APPLICATION FORM and CHECK LIST

Type:
☐ Medical Marijuana Center (*Type 1)
☐ Medical Marijuana Center (*Type 2)
☐ Medical Marijuana Center (*Type 3)
☐ Optional Premises Cultivation License
☐ Medical Marijuana-Infused Products Manufacturer

License for:
☐ New License
☐ License Renewal

* Type 1 = 1-300 patients, Type 2 = 301- 500 patients, Type 3 = 501 or more patients

☐ 1. Licensee Information

Legal name of Licensee:

Address

Business Website

Business Email

Business Phone

☐ 2. Licensee Owner Information (if more than one owner, please list all on a separate sheet of paper)

Name

Address

Email

Contact phone

☐ 3. Property Owner's Information (if different than Business Owner)

Name

Address

Email

Contact phone

☐ 4. **All forms are signed and attached. The following must accompany this application**:

☐ Property Owner affidavit
☐ Lawful Presence Affidavit
☐ Indemnification agreement and affidavit of acknowledgement
☐ Site Plan of all buildings on the property where premises is located
☐ List of all other uses on the property
☐ Number of vehicle trips per day expected to be generated by the business
☐ The expected source and level of water use for the premises
☐ Permits or other applicable documentation related to well use, septic system use, and water sanitation
☐ If application is for pre-existing business, proof of operation prior to July 1, 2010, such as leases, or sales tax receipts
☐ Evidence that the premises is not within 1000 feet of a alcohol or drug treatment facility, licensed child care facilities, and educational facilities (below college grade level) as measured from the closest point of the subject property lines
☐ Evidence that the property is not within a multi-residential structure

☐ 5. **FEES Submit appropriate fees. Make check payable to: Pitkin County Treasurer**

NOTE: The application fee and annual license fee are two separate fees and both must be paid at time of application.

Application fees:

☐ Medical Marijuana Center (Type 1*)	$ 1000.00
☐ Medical Marijuana Center (Type 2*)	$ 1000.00
☐ Medical Marijuana Center (Type 3*)	$ 1000.00
☐ Optional Premises Cultivation License	$ 1000.00
☐ Medical Marijuana-Infused Products Manufacturer	$ 1000.00

(*type 1=300 or fewer patients, *type 2=301-500 patients; *type 3=501 or more patients)

Annual License fees:

☐ New License any type	$ 1000.00
☐ License Renewal	$ 500.00
☐ License Renewal with Public Hearing	$ 2000.00

☐ 6. **Bring application and all attachments, exhibits, required documents and fees to:**

Pitkin County Local Licensing Authority
c/o Pitkin County Manager's Office - 530 E Main St 3rd Floor- Aspen, CO 81611

AUTHORIZATION TO USE PROPERTY
FOR A MEDICAL MARIJUANA BUSINESS

Property Address:_____

Name of Lessee:_____

Lessee's Business Name:_____

As owner of the property described above, I hereby consent to the use of said property for the purpose of conducting a medical marijuana business so long as said use is authorized under and in accordance with applicable state and local laws. This consent is valid under the following terms and conditions:

☐ Medical Marijuana Center

☐ Medical Marijuana Optional Premises Cultivation Operation

☐ Medical Marijuana Infused Product Manufacturer

Terms of approval: _____

_____
(examples: indefinitely, to coincide with term of the lease, specific date to specific date, etc)

I understand that the lessee must operate the business on the property described above under the provisions of the Pitkin County Medical Marijuana Licensing Regulations ("PCMMLR"), as may be amended. I further understand that issuing a medical marijuana local license, Pitkin County assumes no legal liability or duty of care regarding the licensee's business operation or possession of the property.

I hereby release Pitkin County, its officers, elected officials, employees, attorneys, and agents from all liability for claims of damages of any kind whatsoever, present or future, in any way relating to or arising from the conduct of the lessee or licensee's business operation on said property.

I understand that allowing this use on my property, I agree to hold harmless the County, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of dispensary owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

I understand that by allowing a facility to conduct business on my property that I agree to indemnify and defend Pitkin County its officers, elected officials, employees, attorneys, agents, insurers an self-insurance pool against all liability, claims and demands on account of injury, loss or damage including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the operation of the medical marijuana business that is the subject of the license. I further agree to investigate, handle, respond, and to provide defense for and defend against any such liability, claims, or demands at its expense, and to bear all other costs and expenses related thereto, including court costs and attorney's fees.

Medical Marijuana Local Licensing Dept. 530 E Main Street 3rd Floor Aspen, CO 81611 (970) 920-5200

_____ _____
Signature of Property Owner Printed Name of Property Owner

_____
Address

_____
Telephone #

State of _____

County of _____

Subscribed and sworn to before me this _____day of _____, 20____, by _____

_____.

_____
Notary Public
My commission expires:_____

LAWFUL PRESENCE AFFIDAVIT FOR APPLICANTS APPLYING AS A SOLE PROPRIETOR

Pursuant to State of Colorado House Bill 06-1023, all persons eighteen years of age or older shall provide proof that they are lawfully present in the United States prior to receipt of certain public benefits which include any grant, contract, loan, professional license, or commercial license provided by an agency of State or local government or by appropriated funds of a State of local government.

I,_____ , swear or affirm under penalty or perjury under the laws of the State of Colorado that (check one):

_____I am a United States citizen.

_____I am not a United States citizen but I am a Permanent Resident of the United States.

_____I am not a United States citizen but I am lawfully present in the United States pursuant to Federal Law.

_____I am a foreign national not physically present in the United States.

I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law required me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado as perjury in the second degree under Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.

_____ _____

Signature Date

_____

Printed Name

If this affidavit is not presented in person, applicant must submit a notarized copy of this affidavit along with a copy of one of the following forms of authorized identification:
1. A valid (current) Colorado's Driver's License or a Colorado identification card,
2. United States Military Card or Military dependent's identification card,
3. United States Coast Guard Merchant Mariner card,
4. Native American Tribal document.
Form of ID presented: _____

Notarized this _____ day of _____ in the State of Colorado, County of _____.

_____ _____

Notary Signature Commission Expires

MEDICAL MARIJUANA LICENSE
INDEMNIFICATION AGREEMENT AND AFFIDAVIT OF ACKNOWLEDGEMENT

As an applicant for a Medical Marijuana Local License from Pitkin County, I hereby acknowledge and agree to the following:

_____ I have obtained and examined a copy of Pitkin County's Medical Marijuana Licensing Regulations (PCMMLR) and I agree to abide by and conform to all of the provisions therein.

_____ I understand and acknowledge that the approval of the license if granted, shall in no way permit any activity contrary to the Pitkin County Land Use Code or PCMMLR which is in violation of any applicable state and local laws.

_____ I understand the applicant and the employees of the medical marijuana license holder may be subject to prosecution under federal laws.

_____ I understand that Pitkin County accepts no legal liability in connection with the approval and subsequent operation of a medical marijuana center, a medical marijuana infused products manufacturer or an optional premises medical marijuana cultivation operation.

_____ I understand that if a medical marijuana license is issued by Pitkin County, it is valid for a period of one year from the date of issuance. I further understand that it is the licensee's responsibility to submit an application for the renewal of the permit no later than **forty-five (45) days** prior to the date of expiration if such renewal is desired. I further understand that if I fail to submit a renewal application no later than **forty-five (45)** days prior to the date of expiration of such renewal, it shall be considered a new application

_____ I understand that by receiving/accepting a license issued pursuant to PCMMLR the licensee agrees to hold harmless the County, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of dispensary owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

_____ I understand that by receiving/accepting a license issued by Pitkin County pursuant to its PCMMLR the licensee, jointly and severally if more than one, agrees to indemnify and defend Pitkin County its officers, elected officials, employees, attorneys, agents, insurers an self-insurance pool against all liability, claims and demands on account of injury, loss or damage including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the operation of the medical marijuana business that is the subject of the license. The licensee further agrees to investigate, handle, respond, and to provide defense for and defend against any such liability, claims, or demands at its expense, and to bear all other costs and expenses related thereto, including court costs and attorney's fees.

_____

Applicant's Signature **Date**

PITKIN COUNTY MEDICAL MARIJUANA LICENSING REGULATIONS

Article 1: Purpose and Intent

Section 14 of article XVII of the Colorado Constitution permits limited medical uses of marijuana under Colorado law. To enact, restrict, and enforce the state constitution, the General Assembly enacted the Colorado Medical Marijuana Code, article 43.3 of title 12, C.R.S. (the "CMMC"). The CMMC authorizes counties and municipalities to determine whether to permit, as a matter of state law, certain medical marijuana businesses within their jurisdictions.

The purpose of these regulations is to authorize licensing in unincorporated Pitkin County as provided in § 12-43.3-301(2)(a) C.R.S., as amended by establishing specific standards and procedures for local licensing of medical marijuana centers, medical marijuana infused products manufacturers, and optional premises medical marijuana cultivation operations as provided by state law; and to protect the health, safety, and welfare of the residents of Pitkin County by prescribing the manner in which medical marijuana businesses can be conducted in the county. Enacting these regulations, Pitkin County does not intend to encourage or promote the establishment of any business or operation, or the commitment of any act, that constitutes or may constitute a violation of federal law. As of the date of the enactment of these regulations, the use, possession, distribution, and sale of marijuana is illegal under Federal law and those who engage in such activities do so at their own risk of criminal and civil penalties.

Article 2: Defined terms

The definitions in the CMMC, § 12-43.3-104, C.R.S. as amended, shall apply to these regulations. The term "Licensing Authority" means the Pitkin County Medical Marijuana Licensing Authority.

Article 3: Effective date and applicability

(a) Effective date. Except as provided in section (c) after the Board of County Commissioners designates the Licensing Authority as set forth in Article 5 below, it shall be unlawful to operate any business in unincorporated Pitkin County for which a license is required under the CMMC without first having obtained a local license under these regulations and a state license under state law.

(b) Applications for local licenses. After the Board of County Commissioners designates the Licensing Authority as set forth in Article 5 below; the Licensing Authority shall begin receiving and processing applications for licensing under the CMMC and these regulations.

(c) Pre-existing businesses. Any person who is lawfully engaged in the business of selling, cultivating, or manufacturing medical marijuana as permitted by the CMMC and the Pitkin County Land Use Code prior to the effective date in section (a) may continue business if, on or before July 1, 2012 an application is submitted for local licensing approval under these regulations. If an application is submitted according to this subsection, the business may continue until such time the state or local licensing application is denied or the state or local license is revoked.

(d) No entitlement of vested right. No person shall have any entitlement or vested right to licensing under these regulations, the CMMC, Pitkin County zoning approvals, or Pitkin County building permits. To lawfully engage in the business of selling, cultivating, or manufacturing medical marijuana in unincorporated Pitkin County, all persons must obtain a license under these regulations.

Article 4: Relationship to Other Laws

Pitkin County intends to follow and incorporate the requirements and procedures in the CMMC.

Article 5: Licensing Authority

The Pitkin County Board of County Commissioners (the "'Board") designates, the Pitkin County Manager, to act as the Pitkin County Medical Marijuana Licensing Authority.

Article 6: Licenses

The Licensing Authority is authorized to issue the following local licenses should the applicant fulfill the requirements for such license: medical marijuana center license; optional premises cultivation license; medical marijuana-infused products manufacturing license.

The license requirements in these regulations shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other state, or local law. The license does not provide any exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marijuana. A valid license shall be required from the State of Colorado as provided by the CMMC before operation beings as except provided in Article 3 (c).

Article 7: Licensing Procedure and Requirements

(a) General Procedure. The Licensing Authority shall consider and act upon all complete local license applications as authorized by these regulations. The Licensing Authority shall defer to the state to enforce compliance with the requirements in the CMMC and any other state regulations not covered by these regulations. The Licensing Authority shall grant or deny a license based solely upon the Licensing Authority's investigation and findings, and no public hearing shall be required for initial license. The Licensing Authority shall deny any application that is not in full compliance with these regulations.

(b) Application forms. All applications for local licensing shall be made upon forms provided by Pitkin County and shall include the following supplemental materials:

(1) property owner authorization;

(2) indemnification agreement;

(3) lawful presence affidavit if applicable;

(4) a site plan of all buildings on the property where the premises is located, including a floor plan showing how the floor space is or will be used, parking for the premises, total floor area of the building(s), and the nature and location of any existing or proposed exterior lighting and signage;

(5) a list of all other uses on the property;

(6) the number of vehicle trips per day expected to be generated by the business;

(7) the expected source and level of water use for the premises;

(8) permits or other applicable documentation related to well use, septic system use, and water sanitation;
(9) evidence that the premises is not within 1000 feet of a alcohol or drug treatment facility, licensed child care facilities, and educational facilities (below college grade level) as measured from the closest point of the subject property lines;
(10) evidence that the property is not within a multi-residential structure;
(11) a license will not be issued for a medical marijuana center, for optional premises cultivation or for medical marijuana-infused products manufacturing in the Frying Pan caucus area;
(12) a license will not be issued for an optional premises cultivation in the Snowmass/Capitol caucus area;
(13) a license will not be issued for a medical marijuana center in the Village Commercial zone district (Town of Redstone);
(14) if the application is for a pre-existing business, any proof of operation prior to July 1, 2010, such as leases or sales tax receipts;
(15) the Licensing Authority has determined that the use is permitted under the Pitkin County Land Use Code and zoning regulations;
(16) the Licensing Authority may, at its discretion, require the submission of additional materials as may be useful in making a determination under these regulations.
(c) Concurrent application. As provided for under the CMMC, upon receipt of a local licensing application under these regulations, the Licensing Authority shall request that the state licensing authority conduct a concurrent review of a new license application and that the state advise the Licensing Authority of any items it finds that could result in the denial of the license. If the Licensing Authority receives such a notice from the state, the Licensing Authority shall suspend its review of the local license until it receives a notice from the state licensing authority that the noted items of concern have been satisfactorily remedied by the state licensing authority. The applicant shall be responsible for submitting any required fees and materials directly to the Licensing Authority.

Article 8: Licensing Procedure for Renewal of Existing Licenses
All procedures contained in Article 7 shall apply to this article.
Before issuing a local license or renewal for a medical marijuana center, optional premises cultivation, and/or medical marijuana-infused products manufacturing, the Licensing Authority shall determine that all of the following requirements have been met by the applicant:
(a) The appropriate application is complete and the full application and renewal fee has been paid;
(b) No criminal activity related to drug use or illegal drug sales have taken place at the location within the last five years, as reported by the Sheriff's office;
(c) No report of offensive odors has been reported to the Licensing Authority or any reported odor problem has been rectified;
(d) The Licensing Authority will hold a public hearing on the application for renewal only if the licensee has complaints filed against it, has history of violations or there are allegations against the licensee that would constitute good cause. Public hearing shall be in conformance with requirements of CMMC.

Article 9: Inspection
By signing and submitting a license application, the owner of the premises certifies that the applicant has received permission from the property owner to allow inspections as may be required under local licensing law. In addition the owner of the premises authorizes the Licensing Authority, its designee, and the Pitkin County Building Official or the official's designee, to enter upon and inspect the premises. Such inspections, if necessary shall take place at a reasonable time with prior notice to the operator and property owner, and prior to a determination on the application. This section shall not limit any inspection Licensing Authority authorized under any other provision of law or regulation.

Article 10: Decision and Appeal
(a) A denial by the local Licensing Authority shall constitute a final decision appealable to the Board of County Commissioner of Pitkin County.
All appeals before the Board of County Commissioners shall be conducted as public hearings in accordance with the Title 12 Article 43.3 C.R.S.

Article 11: Changes in License
(a) Transfer of Ownership. Any license issued under these regulations or renewal of such license is not transferable or assignable.
(b) Change of Location. Any license granted under these regulations is limited to the location(s) specified on the license application. Operation of a medical marijuana center, Optional premises cultivation, and/or medical marijuana-infused products manufacturing at a new location requires a new license.

Article 12: Term of license; renewal
Any local license issued under these regulations shall be valid for a period of one year from the date of issuance. A licensee shall submit a renewal application at least 45 days before the expiration of the license. Upon denial or revocation of a state license, any license issued under these regulations shall be revoked.

Article 13: Violations
Violations will subject any license to revocation by the Licensing Authority and the State of Colorado shall be notified of such violations.

Article 14: Public Hearing New Licenses
There shall be no public hearing on new license application.

Article 15: Fees
Application Fees

Medical Marijuana Center (Type 1*)	$ 1000.00
Medical Marijuana Center (Type 2*)	$ 1000.00
Medical Marijuana Center (Type 3*)	$ 1000.00
Optional Premises Cultivation License	$ 1000.00
Medical Marijuana-Infused Products Manufacturer	$ 1000.00

(*type 1=300 or fewer patients, all Colorado residents; *type 2=301-500 patients; type 3=501 or more patients)

Annual License fees:

New License any type	$ 1000.00
License Renewal	$ 500.00
License Renewal with public hearing	$ 2000.00

Make check payable to: Pitkin County Treasurer

All fees are nonrefundable and must be paid at time of submission of application. The Board of County Commissioners has authority to set and amend fees.