

Brighton<sup>SM</sup>

# Marijuana in Brighton

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# Brief History of Marijuana in Colorado

- In November of 2000, voters of the state of Colorado passed Amendment 20 to the state's constitution, codified in article XVIII, section 14. This article effectively legalized limited amounts of medical marijuana for patients and their primary caregivers
- In 2009, the Colorado Board of Health narrowly rejected the previous five patient limit for caregivers, allowing for the sale of marijuana in physical locations. In effect, this approved and created the dispensary model as we know it
- In 2010, the Colorado Legislature enacted the Colorado Medical Marijuana Code – the most comprehensive system of medical marijuana distribution and regulation in the world – through the passage of SB 10-109 and HB 10-1284 (C.R.S. 12-43-3.101)
  - Created a robust system and regulatory framework to license commercial businesses for the distribution and production of medical marijuana and imposed new restrictions on patients, caregivers, and doctors
- On November 6th, 2012, Colorado became the first state in the world to vote in favor of ending marijuana prohibition and legalizing public retail sales with about 55% of the Colorado electorate voting in favor of Amendment 64

# Brief History of Marijuana in Brighton

On September 22nd, 2009, Brighton City Council voted to temporarily suspend the acceptance, processing and approval of use permits, variances, building permits and licenses until further discussion (moratorium)

Moratorium extended a second time through July 1, 2011 (Ord. 2058)

On June 18<sup>th</sup>, 2013, City Council passed Ord. 2156 which prohibits the "licensing and operation within the City of Brighton of retail marijuana stores, cultivation facilities, and product testing facilities"

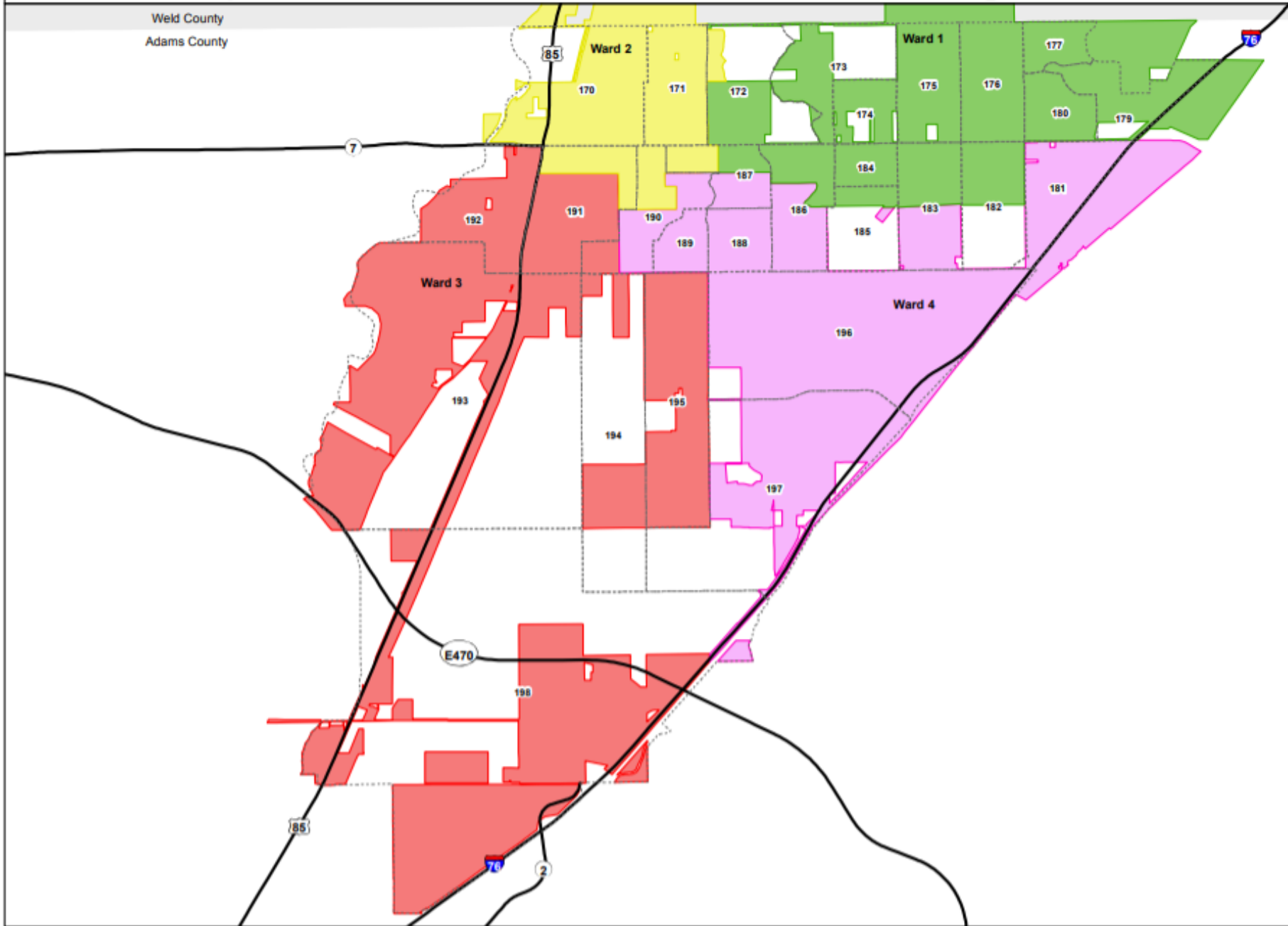
Moratorium extended through June 15, 2010 (Ord. 2047)

On March 1st, 2011, medical marijuana sales and cultivation is formally prohibited (Ord. 2086)



# Amendment 64 Results for Brighton

Weld County  
Adams County



| Precinct | YES   | NO    |
|----------|-------|-------|
| 170      | 560   | 352   |
| 171      | 489   | 446   |
| 172      | 109   | 71    |
| 173      | 33    | 49    |
| 174      | 72    | 67    |
| 175      | 442   | 457   |
| 176      | 148   | 163   |
| 177      | 0     | 0     |
| 179      | 0     | 0     |
| 180      | 234   | 220   |
| 181      | 544   | 464   |
| 182      | 220   | 203   |
| 183      | 86    | 93    |
| 184      | 110   | 114   |
| 185      | 179   | 229   |
| 186      | 435   | 434   |
| 187      | 433   | 397   |
| 188      | 294   | 303   |
| 189      | 311   | 351   |
| 190      | 457   | 464   |
| 191      | 639   | 382   |
| 192      | 358   | 246   |
| 193      | 459   | 355   |
| 194      | 98    | 100   |
| 195      | 131   | 155   |
| 196      | 42    | 32    |
| 197      | 17    | 17    |
| 198      | 248   | 267   |
| TOTAL:   | 7,148 | 6,431 |

## Legend

Adams County Precincts

Ward Boundary

Districts:

- Ward 1
- Ward 2
- Ward 3
- Ward 4

NAD83-02 State Plane Coordinate System (US Feet)  
Colorado Central Zone 502  
GCS North American NAD83 Datum

GIS ESRI ArcInfo 10.0 Software

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May 2013

# Municipal Retail Marijuana Status

| <u>City</u>            | <u>Sales</u> | <u>Cultivation</u> | <u>Manufacturing</u> | <u>Testing</u> | <u>Tax Information</u>  |
|------------------------|--------------|--------------------|----------------------|----------------|---|
| <b>Aurora*</b>         | ✓            | ✓                  | ✓                    | ✓              | 5% excise tax, 4% sales tax on retail with authority up to 10%            |
| Arvada                 |              |                    |                      |                |   |
| Bennett                |              |                    |                      |                |   |
| <b>Boulder</b>         | ✓            | ✓                  | ✓                    | ✓              | 5% excise tax, 3.5% sales tax   |
| <b>Commerce City</b>   | ✓            | ✓                  | ✓                    | ✓              | 7% sales tax, 5% excise tax   |
| <b>Denver**</b>        | ✓            | ✓                  | ✓                    | ✓              | 5% excise and authorized up to 15%  |
| <b>Federal Heights</b> | ✓            | ✓                  | ✓                    | ✓              | 5% sales tax w/ authority up to 10%, 5% excise tax w/ authority up to 10% |
| Fort Lupton            |              |                    |                      |                |   |
| Lochbuie               |              |                    |                      |                |   |
| <b>Longmont</b>        | ✓            |                    |                      |                | 3.5% sales tax; 3% excise tax with authority up to 15%                    |
| <b>Northglenn</b>      | ✓            | ✓                  | ✓                    |                | 4% sales tax, up to 10%   |
| <b>Thornton</b>        | ✓            |                    |                      | ✓              | 5% sales tax  |
| Westminster            |              |                    |                      |                |   |

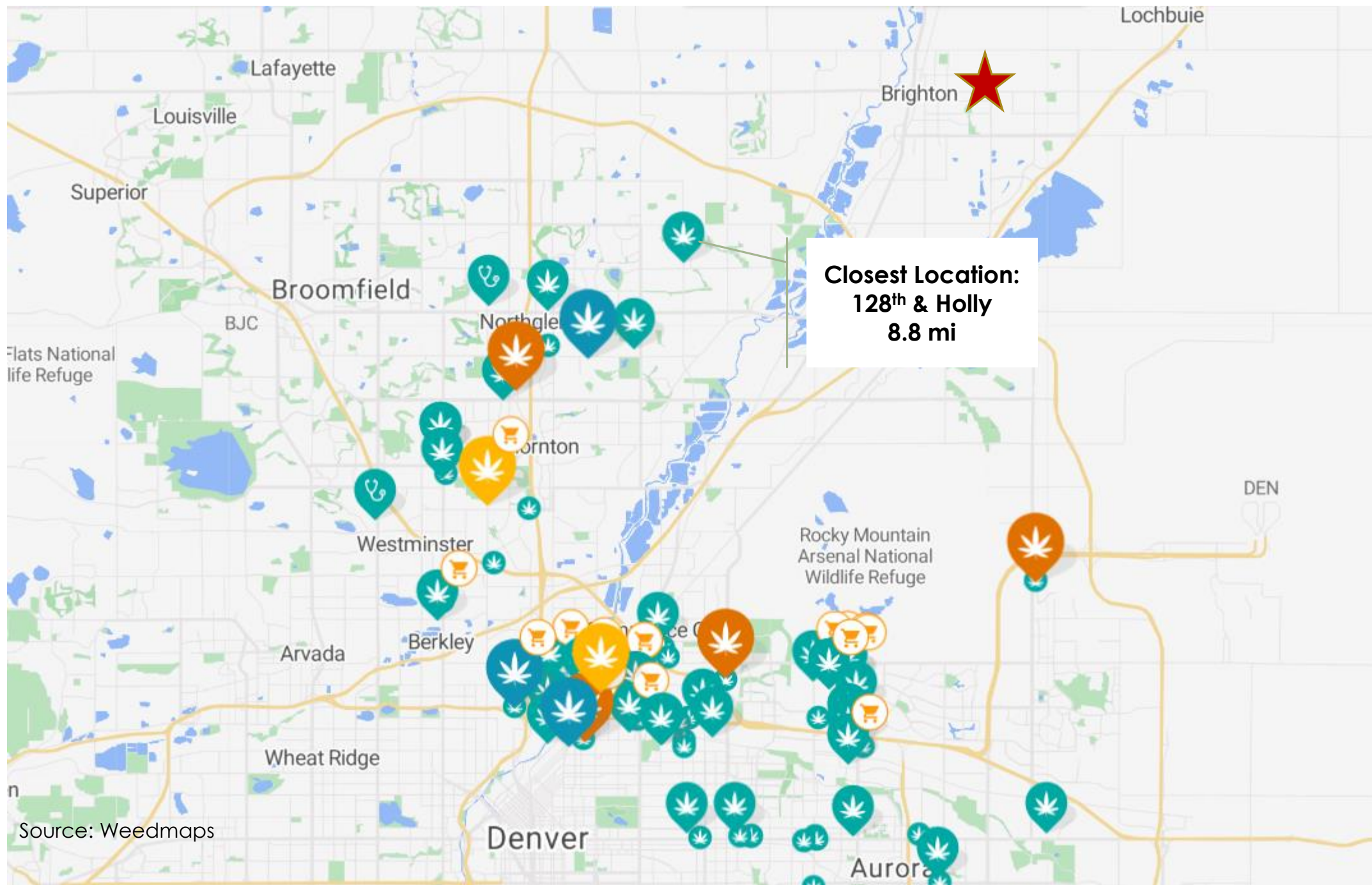
\* Aurora recently passed an ordinance allowing delivery

\*\*Denver is the only municipality that allows on-site consumption

# Sales Tax Revenue

| Jurisdiction  | Sales Tax Rate | Sales Tax Revenue | Locations | Average ST Generated per Location |
|---------------|----------------|-------------------|-----------|-----------------------------------|
| Aurora        | 4.00%          | \$11.2M           | 62        | \$180,645                         |
| Commerce City | 7.00%          | \$1.0M            | 8         | \$125,000                         |
| Thornton      | 5.00%          | \$1.9M            | 3         | \$633,333                         |
| Unicorp Adams | 3.00%          | \$0.6M            | 11        | \$54,545                          |
| Denver        | 5.50%          | \$55.9M           | 915       | \$61,902                          |





**Closest Location:**  
**128<sup>th</sup> & Holly**  
**8.8 mi**

Source: Weedmaps





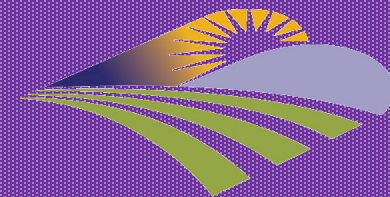
# Items for Further Consideration

- If allowed, various municipal code amendments related to operation, design, security and storage will be necessary
  - Repeal ordinances that prohibit the sale of medical or retail marijuana
  - Tabor election and sales tax rate
- Number and locations of allowed and their proximity to schools, daycares, churches, etc.
- Determine what types of licenses and land uses to allow for (retail sales, cultivation, manufacturing, testing, delivery, on-site consumption. etc.)
- Ordinance to set fees for reviewing a license (similar to fees set for reviewing liquor licenses) and related processes
- Potential needs for additional staff

# Ballot Language Examples

|            |  |
|------------|--|
| Northglenn | SHALL CITY OF NORTHGLENN TAXES BE INCREASED BY FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000) ANNUALLY IN THE FIRST FISCAL YEAR, AND BY SUCH AMOUNTS AS ARE RAISED ANNUALLY THEREAFTER BY IMPOSING A NEW SALES TAX OF TWO PERCENT (2%) ON THE SALE OF RETAIL MARIJUANA AND MEDICAL MARIJUANA, AND RETAIL MARIJUANA AND MEDICAL MARIJUANA PRODUCTS, WHICH SHALL BE IN ADDITION TO THE MUNICIPAL SALES TAX ON SUCH SALES, AND SHALL ALL REVENUES DERIVED FROM SUCH TAX BE COLLECTED AND SPENT TO BE USED EXCLUSIVELY FOR THE CONSTRUCTION OF PUBLIC FACILITIES, INCLUDING, BUT NOT LIMITED TO, THE NORTHGLENN RECREATION CENTER, THE NORTHGLENN SENIOR CENTER, AND THE NORTHGLENN THEATRE AS A VOTER APPROVED REVENUE CHANGE WITHOUT REGARD TO ANY EXPENDITURE, REVENUE RAISING, OR OTHER LIMITATION CONTAINED IN ARTICLE X, § 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW? PASS, 6791 - 39  |
| Thornton   | SHALL THE CITY OF COMMERCE CITY TAXES BE INCREASED BY ONE HUNDRED THOUSAND DOLLARS IN THE FISCAL YEAR COMMENCING JANUARY 1, 2016, AND ENDING DECEMBER 31, 2016, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER BY THE IMPOSITION OF AN EXCISE TAX ON THE SALE OF MARIJUANA AND MARIJUANA PRODUCTS AS SUCH ARE AUTHORIZED BY STATE LAW COMMENCING JANUARY 1, 2016 AT THE RATE OF FIVE PERCENT OF THE PRICE PAID BY THE PURCHASER, IN ACCORDANCE WITH CITY ORDINANCE 2050; AND SHALL THE CITY BE AUTHORIZED TO COLLECT AND SPEND SUCH REVENUE AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?  |
| Aurora     | SHALL AURORA'S TAXES BE INCREASED BY \$2,400,000 ANNUALLY IN THE FIRST FULL FISCAL YEAR OF SUCH INCREASE AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER FROM THE IMPOSITION OF A 5.0% EXCISE TAX ON THE AVERAGE MARKET RATE OF UNPROCESSED RETAIL MARIJUANA THAT IS SOLD OR TRANSFERRED FROM A RETAIL MARIJUANA CULTIVATION FACILITY AND AN ADDITIONAL 2.0% SALES AND USE TAX ON THE SALE AND USE OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS, WITH THE RATE OF SUCH SALES AND USE TAX BEING ALLOWED TO BE INCREASED OR DECREASED WITHOUT FURTHER VOTER APPROVAL SO LONG AS THE RATE OF TAXATION DOES NOT EXCEED 10%, AND SHALL THE REVENUES FROM SUCH TAXES BE COLLECTED, RETAINED, AND SPENT AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO THE LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, SECTION 11-27 OF THE AURORA CHARTER, OR ANY OTHER LAW WHICH PURPORTS TO LIMIT AURORA'S REVENUES OR EXPENDITURES? |

# Questions



Brighton<sup>SM</sup>