijuana cultivation facility, products manufacturer, testing facility, transporters, business operators, research and development facility, and deliveries.

Sec. 6-354. - License/bond requirements.

- (a) It shall be unlawful for any person to operate a marijuana store without obtaining a license to operate such business in accordance with the requirements of this article.
- (b) The license requirement set forth in this article shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other state, or local law, rules

or regulations, including, by way of example, the Colorado Marijuana Code, its rules, and any applicable local licensing, zoning or building code.

- (c) All marijuana stores which sell at retail, in addition to being required to obtain a city sales tax license, must as a condition of licensing, procure, maintain, and file with the city's finance department evidence of a good and sufficient bond in the amount of five thousand dollars (\$5,000.00) with a corporate surety duly licensed to do business in the State of Colorado, approved as to form by the city and conditioned upon the applicant's reporting and payment of all city sales and use taxes required by law. In lieu of a surety bond an applicant may submit a letter of credit in a form acceptable to the city or a cash bond.
- (d) A separate license shall be required for each specific business or business entity and for each geographical location.

Sec. 6-355. - Application.

- (a) Prior to submitting an application for a local license, an applicant must obtain an approved zoning verification form from the Planning and Development Department which, based upon an applicant's submittal of an area map drawn to scale, demonstrates that the proposed marijuana establishment is in compliance with the location restrictions set forth in this article. Applicants shall submit the approved zoning verification form to the city clerk along with completed State Marijuana Enforcement Division forms, and all supplemental information required by the city.
- (b) The applicant shall also provide the following information to the city, which information shall be required for the applicant and, as applicable, the proposed manager of the marijuana store, and all persons having any financial interest in the marijuana store. To the extent that any of the following information has been included with the applicant's state license application, it may provide copies of such documents to the local licensing authority.
 - (1) Proof of insurance of workers' compensation insurance and public liability insurance, which at a minimum meets the current maximum liability amounts for injury to any single person, or for any injury to two (2) or more persons in any such occurrence, as set forth in the Colorado Governmental Immunity Act (C.R.S. § 24-10-114), as same may be amended.
 - (2) Proof of lawful possession of the premises to be licensed, which proof may include, for example, property executed deeds of trust, leases or other written documentation acceptable to the licensing authority.
 - (3) 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 regulated marijuana establishment and authorizing the City to enter the property for inspections of the proposed licensed premises on a form approved by the City.
 - (4) An operating plan for the proposed marijuana store, including the following information:
 - (a) A description of the products and services to be provided by the marijuana store.
 - (b) A dimensional floor plan, drawn to scale, clearly labeled, and showing:

- (1) The layout of the structure and the floor plan in which the marijuana store is to be located;
 - (2) The principal uses of the floor area depicted on the floor plan, including, but not limited to, the areas where the public will be permitted and all private, storage, retail, and restricted areas where marijuana will be located;
 - (3) Areas where any services other than the distribution of marijuana are proposed to occur in the premises.
- (5) A plan for disposal of any marijuana waste product that is not sold in a manner that protects any portion thereof from being possessed or ingested by any person or animal.
 - (6) A plan for ventilation of the marijuana store that fully describes the ventilation systems that will ensure the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the marijuana store or at any adjoining property.
 - (7) Fingerprints and personal background information for all owners, managers, and financiers employed by or under contract to provide services to the marijuana store, directly, or as a member, partner, or officer of a corporation, partnership, association, or company.
 - (8) All applications must include all documents and information required by the Colorado Marijuana Code, including its rules and any information that the city deems reasonably necessary for the investigation and review of the application.
- (c) No application shall be considered which is not complete in every detail in the opinion of the city clerk. Incomplete applications may be returned to the applicant for completion or correction without any further action. It is the applicant's responsibility to ensure the application and all supplemental materials are submitted in a timely manner.
 - (d) Upon receipt of a complete application, the city clerk shall notify all affected departments of the city to determine whether the application is in full compliance with all state and local laws, rules and regulations. The city clerk, upon review of all applicable information, shall prepare a report including all applicable documents to be submitted to the local licensing authority.
 - (e) In the event the criminal history of an owner, member, manager, financier, or other person named on the application contains information regarding conviction of a crime or previous denial or revocation of any medical or retail marijuana or professional license, that person may include with the license application any information regarding such conviction, denial, or revocation. Such information may include, but is not limited to, evidence of rehabilitation, character references, and educational achievements, especially documentation pertaining to the period of time between the applicant's last criminal conviction and the date of the application.
 - (f) Any application or renewal for a marijuana store license shall include, as applicable, payment of a nonrefundable application, or renewal fee, and payment of an annual operating fee. If a license is not granted, the operating fee is refundable in full. All such fees shall be established by resolution of city council.

- (g) A license issued pursuant to this article does not eliminate the need for the licensee to obtain other required permits or licenses related to the operation of the marijuana store, including, without limitation, any State of Colorado license or any sales tax license, business registration, development approvals, or building permits required by the code.

Sec. 6-356 Co-location.

A licensee may operate both a medical marijuana store and a retail marijuana store as a “dual operation” provided they meet the requirements of the Colorado Marijuana Code and this Code.

Sec. 6-357 Licensing process.

- (a) Applications for new retail marijuana stores filed alone or concurrently with medical marijuana stores pursuant to this article shall be awarded via a three-phase process: initial review to ensure completeness of application and compliance with state and local requirements, a public random lottery to determine which applicants will be awarded the opportunity for approval of a license. Only one application per site will be allowed, unless the applicant is applying as a dual-operational licensee.
- (b) Initial Review. The city clerk will post notice of license availability on the city’s website and in a local newspaper of general circulation opening a 30-day application period for filing and acceptance of new applications. The city clerk will specify the start and end date and time of the application period. Upon receipt by the city clerk of an application for a license under this article, the city clerk or designee shall
 - (1) Verify the application is complete, pursuant to Section 6-355; and
 - (2) Screen the application for automatic grounds for denial set forth in Section 6-352(a).
- (d) Lottery. The applications identified by the city clerk as meeting or exceeding the criteria required by this article shall be entered into a lottery process. A public random lottery will be conducted from among the qualified applications to determine which applications will be awarded the opportunity for approval of a license.
 - (1) Public notice. The clerk shall publish notice of the public lottery not less than ten (10) days prior to the lottery and publish in the newspaper of general circulation in the City.
 - (2) Conduct of the lottery. The local licensing authority shall conduct a drawing from among the qualified applicants, in a public forum, to determine which applicants shall be awarded the opportunity to obtain a license. The local licensing authority shall use a process by which the names of the applicants are shielded from view, and through which each qualified applicant has an equal chance of being selected.
- (e) Public Hearing. The public hearing procedure shall apply to application for licensing of any regulated marijuana business and to any application for licensing renewal if the renewal

application is referred to the authority by the city clerk.

- (1) Public notice of the hearing shall be given by posting a sign by the applicant on the premises for which an application has been made, not less than 10 days prior to the public hearing, stating the date of the application, the date of the hearing, the name and address of the applicant and such information as may be required to fully apprise the public of the nature of the application. The city clerk shall provide the sign to the applicant for posting. If the building in which the regulated marijuana business is to be located is in existence at the time of the application, any sign posted 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 a sign at the premises upon which the building is to be constructed in such a manner that the notice is conspicuous and plainly visible to the general public.
- (2) Publication of notice by the city clerk not less than 10 days prior to the public hearing in a newspaper of general circulation. Notice given by publication shall contain the same information that is required for posting of signs in subsection (c) of this section.
- (3) At the public hearing, the Authority:
 - (A) Must make a finding and determination as to the good moral character of the applicant
 - (B) May deny the application to license any regulated marijuana business in the same location where any regulated marijuana business is or has been previously licensed if there is evidence that the previously licensed premise was operated in a manner that adversely affects the public health, welfare or safety of the residents of the city.
 - (C) May allow any party in interest to present evidence relevant to the issuance of a license. The term party in interest means the applicant, an adult inhabitant, business owner or manager within the 1,500 foot radius of the proposed licensed premises. The Authority, in its discretion, may limit the presentation of evidence so as to prevent repetitive and cumulative evidence of examination.
 - (D) Shall consider 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 application for the conduct of the business proposed.
- (4) No more than 30 days after the date of the hearing, the city clerk shall make known, in writing to the applicant the Authority's findings based upon its investigation. The Authority may approve a regulated marijuana business license with specific conditions. The Authority may issue a regulated marijuana business license if the inspection, background checks, and all other information available to the city verify that the applicant is in compliance with this code and any other applicable law, rule, or regulation.

- (5) The Authority may refuse to issue a regulated marijuana business license if the application does not meet the requirements of this chapter or any other applicable law, rule, or regulation, or contains false or incomplete information.
- (6) The Authority may refuse to issue a regulated marijuana business for good cause, as defined Section 6-352, subject to judicial review.

Sec. 6-358. - Local licensing authority.

The City Council shall serve as the local licensing authority and have and exercise all powers expressly granted and necessarily implied by the Colorado Marijuana Code, its rules, and as set forth in this article to regulate marijuana stores within the city. The local licensing authority shall be responsible for all local duties and responsibilities, including but not limited to, the issuance, renewal, suspension, revocation, transfer of ownership, and change of location of a marijuana store.

- (a) The local licensing authority shall have the power to promulgate rules and regulations as are reasonable and necessary to implement and administer the requirements of this article.
- (b) The local licensing authority may, after notice and hearing, suspend, revoke, or refuse to renew a license for "good cause." The local licensing authority is authorized to adopt rules and procedures governing the conduct of such hearings. No portion of any application or operating fees previously paid shall be refunded in the event of any suspension or revocation of a license.

Sec. 6-359. - Issuance of license; duration, renewal.

- (a) Each license shall show the name of the licensee, the physical address for which the license is issued, and the type of marijuana establishment for which it is issued. The license, along with the city sales tax license and the current contact information for the owner(s), shall be displayed continuously in a conspicuous location at the physical address indicated on the license.
- (b) Each license issued pursuant to this article shall be valid for one (1) year from the date of issuance and may be renewed only as provided in this article. All renewals of a license shall be for no more than one (1) year. The local licensing authority shall act on renewal applications in accordance with the applicable provisions of the Colorado Marijuana Code and its rules. The timely filing of a renewal application shall extend the current license until a decision is made on the renewal.
- (c) A local license, which shall only be applicable to a specifically identified business at a fixed location within an enclosed and secure premises, shall not be issued until a state license has been granted, appropriate land use process, if required, has been approved and the building in which the store's business is to be conducted has passed all applicable inspections and is ready for occupancy with such furniture, fixtures, and equipment in place as are necessary to comply with any applicable provisions of the code or any state law, rule, or regulation.

Sec. 6-360. - Annual operating and administrative fees.

In addition to application, renewal and an annual operating fee, the city shall impose administrative fees for services, which include the transfer of ownership, background investigations, change of business manager, modification of premises, change of location, change of corporate structure, change of financier, zoning verification, duplicate license, temporary permit, change of trade name, change of class of license, with all such fees to be established by resolution of city council.

Sec. 6-361. - Location, operational restrictions and requirements, marijuana stores.

- (a) Marijuana stores are permitted only within the following zoning districts: the C-1 General Commercial District, C-2 Heavy Commercial District, I-1 Light Industrial Zone District, I-2 Heavy Industrial Zone District and PUD Planned Unit Development District, which specifically permits marijuana stores, and upon obtaining all land use approvals necessary for such use.
- (b) Marijuana stores will not be permitted if, at the time of application for such license, such location is:
 - (1) Within or immediately adjacent to any Residential District, which includes R-1 Residential District – Low Density, R-1A Residential District – Low Density, R-2 Residential District Medium Density, R-3 Residential District – High Density, M-H Mobile Home Community District, R-O Residential and Office District, and PUD Planned Unit Development District, which exclusively permits residential land uses;
 - (2) Within: Beginning at the west side of the Union Pacific Railroad right-of-way and 1st Street, thence north to 9th Street, thence west to the alley between Park Avenue and McKinley Avenue, thence south to 1st Street, thence east to the west side of the Union Pacific Railroad right-of-way;
 - (3) Within one thousand (1,000) feet of:
 - a. Any school,
 - b. Any child care center,
 - c. Any juvenile or adult halfway house, correctional facility or substance abuse rehabilitation center;
 - (4) Within five hundred (500) feet of:
 - a. Any park with playground equipment;
- (c) The distance restrictions described above shall be computed by direct measurement from the nearest property line of the parcel of land on which the protected use is located to the nearest portion of the building or unit in which the proposed marijuana store would be located, using a route of direct pedestrian access.
 - (1) The distance regulations described above shall not be applicable to the renewal of a license once granted.
 - (2) A previously licensed marijuana store that seeks to change locations and applies for and receives a marijuana store license is subject to the location requirements above.

- (d) The maximum number of licensed marijuana locations within the city shall not exceed four (4). This includes co-located medical and retail stores.
- (e) All marijuana stores shall affix labels to all receptacles on the licensed premise that contain marijuana or marijuana products which labels shall clearly display potency profiles and contaminant results from a licensed marijuana testing facility.
- (f) Business conducted within building. Any and all distribution, possession, storage, display, sales, or other distribution of marijuana shall occur only within the restricted area of a marijuana store and shall not be visible from the exterior of the store.
- (g) *Manager registration requirements.* The manager of a marijuana store shall register with the state and the local licensing authority. Whenever a person ceases to be a registered manager of a marijuana store, the marijuana licensee shall notify the licensing authorities within five (5) days and shall designate a new registered manager within thirty (30) days. Either the state or the local licensing authority may refuse to accept any person as a registered manager unless the person is satisfactory to the respective licensing authorities as to character, record, and reputation. In determining a registered manager's character, record, and reputation, the state or local licensing authority may have access to criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency.
- (h) *Hours of operation.* A marijuana store shall be closed to the public, and no sale or other distribution of marijuana shall occur upon the premises between the hours of 10:00 p.m., thru and including 8:00 a.m.
- (i) *Use of pesticides.* No pesticides or insecticides that are prohibited by applicable law for fertilization or production of edible produce shall be used on any marijuana produced or distributed by a marijuana store. A marijuana store shall comply with all applicable laws regarding use of pesticides.
- (j) *Ventilation required.* A marijuana store shall be ventilated to ensure the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the marijuana store or at any adjoining property.
- (k) *Wastewater requirements.* All marijuana stores shall be operated in such a manner as to not permit, allow, or cause to be discharged any substance or material prohibited by the city into or upon any watercourse or city reclamation conduit, facility, or plant.
- (l) *Storage prohibitions of marijuana and marijuana product prohibited.* No regulated marijuana establishment may store marijuana or any marijuana product in any off-premises storage facility located within the city nor may any retail marijuana transporter store any marijuana or marijuana product within the city.
- (m) *Reporting requirements.* A marijuana store shall report to the local licensing authority each of the following events within the time specified. If no time is specified, the report shall be provided within seventy-two (72) hours of the event.

- (1) Transfer or change of financial interest, business manager, or financier in the license to the city at least thirty (30) days before the transfer or change.
 - (2) Taxable transactions and sales and use tax reports and remits to the city monthly.
 - (3) A violation of any law by any licensee or applicant of a marijuana business.
 - (4) Each licensee shall post and keep at all times visible to the public, in a conspicuous place on the premises, a sign to be furnished by the city clerk's office, which sign shall be in the following form: "WARNING: THE FORT LUPTON POLICE DEPARTMENT MUST BE NOTIFIED IMMEDIATELY OF ALL UNLAWFUL ACTS AND DISTURBANCES IN THIS ESTABLISHMENT." Licensees' shall immediately report to the police department any unlawful act, conduct, or disturbance committed upon the premises.
- (n) *Respond to inquiry.* An owner or manager of a marijuana store is required to respond by phone or email within twenty-four (24) hours of contact by a city official concerning its marijuana store at the phone number or email address provided to the city as the contact for the business. Each twenty-four-hour period during which an owner or manager does not respond to the city official shall be considered a separate violation.
- (o) *Signs and advertising.* In addition to the items listed, all licensees shall comply with all city ordinances regulating signs.
- (1) Any person or premises licensed as a retail marijuana store shall comply with all city ordinances regulating signs and advertising. In addition, no licensed retail marijuana store shall use any advertising material that is misleading, deceptive, false, or that, as evidenced either by the content of the advertising material or the medium or the manner in which the advertising is disseminated, is designed to appeal to persons under twenty-one (21) years of age.
 - (2) Except as otherwise provided in this subsection (2), it shall be unlawful for any person licensed under this article or any other person to advertise any retail marijuana or retail marijuana product anywhere in the city where the advertisement is visible to members of the public from any street, sidewalk, park, or other public place, including advertising utilizing any of the following media: any billboard or other outdoor general advertising device as defined by the zoning code; any sign mounted on a vehicle, any hand-held or other portable sign; or any handbill, leaflet or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property without the consent of the property owner. The prohibition set forth in this section shall not apply to:
 - (A) Any sign located on the same zone lot as a retail marijuana store which exists solely for the purpose of identifying the location of the retail marijuana store and which otherwise complies with the city's zoning requirements and any other applicable city laws and regulations; or
 - (B) Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the city; or

(C) Advertising which is purely incidental to sponsorship of a charitable event by a retail marijuana establishment.

(3) For purposes of this subsection(s), the terms "advertise," "advertising," or "advertisement," means the act of drawing the public's attention to a retail marijuana establishment in order to promote the sale of retail marijuana goods or products by the establishment.

Sec. 6-362. - Inspection of books, records, and licensed premises.

- (a) Each licensee shall keep a complete set of all records necessary to show fully the business transactions of the licensee, all of which shall be open at all times during business hours for the inspection and examination by the local licensing authority, its duly authorized representatives, and the City's Public Safety Department for the purposes of investigating and determining compliance with the provisions of this article and any other applicable state and local laws or regulations. The local licensing authority may require any licensee to furnish such information as it considers necessary for the proper administration of this article. It may also require an audit to be made of the books of accounts and records on such occasions as it may consider necessary by an auditor to be selected by the local licensing authority, who shall likewise have access to all books and records of the licensee.
- (b) The licensed premises, including any places of storage retail marijuana or marijuana products are stored, manufactured, packaged, cultivated, processed, displayed, sold, or dispensed, shall be subject to inspection by the local licensing authority, its duly authorized representatives, and the City's Public Safety Department during all business hours and other times of apparent activity, for the purpose of inspection or investigation. For examination of any inventory or books and records required to be kept by the licensees, access shall be required during business hours. Where any part of the licensed premises consists of a locked area, upon demand to the licensee by the local licensing authority or any other authorized city personnel, such area shall be made available for inspection without delay.
- (c) Each licensee shall retain all books and records necessary to show fully the business transactions of the licensee for a period of the current tax year and the three (3) immediately prior tax years.

Sec. 6-363. – Transfer of ownership.

- (a) A retail marijuana business license, or co-located retail and medical marijuana business license is not transferable or assignable, in whole or in part, including, without limitation, to a different premises, to a different type of business, or to a different owner or licensee. A retail marijuana business license, or co-located retail and medical marijuana business license is valid only for the owner named thereon, the type of business disclosed on the application for the license and the location for which the license issued. The licensee of a retail marijuana business or co-located retail and medical marijuana business are only those persons disclosed in the application or subsequently disclosed to the city in accordance with this chapter. A transfer of a licensed retail marijuana business or co-located retail and medical marijuana business shall be permitted in the following circumstances:

- (1) The new owner and all licensees of the business have submitted completed applications and passed a background check by the city;
 - (2) The new owner is not making any changes to any of the plans or conditions that are part of the license; and
 - (3) The license transfer is an arms-length third party transaction to one hundred percent new owners and managers.
- (b) Full transfer or partial transfer of ownership of any retail marijuana or co-located retail and medical marijuana license issued pursuant to this chapter shall be governed by the standards and procedures set forth in the Colorado Marijuana Code and any regulations adopted pursuant thereto and the Authority shall administer transfers of local licenses in the same manner as the state licensing authority administers transfers of state licenses. The public hearing requirement set forth in Section 6-357 of this Chapter shall apply to all applications for full or partial transfer of ownership of any retail marijuana or co-located retail and medical marijuana business license.
- (c) The submission or pendency of an application for full or partial transfer of ownership does not relieve the license holder from the obligation to properly apply to renew such license in accordance with Section 6-359 of this chapter.

Sec. 6-364. – Change of Corporate Structure.

A change of corporate structure of any retail marijuana or co-located retail and medical marijuana business that results in any of the changes in subsection (a) through (c) below shall require the filing of an application and payment of the requisite fees and shall be subject to all requirements of the post-award licensing process. A change of corporate structure shall be heard and approved or denied by the Authority.

- (a) Any transfer or assignment of ten percent or more of the capital stock of any corporation, or ten percent or more of the ownership interests of any limited partnership interest in any year, or transfer of a controlling interest regardless of size.
- (b) Any change of officer or directors of a corporation that involves the addition or substitution of individual(s) who was not previously an officer or director of the corporation during a period of time that the corporation held the license.
- (c) Any transfer of the capital stock of any corporation, or transfer of any limited partnership interest in any general partnership of a limited partnership, or transfer of any limited liability company interest in a limited liability company of any kind, joint venture or business entity that results in any individual owning more than ten percent of an ownership interest in the business entity if that individual's ownership interest did not exceed ten percent prior to the transfer.
- (d) A change of corporate structure that results in any transfer or assignment of less than ten

percent of the capital stock of any corporation or less than ten percent of the ownership interests of any limited partnership interest in any year to a person who currently has an interest in the business, and that does not result in a change of controlling interest, shall not require and application for change of corporate structure.

- (e) No application for transfer of ownership or change in corporate structure may be approved by the Authority until all city and state occupational taxes, city and state sales and use taxes, excise taxes, any fines, penalties, and interest assessed against or imposed upon such licensee in relation to operation of the licensed business are paid in full.
- (f) In determining whether to permit a transfer of ownership, the Authority may consider the requirements of state statute and the Colorado Marijuana Rules. In addition, no application for transfer of ownership will be considered by the Authority if, at the time of such application, the licensee is under a notice of violation or other unlawful acts issued by either the Authority or the state licensing authority.
- (g) A licensee of a license issued pursuant to this Chapter shall report each transfer or change of financial interest in the license and/or the licensee to the Authority prior to any such transfer or change pursuant to and in accordance with the provisions of state statutes and the Colorado Marijuana Rules. A report shall be required for transfer of capital stock of any corporation regardless of the size, for transfers of member interests of any limited liability company regardless of size, and for any transfer of an interest in a partnership or other entity or association regardless of size.

Sec. 6-365. - Unlawful acts of licensees and persons.

- (a) It shall be unlawful for any licensee to:
 - (1) Violate or fail to comply with any provision, term, condition, or requirement of the Colorado Marijuana Code, including its rules.
 - (2) Allow marijuana or marijuana products to be consumed upon its licensed premises.
 - (3) Use advertising material that is misleading, deceptive, false, or designed to appeal to persons under twenty-one (21) years of age.
 - (4) Sell marijuana or marijuana products to a person under twenty-one (21) years of age or to a person who does not present a government-issued identification at the time of purchase.
 - (5) Refuse to allow inspection of a marijuana store upon request of an authorized city employee. Any licensee, owner, business manager, operator of a marijuana store, or owner of the property where a marijuana store is located may be charged with violation of this requirement.
 - (6) Advertise or publish materials or display signs that are in violation of this article.
 - (7) Violate any provision of this article or any condition of an approval granted pursuant to this article, or any law, rule, or regulation applicable to the use of retail marijuana or the operation of a retail marijuana store.
 - (8) Distribute marijuana or marijuana product within a marijuana store to any person who shows visible signs of intoxication from alcohol, marijuana, or other drugs.

- (9) No marijuana store or marijuana transporter may store marijuana or marijuana-infused products in any off-premises storage facility located within the city.
- (b) It shall be unlawful for any person to engage in any form of business or commerce involving the cultivation, processing, manufacturing, storage, sale, distribution, testing, or consumption of marijuana other than those forms of business and commerce that are expressly permitted by Section 14 of Article XVIII of the Colorado Constitutions, Section 16 of Article XVIII of the Colorado Constitution, the Colorado Marijuana Code including its rules, and this article, which permits only marijuana stores.

Sec. 6-366. – Nonrenewal, suspension or revocation of license.

- (a) The Authority may, after notice and hearing, suspend, revoke or refuse to renew a license for any of the following reasons:
- (1) The applicant or licensee, or his or her agent, manager or employee, or financier has violated, does not meet, or has failed to comply with, any of the terms, requirements, conditions or provisions of this Chapter or with or with any applicable state or local law or regulation.
 - (2) The applicant or licensee, or his or her agent, manager or employee, or financier has failed to comply with any special terms or conditions of its license pursuant to an order of the state or the Authority, including those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any disciplinary proceedings held subsequent to the date of issuance of the license.
 - (3) The retail marijuana or co-located retail and medical marijuana business has been operated in a manner that adversely affects the public health, safety or welfare.
 - (4) Misrepresentation or omission of any material fact, or false or misleading information, on the application or any amendment thereto, or any other information provided to the City related to the retail marijuana or co-located retail and medical marijuana business;
 - (5) Violation of any law by which, if occurring prior to submittal of the application, could have been cause for denial of the license application.
 - (6) Distribution of retail marijuana and/or medical, marijuana including, without limitation, in violation of this Chapter or any other applicable law, rule, or regulation.
 - (7) failure to maintain, or provide to the City upon request, any books, recordings, reports, or other records required by this Chapter.
 - (8) Failure to timely notify the City and to complete necessary forms for changes in financial interest, controlling interest, financier, or agent.
 - (9) Temporary or permanent closure, or other sanction of the business, by the city, or by the county or state public health department or other governmental entity with jurisdiction, for failure to comply with health and safety provisions of this Chapter or otherwise applicable to the business or any other applicable law.
 - (10) Revocation or suspension of another retail marijuana business or any other license issued by the city, the State, or any other jurisdiction held by any licensee of the retail marijuana or co-located retail and medical marijuana business.
 - (11) Failure to timely correct any violation of any law or comply with any order to correct a violation of any law within the time stated in the notice or order.

- (b) Evidence to support a finding under subsection (a) above may include, without limitation, one or a combination of the following;
 - (1) a continuing pattern of disorderly conduct;
 - (2) a continuing pattern of drug-related criminal conduct within the premises of the retail marijuana or co-located retail and medical marijuana business or in the immediate area surrounding such business;
 - (3) a continuing pattern of criminal conduct directly related to or arising from the operation of the retail marijuana or co-located retail and medical marijuana business; or
 - (4) An ongoing nuisance condition emanating from or caused by the retail marijuana or co-located retail and medical marijuana business.
 - (5) Criminal conduct shall be limited to the violation of a state or city law or regulation.
- (c) In the event a business or licensee is charged with violation of any law, upon which a final judgment would be grounds for suspension or revocation of the license, the city may suspend the license pending the resolution of the alleged violation.
- (d) If the city revokes or suspends a license, the business may not move any marijuana from the premises except under the supervision of the Fort Lupton Public Safety Department.
- (e) The Authority shall conduct a review of all licenses at least annually and, in addition to examining the factors enumerated in this subsection, may hold a hearing on each license at which the general public shall be invited to appear and provide testimony as to the effects of the license on the surrounding community and the city at large, and the Authority may take such views into consideration when deciding whether to continue or renew such license.
- (f) In the event of the suspension of a marijuana business license, during the period of suspension, the business:
 - 1. Shall post two notices provided by the Authority, in conspicuous places, one on the exterior and one on the interior of its premises for the duration of the suspension; and
 - 2. Shall not distribute or produce or test or transport marijuana, nor allow any customers into the licensed premises.

Sec. 6-367. Violations and penalties.

- (a) The Authority shall hear all actions relating to the suspension or revocation of licenses pursuant to this Chapter. The Authority shall have the authority to impose remedial sanctions for violations as well as suspend or revoke the license in its entirety.
- (b) In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this Chapter, any person, including but not limited to, any licensee, manager or employee of a retail marijuana or co-located retail and medical marijuana business, or any customer of such business, who violates any of the provisions of this Chapter, shall be guilty of a misdemeanor offense punishable in accordance with Section 1-72 and 10-289 of this Code. A person committing a violation shall be guilty of a separate offense for each and every day during which the offense is committed or continued to be permitted by such person

and shall be punished accordingly.

- (c) The city shall commence suspension or revocation proceedings by petitioning the Authority to issue an order to the licensee to show cause that the licensee's license(s) should not be suspended or revoked. The Authority shall issue such an order to show cause if the petition demonstrates that evidence exists to determine that one or more grounds exist to suspend or revoke the licensee's license(s). The order to show cause shall set the matter for a public hearing before the authority.
- (d) The city clerk shall give written notice of the public hearing no later than ten days prior to the hearing by mailing, either electronically or by first class mail, the notice to the licensee at the address contained in the licensee's license. At the hearing, the licensee shall have the opportunity to be heard, to present evidence and witnesses, and to cross examine witnesses presented by the city. The Authority shall have the power to 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 that the Authority is authorized to conduct. The standard of proof at such hearings shall be a preponderance of the evidence. The burden of proof shall be upon the city. The Authority shall be permitted to accept any evidence that they find to be relevant to show cause proceeding.
- (e) The following shall be grounds for suspension or revocation of the licensee's license(s):
 - (1) A violation by a licensee or licensee's officers, agents, or employees of any of the provisions of this Chapter, or any laws of the city or the State of Colorado relating to the sale of marijuana products.
 - (2) Violations of any conditions imposed in connection with the issuance or renewal of the license.
 - (3) Failure to pay state or local taxes related to the operation of the business associated with the license.
 - (4) Loss of right of possession to the licensed premises.
 - (5) Fraud, misrepresentation, or a false statement of material fact contained in the original or renewal license application or communication with the city.
 - (6) The licensee, or any of the agents or employees of the licensee, have committed any unlawful act as described in this Chapter or violated any ordinance of the city or any state law on the premises or have permitted such a violation on the premises by any other person.
 - (7) The odor of marijuana is perceptible to an ordinary person at the exterior of the building at the licensed premises or is perceptible within any space adjoining the licensed premises.

- (f) If the Authority finds that a violation has occurred, the Authority may:
- (1) Revoke the license for any period up to and including permanent revocation;
 - (2) Suspend the license for any period of time;
 - (3) Impose a fine or fine in lieu of suspension of at least \$500.00 but no more than \$100,000.00; or
 - (4) Establish conditions that must be met before the license holder may apply for reinstatement of the license.
- (g) The Authority must establish factors to consider when determining the amount of fine to impose and a matrix of steps for fine amounts. These factors and matrix must be used consistently for all imposed penalties. The Colorado State Marijuana Enforcement Penalty Schedule may be used as a guide to create the local sentencing scheme.
- (h) Payment of any fine pursuant to the provisions of this Chapter shall be in the form of cash or in the form of a certified check or cashier's check made payable to the City Clerk and paid within 15 days of the imposed sanction.
- (i) If a license is suspended for any period of time, the licensee must post signage that states the license is under suspension or revocation due to violations of this Chapter, and that all sales of marijuana products are prohibited for the period of the suspension. The signage shall be prominently displayed at all entrances on the premises for the entirety of the suspension or revocation.
- (j) When a license has been revoked, no new license shall be issued to the same licensee for the period of one year after the revocation.
- (k) All licensees are assumed to be fully aware of the law and the city shall not therefore be required to issue warnings before issuing citations for violations of this Chapter.

Sec. 6-368. - No city liability; indemnification.

- (a) By accepting a license issued pursuant to this article, the licensee waives and releases the city, its officers, elected and appointed officials, employees, attorneys, agents, and authorized volunteers from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of the owners, operators, employees, clients, or customers of the retail marijuana store for a violation of state or federal laws, rules, and regulations.
- (b) By accepting a license issued pursuant to this article, all licensees, jointly and severally, if more than one, agree to indemnify, defend, and hold harmless the city, its officers, elected and appointed officials, employees, attorneys, agents, authorized volunteers, 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 retail marijuana store that is the subject of the license.

Sec. 6-369. - Other laws remain applicable.

- (a) Except as specifically provided herein, to the extent the state adopts any additional or stricter law, rule or regulation, governing the sale, transportation, manufacture, cultivation, processing, packaging, displaying, testing, or distribution of retail marijuana or retail marijuana products, the additional or stricter regulation shall control the operation of any retail marijuana establishment in the city. Compliance with any applicable state law, rule or regulation shall be deemed an additional requirement for issuance, renewal or denial of any license or operation of any establishment under this article, and noncompliance with any applicable state law or regulation shall be grounds for non-renewal, revocation, or suspension of any license issued hereunder.
- (b) Any licensee may be required to demonstrate, upon demand by the local licensing authority, its authorized representative, or by law enforcement officers that the source and quantity of any marijuana sold upon the licensed premises are in full compliance with any applicable state law or regulation.
- (c) If the state or federal government prohibits the sale, transportation, manufacture, cultivation, processing, packaging, testing, or distribution of marijuana through retail marijuana establishments, any license issued hereunder shall be deemed immediately revoked by operation of law, with no ground for appeal, or other redress available, on behalf of the licensee.
- (d) The issuance of any license pursuant to this article 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 transportation, packaging, manufacturing, cultivation, possession, sale, distribution, testing, or use of marijuana.

Section 3. Codification Amendments. The codifier of Fort Lupton’s Municipal Code is hereby authorized to make such numerical, technical, and formatting changes as may be necessary to incorporate the provisions of this ordinance within the Fort Lupton Code.

Section 4. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The city council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. The repeal or modification of any provision of the Municipal Code of the City of Fort Lupton by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred

under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 7. This ordinance is deemed necessary for the preservation of the public property, health, welfare, peace and safety.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 7th day of September 2021.

PUBLISHED in the Fort Lupton Press the 15th day of September 2021.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED PUBLISHED BY TITLE ONLY this 5th day of October 2021.

PUBLISHED BY TITLE ONLY the 13th day of October 2021.

EFFECTIVE (after publication) the 12th day of November 2021.

CITY OF FORT LUPTON, COLORADO

Zo Stieber, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney