

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER POND**  
**Council Bill No. 10**  
**Ordinance No. 1598**  
**Series 2016**

**TITLE: AN ORDINANCE AMENDING SECTIONS 11-218, 11-293, 11-401, 11-404, 11-415, 26-204 AND 26-640 OF THE WHEAT RIDGE CODE OF LAWS TO ADOPT REGULATIONS GOVERNING MEDICAL MARIJUANA TESTING FACILITIES**

**WHEREAS**, the City of Wheat Ridge ("City") is a home rule municipality operating under a charter adopted pursuant to Article XX of the Colorado Constitution and vested with the authority by that article and the Colorado Revised Statutes to adopt ordinances for the regulation of land use and the protection of the public health, safety and welfare; and

**WHEREAS**, pursuant to the authority granted by Section 14, Article XVIII of the Colorado Constitution and the Colorado Medical Marijuana Code, Article 43.3, Title 12, C.R.S., the Wheat Ridge City Council ("Council") previously adopted local regulations governing medical marijuana establishments; and

**WHEREAS**, pursuant to the authority granted by Section 16, Article XVIII of the Colorado Constitution and the Colorado Retail Marijuana Code, Article 43.4, Title 12, C.R.S., the Council previously adopted local regulations governing retail marijuana establishments; and

**WHEREAS**, prior to July of 2016, state law authorized the licensure and operation of retail marijuana testing facilities, but not of medical marijuana testing facilities; and

**WHEREAS**, through the adoption of Senate Bill 15-260, effective on July 1, 2016, the Colorado Legislature authorized the licensure and operation of medical marijuana testing facilities, including local authority to license and regulate those facilities; and

**WHEREAS**, the City's existing marijuana regulations authorize and address retail marijuana testing facilities but are silent concerning medical marijuana testing facilities; and

**WHEREAS**, the Council finds that the operation of medical marijuana testing facilities could be compatible with other authorized land uses within the City if the facilities are appropriately located, operated and monitored through regulatory oversight; and

**WHEREAS**, the Council further finds that marijuana testing facilities operated in compliance with state laws, rules and regulations have the capacity to promote the public health, safety and welfare by providing objective evaluation of the content and potency of marijuana and marijuana products; and

**WHEREAS**, the Council therefore wishes to authorize the location and operation of medical marijuana testing facilities within the City under the same terms, conditions and regulatory oversight as retail marijuana testing facilities.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:**

**Section 1.** Section 11-218 of the Wheat Ridge Code of Laws ("Code"), concerning definitions applicable to medical marijuana establishment licensing, is hereby amended by the addition of the following new definition:

*MEDICAL MARIJUANA TESTING FACILITY* SHALL MEAN A PREMISES LICENSED PURSUANT TO THE COLORADO MEDICAL MARIJUANA CODE TO OPERATE A BUSINESS AS DESCRIBED BY C.R.S. § 12-43.3-405.

**Section 2.** Section 11-218 of the Code is further amended by amending the existing definition of 'medical marijuana establishment' as follows:

*Medical marijuana establishment* shall mean a medical marijuana center, a medical marijuana-infused product manufacturer, A MEDICAL MARIJUANA TESTING FACILITY or an optional premises cultivation operation.

**Section 3.** Section 11-293 of the Code, concerning authorized types of local medical marijuana licenses, is hereby amended as follows:

**Sec. 11-293. - Types of medical marijuana licenses.**

The local licensing authority may issue the following three (3) types of medical marijuana licenses:

- (1) Medical marijuana center license;
- (2) Medical marijuana-infused products manufacturing license; ~~and~~
- (3) Optional premises cultivation license.; AND
- (4) MEDICAL MARIJUANA TESTING FACILITY LICENSE.

**Section 4.** Section 11-401 of the Code, concerning definitions applicable to retail marijuana establishment licensing, is hereby amended by the addition of the following new definition:

*MEDICAL MARIJUANA TESTING FACILITY* SHALL MEAN A PREMISES LICENSED PURSUANT TO THE COLORADO MEDICAL MARIJUANA CODE TO OPERATE A BUSINESS AS DESCRIBED BY C.R.S. § 12-43.3-405.

**Section 5.** Section 11-401 of the Code is further amended by amending the existing definition of 'medical marijuana establishment' as follows:

*Medical marijuana establishment* shall mean a medical marijuana center, a medical marijuana-infused product manufacturer, A MEDICAL MARIJUANA TESTING FACILITY or an optional premises cultivation operation.

**Section 6.** Subsection 11-404(d) of the Code, concerning required licenses for marijuana establishments, is hereby amended as follows:

(d) No person may operate a business within the city concerning the sale, use, consumption, manufacture, POSSESSION, STORAGE OR TESTING of marijuana unless specifically authorized pursuant to the provisions of this article OR ARTICLE XII OF THIS CHAPTER.

**Section 7.** Section 11-415 of the Code, concerning the collocation of medical and retail marijuana establishments, is hereby amended as follows:

**Sec. 11-415. - Collocation of operations.**

A medical marijuana establishment may share its ~~existing~~ licensed premises with a retail marijuana establishment as follows:

(a) An optional premises cultivation operation and a retail marijuana cultivation facility may share their licensed premises in order to operate a dual cultivation business operation.

(b) A medical marijuana-infused product manufacturer may apply to hold a retail marijuana product manufacturing facility license and operate a dual manufacturing business at a shared licensed premises.

(c) A medical marijuana center may hold a retail marijuana store license and operate a dual retail business at a shared licensed premises.

(D) A MEDICAL MARIJUANA TESTING FACILITY AND A RETAIL MARIJUANA TESTING FACILITY MAY SHARE A SINGLE LICENSED PREMISES TO OPERATE A DUAL TESTING FACILITY AT THE SAME LOCATION IF THE TWO ARE IDENTICALLY OWNED.

**Section 8.** Section 26-204 of the Code, concerning the zone district use schedule, is hereby amended by amending the "Table of Uses – Commercial and Industrial Uses" by the addition of the following new row, to read in its entirety as follows:

Uses	Note	NC	RC	C-1	C-2	I-E
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MEDICAL MARIJUANA TESTING FACILITY				P		P
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**Section 9.** Subsection 26-640.C. of the Code, concerning supplementary zoning regulations for marijuana, is hereby amended as follows:

C. Except as provided for in articles XII and XIII of chapter 11 of this Code, cultivation, drying, processing, manufacture, TESTING and storage of marijuana may not occur in any non-residential structure.

**Section 10. Severability, Conflicting Ordinances Repealed.** If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 11. Effective Date.** This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

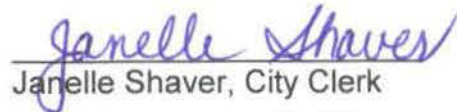
**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 7 to 0 on this 13th day of June, 2016, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for June 27, 2016, at 7:00 p.m., in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 6 to 0, this 27<sup>th</sup> day of June, 2016.

**SIGNED** by the Mayor on this 27<sup>th</sup> day of June, 2016.

  
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Joyce Jay, Mayor

ATTEST:

  
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Janelle Shaver, City Clerk



Approved as to Form

  
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Gerald E. Dahl, City Attorney

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