

ORDINANCE NO. 2660

INTRODUCED BY: CHACON, DOUGLAS, DOUGLAS, DUKES, FORD, KIM, MADERA, NOBLE, TETER

AN ORDINANCE AMENDING DIVISION 2 OF ARTICLE II OF CHAPTER 8 OF THE COMMERCE CITY REVISED MUNICIPAL CODE PERTAINING TO NOTICE OF HEARING REQUIREMENTS

WHEREAS, in 2015, the City Council enacted Ordinance No. 2050, which established regulations prescribing the manner in which marijuana businesses within the City of Commerce City (“City”) are licensed and how such businesses are conducted as necessary and appropriate to protect the health, safety, and welfare of the residents, businesses, and property in the city;

WHEREAS, in 2023, City Council enacted Ordinance No. 2526 which repealed and replaced the regulations on marijuana licensing in the City after the State of Colorado enacted several new licensing types and new regulations for marijuana licensing; and

WHEREAS, on November 25, 2024 City Council heard a presentation on new marijuana regulations and requested the regulations on the notice of hearing be updated to require contact information for written comments to be received to be posted on the notice issued by the Marijuana Licensing Authority and that all notices for hearings before the Marijuana Licensing Authority be translated into Spanish.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Amendment. Division 2 of Article II of Chapter 8 of the Commerce City Revised Municipal Code is hereby amended as described in Exhibit A.

SECTION 3. Repealer. 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other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date. This ordinance shall be effective as provided in the City Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 16TH DAY OF DECEMBER, 2024.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 6TH DAY OF JANUARY, 2025.

CITY OF COMMERCE CITY, COLORADO

Steven J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk

EXHIBIT A TO ORDINANCE 2624

(blue underline indicate additions, red strikethrough indicates removal, (...) indicates no changes)

DIVISION 2. APPLICATION AND LICENSING

(...)

Sec. 8-2206. - Review – New license and permit applications, generally.

(...)

(c) *Notice of hearing.* Notice of the hearing shall be posted on the property and published on the city's website not less than ten (10) days prior to the date of the hearing. No less than twenty-eight (28) days before the hearing, the applicant will mail notice to all property owners within a one-half (½) mile radius of the property that is the subject of the application regarding the application. Such notice shall include: the date and time of the public hearing, the address where the hearing will be held, ~~and~~ the deadline (seven (7) days before the hearing) by which any written comments or objections regarding the application must be received by the authority, and the mailing address and email address of the clerk for which written comments or objects shall be sent. All notices shall be written in English and Spanish. All petitions or other documents bearing on the neighborhood desires shall be submitted no later than seven (7) days before the date scheduled for the hearing. The applicant shall provide proof of all required notices to the clerk by affidavit and photograph.

(...)

Sec. 8-2208. - Review – Renewals; other administrative applications.

(...)

(b) *Hearings.* If a renewal application or other application authorized for administrative approval is not eligible for administrative approval, or if the clerk determines that the public interest would be best served by the determination of the matter by the authority, the clerk shall schedule a renewal hearing before the authority. Notice to the licensee or permittee shall be provided at least fourteen (14) days prior to the hearing. The notice shall be written in English and Spanish. The licensee or permittee shall be responsible for posting the notice of the hearing on the licensed premises in the manner described in C.R.S. § 44-10-303, as amended, for a period of ten (10) days prior to the hearing and shall provide proof of all required notices to the clerk by affidavit and photograph. The hearing shall be open to the public and shall be conducted in accordance with this article and regulations issued by the marijuana licensing authority.

(...)