

## **SNOWMASS VILLAGE LOCAL MARIJUANA LICENSING AUTHORITY RULES AND REGULATIONS**

1     Authority. The provisions of Section 9-4 of the Snowmass Village Municipal Code authorize and empower the Local Marijuana Licensing Authority to promulgate reasonable Rules and Regulations as are necessary and proper to govern proceedings before it and to carry out its function, provided that such Rules and Regulations shall not be in conflict with the applicable provisions of the laws of the State of Colorado and regulations made pursuant thereto, the Municipal Code, or the Home Rule Charter.

2     Bylaws. The function and composition of the Local Marijuana Licensing Authority is set forth in Chapter 9, Article I of the Municipal Code.

2.1   Meetings. Meetings of the Local Marijuana Licensing Authority will occur after Public Notice is provided as required by law.

2.2   Officers. The members of the Local Marijuana Licensing Authority shall elect a Chairman and Vice Chairman annually at the first regularly scheduled meeting, occurring after the first regularly scheduled Town Council meeting, in January of each year.

2.3   Roberts Rules of Order. All meetings shall be conducted in accordance with the provisions of Roberts Rules of Order.

3     Completed Applications Required. No application will be accepted for consideration by the Local Marijuana Licensing Authority unless it is fully completed by the Applicant and all applicable fees have been paid. The Town Clerk, as the Clerk of the Local Marijuana Licensing Authority, is not authorized to accept or docket any application which has not been fully completed and accompanied by all applicable fees. Any application which is received by the Town Clerk which is incomplete shall be returned to the Applicant promptly by the Town Clerk, noting the areas of deficiency. No application shall be docketed unless found complete at least seven (7) days prior to the meeting at which the application is to be heard. The Town Clerk will provide all the forms for a new license and renewal license. The Local Marijuana Licensing Authority requires that the applicant has received a conditionally approved Retail Marijuana Store license issued by the State of Colorado before applying with the Local Marijuana Licensing Authority.

4     Renewal of License. At the time of application for any renewal of an existing Marijuana Retail License, the applicant shall certify to the Local Marijuana Licensing Authority as follows:

4.1   That the premises of the license are unchanged and that a valid lease exists for the entire renewal term of the license; and

4.2 The statements and representations contained in the original State and Local applications for the license remain true and unchanged except as disclosed to the Local Marijuana Licensing Authority; and

4.3 For entities other than general partnerships, a certificate of good standing from the Colorado Secretary of State and a copy of the most recent annual report filed with the Colorado Secretary of State.

5 Master File. The Town Clerk shall establish a master file for each licensee which shall contain the following information:

5.1 Entity information of the licensee if the licensee is a nonperson; and

5.2 Most recent certificate of good standing from the Colorado Secretary of State and biennial report filed with the Colorado Secretary of State; and

5.3 Current lease of licensed premises, if premises is not owned; and

5.4 Such other pertinent information that the Town Clerk may require.

6 Licensee Inventory. The Town Clerk shall maintain a complete and accurate inventory of all licensees showing the name of the licensee, the registered manager and the date of termination of the current license.

7 Public Hearing. The Local Marijuana Licensing Authority shall consider the following applications at a Public Hearing.

7.1 Notice Required. All applications for a new license, transfer of ownership or modification of premises require a Public Hearing, and Public Notice of such Public Hearing shall be provided at least twenty-one (21) days prior to the Public Hearing. Notice shall be provided as specified below.

7.2 Manner and Timing of Notice. Public notice shall be given by publication of notice in the newspaper, mailing of notice to property owners surrounding the subject property and posting of notice on the property, as specified herein.

7.3 Publication of notice. Publication of notice shall be accomplished by the staff, who shall place a legal notice in a newspaper of general circulation in the Town. The legal notice shall state the date, time, location and purpose of the Public Hearing, and shall be published once.

7.4 Mailing of notice. Mailing of notice shall be accomplished by the applicant. The notice that the applicant shall mail shall be prepared by the Town Clerk and provided to the applicant. Notice shall be sent by first-class mail to all property owners located wholly or in part within three hundred (300) feet of the premises. In certain circumstances involving multi-family uses or larger parcels, the Town Clerk may define the three-hundred-foot notification boundary to be measured from the perimeter of the premises or area within the property being affected by the proposed license, rather than being measured from the entire property boundary.

7.5 Source of list. The applicant shall compile the list of property owners to whom notice will be mailed by using the most current list of property owners on file with the County Tax Assessor.

7.6 Contents of mailed notice. The notice that is mailed shall contain the following information:

- a. Description of Application. A description of the proposed application, including a reference to the Code section under which the application will be processed and the name of the decision-making body that will conduct the hearing. An exhibit depicting the proposed licensed premises shall also be included.
- b. Description of property. A description of the subject property.
- c. Date time and place. The date, time and place of the public hearing for which notice is being given.

7.7 Posting of notice. Posting of notice shall be accomplished by the applicant. The applicant shall prepare and use a form approved by the staff. The applicant shall enter onto the sign the date, time, location and purpose of the public hearing, and the name of the decision-making body conducting the hearing. The applicant shall post the sign in a conspicuous location on the subject property.

a. Dimensions. The dimensions of the sign shall be not less than twenty-two inches wide by twenty-six inches high (22" x 26"). Lettering on the sign shall be not less than one (1) inch in height.

b. Materials. The materials to which the notice form is affixed shall be sturdy and waterproof or shall have a waterproof covering. The applicant shall maintain the sign in a legible manner until the closure of the public hearing and shall remove it on the day following closure of the public hearing.

7.8 Validity of notice. If the applicant follows the procedures indicated above in good faith, the failure of any particular property owner to receive notice shall not affect the validity of the proceedings which require such notice. By way of example, notice shall not be considered invalid because of unrecorded or subsequent transfers of title, or uncertainties concerning ownership not discernible from the tax assessment rolls.

7.9 Proof of notice. At or before the actual public hearing, the applicant shall provide the Local Marijuana Licensing Authority with an affidavit certifying that notice was posted. A copy of the list of property owners to whom notice was mailed shall be attached to the affidavit. A photograph of the posted sign shall also be attached to the affidavit.

8 Conduct of public hearing. A public hearing shall be conducted in accordance with the following procedures:

8.1 Rights of all persons. Any person may appear at a public hearing and submit evidence, either individually or as a representative of an organization.

8.2 Order of proceedings. The order of the proceedings shall be as follows:

a. Description. Staff shall present a narrative and/or graphic description of the application and a staff report on the application, which includes a written recommendation.

b. Applicant presentation. The applicant shall be prepared to present any information that has been previously submitted in the application or that is pertinent to the review body's consideration of the application. The Chairman conducting the public hearing may define the scope, topical nature and time frame within which the

presentation shall be given. The burden shall be on the applicant to demonstrate through competent evidence that the application complies with all applicable provisions of the Chapter 9, Article 1 of the Municipal Code.

c. Public testimony. Public testimony shall be heard.

d. Applicant response. The applicant may respond to any testimony or evidence presented by the public.

e. Staff response. Staff may respond to any statement made by the applicant or the public.

8.3 Exclusion of testimony. The Chairman conducting the public hearing may exclude testimony or evidence that is found to be irrelevant, immaterial or unduly repetitious. If any testimony or evidence is so excluded, the person offering such testimony or evidence shall have an opportunity to make a proffer in regard to such testimony or evidence for the record. Such proffer shall be made at the public hearing.

8.4 Continuance of public hearing. The body conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time and place. An applicant shall have the right to request and be granted one (1) continuance. All subsequent continuances shall be granted at the discretion of the body conducting the public hearing only upon good cause shown.

8.5 Withdrawal of application. An applicant shall have the right to withdraw an application at any time prior to the action on the application by the decision-making body.

8.6 Record of public hearing. The body conducting the public hearing shall record the public hearing by any appropriate means, including transcription, audiotape or videotape. The written or taped record of oral proceedings, including testimony and statements of personal opinions; the minutes of the Clerk; all applications, exhibits and papers submitted in any proceeding before the decision-making, administrative or advisory body; the staff report; and the decision of the body shall constitute the record.

9 Appeals of actions by decision-making bodies shall comply with the following procedures.

9.1 Written Appeal. An appeal of an action by a decision-making body shall be submitted in writing to the Town Clerk within fifteen (15) days after the date of the decision being appealed. The written appeal shall state the basis of the appeal in detail, and the relief that is requested, and shall include any materials or evidence to support the appeal.

9.2 Standing to Appeal. The following persons shall be deemed to have standing to submit an appeal:

- a. Applicant. The applicant or the owner of the property;
- b. Person who testified. Any parties in interest who testified at the public hearing on the application; or
- c. Person who submitted written comments. Any parties in interest who submitted written comments on the application before final action was taken, excluding persons who only signed petitions or form letters.

9.3 Procedure. The appeal shall be heard by the Town Council at a regularly scheduled meeting within thirty (30) days after the date of the filing of the written appeal. The Town Clerk shall inform the applicant, the appellant, and anyone who testified at the public hearing or submitted written comments on the application of the date, time and place of the meeting. The Town Council shall either affirm, affirm with modifications or reverse the original action. The original action shall only be modified or reversed if it is determined that: (1) there is not substantial evidence in the record to support the original decision, or (2) the original action was inconsistent with the applicable provisions of Chapter 9, Article 1 of the Municipal Code. The decision of the Town Council shall be final and may not be further appealed but may be subject to review by the courts pursuant to law.