

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB28

ORDINANCE NUMBER: 2019-28

**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 6-555, subsection (a) of the City of Black Hawk Municipal Code is amended by the addition of a new definition to read as follows:

**Sec. 6-555. Definitions**

(a) For purposes of this Article, the following terms shall have the following meanings.

\* \* \*

*Controlling Beneficial Owner* shall have the same meaning as provided in the Colorado Retail Marijuana Code and any rules and regulations that may be promulgated by the Colorado Department of Revenue.

Section 2. Section 6-564, subsection (a) of the City of Black Hawk Municipal Code is amended by the deletion of subsections (a)(8) through (a)(10), and the remainder of subsection (a) is renumbered accordingly.

Section 3. Section 6-564, subsection (b) of the City of Black Hawk Municipal Code is amended by the deletion of subsection (b)(3), and the remainder of subsection (b) is renumbered accordingly.

Section 4. Section 6-570, subsection (b) of the City of Black Hawk Municipal Code is hereby amended to read as follows:

**Sec. 6-570. Change in manager; change in financial interest.**

(b) Each licensee shall report in writing to the local licensing authority **any change in the license holder's Controlling Beneficial Owner(s) within forty-five (45) days of the** transfer or change. of financial interest in the license holder or in the retail marijuana store that is the subject of the license. Such report must be filed with the local licensing authority within thirty (30) days after any such transfer

~~or change.~~ A report shall be required for any transfer of the capital stock of a public corporation totaling more than ten percent (10%) of the stock in any one (1) year, as well as any transfer of a controlling interest in the corporation whenever a sufficient number of shares have been transferred to effectuate the transfer of a controlling interest. No person having or acquiring a financial interest in the retail marijuana store that is the subject of a license shall be a person who has discharged a sentence for a felony conviction within the past five (5) years, or who has been convicted of a felony for drug possession, distribution or use, unless such felony drug charge was based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offence on the date he or she applied for the license.

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 11<sup>th</sup> day of December, 2019.

  
David D. Spellman, Mayor

ATTEST:

  
Melissa A. Greiner, CMC, City Clerk

