

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB16

ORDINANCE NUMBER: 2019-16

TITLE: A BILL FOR AN ORDINANCE AMENDING ARTICLE XVIII OF CHAPTER 6 OF THE BLACK HAWK MUNICIPAL CODE REGARDING RETAIL MARIJUANA ESTABLISHMENTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. Section 6-557, subsection (a) of the City of Black Hawk Municipal Code is amended to read as follows:

Sec. 6-557. Requirements for application for license; payment of application; fee; denial of license.

(a) A person seeking a license ~~or renewal of a license~~ issued pursuant to this Article shall submit an application to the local licensing authority ~~on forms provided by the City Clerk~~. At the time of application, each applicant shall pay a nonrefundable ~~operating~~ application fee to the City in an amount to be determined by the City by separate resolution to defray the costs incurred by the City for costs including but not limited to inspection, administration, and enforcement of retail marijuana stores. In addition, the applicant shall present one (1) of the following forms of identification:...

Section 2. Section 6-557, subsection (b)(2) of the City of Black Hawk Municipal Code is hereby deleted, and the remainder of subsection (b) is renumbered accordingly.

Section 3. Section 6-558, subsection (a) of the City of Black Hawk Municipal Code is hereby repealed and reenacted to read as follows:

Sec. 6-558. Retail marijuana stores.

(a) A licensed retail marijuana store may sell up to one (1) ounce of retail marijuana or its equivalent in retail marijuana concentrate or retail marijuana products to persons twenty-one (21) years of age or older during a single sales transaction.

~~(1) Up to one (1) ounce of retail marijuana or its equivalent in retail marijuana products or retail marijuana concentrate during a single sales transaction to Colorado residents; or~~

~~(2) Up to one quarter (1/4) ounce of retail marijuana or its equivalent in retail marijuana products during a single sales transaction to a non-Colorado resident.~~

Section 4. Section 6-565, subsection (b) of the City of Black Hawk Municipal Code is amended to read as follows:

Sec. 6-565. Issuance of license; duration; renewal

* * *

(b) Each license issued pursuant to this Article shall be valid for one (1) year from the date of issuance and may be renewed only as provided in this Article. All renewals of a license shall be for no more than one (1) year. An application for the renewal of an existing license shall be made to the local licensing authority ~~not more than~~ at least forty-five (45) days ~~sixty (60) days and not less than thirty (30) days~~ prior to the date of expiration of the license. A licensee may submit to the local licensing authority a late renewal application on the prescribed forms and pay a non-refundable late application fee in an amount of five hundred dollars (\$500.00) for a renewal application made less than forty-five (45) days prior to the date of the expiration of the license. All other provisions concerning renewal applications apply to a late renewal application. The timely filing of a completed renewal application or a late renewal application shall extend the current license until a decision is made on the renewal.

Section 5. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.


Section 6. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 7. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 14th day of August, 2019.


David D. Spellman, Mayor

ATTEST:


Melissa A. Greiner, CMC, City Clerk

