

ORDINANCE NO. 2624

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

AN ORDINANCE AMENDING DIVISION 3 OF ARTICLE II OF CHAPTER 8 OF THE COMMERCE CITY REVISED MUNICIPAL CODE PERTAINING TO MARIJUANA BUSINESSES BY ADDING NEW SECTIONS RELATED TO SECURITY AND STORAGE 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. 2527 which created a twelve-month moratorium on new retail and medical marijuana stores in Wards I and II in the City to, in part, research adopting new and increased set-backs for marijuana businesses in the Land Development Code;

WHEREAS in 2024, City Council enacted Ordinance 2567 which extended the moratorium by an additional six months to, in part, research adopting new security standards;

WHEREAS, City staff researched security standards for marijuana facilities in surrounding municipalities in Colorado, such as Denver, Aurora, and Thornton, to draft new regulations strengthening and expanding Commerce City marijuana regulations found in Chapter 8 of the Commerce City Revised Municipal Code; and

WHEREAS, the City Council desires to update its regulations relating to the security and product storage requirements of marijuana businesses in the City as prescribed in Exhibit A to this Ordinance.

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other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.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

(...)

Sec. 8-2321. Security Requirements.

- (a) As specified in Sec. 8-2205(b), a written security plan is required as part of a new marijuana license application. A copy shall be maintained on premise for inspection purposes. A security plan may be kept in a digital format as long as it is accessible on site when requested. The security plan will be protected from public disclosure as provided under the Colorado Open Records Act, § 24-72-203(2)(a)(VIII), C.R.S. The written security plan shall address the following elements, subject to additional information as required by the authority:
- (1) Site plan identifying exterior of the premise with clearly labeled street(s), parking lot(s), adjoining tenants (if applicable), and all ingress and egress locations for both the public and employees.
 - (2) Floor plan identifying the following:
 - a. Location of all windows, skylights, roof access, fire escapes, and entrance and exit doors;
 - b. Location of all cameras with their field of view;
 - c. Location of all alarms (sirens, lights), alarm inputs (buttons, contacts, detectors, sensors, trips), and the alarm control panel;
 - d. Location of digital audio/video recorder;
 - e. Restricted, limited-access, and public-access areas;
 - f. All entrances and exits to the premise;
 - g. Product storage locations.
 - (3) All documents provided to employees and contractor(s) for security incidents (alarms, conflict resolutions, violent incidents);
 - (4) All documents provided to employees and contractor(s) for policies and procedures on compliance with local and state laws;
 - (5) Incident log(s) examples and training documents;
 - (6) Security measures for preventing unauthorized access to restricted areas;
 - (7) Opening and closing procedures including product inventory, safe/vault access management, register balancing, and bank deposit collection;
 - (8) Theft, robbery, and burglary prevention measures;
 - (9) Product delivery acceptance and/or transfer procedures;

- (b) All regulated marijuana establishments shall install, maintain, and use a professionally monitored security alarm system meeting the following requirements in addition to any requirements in the Colorado Marijuana Rules:
- (1) The system shall include at least one silent holdup or duress alarm that can be manually triggered in case of emergency;
 - (2) The alarm system must be equipped with a failure notification and a battery backup system sufficient to support a minimum of four hours in the event of a power outage;
 - (3) The alarm system must be monitored by a company that is staffed twenty-four hours a day, seven days a week. The security plan submitted to the city shall identify the company monitoring the alarm, including contact information, and shall be updated within seventy-two hours in the event the monitoring company is changed. A copy of the monitoring company contact information shall be maintained at the licensed premise;
 - (4) The licensee shall maintain for a period of one year, reports of any incidents triggering an alarm, and such reports shall be made available to the local licensing authority; and
 - (5) A marijuana licensee shall have audible and visual notification systems to alert employees of the presence of persons ringing the doorbell to gain access to the facility. Email and next notification style doorbell systems are allowed in lieu of the audio and visual requirement.

Sec. 8-2322. Storage Requirements.

- (a) For all stores, products manufacturers, testing facilities, and research and development licenses issued by the Authority after February 1, 2025, the licensees shall provide for a safe or vault system that is integrated into the premises design to securely store monies and products when the business is closed to the public. If a safe is under 600 pounds empty weight, then the safe must be incorporated into the building structure or secured to the structure to prevent removal. Cabinets and cages for storage may be approved by the authority provided they possess at least the same level of security and quality of materials to secure monies and products from removal.
- (b) All marijuana product inventory, as part of the license types identified in subsection (a), shall be placed in a safe or vault system that is accessible to only authorized employees when the business is closed to the public. All storage locations must be shown on the security plan.
- (c) During non-business hours any marijuana product inventory, as part of the license types identified in subsection (a), that require climate-controlled storage shall be stored in the climate-controlled storage system that can be securely locked and is incorporated or secured to the building structure. The refrigerator, refrigerated container, or freezer may remain unlocked during business hours.

Sec. 8-2323. Retail Marijuana Store and Medical Marijuana Store.

In addition to any requirements in the Colorado Marijuana Rules, retail marijuana store and medical marijuana store licenses issued by the Authority after February 1, 2025, shall install concrete bollards, guard posts, or other physical barriers designed to resist, deflect, or deter vehicular impact in front of all areas that are vulnerable to vehicle impact, including but not limited to all doors and floor-level windows.

Ver. 1.0 Effective July 2024.