

5.12.070 Standards.

- A. The Local Licensing Authority shall not receive or act upon an application for a new license issued under this Chapter or for a change of location:
 1. Until it is established that the applicant is, or will be, entitled to possession of the premises for which application is made under a lease, rental agreement or other arrangement for possession of the premises, or by virtue of ownership of the premises;
 2. For a location in an area where the cultivation, manufacture, distribution, storage, testing, and/or sale of marijuana as contemplated herein is not expressly permitted as a use pursuant to Title 17 of the Pueblo County Code or where such location does not meet and comport with the distance, isolation and/or separation distances required for such uses under the provisions of the Pueblo County Code, Title 17, Division 1, Zoning.
- B. Unless otherwise provided herein, the Local Licensing Authority may only approve or deny an application for a new license after holding a public hearing where the following evidence may be considered:
 1. The application;
 2. Information submitted by the applicant in connection with the application;
 3. Findings, reports, or other information submitted by staff;
 4. Evidence presented at the hearing by staff, the applicant, persons associated with the applicant, persons in favor of the application, and persons opposed to the application.
- C. To approve an application for a new license, the Local Licensing Authority must find that:
 1. The applicant is not a person or entity prohibited as a licensee under the provisions of this Chapter or the Colorado Marijuana Code;
 2. The applicant is qualified to operate a marijuana establishment in compliance with the provisions of this Chapter and the Colorado Marijuana Code and associated regulations;
 3. The operation of the proposed establishment will not adversely affect the public health, safety, or welfare of the Immediate Neighborhood;
 4. The applicant has made no material misrepresentations on its application or other documents submitted to the Director in advance of the hearing or through evidence presented at the hearing itself; and
 5. **For an establishment located in a Residential Area, there is a desire among the Inhabitants for the establishment,**

as demonstrated by petitions, remonstrances, or otherwise.

- D. An approved license, and the licensee approved pursuant to this Chapter shall, at all times, meet and comply with the following operating conditions and standards:
1. A Medical Marijuana Establishment shall not acquire, possess, cultivate, deliver, transfer, transport, supply, or dispense marijuana for any purpose except to assist the patients as defined by Section 14(1) of Article XVIII of the Colorado Constitution or other applicable state law.
 2. A Retail Marijuana Establishment shall not acquire, possess, cultivate, deliver, store, test, transfer, transport, supply, or dispense marijuana for any purpose except as permitted by the Colorado Retail Marijuana Code.
 3. No license otherwise approved pursuant to this Chapter shall issue until the license, application fees and any licensing or operating fees due to the State of Colorado and/or the County of Pueblo have been fully paid and received. Licenses granted pursuant to this Chapter shall be valid for a period not to exceed one year from the date of issuance unless revoked or suspended pursuant to this Chapter and/or pursuant to the provisions of State law and regulation.
 4. At all times, a licensee or applicant shall possess and maintain possession of, or, in the case of an applicant, demonstrate that it will be entitled to possession of, the premises or optional premises for which the license is issued by ownership, lease, rental or other arrangement for possession and use of the premises.
 5. A licensee of a license issued pursuant to this Chapter shall report each transfer or change of financial interest in the license and/or the licensee to the Local Licensing Authority prior to any such transfer or change pursuant to and in accordance with the provisions of the Colorado Marijuana Code. A report shall be required for transfers of capital stock of any corporation regardless of size, for transfers of member interests of any limited liability company regardless of size and for any transfer of an interest in a partnership or other entity or association regardless of size.
 6. The Local Licensing Authority in its discretion may revoke or elect not to renew any license if it determines that the licensed premises have been inactive, without good cause, for a period of at least one year.
 7. The licensed premises, including but not limited to any places where marijuana is grown, stored, cultivated, sold, tested or

dispensed, shall be subject to inspection by the Local Licensing Authority or its designee, and any other state or local law enforcement personnel during all business hours and other times of apparent activity, for the purpose of inspection or investigation. The Local Licensing Authority and its designee may conduct unannounced or covert compliance inspections. For examination of any inventory or books and records required to be kept by the licensees, access shall be required during business hours. Where any part of the licensed premises consists of a locked area, upon demand to the licensee, such area shall be made available for inspection without delay and, upon request by authorized representatives of the Local Licensing Authority, the licensee shall open the area for inspection. Each licensee shall retain all books and records necessary to show fully the business transactions of the licensee for a period of the current tax year and the three immediately prior tax years.

8. A person or business is prohibited from holding a license under this Chapter if:
 - a. The person is not of good moral character as determined by C.R.S. § 24-5-101;
 - b. Any owners of the business are not of good moral character as determined by C.R.S. § 24-5-101; or
 - c. Any managers or persons employed or to be employed by the person or business are not of good moral character as determined by C.R.S. § 24-5-101.
- e. Excusable Delay – Extensions. When any licensee or applicant fails to meet or likely will fail to meet a deadline or otherwise requires an extension to complete an act required by this Code or an order of the Board, the Board may, unless this Code or the Colorado Marijuana Code require otherwise, grant an extension if the licensee or applicant requesting the extension demonstrates (1) the request was filed promptly after discovering the need for an extension, (2) the delay at issue was reasonably justified, and (3), if the request for extension is for a conditional approval order, that the applicant is in compliance with the terms and conditions of their order, of this Chapter, and of the Colorado Marijuana Code, including section 5.12.070.D(8). (Res. 11-139, 11-240, 13-216, 15-038 and 16-192)

“Residential Area” means an area within an agricultural zone district consisting of parcels that are, by virtue of covenants on the land, part of or

subject to the oversight of a common homeowners' or property owners' association.