

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 3
SERIES OF 2015**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING
SECTIONS 6-8-140 AND 6-9-170 OF THE RIFLE MUNICIPAL CODE
REGARDING ENFORCEMENT OPTIONS FOR VIOLATIONS OF STATE OR
LOCAL MEDICAL AND RETAIL MARIJUANA LAWS.

WHEREAS, Chapter 6, Articles VIII and IX of the Rifle Municipal Code (“RMC”) regulates the licensing of medical and retail marijuana establishments permitted within the City of Rifle (“City”) and provides for methods of enforcement when an applicable marijuana establishment license and/or state or local marijuana establishment law is violated; and

WHEREAS, Sections 6-8-140 and 6-9-170 of the Code only provide for suspension or revocation of, respectively, a medical marijuana establishment or retail marijuana establishment license in the event of a violation of license conditions and/or state or local marijuana establishment laws; and

WHEREAS, C.R.S. Sections 12-43.3-601 and 12-43.4-601 allow a local marijuana establishment licensing authority to receive the payment of a fine for a violation in lieu of the local licensing authority allowing suspension of a local medical marijuana establishment and retail marijuana establishment license to become operative; and

WHEREAS, the City Council finds that Sections 6-8-140 and 6-9-170 of the Code should be amended in order to provide the City additional marijuana establishment license enforcement options and to encourage compliance with such licenses and state and local marijuana establishment laws.

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

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Section 6-8-140 of the Rifle Municipal Code is hereby amended to read as follows, the following **bold, double underlined text** depicting newly enacted language:

Sec. 6-8-140. Suspension or revocation of license.

(e) Whenever a decision of the Local Licensing Authority suspending a license becomes final, whether by failure of the licensee to appeal the decision, stipulation between the City and the licensee that such decision is final, or by exhaustion of all appeals and judicial review, the licensee may, before the operative date of the suspension, petition for permission to pay a fine in lieu of having the license suspended for all or part of the suspension period. Upon receipt of the petition, the Local Licensing Authority may, in its sole discretion, stay the proposed

suspension and cause any investigation to be made which it deems desirable and may, in its sole discretion, grant the petition if it is satisfied and finds:

- (1) **That the public welfare and morals will not be impaired by permitting the licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purpose; and**
- (2) **That the books and records of the licensee are kept in such a manner that the loss of sales or other impacts that the licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and**
- (3) **That the licensee has not had his or her license suspended or revoked by the Local Licensing Authority, nor had any suspension stayed by payment of a fine to the Local Licensing Authority, during the two years immediately preceding the date of the complaint or request which resulted in a final decision to suspend the license.**

(f) The fine imposed pursuant to subsection (e) shall not be less than five hundred dollars nor greater than one-hundred thousand dollars and the Local Licensing Authority may consider, among other things, licensee's estimated gross revenues from sales or other impacts during the period of the proposed suspension in determining the amount of the fine.

(g) The Local Licensing Authority may, in its sole discretion, enter into a stipulation and order with a licensee imposing a fine in lieu of suspension of a license contemporaneous with entering into a stipulation and order with a licensee containing such findings as are required in subsection (e).

(h) Payment of any fine accepted in lieu allowing a license suspension to become operable shall be in the form of cash, certified check or cashier's check. Said funds shall be deposited into the general fund of the City of Rifle. Upon receipt of the fine, the Local Licensing Authority shall enter an order permanently staying the operation of the suspension.

(i) If the Local Licensing Authority does not make the findings required under subsection (e) and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date of suspension set by the Local Licensing Authority. Notwithstanding the foregoing, the Local Licensing Authority may grant such stays of the suspension proceedings as are necessary for it to complete its investigation and make the findings required under subsection (e).

Section 3. Section 6-9-170 of the Rifle Municipal Code is hereby amended to read as follows, the following **bold, double underlined text** depicting newly enacted language:

Sec. 6-9-170. Suspension or revocation of license.

(e) Whenever a decision of the Local Licensing Authority suspending a license becomes final, whether by failure of the licensee to appeal the decision, stipulation between the City and the

licensee that such decision is final, or by exhaustion of all appeals and judicial review, the licensee may, before the operative date of the suspension, petition for permission to pay a fine in lieu of having the license suspended for all or part of the suspension period. Upon receipt of the petition, the Local Licensing Authority may, in its sole discretion, stay the proposed suspension and cause any investigation to be made which it deems desirable and may, in its sole discretion, grant the petition if it is satisfied and finds:

- (1) That the public welfare and morals will not be impaired by permitting the licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purpose; and
- (2) That the books and records of the licensee are kept in such a manner that the loss of sales or other impacts that the licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and
- (3) That the licensee has not had his or her license suspended or revoked by the Local Licensing Authority, nor had any suspension stayed by payment of a fine to the Local Licensing Authority, during the two years immediately preceding the date of the complaint or request which resulted in a final decision to suspend the license.

(f) The fine imposed pursuant to subsection (e) shall not be less than five hundred dollars nor greater than one-hundred thousand dollars and the Local Licensing Authority may consider, among other things, licensee's estimated gross revenues from sales or other impacts during the period of the proposed suspension in determining the amount of the fine.

(g) The Local Licensing Authority may, in its sole discretion, enter into a stipulation and order with a licensee imposing a fine in lieu of suspension of a license contemporaneous with entering into a stipulation and order with a licensee containing such findings as are required in subsection (e).

(h) Payment of any fine accepted in lieu allowing a license suspension to become operable shall be in the form of cash, certified check or cashier's check. Said funds shall be deposited into the general fund of the City of Rifle. Upon receipt of the fine, the Local Licensing Authority shall enter an order permanently staying the operation of the suspension.

(i) If the Local Licensing Authority does not make the findings required under subsection (e) and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date of suspension set by the Local Licensing Authority. Notwithstanding the foregoing, the Local Licensing Authority may grant such stays of the suspension proceedings as are necessary for it to complete its investigation and make the findings required under subsection (e).

INTRODUCED on March 4, 2015, read by title, passed on first reading, and ordered published by title as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on March 18, 2015, passed without amendment, approved, and ordered published in full as required by the Charter.

Dated this ____ day of _____, 2015.

CITY OF RIFLE, COLORADO

BY: _____
Mayor

ATTEST:

City Clerk