

**TOWN OF SUPERIOR
ORDINANCE NO. O-18
SERIES 2023**

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR AMENDING CHAPTER 6 BY THE ADDITION OF A NEW ARTICLE IX, TO ESTABLISH LICENSING PROCEDURES FOR THE SALE OF RETAIL MARIJUANA WITHIN THE TOWN OF SUPERIOR

WHEREAS, all marijuana sales within the Town are currently prohibited under the Superior Municipal Code;

WHEREAS, the Board of Trustees desires to permit the sale of retail marijuana within the Town; and

WHEREAS, the Board of Trustees wishes to establish licensing procedures to regulate the sale of retail marijuana within the Town.

NOW BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

Section 1. Section 10-8-70 of the Superior Municipal Code is hereby repealed in its entirety.

Section 2. Chapter 6 of the Superior Municipal Code is hereby amended by the addition of a new Article IX, to read as follows:

**ARTICLE IX
RETAIL MARIJUANA LICENSING**

Sec. 6-9-10 – Authority, Scope, and Purpose.

(a) The Board of Trustees hereby finds and declares that it has the power to adopt this Article and the prohibitions set forth herein pursuant to Article XVIII, Sections 14 and 16 of the Colorado Constitution; the Colorado Marijuana Code, C.R.S. § 44-10-101, *et seq.*; C.R.S. § 29-20-101, *et seq.*; and Title 31, C.R.S.

(b) Except as otherwise specifically provided herein, this Article incorporates the requirements and procedures set forth in the Colorado Marijuana Code and the Colorado Marijuana 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.

(c) The purpose of this Article is to provide for the regulation, control, and licensing of the sale of retail marijuana and retail marijuana products within the Town for the purpose of protecting the health, safety, and welfare of Town residents and guests.

(d) The sale of medical marijuana remains prohibited within the Town.

Sec. 6-9-20 – Definitions.

As used in this Article, the following words and terms shall have the following meanings, provided that other terms not specifically enumerated in this section shall be defined in Section 14 of Article XVIII of the Colorado Constitution, Section 16 of Article XVIII of the Colorado Constitution, the Colorado Marijuana Code, and the Colorado Marijuana Rules, 1 CCR 212-3:

Advertise, advertising, or advertisement means the act of drawing the public's attention to a retail marijuana store to promote the sale of retail marijuana or retail marijuana products by the store.

Applicant means a person or entity that has submitted an application for licensure, an application for renewal of licensure, or any other application pursuant to or required by this Article.

Entity means a domestic or foreign corporation, cooperative, general partnership, limited liability partnership, limited liability company, limited partnership, limited liability limited partnership, limited partnership association, nonprofit association, nonprofit corporation, or any other organization or association that is formed under a statute or common law and recognized as a separate legal entity.

Good cause includes any of the following:

(1) The applicant or licensee has violated, does not meet, or has failed to comply with any terms, requirements, conditions, or provisions of this Article, the Colorado Marijuana Code, the Colorado Marijuana 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 knowingly submitted a false application, 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 drug or narcotic convictions;

c. The applicant or licensee has had a previous retail or medical marijuana license denied or revoked as a result of violations of law, rule, regulation, or a 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 an established pattern of multiple statutory violations that resulted in the revocation or denial of any other professional license, leading to the finding of bad moral character by any licensing authority; and

f. When making a determination as to character, record, and reputation, the LLA shall also consider evidence of rehabilitation. Such evidence may include without limitation evidence of no criminal record, educational achievements, financial solvency, community standing, lack of additional arrests or convictions, or the lack of parole or probation violations since the date of the last conviction.

(3) The applicant or licensee has failed to comply with any special terms or conditions placed on its license pursuant to an order of the state or local licensing 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 renewal or suspension proceedings held subsequent to the date of issuance of the license.

(4) The licensed premises has operated in a manner that adversely affects the public health, welfare, or safety. Evidence to support such a finding can include without limitation a continuing pattern of drug-related criminal conduct upon or in the immediate vicinity of the marijuana store, a continuing pattern of criminal conduct directly related to or arising from the operation of the marijuana store, or an ongoing nuisance condition emanating from or caused by the operation of the marijuana store.

Licensed premises means the premises specified in an application for a license under this Article.

Licensee means a person licensed pursuant to this Article.

Limited access area means a building, room, or other contiguous area upon the licensed premises where retail marijuana is stored, weighed, packaged, sold, possessed for sale, or transferred, under control of the licensee.

Manager means the person or those persons who manage, direct, supervise, oversee, and administer the transactions and acts of servants of the establishments governed by this Article and includes, when applicable, the definition provided in the Colorado Marijuana Rules and C.R.S. § 44-10-103, as amended.

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 accessories means any equipment, products, or materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

Marijuana product 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 without limitation concentrate, that is produced at a retail marijuana products manufacturer and intended for use or consumption, including without limitation edible products, ointments, and tinctures.

Retail marijuana means "marijuana," as defined in Section 16(2)(f) of Article XVIII of the Colorado 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 store means an entity licensed by the Town and state to purchase marijuana from marijuana cultivation facilities or marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

School means a public, independent, private, or parochial educational institution serving 25 or more infants, preschoolers, or children and including childcare centers, kindergarten through twelfth grade (K-12), college, or university. For purposes of this Article, swim schools or other similar training facilities are excluded from the definition of *school*.

Transfer of ownership means a change of ownership or corporate structure of any licensee holding a marijuana store license that requires a change of owner application pursuant to the Colorado Marijuana Rules.

Sec. 6-9-30 – License Required and Number of Retail Marijuana Stores.

- (a) The LLA may approve and issue local licenses for retail marijuana stores.
- (b) The maximum number of retail marijuana store licenses the LLA may approve within the Town shall not exceed two (2) at any point in time.
- (c) It is unlawful for any person to operate or cause to be operated a retail marijuana store in the Town without first obtaining a license under this Article. A separate license is required for each specific business or business entity and for each geographical location.
- (d) All retail stores shall obtain a Town sales tax license.
- (e) The license required by this Article shall be in addition to any other licensing and permitting requirements imposed by any other federal, state, or local law.
- (f) It is unlawful for any person to engage in any business or commerce involving the acquisition, cultivation, processing, manufacturing, packaging, labeling, storage, sale, distribution, testing, or consumption of marijuana except as authorized by this Article, and except for the cultivation of medical marijuana by primary caregivers pursuant to the Medical Marijuana Program, C.R.S. § 25-1.5-106, as amended.

Sec. 6-9-40 – Local Licensing Authority.

- (a) The Local Licensing Authority ("LLA") shall have two (2) divisions:
- (1) The Board of Trustees shall serve as the LLA for all new license applications, renewal applications, change of manager requests, applications for transfer of ownership, and applications for modifications of premises.
 - (2) The Municipal Court shall serve as the LLA for show cause orders and hearings on suspensions, revocations, and other disciplinary actions.
- (b) Members of the LLA shall not have any financial interest in the operation of any business located or operating in the Town that holds a marijuana business license.
- (c) The LLA shall have all powers and duties granted to local licensing authorities by the Colorado Marijuana Code, as amended, and this Article, including without limitation:
- (1) The LLA shall exercise all powers expressly granted and necessarily implied by the Colorado Marijuana Code, the Colorado Marijuana Rules, and this Article regarding the licensure of retail marijuana stores, including without limitation:
 - a. Considering applications for licensure and renewal of new retail marijuana stores, changes of manager, transfers of ownership, modification of licensed premises, and changes of location.
 - b. Imposing reasonable terms and conditions on a license as may be necessary to protect the public health, safety, and welfare and to obtain compliance with this Article and applicable law.
 - c. Suspending, revoking, or refusing to renew a license for good cause, after notice and a hearing, and imposing fines and penalties related thereto.
 - (2) The LLA shall have the power to administer oaths and issue subpoenas to require the presence of persons and the production of documents, data compilations, and other evidence at any hearing before the authority. A subpoena shall be served in the same manner as a subpoena issued by a district court of the State of Colorado. It is unlawful for any person to fail to comply with any subpoena issued by the LLA. The Municipal Court shall enforce the subpoenas of the LLA and, upon good cause shown, shall enter orders compelling witnesses to attend and testify or produce documents, data compilations, or other evidence, and shall impose penalties or punishment for contempt in case of failure to comply with such orders.
- (d) On behalf of the LLA, the Town Clerk shall:
- (1) Receive all applications and fees, and issue those licenses granted by the LLA;
 - (2) Attend all meetings of the LLA and serve as secretary of the LLA;
- and

- (3) Post and publish all required notices.

Sec. 6-9-50 – Retail Marijuana Stores.

(a) Applications for new retail marijuana store licenses shall be made on forms provided by the Town Clerk and shall include all materials required by the Colorado Marijuana Code and the Colorado Marijuana Rules. At the time of application for a license or license renewal, each applicant shall present one of the following forms of identification for the applicant, all controlling beneficial owners, as that term is defined in the Colorado Marijuana Code, of the business or entity that is applying, and the proposed manager of the retail marijuana store:

- (1) An operator's, chauffeur's, or similar type of driver's license issued by any state within the United States or U.S. Territory;

- (2) An identification card, issued by any state for the purpose of proving age using requirements similar to those in C.R.S. 42-2-302 and 42-2-303;

- (3) A United States military identification card;

- (4) A valid passport; or

- (5) An enrollment card issued by the governing authority of a federally recognized tribe located in the State of Colorado.

(b) At the time of application for a license or license renewal, each applicant shall pay a nonrefundable application fee to the Town to defray the costs incurred by the Town in processing the application, as well as an annual licensing fee, to be established by Board of Trustees resolution. If the application is denied, the Town shall refund the licensing fee to the applicant.

(c) The applicant shall also provide the following information for the applicant, and as applicable, the manager, and all persons having any financial interest in the store that is the subject of the application:

- (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 or more persons in any such occurrence, as set forth in the Colorado Governmental Immunity Act (C.R.S. § 24-10-101, *et seq.*), as amended from time to time.

- (2) An affidavit confirming that the proposed retail marijuana store is not within a radius of five hundred (500) feet, as measured from the nearest portion of the footprint of the proposed retail marijuana store to the nearest property line of any school or other retail marijuana store.

(d) The applicant shall also provide the following information on a form provided by the Town Clerk, for the applicant, all controlling beneficial owners, and the proposed manager:

- (1) Name, address, and date of birth, demonstrated by one of the forms of identifications listed in subsection (a) hereof;

(2) Suitable evidence of proof of lawful presence, residence, and good character and reputation that the Town may request;

(3) Proof of the state's finding of suitability to own a marijuana business;

(4) If the applicant is a business entity, information regarding the entity, including without limitation the name and address of the entity, identification of all controlling beneficial owners of the entity as defined in the Colorado Marijuana Code, proof of the entity's legal status, and proof of the entity's registration with, or certificate of good standing from, the Colorado Secretary of State, as applicable;

(5) The name and complete address of the proposed marijuana business;

(6) A preliminary determination from the Planning Department in the form of a zoning verification letter that states whether the location is an eligible location for a retail marijuana store, provided that this preliminary determination shall not preclude a later determination that the proposed location does not comply with any one or more zoning or land use laws of the Town;

(7) A copy of any deed, lease, or contract reflecting the right of the applicant to possess and operate the proposed licensed premises for its proposed purpose along with the conditions of occupancy of the premises, and if the applicant is not the owner, a notarized statement from the owner of such property authorizing the use of the property for a retail marijuana store;

(8) A copy of any determination of social equity licensing eligibility issued by the State of Colorado, if applicable;

(9) Evidence of a valid Town sales tax license;

(10) A statement of whether any person holding any ownership interest has:

a. Been denied an application for a marijuana store license by the state in this or any other jurisdiction or in any other state, or had such a license suspended or revoked in Colorado or any other state; and

b. Been convicted of a felony or has completed any portion of a sentence due to a felony charge within the preceding seven (7) years.

(11) Each applicant shall obtain and submit a report from a certified industrial hygienist to verify that the store and its processes and procedures, including without limitation the sale and storage of marijuana, are in compliance with all applicable laws, rules, and regulations set forth in this Article and in the Colorado Marijuana Code and Colorado Marijuana Rules, and adequately designed and operated to protect the store, its employees, customers, the general public, and adjacent properties;

(12) Copies of background checks, photo identification, and fingerprints of all persons who are required to request a finding of suitability by state law or regulation and any other person required by the local licensing authority, as well as a statement of all violations and penalties for any infractions or offenses by the

applicant or applicant's controlling beneficial owners, principal officers, managers, agents, or employees relating to any marijuana store in this or any other state or a statement that no such violations or penalties have occurred; and

(13) Any additional document(s) or information reasonably requested by the LLA.

(e) Plans Required. An Applicant shall be responsible for providing the following as part of the application process:

(1) A "to scale" diagram of the premises showing a site plan, building layout, all entries and exits to the retail marijuana store, loading zones, and all areas in which marijuana products will be stored or dispensed.

(2) A comprehensive operations plan for the retail marijuana store which shall contain, without limitation, the following:

a. A detailed description and vicinity map of the proposed location, including a full address;

b. A general description of site improvements proposed, and the land development approvals required therefor;

c. A floor plan showing all interior dimensions of the proposed licensed premises and the layout of the marijuana store, including all limited access areas, areas of ingress and egress, and all security cameras. Such floor plan shall also show the principal uses of the floor area depicted therein; and

d. A description of the products to be sold by the store.

(3) A business plan, including the following:

a. A general description of the business;

b. Details of overall management and operations, including hours of operation, curricula vitae of all principal officers and managers, and staffing plans;

c. Commitments of the licensee toward staffing the establishment with a diverse and inclusive workforce, the planned recruitment process for filling positions, employee training, and advancement and benefits packages for all levels of staff;

d. Financial information demonstrating liquid assets of \$250,000.00 in the applicant's control, financial projections including assumptions used, and sources of funds; and

e. A description of the applicant's experience operating licensed marijuana businesses in Colorado or elsewhere, including compliance with state and local laws or violations or alleged violations pending determination.

(4) A community engagement plan, including:

- a. The applicant's history of community and neighborhood involvement with other similar businesses;
- b. Written policies and procedures to address community concerns and complaints;
- c. A designated point of contact, with comprehensive contact information, for public questions and concerns; and
- d. Measures and procedures for mitigating any impacts to the neighborhood, foreseen or unforeseen.

(5) A security plan indicating how the applicant intends to comply with the Colorado Code and the Colorado Marijuana Rules as well as the following detailed information:

- a. Evidence of methods that the applicant plans to use to comply with all security and video surveillance requirements set forth in the Colorado Marijuana Rules;
- b. The store's procedures for preventing the use or consumption of marijuana on the licensed premises;
- c. Security measures taken by the licensee to prevent unauthorized individuals from entering the limited access area portion of the licensed premises;
- d. The licensee's plan to prevent theft or the diversion of marijuana, including maintaining all marijuana in a secure, locked room that is accessible only to authorized persons and, when the business is closed to the public, in a safe or vault or equivalent secured fixture;
- e. The type of alarm system and outdoor lighting to be used by the licensee;
- f. A copy of the licensee's security alarm system monitoring contract;
- g. A lighting plan showing the lighting outside of the marijuana store for security purposes and compliance with applicable Town requirements;
- h. A plan for disposal of any marijuana that is not sold, and any waste generated from store operations; and
- i. A plan for preventing underage persons from entering the premises.

(6) A sustainability plan that describes business practices that will be implemented to mitigate environmental impacts including energy consumption, water consumption, and waste generation, which may include without limitation office operations and supplies, drinking water and other water usage, facility cleaning, waste handling, and energy usage.

(7) Plan for disposal of any retail marijuana or retail marijuana product that is not sold in a manner that protects any portion thereof from being possessed or ingested by any person or animal.

(8) A plan for ventilation of the 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 store or at any adjoining property.

(f) Upon receipt of an application, the Town Clerk shall notify all affected departments of the Town to determine whether the application is in full compliance with all state and local laws, rules, and regulations. The Town Clerk, upon review of all applicable information, shall prepare a report including all applicable documents to be submitted to the LLA.

(g) If the criminal history of an owner, member, manager, financier, or other person named on the application contains information regarding the 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 without limitation evidence of rehabilitation, character references, and educational achievements, specifically documentation pertaining to the period of time between the applicant's last criminal conviction and the date of the application.

(h) A license issued pursuant to this Article does not eliminate the requirement for the licensee to obtain other required permits or licenses related to the operation of the retail store, including without limitation any State license, sales tax license, business registration, development approvals, or building permits.

Sec. 6-9-60 – Review of Application.

(a) The Town Clerk shall review an application for completeness. The Town Clerk shall reject an application if any of the information required as part of the application was not submitted. If the application is incomplete, the Town Clerk shall notify the applicant in writing of the application's deficiencies within fifteen (15) days of receipt of the application. The applicant shall have fifteen (15) days from the date the notification was emailed or mailed by the Town Clerk to remedy the deficiency. If the applicant fails to remedy the deficiencies within the specified period, the Town Clerk shall deny the application and notify the applicant of the denial.

(b) Once the Town Clerk has determined the application is complete, the Town Clerk shall provide the complete application to the LLA to evaluate the application based on a multi-factor balancing test, considering the criteria listed below and the totality of the circumstances, with the overall goal of approving applications that provide the greatest benefit to the Town and its inhabitants by offering and maintaining the safest environment, the best service, and the fewest negative impacts to the community. The LLA shall evaluate applications on their own merits, not in comparison to other applications, based on the following criteria:

(1) The applicant's experience operating a licensed marijuana business in Colorado or any other state, including compliance with state and local laws, violations, or alleged violations thereof;

(2) The convenience of the proposed location to the residents of the Town, considering any synergies, redundancies, or conflicts posed by the proposed locations of other marijuana store applications;

(3) The applicant's ability to demonstrate, through a business plan, its ability to operate and develop the proposed store in a highly regulated industry;

(4) The applicant's demonstrated ability to operate an effective and lawful analogous business, if applicable;

(5) Diversity of ownership of marijuana industry licenses or permits, including consideration of ownership of any active licenses or stores located in the United States;

(6) The quality and detail of the proposed business plan, community engagement plan, and other application materials;

(7) The degree of detail and completeness provided in the application and the extent to which the application includes false or misleading information;

(8) Community benefit, which includes providing a living wage and employee benefits and compliance with local, state, and federal employee non-discrimination policies;

(9) Whether the licensee is eligible to operate as a social equity licensee;

(10) Additional information that demonstrates the ability to operate in a safe and responsible manner in the Town, including, without limitation, a review of the quality and thoroughness of application materials, connection to the Town, ability to serve the Town, familiarity with the Town, and innovative business models consistent with the Superior community; and

(11) Any other unique benefits the application would present to the inhabitants of the Town and any other factors that may be relevant.

Sec. 6-9-70 – Renewal.

(a) Each license issued shall be valid for one year from the date of issuance and may be renewed only as provided in this Article. The LLA shall act on renewal applications received from the state licensing authority in accordance with the Colorado Marijuana Code, the Colorado Marijuana Rules, and this Article.

(b) The timely filing of a renewal application shall extend the current license until a decision is made on the renewal. Notwithstanding this subsection (b), a licensee whose license has been expired for not more than ninety (90) days may file a late renewal application upon the payment of a nonrefundable late application fee to the Town. A licensee who files a late renewal application and pays the requisite fee may be subject to compliance with all applicable local, state, and federal laws, rules and regulations and continue to operate until a decision is made on the renewal.

Sec. 6-9-80 – Fees.

The Board of Trustees shall, by resolution, set application, licensing, renewal, late renewal, and annual operating fees, to cover the reasonable costs of processing applications under this Article.

Sec. 6-9-90 – Operation Restrictions.

(a) All distribution, possession, storage, display, sales, or other distribution of marijuana shall occur only within the restricted area of a licensed retail marijuana store and shall not be visible from the exterior of the licensed retail marijuana store.

(b) Each retail marijuana store licensee shall manage or have a separate and distinct manager and shall register the manager of each store with the state and the LLA. No person shall be a registered manager for more than one retail marijuana store. Whenever a person ceases to be a registered manager of a retail marijuana store, the licensee shall notify the LLA and State as required by law. Either the state or the LLA 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.

(c) Each retail marijuana store licensee shall, within ninety (90) days of receipt of a license, obtain a responsible vendor designation as set forth in the Colorado Marijuana Code and maintain the designation for the duration of the license.

(d) In accordance with the ventilation plan submitted at the time of application, a retail marijuana store's ventilation system shall operate so as 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.

(e) 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 Town's wastewater pretreatment requirements into or upon any watercourse or Town reclamation conduit, facility, or plant.

(f) Off-premises storage of marijuana and marijuana products is prohibited. No retail marijuana store may store marijuana or marijuana products in any off-premises storage facility located within the Town.

(g) Retail marijuana stores shall report to the LLA 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) A license shall not be transferable to any other person except as provided in this Article. Licensees shall report a transfer of ownership of any license to the Town at least thirty (30) days before the proposed transfer or change and shall file an application with the Town and pay the requisite fees.

- (2) Change of business manager shall be reported to the Town at least thirty (30) days before the proposed change.
 - (3) A licensee shall report a proposed change of location of any retail marijuana store to the Town at least sixty (60) days before the proposed change and shall file an application with the Town and pay the requisite fees.
 - (4) File sales and use tax reports to the Town monthly.
 - (5) A violation of any law by any licensee or applicant of a retail marijuana store.
- (h) Licensees shall immediately report to the police department any unlawful act, conduct, or disturbance committed upon the premises.
- (i) The owner or manager of a retail marijuana store shall respond by phone or email within twenty-four (24) hours of contact by a Town official concerning its store at the phone number or email address provided to the Town as the contact for the business. Each 24-hour period during which an owner or manager does not respond shall be considered a separate violation.
- (j) Signs and advertising.
- (1) Any person or premises licensed as a retail marijuana store shall comply with all Town ordinances regulating signs and advertising. In addition, no 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 18 years of age.
 - (2) Except as otherwise provided in this subsection, it is unlawful for any person licensed under this Article or any other person to advertise any marijuana or marijuana product anywhere in the Town where the advertisement is visible to members of the public from any street, sidewalk, park, or other public place, including without limitation any advertisement which utilizes 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 Town's zoning requirements and any other applicable Town laws and regulations;
 - b. Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the Town; or

c. Advertising which is purely incidental to sponsorship of a charitable event by a retail marijuana store.

(3) Signage. 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 Town Clerk's office, which sign shall be in the following form:

"WARNING: THE BOULDER COUNTY SHERIFF'S OFFICE MUST BE NOTIFIED IMMEDIATELY OF ALL UNLAWFUL ACTS AND DISTURBANCES IN THIS STORE."

(k) The license, along with the Town sales tax license, shall be displayed continuously at the licensed premises.

Sec. 6-9-100 – Violation and Penalty.

(a) It is unlawful for any person or entity to:

(1) Violate or fail to comply with any provision of this Article, any condition of an approval granted pursuant to this Article, or any law, rule, or regulation applicable to the operation of a retail marijuana store, including without limitation the Colorado Marijuana Code and the Colorado Marijuana Rules.

(2) Allow marijuana or marijuana products to be consumed on the licensed premises.

(3) Use advertising material that is misleading, deceptive, false, or that is designed to appeal to persons under eighteen (18) years of age.

(4) Sell retail marijuana or retail 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 retail marijuana store upon request of an authorized Town employee.

(6) Distribute retail marijuana or any retail marijuana products within a retail marijuana store to any person who shows visible signs of intoxication from alcohol, marijuana, or other drugs.

(b) In addition to the possible denial, suspension, revocation, or non-renewal of a license pursuant to this Article, any person convicted of a violation of this Article shall be punished as set forth in Section 1-3-20 of this Code.

Section 3. The Schedule of Uses located in Section 16-6-120 of the Superior Municipal Code is hereby amended by the addition of the following use to read as follows:

Use	B-C Community	B-R Regional	B-O Office Park	M-U Mixed Use
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Retail Marijuana Store	P	P	P	X
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Section 4. Severability. 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 Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

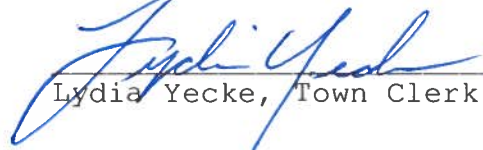
Section 5. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 28th day of August 2023.



 Mark Lacis, Mayor

ATTEST:


 Lydia Yecke, Town Clerk

