

## AGENDA

### DOLORES COLORADO

#### TOWN BOARD OF TRUSTEES MEETING

MONDAY FEBRUARY 10<sup>TH</sup>, 2025 5:30 P.M.

THE MEETING WILL BE HELD AT THE TOWN HALL 601 CENTRAL AVENUE.

IF YOU WISH TO ATTEND VIRTUALLY, PLEASE VISIT THE TOWN WEBSITE UNDER GOVERNMENT TOWN BOARD MEETING FOR THE ZOOM LINK

<https://townofdolores.colorado.gov>

Due to a change in Zoom, there are separate links for the 2<sup>nd</sup> and 4<sup>th</sup> Monday meeting of the Dolores Board of Trustees

#### 1. CALL TO ORDER

#### 2. PLEDGE OF ALLEGIANCE

#### 3. ROLL CALL

#### 4. ACTION/APPROVAL OF THE AGENDA – **Trustees: Need a motion and a 2<sup>nd</sup>. To approve the agenda.**

#### 5. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST.

6. **ACTION/APPROVAL OF THE CONSENT AGENDA:** The Consent Agenda is intended to allow the Board by a single motion to approve matters that are considered routine or non-controversial. Here will be no separate discussion of these items unless a Board Member requests an item to be removed from the Consent Agenda and considered separately. Items removed from the Consent Agenda will be Considered under specific Agenda item numbers.

6.1 Board Minutes for the meetings of January 13<sup>th</sup>, 2025, and January 27<sup>th</sup>, 2025.

6.2 Proceedings for the month of January 2025.

6.3 Beer and Wine Liquor License renewal for The Italian/V2C Partners LLC, 101 S 5<sup>th</sup> Street Dolores.

**Trustees: Need a motion and a 2<sup>nd</sup> to approve consent agenda**

#### 7. REMOVED CONSENT AGENDA ITEMS:

7.1 Liquor License Renewal for hotel/restaurant for Montezuma Mexican Restaurant LLC.

8. **CITIZENS TO ADDRESS THE BOARD:** This is an opportunity for Citizens to address the Board at this time or during a Public Hearing. Each Person will have 5 minutes. The Town Board encourages public comment by the following sources: Live at the Town Hall, virtually via ZOOM (see the Town Website for the link), or by submitting your comments, via email, to the Town Clerk at [tammy@townofdolores.com](mailto:tammy@townofdolores.com) any time before the dated Board meeting.

**9. STAFF/COMMITTEE REPORTS/PRESENTATIONS:**

- 9.1 **Galloping Goose Report:** Joe Becker – 10 minutes
- 9.2 **Sheriff's Report:** Sheriff Steve Nowlin
- 9.3 **Manager's Report:** Manager Leigh Reeves
- 9.4 **Treasurer's Report:** Treasurer Kelley Unrein
- 9.5 **Attorney's Report:** Attorney Jon Kelly – Discussion of Marijuana Ordinance
- 9.6 **Montezuma County Commissioner's report:** Jim Candelaria
- 9.7 **Maintenance Director report:** in writing, Randy McGuire
- 9.8 **Building Official report:** in writing, David Doudy

**10. TRUSTEES REPORTS AND ACTIONS: Please limit comments to 5 minutes.**

- 10.1 Mayor Chris Holkestad
- 10.2 Mayor Pro Tem Kalin Grigg
- 10.3 Trustee Sheila Wheeler
- 10.4 Trustee Mark Youngquist
- 10.5 Trustee Chris Curry
- 10.6 Trustee Linnea Peterson
- 10.7 Trustee Marie Roan

**11. PUBLIC HEARINGS/ORDINANCE/RESOLUTION ADOPTION:**

**11.1 Public Hearing amended 2025 Budget. Open Public Hearing for discussion**

**11.2 Resolution R644 Series 2025** AMENDING THE 2025 Budget and providing for a supplemental appropriation of funds to the various funds and spending agencies, in the amounts and for the purpose as set forth below for the 2025 Budget year. **Trustees: need a motion and a 2<sup>nd</sup> to approve resolution**

**11.3 Ordinance 583 Series 2025 First Reading:** Granting Empire Election Association a franchise for a period of ten (10) years. Allowing all necessary transmission line or lines, and other services along the streets, alleys, bridges, and public places. **Trustees: need a motion and a 2<sup>nd</sup> to approve first reading only.**

**12. ACTION/APPROVAL RESOLUTIONS: Trustees: need a motion and a 2<sup>nd</sup> to approve each resolution.**

**12.1 Resolution R643 Series 2025** supporting participation in the Montezuma County Multi-Jurisdictional Hazard Mitigation Plan (HMP).

**12.2 Resolution R645 Series 2025:** Approving a contract for Municipal Judge Kristen Tarrin. (For the record swearing in will be at a later date).

**13. ADMINISTRATIVE BUSINESS/DISCUSSION:**

- 13.1 **LOGO** contest: Winners will be chosen by the Board by ballot.
- 13.2 **Revisit Ord 577 – Discussion of water memberships in Town**

**13.3 Zoom** – Vote and discussion on if we will continue the practice of active Zoom or posting meetings only.

**13.4 Marquee** – Vote and discussion on installing marquee.

**13.5 Yurt as a building structure discussion**

**13.6 Workshop topics for February and March** – input from the Board of Trustees

**14 FUTURE MEETINGS FOR BOARD/COMMITTEES:**

**14.4** Parks- February. 13th, 2025 6pm Townhall

**14.5** Office closed for President’s Day – February. 17th, 2025

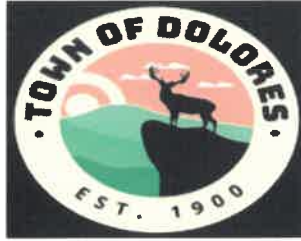
**14.6** Workshop and Board meeting – February 24th, 2025, 5:30pm

**14.7** DCC – February 25, 2025, 6pm Townhall

**14.8** P&Z – March 4, 2025, 6:30pm Townhall

**14.9** Citizens’ Coffee – March 22, 2025, 9am-11am Dolores Community Center

**15 ADJOURNMENT:**



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**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. ACTION/APPROVAL OF THE AGENDA – Trustees: Need a motion and a 2<sup>nd</sup>.**

**5. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST.**

**6. ACTION/APPROVAL OF THE CONSENT AGENDA:** The Consent Agenda is intended to allow the Board by a single motion to approve matters that are considered routine or non-controversial. Here will be no separate discussion of these items unless a Board Member requests an item to be removed from the Consent Agenda and considered separately. Items removed from the Consent Agenda will be Considered under specific Agenda item numbers.

**6.1** Board Minutes for the meetings of December 9<sup>th</sup>, 2024.

**6.2** Proceedings for the month of December 2024.

**6.3** Liquor License Renewal for Kelly's Kitchen LLC for a hotel/restaurant liquor license.

**Trustees: Need a motion and a 2<sup>nd</sup> to approve consent agenda**

**7. REMOVED CONSENT AGENDA ITEMS**

**8. CITIZENS TO ADDRESS THE BOARD:** This is an opportunity for Citizens to address the Board at this time or during a Public Hearing. Each Person will have 5 minutes. The Town Board encourages public comment by the following sources: Live at the Town Hall, virtually via ZOOM (see the Town Website for the link), or by submitting your comments, via email, to the Town Clerk at [tammy@townofdolores.com](mailto:tammy@townofdolores.com) any time before the dated Board meeting.

**9. STAFF/COMMITTEE REPORTS/PRESENTATIONS:**

**9.1 Four Corners Recycling Discussion**

**9.2 Sheriff's Report:** Sheriff Steve Nowlin

**9.3 Managers Report:** Manager Leigh Reeves

**9.4 Treasurer's Report:** Treasurer Kelley Unrein

**9.5 Attorney's Report:** Attorney Jon Kelly

**9.6 Montezuma County Commissioner's report:** Jim Candelaria

**9.7 Maintenance Director report: in writing, Randy McGuire**

**9.8 Building Official report: in writing, David Doudy**

**10. TRUSTEES REPORTS AND ACTIONS:**

**10.1** Mayor Chris Holkestad

**10.2** Mayor Pro Tem Kalin Grigg

**10.3** Trustee Sheila Wheeler

**10.4** Trustee Mark Youngquist

**10.5** Trustee Chris Curry

**10.6** Trustee Linnea Peterson

**10.7** Trustee Marie Roan

**11. PUBLIC HEARINGS/ORDINANCE ADOPTION:** No Public hearing at this time.

**12. ACTION/APPROVAL RESOLUTIONS:**

**12.1 Resolution R638 Series 2025:** Designating a public place for posting public notices in compliance with the Colorado Sunshine Act of 1972

**12.2 Resolution R639 Series 2025:** Accepting the award of the GOGO grant for the JRP revitalization project and authorizing the Mayor and Town Manager to execute any necessary agreements to accept and administer the grant.

**12.3 Resolution R640 Series 2025:** Repealing the base rate for sewer services adopted by resolution R583 Series 2024

**12.4 Resolution R642 Series 2025:** Approving a Memorandum of Understanding between Montezuma County, and the Towns of Mancos, Dolores, and City of Cortez, and Dolores County (Regional Partners), regarding a cooperative effort to enhance geographic information systems (GIS) within the regional planning and emergency service area.

**Trustees: need a motion and a 2<sup>nd</sup> to approve each resolution.**

**13. ADMINISTRATIVE BUSINESS:**

**13.1 Discussion:** Siren Management

**13.2 Action/Discussion:** Stormwater Ditch Easement Crossing Agreement/Josh Martin. **Trustees: Need a motion and a 2<sup>nd</sup> to approve.**

**14. EXECUTIVE SESSION DISCUSSION** to consult Town Attorney concerning a property matter pursuant to 24-6-402(4)(f)(I), CRS. **Trustees: need a motion and a 2<sup>nd</sup> to go into executive session**

**15. ADMINISTRATIVE BOARD BUSINESS:** This is the last meeting of 2024.

**Workshop and board meeting – January 27<sup>th</sup>, 2025**

**Community Center meeting – January 28<sup>th</sup>, 2025**

**16. ADJOURNMENT:**



**MINUTES  
DOLORES COLORADO  
TOWN BOARD OF TRUSTEES MEETING  
MONDAY JANUARY 13TH, 5:30 P.M.**

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**1. CALL TO ORDER:** Mayor Holkestad called the meeting to order at 5:30 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL:** Board Members present: Mayor Chris Holkestad, Trustees Kalin Grigg, Mark Youngquist, Sheila Wheeler, Linnea Peterson, and Chris Curry. Trustee Marie Roan was absent.

**4. ACTION/APPROVAL OF THE AGENDA:** *Trustee Youngquist moved to approve the agenda, seconded by Trustee Peterson. The motion was approved unanimously.*

**5. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST.** No conflicts were identified.

**6. ACTION/APPROVAL OF THE CONSENT AGENDA:** The Consent Agenda is intended to allow the Board by a single motion to approve matters that are considered routine or non-controversial. Here will be no separate discussion of these items unless a Board Member requests an item to be removed from the Consent Agenda and considered separately. Items removed from the Consent Agenda will be Considered under specific Agenda item numbers.

**6.1** Board Minutes for the meetings of December 9<sup>th</sup>, 2024.

**6.2** Proceedings for the month of December 2024.

**6.3** Liquor License Renewal for Kelly's Kitchen LLC for a hotel/restaurant liquor license.

*Trustee Youngquist moved to approve the consent agenda, seconded by Mayor Holkestad. The motion was approved unanimously.*

**7. REMOVED CONSENT AGENDA ITEMS:** No items were removed.

**8. CITIZENS TO ADDRESS THE BOARD:** This is an opportunity for Citizens to address the Board at this time or during a Public Hearing. Each Person will have 5 minutes. The Town Board encourages public comment by the following sources: Live at the Town Hall, virtually via ZOOM (see the Town Website for the link), or by submitting your comments, via email, to the Town Clerk at [tammy@townofdolores.com](mailto:tammy@townofdolores.com) any time before the dated Board meeting. There was no comment from the public.

## 9. STAFF/COMMITTEE REPORTS/PRESENTATIONS:

**9.1 Four Corners Recycling Discussion:** Lisa Roche and Casey Simpson updated the Board on the recycling program. Casey explained that due to a change in state legislature the Four Corner Recycling program will be closing at the end of 2025 as there will be no funding from the state. The State is implementing a new recycling program in hopes the public will be encouraged more to recycle. The Town would need to develop a system for curbside pickup with an expense incentive from the State. Two options were presented: 1. Contract with the City of Cortez and join in their recycling program, 2. Contract with a Waste Hauler (Bruin, Countryside Disposal, Waste Management) to pick up recycling. He stated that the Town has a year to develop a program.

**9.2 Sheriff's Report:** Sheriff Steve Nowlin provided a small calls for service report as there were technical issues. The program is still being worked on. He stated that it was important for the Board to see the information as it shows what the Sheriffs Department is doing in the Town. He touched on the importance of keeping the CIP program going as Montezuma County is dropping it. Mancos and Cortez are going to try to keep it going.

**9.3 Managers Report:** Manager Leigh Reeves reported on the following:

- Caselle software program: The amount of reporting and support will triple as opposed to the current product (Ampstun). There are a large number of items to get converted, the faster the staff works the faster the Caselle team works.
- The Flanders Park restroom officially has internet. The charging station requires a concrete pad, the town is unable to fund it.
- CDOT is inquiring about placing a bus stop by the restrooms. They will be engineering a pull out and official bus stop plan.
- The current Municipal Judge Beth Padilla is resigning effectively, February 28<sup>th</sup>, 2025. The position is posted on the website under opportunities, and the Four Corners Bar Association.
- There is an opening for a Building Official. It will run until filled with a hire date of March 1st, 2025. The job description is on the website under opportunities.
- Staff and the P&Z Committee are working to create a plan for updating the 1997 Comp Plan. Due to lack of funding several of the members are willing to take on some of the tasks associated with the project.
- In Wednesdays Journal for the Fishing is Fun grant outcome is posted. Trout Unlimited was retained to do some work on private land to create fishing holes and enhanced habitat for fish. The Town will be doing this as well.

**9.4 Treasurer's Report:** Treasurer Kelley Unrein reported to the Board the sales tax changes, and an amended budget. Due to an error in the sales tax distribution some of the funding had to be dialed back. The funding for the Comp Plan was cut. The Community Center will have a fund to show profit or loss. Some of the projects are completed and closed upon funding. It is planned to provide the Board with a grant report in the near future.

**9.5 Attorney's Report:** Attorney Jon Kelly discussed the upcoming resolutions that the Board will be approving. He recommended hiring an attorney for a municipal judge.

**9.6 Montezuma County Commissioner's report:** Jim Candelaria was not present for a report.

**9.7 Maintenance Director report: in writing, Randy McGuire**

**9.8 Building Official report: David Doudy** discussed with the Board the importance of fire mitigation, using the California fires as an example. He urged the Board to look at certain areas that could potentially fuel fires.

## 10. TRUSTEES REPORTS AND ACTIONS:

**10.1** Mayor Chris Holkestad named some topics for future workshops; simplifying the LUC, Community Center, and Fire and Emergency for examples, he requested the Board members submit topics.



**10.2** Mayor Pro Tem Kalin Grigg remarked that Building Official David Doudy, and Public Works Director Randy McGuire leaving this year, gives him cause for concern for the loss of knowledge.

**10.3** Trustee Sheila Wheeler reported that she volunteered for the Senior lunches and was concerned about the oven, she inquired about a grant for updating the kitchen. Trustee remarked about the safety and use of AI by the staff. It was explained that AI is used as assistance in general office work and accounting. (The Town has a robust cyber security plan).

**10.4** Trustee Mark Youngquist commented on the completion of the generator and sirens.

**10.5** Trustee Chris Curry commented on the approachability of the town staff, he felt he was met with resistance. He stated that some Board Members should not scoff at remarks or question their peers make.

**10.6** Trustee Linnea Peterson remarked she felt there was a vortex between staff, Board Members, and citizens, which are disgruntled with disagreements. Trustee Peterson would also like to see a 25-mph speed limit sign through the Town,

**10.7** Trustee Marie Roan absent from comment.

**11. PUBLIC HEARINGS/ORDINANCE ADOPTION:** No Public hearing at this time.

**12. ACTION/APPROVAL RESOLUTIONS:**

**12.1 Resolution R638 Series 2025:** Designating a public place for posting public notices in compliance with the Colorado Sunshine Act of 1972. Attorney Kelly introduced the resolution. *Trustee Youngquist moved to approve Resolution R638 Series 2025, seconded by Trustee Curry. The motion was approved unanimously.*

**12.2 Resolution R639 Series 2025:** Accepting the award of the GOGO grant for the JRP revitalization project and authorizing the Mayor and Town Manager to execute any necessary agreements to accept and administer the grant. Attorney Kelly introduced the resolution. *Mayor Holkestad moved to approve resolution R639 Series 2025, seconded by Trustee Youngquist. The motion was approved unanimously.*

**12.3 Resolution R640 Series 2025:** Repealing the base rate for sewer services adopted by resolution R583 Series 2024. *Trustee Youngquist moved to approve resolution R640 Series 2025, seconded by Trustee Curry. The motion was approved unanimously.*

**12.4 Resolution R642 Series 2025:** Approving a Memorandum of Understanding between Montezuma County, and the Towns of Mancos, Dolores, and City of Cortez, and Dolores County (Regional Partners), regarding a cooperative effort to enhance geographic information systems (GIS) within the regional planning and emergency service area. Manager Reeves introduced the resolution. *Trustee Grigg moved to approve Resolution R642 Series 2025, seconded by Trustee Youngquist. The motion was approved unanimously.*

**13. ADMINISTRATIVE BUSINESS:**

**13.1 Discussion:** Siren Management. Manager Reeves reported to the Board that Treasurer Unrein, Montezuma County Emergency Manager Jim Spratlin, and Sheriff Steve Nowlin met to talk about testing the emergency sirens. There will be three thirty second warnings for the tests which will send a message to the Everbridge system to warn citizens that it is only a test. Citizens are encouraged to register with the Everbridge system as it sends warnings to the community. Residents with no capability will be warned by other means. HIPPA may block attempts to contact some residents. Manager Reeves presented a policy of the plan.

**13.2 Action/Discussion:** Stormwater Ditch Easement Crossing Agreement/Josh Martin. Manager Reeves explained the easement with Josh Martin.

**14. EXECUTIVE SESSION DISCUSSION** to consult Town Attorney concerning a property matter pursuant to 24-6-402(4)(f)(I), CRS. *Mayor Holkestad moved to enter into executive session at 8:28 p.m., seconded by Trustee Peterson. The motion was approved unanimously.* The Mayor closed the executive session with no decisions made.

**15. ADMINISTRATIVE BOARD BUSINESS: This is the last meeting of 2024.**

**Workshop and board meeting – January 27<sup>th</sup>, 2025**

**Community Center meeting – January 28<sup>th</sup>, 2025**

**16. ADJOURNMENT:** Mayor Holkestad adjourned the meeting at 8:51 p.m.

\_\_\_\_\_  
Mayor Chris Holkestad

\_\_\_\_\_  
Town Clerk Tammy Neely



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**WORKSHOP: 5:30 P.M.:**

- 1. Economic Development**
- 2. Business Questionnaire**
- 3. LOGO contest**

**BOARD MEETING 6:30 P.M.**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. ACTION/APPROVAL OF THE AGENDA**
- 5. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST.**
- 6. ACTION/APPROVAL OF THE CONSENT AGENDA: The Consent Agenda is intended to allow the Board by a single motion to approve matters that are considered routine or non-controversial. Here will be no separate discussion of these items unless a Board Member requests an item to be removed from the Consent Agenda and considered separately. Items removed from the Consent Agenda will be Considered under specific Agenda item numbers. **No consent agenda at this time.****

**7. REMOVED CONSENT AGENDA ITEMS:**

**8. CITIZENS TO ADDRESS THE BOARD:** This is an opportunity for Citizens to address the Board at this time or during a Public Hearing. Each Person will have 5 minutes. The Town Board encourages public comment by the following sources: Live at the Town Hall, virtually via ZOOM (see the Town Website for the link), or by submitting your comments, via email, to the Town Clerk at [tammy@townofdolores.com](mailto:tammy@townofdolores.com) any time before the dated Board meeting.

8.1 Deb Honaker

**9 STAFF/COMMITTEE REPORTS/PRESENTATIONS:**

9.1 Judge Candidate: Attorney Kristen Tarrin

9.2 Judge Candidate: Attorney Ethan Sumrall

9.3 Managers Report: Leigh Reeves

9.4 Attorneys Report: Jon Kelly

9.5 Treasurers Report: Kelley Unrein no report will be given.

9.6 Commissioner: Jim Candelaria

**10. TRUSTEES REPORTS AND ACTIONS: Please keep comment to 5 minutes**

10.1 Mayor Chris Holkestad

10.2 Trustee Kalin Grigg

10.3 Trustee Sheila Wheeler

10.4 Trustee Mark Youngquist

10.5 Trustee Chris Curry

10.6 Trustee Linnea Peterson

10.7 Trustee Marie Roan

**12. ADMINISTRATIVE BOARD BUSINESS:**

12.1 Discussion: Easement Martin Built Homes

**13. UPCOMING BOARD, COMMITTEE AND SPECIAL GROUP MEETINGS:**

13.1 Board Meeting February 10<sup>th</sup>, 2025, 5:30 p.m.

13.2 Planning and Zoning Meeting February 4<sup>th</sup>, 2025, 6:30 p.m.

13.3 Parks Advisory Committee February 13<sup>th</sup>, 2025, at 6:00

13.4 Dolores Community Center Committee February 25<sup>th</sup>, 2025

**14. ADJOURNMENT:**



## MINUTES

### DOLORES COLORADO

#### TOWN BOARD OF TRUSTEES MEETING

JANUARY 27<sup>TH</sup> 2025, 5:30 P.M. WORKSHOP 6:30 P.M. MEETING

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#### WORKSHOP: 5:30 P.M.:

1. **Economic Development** for the Town of Mancos Jason Armstrong addressed the Board with some insight to develop a plan for the Town.

#### BOARD MEETING 6:30 P.M.

1. **CALL TO ORDER:** Mayor Chris Holkestad opened the regular Board meeting at 6:47 p.m.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Board Members present: Mayor Chris Holkestad, Trustees Kalin Grigg, Sheila Wheeler, Chris Curry, Mark Youngquist, Marie Roan, and Linnea Peterson.
4. **ACTION/APPROVAL OF THE AGENDA:** *Trustee Grigg moved to approve the agenda amending it to add item 9.2 a to allow the Board to choose a Judge, seconded by Trustee Youngquist. The motion was approved unanimously.*
5. **IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST.** No conflicts were identified.
6. **ACTION/APPROVAL OF THE CONSENT AGENDA:** The Consent Agenda is intended to allow the Board by a single motion to approve matters that are considered routine or non-controversial. Here will be no separate discussion of these items unless a Board Member requests an item to be removed from the Consent Agenda and considered separately. Items removed from the Consent Agenda will be Considered under specific Agenda item numbers. **No consent agenda**

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**8.1 Mike Sawyer:** A recap on the last meeting, "Dave Doudy was correct on everything, fire is a big thing." Discussed the flushing of fire hydrants in LaPlata county and in Dolores. Prescribed burns are "a good thing," they can help prevent fire spread. He encouraged the board to work with other departments to facilitate the fire mitigation projects. Second issue, sales tax errors that occurred. The CPA that was involved should be held accountable in some way. I would like to encourage the town to stay focused on books.

**8.2 Deb Honaker:** requested an exemption to amend Dolores Municipal Code Section 13.04.160 related to the dwelling on her property which requires her to pay a second service line for water. Ms. Honaker quoted the Dwelling Unit definition. She argues that the property has a sewing room w/ a bathroom and a back room with a bed and bathroom. She argues that there is not a kitchen set up. She has discussed the matter with a plumber and states that she is willing to seek legal counsel.

## 9 STAFF/COMMITTEE REPORTS/PRESENTATIONS:

**9.1 Judge Candidate:** Attorney Kristen Tarrin interviewed with the Board virtually.

**9.2 Judge Candidate:** Attorney Ethan Sumrall interviewed with the Board virtually.

*Trustee Youngquist moved to make an offer to Attorney Kristen Tarrin for Municipal Judge for Dolores, seconded by Mayor Holkestad. The motion was approved unanimously. (For the record, all Board Members voted for Kristen Tarrin).*

**9.3 Managers Report:** Leigh Reeves reported on the following:

- Met with Mancos Town Manager Heather Alvarez in pursuing grants for the Crisis Intervention Program (CIP). There is enough funding to get to June 2025.
- Met with 2 property owners and Chris Lopez from CHAFA (Colorado Housing and Finance Association). There is CHAFA funding available to help individual property owners get technical grants, to help with what they can do with their property. Manager Reeves requested the Boards input about the interpretation of 30% Commercial in any housing that is potentially built. The pop-up store fulfills requirements. LUC is not clear on this. She asked the Board if they would like her to proceed.
- GOCO- First installment has been requested and approved, should be here within the week.
- Working with the Daniels Fund for funding for baseball fields, scoreboards, and restroom. She is trying to coordinate with different individuals to show that we are attracting more children to sports.

- American Ramp Company- the timeline has been set. We will be starting late June and early July.
- David and Randy are meeting weekly with Leigh to discuss construction codes. This will be relevant during Phase2 construction.
- The new bear proof trash can is in Flander’s Park. The bathroom is currently closed due to a frozen water line under the ADA ramp. Jay Cruzan came today to help evaluate the situation. Cruzan Construction will fix the issue. Randy should have it ready for them by midday tomorrow, then the plumbers will be.
- Kelley is changing the structure of financial reporting in a different manner. Budget analysis for the first meeting and revenues and expenditures for the second meeting.

**9.4 Attorneys Report:** Jon Kelly Will work on the recurring water tap issue.

**9.5 Treasurers Report:** Kelley Unrein no report will be given.

**9.6 Commissioner:** Jim Candelaria updated the Board on the following:

- County call for a pond on K.6 (Highland Terrance). It is not receiving water or is being aerated.
- Ironwood will be going up for Sheriffs Sale.
- Statewide Wildlife Interface Code (Fire Mitigation). The town will have 90 days to adopt after the state adopts.
- Recycling will need bear proof trash cans.

## **10. TRUSTEES REPORTS AND ACTIONS: Please keep comment to 5 minutes**

**10.1** Mayor Chris Holkestad inquired about two town clean up days, would like to have discussion a at a later meeting. He suggested having a coffee talk with the Board members and citizens of the town. The Board agreed on March 22<sup>nd</sup>, Saturday morning from 9:00 a.m. to 11:00 a.m. at the Dolores Community Center. He asked about testing the hydrants. Public Works Director Randy McGuire informed the Board that hydrants are tested in the spring, he also checks them in the fall.

**10.2** Trustee Kalin Grigg no comment

**10.3** Trustee Sheila Wheeler no comment

**10.4** Trustee Mark Youngquist no comment

**10.5** Trustee Chris Curry remarked that he enjoyed hearing from Jason Armstrong. Sara Vass has formulated a first draft of survey for the community. Should we allow a citizen survey? The idea is to have someone not on board or working for the town. Mayor Holkestad says that he thinks there should be a workshop on the issue and be able to review the questions. The mayor also would like to shift the focus from the past to the future goals of the community, town, and board. Trustee Youngquist wants to focus on the quality of the questions as a board. He also mentions the issue of not having a partnership with the chamber. Mark also notes that if the ‘citizen’ appears to have the “town’s blessing” could come back and have some negative consequences. Trustee Grigg notes that Jason Armstrong mentioned that we need to be ready for the information to be actionable on

the information we receive and states that he does not believe that we are in a position to be actionable. The mayor hopes that the coffee talk will also identify some pain points within the community, as well looking at the processes in the community. Do we want to have a comment box?

**10.6** Trustee Linnea Peterson feels like there is a lot of work to do to meet some of the goals brought up in the workshop. Could we look at Mancos' survey for some ideas. She believes that the board needs to be clearer on their direction, mission statement, a base or foundation, etc. She does not believe that we are ready for an economic development position yet. Trustee Youngquist notes there is a possibility that someone hired could help us build the base. Should we have some discussion about having a town clean-up and a workshop on fire resiliency? She asked Commissioner Candelaria "When you have your county coffee chats, how do you follow up with the information?" He responded that the county commissioners go through the process as a board to resolve issues. He said they are casual meetings, no recording, the journal comes and talks about everything. If there is action that can be taken, they do, but it is usually just education that is required. Is there a time limit per person? They try to limit it but there is no official time limit.

**10.7** Trustee Marie Roan thanked Mike for coming to the meetings and appeals to the community to come to the meetings.

## **12. ADMINISTRATIVE BOARD BUSINESS:**

**12.1 Discussion:** Easement Martin Built Homes, a developer, wants to move a culvert to a new location. An engineer has developed a U-shaped ditch that is supposed to be able to carry the water in the ditch. Leigh is working with CDOT. We have the development agreement and two buildings with four units and the same remains to be built.

## **13. UPCOMING BOARD, COMMITTEE AND SPECIAL GROUP MEETINGS:**

**13.1** Board Meeting February 10<sup>th</sup>, 2025, 5:30 p.m.

**13.2** Planning and Zoning Meeting February 4<sup>th</sup>, 2025, 6:30 p.m.

**13.3** Parks Advisory Committee February 13<sup>th</sup>, 2025, at 6:00

**13.4** Dolores Community Center Committee February 25<sup>th</sup>, 2025

**14. ADJOURNMENT:** Mayor Holkestad adjourned the meeting at 8:47 p.m.

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Mayor Chris Holkestad

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Clerk Tammy Neely



TOWN OF DOLORES

Check Register  
 Reporting All Cash Accounts  
 From: 1/1/2025  
 To: 1/31/2025

Number	Seq	Date	Void	Vendor Name	Invoice Number	Comments	Amount	Manual Chk
EFT		01/10/2025		Spectrum Business	010825		\$79.99	
EFT		01/27/2025		Dolores River Boating Advocates	DCC012725		\$300.00	
EFT		01/03/2025		ATMOS ENERGY	010325		\$108.20	
EFT		01/03/2025		ATMOS ENERGY	010325b		\$312.97	
EFT		01/24/2025		DOLORES STATE BANK	012425		\$2,034.14	
EFT		01/24/2025		Rocky Mountain Reserve	1152039		\$93.80	
EFT		01/09/2025		Montezuma County Dems	0109225		\$300.00	
EFT		01/09/2025		Karen Oredmann	010325b		\$300.00	
EFT		01/01/2025		Kenneth Charles	123124KC		\$800.00	
28874	*	01/01/2025		CEBT PAYMENTS	2025-01		\$13,569.54	
28875		01/01/2025		Kelly & Fronapfel Law, PC	010125JK		\$950.00	
28876		01/02/2025		BANKCARD CENTER	122524VEC		\$1,556.67	
28877		01/06/2025		Savanna Shaffer	1		\$216.00	
28878		01/06/2025		WASTE MANAGEMENT OF NM	0444550-4889-0		\$330.35	
28879		01/06/2025		U.S. POSTAL SERVICE	Imprint Permit #7-25		\$2,700.00	
28880		01/06/2025		Fred Manar	9		\$1,000.00	
28881		01/06/2025		LA PLATA COUNTY	12111		\$116.60	
28882		01/06/2025		Cedar Networks (Ting) Internet	357957		\$1,299.00	
28883		01/06/2025		REGION 9 - EDD	1015462		\$2,064.00	
28884		01/06/2025		ALSCO	LFAR1230412		\$134.85	
28885		01/06/2025		WAGNER EQUIPMENT CO.	P00C2760189		\$35.66	
28886		01/06/2025		BALLENTINE COMMUNICATIONS	44737		\$74.81	
28887		01/06/2025		PARKERS WORKPLACE SOLUTIONS	813147-00		\$998.39	
28888		01/06/2025		PARTNERS IN PARTS	010125nappa		\$1,969.82	
28889		01/06/2025		CATERPILLAR FINANCIAL SERVICES COR	010125Cat		\$3,669.70	
28890		01/06/2025		STONE SAND & GRAVEL, LLC	123124SSG		\$713.38	
28891		01/08/2025		DOLORES GENERAL STORE	010425DG		\$76.41	
28892		01/08/2025		SOUTHWEST COLORADO CYCLING ASSO	010825NPOc		\$2,500.00	
28893		01/08/2025		GALLOPING GOOSE HISTORICAL SOCIET	010825NPOb		\$1,000.00	
28894		01/08/2025		DOLORES PUBLIC LIBRARY	010825NPOa		\$3,000.00	

\* Indicates Out Of Sequence Check Number

TOWN OF DOLORES

Check Register  
 Reporting All Cash Accounts  
 From: 1/1/2025  
 To: 1/31/2025

Number	Seq	Date	Void	Vendor Name	Invoice Number	Comments	Amount	Manual Chk
28896		01/08/2025		ROTARY CLUB OF DOLORES	010825NPOf		\$1,000.00	
28897		01/08/2025		Dolores Watershed Collaborative	010825NPOg		\$5,000.00	
28898		01/08/2025	Voided	FOUR CORNERS RECYCLING INITIATIVE	010825h	VOID*	\$3,000.00	
28899		01/08/2025		K9 SEARCH AND RESCUE TEAM INC.	010825NPOe		\$1,000.00	
28900		01/08/2025		MONTEZUMA CO SENIOR SERVICES	010825NPOd		\$2,500.00	
28901		01/08/2025		Montezuma Leadership Network	010825i		\$1,000.00	
28902		01/08/2025		GMSS	INV60747		\$185.00	
28903		01/08/2025		PARKERS WORKPLAGE SOLUTIONS	813141-01		\$247.39	
28904		01/09/2025		FOUR CORNERS RECYCLING INITIATIVE	010925NPO		\$3,500.00	
28905		01/09/2025		LEPEW PORTA JOHNS, INC	2024-12-008		\$482.15	
28906		01/09/2025		MATTHEWS ELECTRIC OF SOUTHWEST C	25/23		\$1,543.65	
28907		01/09/2025		PRINCIPAL MUTUAL FUNDS	010425PIE		\$617.41	
28908		01/09/2025		PRINCIPAL MUTUAL FUNDS	010425PI		\$475.70	
28910	*	01/13/2025	Voided	ATMOS ENERGY	120424b	VOID*	\$1,780.00	
28911		01/13/2025		FLYERS ENERGY, LLC	CFS-4111428		\$335.28	
28912		01/13/2025		FRALLEY PROPANE, LLC	415023282		\$1,042.39	
28913		01/13/2025		HACH	14261659		\$699.00	
28914		01/13/2025		WATER SOLUTIONS LLC	DOL-010825		\$749.37	
28915		01/13/2025		Lisa Tozer	011402BLT		\$71.58	
28916		01/13/2025		WAGNER EQUIPMENT CO.	P00C2762604		\$53.49	
28917		01/15/2025		CENTURYLINK	011525CL		\$175.15	
28918		01/15/2025		TRISHA COBERLY	25		\$160.00	
28919		01/15/2025		CRUZAN CONSTRUCTION CO.	4914	Roof	\$35,897.00	
28920		01/15/2025		IMAGENET CONSULTING LLC	INV1145224		\$233.70	
28921		01/16/2025		EMPIRE ELECTRIC ASSOCIATION	0125EE		\$6,408.73	
28922		01/16/2025		DANA KEPNER	1609093-00		\$1,423.75	
28923		01/16/2025		MOUNTAINLAND SUPPLY COMPANY	S106718480,001		\$300.91	
28924		01/16/2025		NETFORCE PC, INC.	NFPQ1545		\$1,305.00	
28926	*	01/21/2025		Barr Engineering	0642100,00-1		\$2,690.00	
28926		01/21/2025		CIRSA	INV1000659		\$849.00	

\* Indicates Out Of Sequence Check Number

TOWN OF DOLORES

Check Register  
Reporting All Cash Accounts

From: 1/1/2025  
To: 1/31/2025

Number	Seq	Date	Void	Vendor Name	Invoice Number	Comments	Amount	Manual Chk
28927		01/21/2025		ALSCO	LFAR1233121		\$143.84	
28929	*	01/21/2025		PRINCIPAL MUTUAL FUNDS	011825EE		\$864.38	
28930		01/22/2025		CATERPILLAR FINANCIAL SERVICES COR	36431215		\$2,088.46	
28931		01/22/2025		GREEN ANALYTICAL LABORATORIES	250132		\$181.00	
28932		01/23/2025		MOUNTAINLAND SUPPLY COMPANY	S106718480.002		\$145.63	
28933		01/23/2025		FERGUSON WATERWORKS	1578019		\$328.32	
28934		01/23/2025		IMAGENET CONSULTING LLC	INV1081967		\$152.03	
28935		01/27/2025		CEBT PAYMENTS	2025-02		\$15,954.74	
28936		01/27/2025		NETFORCE PC, INC.	CW-34122		\$788.43	
28937		01/27/2025		AUDRA HAGER	AH012725		\$114.68	
28938		01/28/2025		FLYERS ENERGY, LLC	CFS-4129150		\$178.63	
28939		01/28/2025		CIRSA	INC1000973		\$248.00	
28940		01/31/2025		AT&T MOBILITY	287297557507X01282025		\$238.23	
28941		01/31/2025		BANKCARD CENTER	VB01245		\$1,264.24	

EFT Check Count:	8	Amount:	\$3,529.10
Regular Check Count:	63	Amount:	\$131,411.44
	72		\$134,940.54
Voided Check Count:	2	Amount:	\$4,780.00

Signature \_\_\_\_\_

These invoices are approved for payment.

\* Indicates Out Of Sequence Check Number

DR 8400 (02/16/24)  
**COLORADO DEPARTMENT OF REVENUE**  
 Liquor Enforcement Division  
 PO BOX 17087  
 Denver CO 80217-0087  
 (303) 205-2300

**Submit to Local Licensing Authority**

**THE ITALIAN**  
**PO BOX 1290**  
**Dolores CO 81323**

Fees Due		
Annual Renewal Application Fee		\$
Renewal Fee		346.25
Storage Permit	\$100 X _____	\$
Sidewalk Service Area	\$75.00	\$
Additional Optional Premise Hotel & Restaurant	\$100 X _____	\$
Related Facility - Campus Liquor Complex	\$160.00 per facility	\$
<b>Amount Due/Paid</b>		<b>\$</b>

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

## Retail Liquor License Renewal Application

Please verify & update all information below. Return to city or county licensing authority by due date.

**Note that the Division will not accept cash.**

- Paid by check  
 Paid Online

Uploaded to MoveIt on Date

Licensee Name

V2C PARTNERS LLC

Doing Business As Name (DBA)

THE ITALIAN

Liquor License Number

04-01984

License Type

Fermented Malt Beverage and Wine (city)

Sales Tax License Number

95958297-0000

Expiration Date

03/24/2025

Due Date

02/07/2025

### Business Address

Street Address

101 SOUTH 5TH STREET

Phone Number

9705702088

City, State, ZIP Code

Dolores CO 81323

### Mailing Address

Street Address

PO BOX 1290

City, State, ZIP Code

Dolores CO 81323

Email

Operating Manager

MARIE BOAL

Date of Birth

10-19-1965

DR 8495 (02/16/24)  
COLORADO DEPARTMENT OF REVENUE  
Liquor Enforcement Division  
PO BOX 17087  
Denver CO 80217-0087  
(303) 205-2300

## Tax Check Authorization, Waiver, and Request to Release Information

I, MARIE KOENIG

am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of

(the "Applicant/Licensee")

42C PARTNERS, LLC

to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101. et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and is duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business)

V2C PARTNERS LLC

Social Security Number/Tax Identification Number

93-3950360

Home Phone Number

1028127954

Business/Work Phone Number

970-570-2088

Street Address

101 S. 5th St

City

DOLDES

State ZIP Code

CO

81323

Printed name of person signing on behalf of the Applicant/Licensee

MARIE ROAN

Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) Date Signed

*Marie Roan*

2/5/25

**Privacy Act Statement**

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime?  Yes  No

If yes, attach a detailed explanation.

7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked?  Yes  No

If yes, attach a detailed explanation.

8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee?  Yes  No

If yes, attach a detailed explanation.

**Affirmation & Consent**

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business

MARIE ROAN

Title

OWNER

Signature

*Marie Roan*

Date (MM/DD/YY)

02/05/25

**Report & Approval of City or County Licensing Authority**

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.

**Therefore this application is approved.**

Local Licensing Authority For

Title

Attest

Signature

Date (MM/DD/YY)

**Home Address**

Street Address		Phone Number
101 S. 5th St.		702-812-7954
City	State	ZIP Code
DOLORIS	CO	81323

1. Do you have legal possession of the premises at the street address?  Yes  No

Are the premises owned or rented?  Owned  Rented\*

\*If rented, expiration date of lease

2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility?  Yes  No

If yes, please see the table in the upper right hand corner and include all fees due.

3. Are you renewing a takeout and/or delivery permit?  Yes  No

(Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) If selecting 'Yes', an additional \$11.00 is required to renew the permit.

If so, which are you renewing?  Delivery  Takeout  Both Takeout and Delivery

4. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?  Yes  No

Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?  Yes  No

5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)?  Yes  No

If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested.



DR 8400 (02/16/24)  
COLORADO DEPARTMENT OF REVENUE  
Liquor Enforcement Division  
PO BOX 17087  
Denver CO 80217-0087  
(303) 205-2300

Submit to Local Licensing Authority

**MONTEZUMA MEXICAN  
RESTAURANT**  
PO BOX 2299  
Dolores CO 81323

Fees Due		
Annual Renewal Application Fee		\$
Renewal Fee		750.00
Storage Permit	\$100 X _____	\$
Sidewalk Service Area	\$75.00	\$
Additional Optional Premise Hotel & Restaurant	\$100 X _____	\$
Related Facility - Campus Liquor Complex	\$160.00 per facility	\$
<b>Amount Due/Paid</b>		<b>\$ 761.00</b>

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

### Retail Liquor License Renewal Application

Please verify & update all information below. Return to city or county licensing authority by due date.

Note that the Division will not accept cash.

 Paid by check  
 Paid Online

Uploaded to Movelt on Date

Licensee Name

MONTEZUMA MEXICAN RESTAURANT LLC

Doing Business As Name (DBA)

MONTEZUMA MEXICAN RESTAURANT

Liquor License Number

03-06382

License Type

Hotel & Restaurant (city)

Sales Tax License Number

30606444

Expiration Date

05/12/2025

Due Date

03/28/2025

#### Business Address

Street Address

1319 RAILROAD AVENUE

Phone Number

9706760043

City, State, ZIP Code

Dolores CO 81323

#### Mailing Address

Street Address

PO BOX 2299

City, State, ZIP Code

Dolores CO 81323

Email

pepejimcruz13@gmail.com

Operating Manager

Juan J Jimenez de la Cruz

Date of Birth

3/19/1988

6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime?  Yes  No

If yes, attach a detailed explanation.

7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked?  Yes  No

If yes, attach a detailed explanation.

8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee?  Yes  No

If yes, attach a detailed explanation.

**Affirmation & Consent**

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business

Juan Jose Jimenez de la Cruz

Title

owner

Signature

[Handwritten Signature]

Date (MM/DD/YY)

01-10-25

**Report & Approval of City or County Licensing Authority**

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.

**Therefore this application is approved.**

Local Licensing Authority For

[Blank Box]

Title

[Blank Box]

Attest

[Blank Box]

Signature

[Blank Box]

Date (MM/DD/YY)

[Blank Box]

Name (Individual/Business)

Montezuma Mexican Restaurant / Juan Jimenez de la Cruz

Social Security Number/Tax Identification Number

272-77-3912

Home Phone Number

970-999-2059

Business/Work Phone Number

970-676-0043

Street Address

1319 Railroad Ave

City

Dolores

State

CO

ZIP Code

81323

Printed name of person signing on behalf of the Applicant/Licensee

Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) Date Signed



1-10-25

**Privacy Act Statement**

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

DR 8495 (02/16/24)  
 COLORADO DEPARTMENT OF REVENUE  
 Liquor Enforcement Division  
 PO BOX 17087  
 Denver CO 80217-0087  
 (303) 205-2300

## Tax Check Authorization, Waiver, and Request to Release Information

I, Juan Juarez de la Cruz

am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter  
 "Waiver") on behalf of

(the "Applicant/Licensee")



to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

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By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and its duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

**Home Address**

Street Address		Phone Number
1010 Merritt Way		
City	State	ZIP Code
Dobres	CO	81323

1. Do you have legal possession of the premises at the street address?  Yes  No

Are the premises owned or rented?  Owned  Rented\*

\*If rented, expiration date of lease  
8/31/2026

2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility?  Yes  No

If yes, please see the table in the upper right hand corner and include all fees due.

3. Are you renewing a takeout and/or delivery permit?  Yes  No

(Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) If selecting 'Yes', an additional \$11.00 is required to renew the permit.

If so, which are you renewing?  Delivery  Takeout  Both Takeout and Delivery

4. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?  Yes  No

Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?  Yes  No

5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)?  Yes  No

If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested.

Report to the Board of Trustees on the  
 Planning & Zoning Commission meeting held  
 February 2, 2025

Discussions of potential interest to the Board and items for upcoming P&Z meeting agendas:

<b>Agenda Item/Description</b>	<b>Discussion</b>
8. Staff reports	<p>The Manager presented an oral report that included information of:            Questions about possible mixed commercial/residential uses for the lot located to the west of Exon Building.            The GOCO grant funding improvements at Joe Rowell Park. Construction will start in the summer and must be done by October 1.            Tiny houses, tiny homes, and their relationships to ADUs. Staff and commissions discussed how difficult it was to determine specifics for minimum sizes because the process is specified in the Building Code, not the LUC tables.</p>
9. Commissioner updates	<p>There were no formal updates. However, in an informal discussion at the end of the meeting, the commissioners expressed their frustration with the absence of progress—that spans the 28-year period since the 1997 plan was adopted—on Comprehensive Plan updates. The commissioners share consensus that the Comprehensive Plan is the essential foundation for setting priorities for all activities conducted by the Town. They underscored the need for accountable steps linked to responsible individuals.</p>
10. Discussion	<ol style="list-style-type: none"> <li>1. Discuss next steps for preparing for the update to the Comprehensive Plan: See “Involvement process template,” below.</li> <li>2. Review items to be prepared for the February 4, 2025 meeting: There were no items prepared for discussion except the “involvement process template”.           <ol style="list-style-type: none"> <li>a) Consultants: Manager Reeves reported that Jen Gardner and/or Megan Moore, from Logan Simpson Design would be in Cortez on February 18 and 19 to meet with city officials. She is trying to arrange a meeting with them while they are in the area to discuss the comprehensive planning process and what the Town might be able to afford.</li> <li>b) Desired outcomes: Commissioners emphasized that one essential outcome of the revisions was that they meet grantors’ requirements for documentation of public support and need for the proposed project. Such documentation is generally necessary for to show that the applicant is eligible to receive that grantor’s funds.</li> <li>c) Previous work product: No discussion.</li> <li>d) “Involvement process template” (Commissioner Tucker): Mark discussed the template, which was provided by one of his former colleagues (a retired Forest Service Chief Information Officer). The template begins the process developing a community-based communications plan. The group agreed that individual staff and P&amp;Z commissioner would fill out template for discussion at March meeting.</li> </ol> </li> </ol>

<p><b>11. Future agenda items:</b></p>	<p>These items are being retained on the agenda:</p> <ol style="list-style-type: none"><li>1. Comprehensive Plan sub-plans, including: funding, weed management, watershed management, hazards mitigation, etc.</li><li>2. Public outreach and education</li><li>3. Work with staff to edit the Special Exception Permit application.</li><li>4. Examine the 30% front occupancy in the Corridor and Downtown Mixed-Use zones.</li><li>5. Parking in town</li></ol>
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Dolores Community Center Advisory Committee Meeting 1.28.2025

Minutes 1.28.2025: Dolores Community Center Advisory Committee

Attending: Sarah Vass, Jen Stark, Jonnie Ryan, Kourtney Morgan, Janneli Miller Town Manager  
Leigh Reeves

Special guest: Fred Manor: Dolores Community Center Manager

Agenda Dolores Community Center Advisory Committee

-DCC Financials report and Town Report: Town Manager Leigh Reeves:

No financial is available yet for the Committee.

Federal funding is held up at the moment

Discussions of a non profit structure for the DCC by Town Attorney, no further information provided.

The Town Board of Trustees is committed to sponsoring the DCC.

Reports from the town: The DCC Advisory Committee agreed there doesn't really need to be a full town report out but more anything that is prevalent to the Dolores Community Center, structure, funding, and or directives sent forward from the Town Board of Trustees.

-Upgrading: The DCC Advisory Committee identified the following upgrades for the DCC structure: Kitchen equipment, edges of the floors, chair seat cushions, painting the interior, wood chips for little gardens, window blinds, spruce up of the entrance way.

-River clean up day and general clean up day. Getting the things back up that need to be done.

-Development of a use guidelines for do's and do not do in the kitchen. General rules for the kitchen. Practical health applications/ behavioral components (can this be researched through the Colorado Department of Public Health and the food handlers guidelines)

>Fred to send to the Char what is currently posted. Food handlers guidelines versus what is currently available. Review the next meeting.

-Business Builder Grant opportunity: Sarah Vass and DCC Manager: Fred

\*Business builder grant with no match, it is a reimbursement grant, proposed and approved budget is needed. Involves several states, chance of minimum \$20k to \$35k. Demonstrate that 5 plus food/ farm business need to benefit from the funding request.

Oven, dry storage, Freezer area and offering food handlers courses for certification are some items discussed the grant could aid with. Sarah to lead the committee, Janneli to meet the guidelines, Kourtney, Fred are the additional members.

Discussion Items:

-Establishing a process to develop and advertise "Friend of the DCC"- launch date: April 1.  
Work with Fred and Cortez Web services. Janneli to build and run an Instagram account.

-Setting the agenda for future DCC Advisory meetings. The DCC Advisory Committee will help drive this agenda and the Town Manager will supplement any pertinent information pertaining to the structure and activities of the DCC at the town level.

Next meeting Agenda items:

-We will review and prioritize the projects list, the food handlers review and final list, review of the budget, update on the web page, exit interview compilation review. Also this idea of an exit walk through.



- Regular scheduled meeting on February 25<sup>th</sup>.
- Grant progress update

-Adjourn: 7:15 P.M.

Mission: Cultivating growth and opportunity in a welcoming, inclusive, and accessible environment, where community can connect, learn and thrive together.

Vision: To be a vibrant gathering space where community members connect, collaborate, and celebrate diverse interests in a welcoming and well-maintained space. We strive to create an adaptable and stable environment that evolves with the needs and aspirations of our rural community, fostering a sense of unity, resilience, and shared purpose.

TOWN OF DOLORES

Payment Application Report

From 01/01/2025 to 01/31/2025

Billing Cycle: 1

Customer Detail: True - Sort by: Payment Date

Subtotal by Transaction Type Applied To: True

Including Complete and Incomplete Batches

Transaction Type: (Any)

Payment Type: (Any)

Posted Date	Account No	Name	Location No	Type	Type Applied To	Applied	User
01/08/2025	^	SWOPE, COPIES PERSONAL	Other Receipts	Cash	MISC-GENERAL	\$(4.00)	ANN SWOPE
01/10/2025	^	ORNELLAS/COHEN WEDDING	Other Receipts	Cash	MISC-GENERAL	\$(100.00)	ANN SWOPE
01/10/2025	^	ORNELLAS/COHEN, SEPT 13,	Other Receipts	Cash	MISC-GENERAL	\$(100.00)	ANN SWOPE
01/13/2025	^	CANNA & CO, Hi Country Re-Le	Other Receipts	Check	MISC-GENERAL	\$(2,577.00)	TAMMY NEELY
01/14/2025	Kellys Kitchen L	Kellys Kichen LLC, OCC TAX	Other Receipts	Check	MISC-GENERAL	\$(325.00)	TAMMY NEELY
01/21/2025	^	MARGARET HALL, DEPOSIT 5-	Other Receipts	Check	MISC-GENERAL	\$(300.00)	ANN SWOPE
01/22/2025	^	MERCEDES YANITO, DEPOSIT	Other Receipts	Check	MISC-GENERAL	\$(300.00)	ANN SWOPE
01/22/2025	^	KDGC PROPS LLC, SUNDAY C	Other Receipts	Check	MISC-GENERAL	\$(350.00)	ANN SWOPE
01/23/2025	^	GABLE TAX GROUP, BAG FEE	Other Receipts	Check	MISC-GENERAL	\$(45.24)	ANN SWOPE
01/23/2025	^	DOLORES STATE BANK, 2-8-2	Other Receipts	Check	MISC-GENERAL	\$(450.00)	ANN SWOPE
01/31/2025	^	WASTE MANAGEMENT, REIME	Other Receipts	Check	MISC-GENERAL	\$(632.71)	ANN SWOPE
<b>Applied To MISC-GENERAL Total:</b>				<b>Charges Applied To: 13</b>		<b>\$(6,038.95)</b>	
01/21/2025	^	PAYMAC INC, FLATBED TRUC	Other Receipts	Check	MISC-STREETS	\$(7,025.00)	ANN SWOPE
<b>Applied To MISC-STREETS Total:</b>				<b>Charges Applied To: 1</b>		<b>\$(7,025.00)</b>	
01/08/2025	^	VISTA GRANDE, REFUND REII	Other Receipts	Check	PARKS AND REC REVENUEI	\$(100.00)	ANN SWOPE
<b>Applied To PARKS AND REC REVENUE Total:</b>				<b>Charges Applied To: 1</b>		<b>\$(100.00)</b>	
01/10/2025	^	MTZ CO TREASURER, SPEC C	Other Receipts	Check	PROP TAX-OWNERSHIP	\$(1,094.14)	ANN SWOPE
<b>Applied To PROP TAX-OWNERSHIP Total:</b>				<b>Charges Applied To: 1</b>		<b>\$(1,094.14)</b>	
01/03/2025	^	WATER HAULING, 12-31-24	Other Receipts	Cash	WATER DOCK	\$(37.25)	ANN SWOPE
01/21/2025	^	WATER HAULING, 1-3-25	Other Receipts	Cash	WATER DOCK	\$(95.25)	ANN SWOPE
01/21/2025	^	WATER HAULING, 1-6-25	Other Receipts	Cash	WATER DOCK	\$(193.50)	ANN SWOPE
01/21/2025	^	WATER HAULING, 1-7-25	Other Receipts	Cash	WATER DOCK	\$(35.25)	ANN SWOPE
01/21/2025	^	WATER HAULING, 1-9-25	Other Receipts	Cash	WATER DOCK	\$(21.50)	ANN SWOPE
01/21/2025	^	WATER HAULING, 1-2-25	Other Receipts	Cash	WATER DOCK	\$(87.25)	ANN SWOPE
01/27/2025	^	WATER HAULING, 1-14-2025	Other Receipts	Cash	WATER DOCK	\$(159.00)	ANN SWOPE
01/27/2025	^	WATER HAULING, 1-21-2025 F	Other Receipts	Cash	WATER DOCK	\$(78.00)	ANN SWOPE
01/27/2025	^	WATER HAULING, 1-17-2025	Other Receipts	Cash	WATER DOCK	\$(81.25)	ANN SWOPE
01/27/2025	^	WATER HAULING, 1-21-25 FOF	Other Receipts	Cash	WATER DOCK	\$(207.25)	ANN SWOPE
01/27/2025	^	WATER HAULING, 1-22-2025	Other Receipts	Cash	WATER DOCK	\$(24.75)	ANN SWOPE
01/27/2025	^	WATER HAULING, 1-23-25	Other Receipts	Cash	WATER DOCK	\$(23.50)	ANN SWOPE
01/27/2025	^	WATER HAULING, 1-8-25	Other Receipts	Cash	WATER DOCK	\$(30.00)	ANN SWOPE
01/31/2025	^	WATER HAULING, 1-24-25	Other Receipts	Cash	WATER DOCK	\$(61.00)	ANN SWOPE
01/31/2025	^	WATER HAULING, 1-27-25	Other Receipts	Cash	WATER DOCK	\$(329.00)	ANN SWOPE
01/31/2025	^	WATER HAULING, 1-28-25	Other Receipts	Cash	WATER DOCK	\$(50.25)	ANN SWOPE
01/31/2025	^	WATER HAULING, 1-29-25	Other Receipts	Cash	WATER DOCK	\$(106.75)	ANN SWOPE
01/31/2025	^	WATER HAULING, 1-30-25	Other Receipts	Cash	WATER DOCK	\$(21.25)	ANN SWOPE
01/31/2025	^	WATER HAULING, 1-31-25	Other Receipts	Cash	WATER DOCK	\$(26.50)	ANN SWOPE
<b>Applied To WATER DOCK Total:</b>				<b>Charges Applied To: 19</b>		<b>\$(1,668.50)</b>	

\* Denotes an overpayment

^ Customer does not have an account.

# TOWN OF DOLORES

## Payment Application Report

From 01/01/2025 to 01/31/2025

Billing Cycle: 1

Customer Detail: True - Sort by: Payment Date

Subtotal by Transaction Type Applied To: True

Including Complete and Incomplete Batches

Transaction Type: (Any)

Payment Type: (Any)

Posted Date	Account No	Name	Location No	Type	Type Applied To	Applied	User
<b>Other Receipt Payments Total:</b>					<b>Charges Applied To: 52</b>	<b>\$(46,995.05)</b>	
<b>Grand Total:</b>					<b>Charges Applied To: 52</b>	<b>\$(46,995.05)</b>	

\* Denotes an overpayment

^ Customer does not have an account.

TOWN OF DOLORES

Payment Application Report

From 01/01/2025 to 01/31/2025

Billing Cycle: 1

Subtotal by Service Type Applied To: True  
Including Complete and Incomplete Batches

Transaction Type: (Any)

Payment Type: (Any)

**Billing Payments**

*Revenues  
deposited in  
January 2025*

<b>Service Type SEWER Total:</b>	<b>Charges Applied To: 526</b>	<b>\$(20,369.64)</b>
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<b>Service Type WATER Total:</b>	<b>Charges Applied To: 658</b>	<b>\$(24,252.99)</b>
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<b>Billing Payments Total:</b>	<b>Charges Applied To: 1,184</b>	<b>\$(44,622.63)</b>
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<b>Grand Total:</b>	<b>Charges Applied To: 1,184</b>	<b>\$(44,622.63)</b>
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\* Denotes an overpayment

^ Customer does not have an account.

TOWN OF DOLORES

AR

As Of Period Ending 1/31/2025

Cycle: 1

Sorted By: Account Number

Subtotaled By: Service Type

Unfinalized transactions exist. Changes to these transactions may alter this report.

*Billed to w/s  
customers  
for January '25*

	1/1/2025 - 1/31/2025	12/1/2024 - 12/31/2024	11/1/2024 - 11/30/2024	10/31/2024 - Older	Balance
Other Receipts Totals	30.00	0.00	0.00	50.00	80.00
Other Receipts Number of Accounts	1	0	0	1	1
SEWER Totals	16,198.81	48.56	-526.91	-282.80	15,437.66
SEWER Number of Accounts	428	59	14	54	490
WATER Totals	22,455.26	457.86	-638.70	-264.35	22,010.07
WATER Number of Accounts	473	64	19	53	538
Grand Total	38,684.07	506.42	-1,165.61	-497.15	37,527.73
Grand Total Counts	479	75	22	63	542

TOWN OF DOLORES

Payment Application Report

From 01/01/2025 to 01/31/2025

Billing Cycle: 1

Customer Detail: True - Sort by: Payment Date

Subtotal by Transaction Type Applied To: True

Including Complete and Incomplete Batches

Transaction Type: (Any)

Payment Type: (Any)

*Revenues  
deposited in  
January 2025*

Posted Date	Account No	Name	Location No	Type	Type Applied To	Applied	User
<b>Other Receipt Payments</b>							
01/21/2025	^	ATMOS ENERGY, FRANCHISE	Other Receipts	Check	ATMOS FRANCHISE	\$(19,573.75)	ANN SWOPE
<b>Applied To ATMOS FRANCHISE Total:</b>						<b>Charges Applied To: 1</b>	<b>\$(19,573.75)</b>
01/21/2025	^	ATMOS ENERGY TOWER, 202	Other Receipts	Check	ATMOS TOWER LEASE	\$(2,281.19)	ANN SWOPE
<b>Applied To ATMOS TOWER LEASE Total:</b>						<b>Charges Applied To: 1</b>	<b>\$(2,281.19)</b>
01/08/2025	^	MTZ VALLEY PLUMBING, perm	Other Receipts	Check	BUILDING PERMIT	\$(135.00)	ANN SWOPE
01/13/2025	^	Jeffery Watters	Other Receipts	Check	BUILDING PERMIT	\$(145.25)	TAMMY NEELY
01/16/2025	^	Enviromental Designs	Other Receipts	Check	BUILDING PERMIT	\$(1,000.00)	TAMMY NEELY
01/27/2025	^	STONE AGE CONST, BDG PEF	Other Receipts	Check	BUILDING PERMIT	\$(2,430.75)	ANN SWOPE
<b>Applied To BUILDING PERMIT Total:</b>						<b>Charges Applied To: 4</b>	<b>\$(3,711.00)</b>
01/14/2025	^	Kellys Kitchen LLC, restaurant	Other Receipts	Check	BUSINESS LICENSE	\$(25.00)	TAMMY NEELY
01/14/2025	^	Kellys Kitchen LLC, Food Trl	Other Receipts	Check	BUSINESS LICENSE	\$(25.00)	TAMMY NEELY
<b>Applied To BUSINESS LICENSE Total:</b>						<b>Charges Applied To: 2</b>	<b>\$(50.00)</b>
01/13/2025	^	COMNET WIRELESS LLC	Other Receipts	Check	COMNET FRANCHISE	\$(831.57)	TAMMY NEELY
<b>Applied To COMNET FRANCHISE Total:</b>						<b>Charges Applied To: 1</b>	<b>\$(831.57)</b>
01/13/2025	^	Jannneli Miller, Sadie dog tag	Other Receipts	Cash	DOG LICENSE	\$(10.00)	TAMMY NEELY
01/16/2025	^	KAREN CARROZA, RAMAH LIC	Other Receipts	Cash	DOG LICENSE	\$(10.00)	TAMMY NEELY
01/17/2025	^	Liv Glantz, Bindi & Jasper	Other Receipts	Cash	DOG LICENSE	\$(20.00)	TAMMY NEELY
01/23/2025	^	Cathy Patch, Shorty	Other Receipts	Cash	DOG LICENSE	\$(10.00)	TAMMY NEELY
01/24/2025	^	RON CHEROSKE, DOG TAG 2	Other Receipts	Cash	DOG LICENSE	\$(10.00)	ANN SWOPE
01/30/2025	^	MARIANNE MATE, 2025 DOG T	Other Receipts	Cash	DOG LICENSE	\$(10.00)	ANN SWOPE
<b>Applied To DOG LICENSE Total:</b>						<b>Charges Applied To: 6</b>	<b>\$(70.00)</b>
01/21/2025	^	EMPIRE ELECTRIC, DEC FEE\$	Other Receipts	Check	EMPIRE FRANCHISE	\$(4,375.95)	ANN SWOPE
<b>Applied To EMPIRE FRANCHISE Total:</b>						<b>Charges Applied To: 1</b>	<b>\$(4,375.95)</b>
01/14/2025		Kellys Kitchen L Kellys Kichen LLC	Other Receipts	Check	LIQUOR LICENSE	\$(175.00)	TAMMY NEELY
<b>Applied To LIQUOR LICENSE Total:</b>						<b>Charges Applied To: 1</b>	<b>\$(175.00)</b>
01/08/2025	^	DOL MTN QUILTERS, JAN SET	Other Receipts	Check	MISC-GENERAL	\$(75.00)	ANN SWOPE
01/08/2025	^	canyon chile, Rent 1-1-25 to 4-1-	Other Receipts	Check	MISC-GENERAL	\$(780.00)	ANN SWOPE

\* Denotes an overpayment

^ Customer does not have an account.

## MAINTENANCE DAILY REPORT JANUARY 2025

- 1 Plants. Randy
- 2 Plants . Pulled the chlorine samples. Adjusted the wastewater plant influent chart recorder. Adjusted the chemicals at the water treatment plant to lower turbidity.
- 3 Plants RJ. Worked on manufacturing fenders for the motor grader. Lowered the US flags to half-mast.
- 4-5 Plants. Randy
- 6 Plants. Rebuilt the wastewater plant samplers. Service online meters at the water tank. Calibrate the turbidity meters at the water plant. Continued the fender project and marked utility locates.
- 7 Plants. Pulled the Quarterly wastewater samples and the water chlorine and bacti samples. Continued the fender project.
- 8 Plants. Removed the Christmas lights at Flanders Park. Inspected a water line at 207 N 12<sup>th</sup>. Turned off water at 207 N 10<sup>th</sup>.
- 9 Plants. Marked utility locates on Short and 21 for a cable tv line install. Checked the meter at 207 N 12<sup>th</sup>. Started repair on insulation at the water plant.
- 10 Plants. Rechecked the meter at 207 N 12<sup>th</sup>. Finished insulation at the water plant. Marked a utility locate at 907 Central. Cleaned the shop.
- 11-12 Plants. Opened the storm drain on N 6<sup>th</sup>.
- 13 Plants. Replaced the damaged meter setter and feed pipe at 907 Central. Replaced a rotten post at the water tank feature at Flanders Park. Marked utility locates at 21<sup>st</sup> and Hillside.
- 14 Plants. Fixed potholes. Cleaned the chlorine feed at the well. Filled the chlorine supply at the wastewater plant. Trapped gophers.
- 15 Plants. Pulled the chlorine samples. Bladed streets. Picked up trash and cleaned the Flanders Park restroom.
- 16 Plants. Bladed streets. Calibrated the flow meters at the wastewater plant. Emptied the trash barrel at the wastewater plant influent. Attended a staff meeting.
- 17 Plants. Marked utility locates. Cleaned the shop. Cleaned up the roofing trash at the water plant. Repaired a leak at the well detention tank.

- 18-20 Plants. Justin. Got called out for frozen meter at 1251 Merritt Way on Sunday
- 21 Plants. Thawed water meter at 1251 Merritt Way. Completed inventory counts. Moved wires at the power box in JRP. Set the new trash can at the Flanders Park bathroom.
- 22 Plants. Marked utility locates. Hung shut off tags. Thawed out meter to the Flanders Park restroom. Called out for frozen meter at 206 S 6<sup>th</sup>.
- 23 Plants. Read meters. Thawed meter at 1400 Merritt Way.
- 24 Plants. Thawed water meter at 104 N 19<sup>th</sup>.
- 25-26 Plants. RJ. Got called out for frozen meter at 204 S 6<sup>th</sup> on Sunday.
- 27 Plants. Meter re-reads. Checked for a water leak at 207 N 9<sup>th</sup>. Checked meter at 30830 Rd U.5. Shut off meter at 2004 Short Street. Worked on the water line for Flanders Bathroom.
- 28 Plants. Hydro-vac the water and sewer line at the Flanders bathroom. Turned off water at 18530 Hwy 145. Thawed the water line at 109 N 7<sup>th</sup>. Serviced the online meters at the water tank.
- 29 Plants. Winterized the Vac Truck. Worked on the street sign plan. Meeting regarding 96 Central. Thawed meter at 500 Riverside. Got the chlorine samples for the week. .
- 30 Plants. Helped the owner check for the location of the leak at 207 N 9<sup>th</sup>. Sanded streets worked on the frozen sewer line on Merritt Way. Checked the sewer line at the Community Center.
- 31 Plants. Thawed lines at 107 N. 15<sup>th</sup> units B and C. Cleaned the shop.



## **Town board February 10, 2025**

### **Building Official report**

#### **Current projects:**

1. #1173 – Grease trap inspection
2. #1161 – Grease trap Inspeccion
3. #1172 – Framing inspection
4. #1172 – Temporary Final

#### **New permits: 5 permits - \$1,720.25**

1. #1174 – Waterline replacement
2. #1175 – Tenant improvement – Increasing storage inside bld
3. #1176 – Repair floor
4. #1177 – Waterline replacement
5. #1178 – Tenant remodel

#### **Consultations - Phone and in person**

29 Phone and in-person

#### **Construction Inspections**

5

#### **Future projects on the horizon:**

Possible remodel of a commercial structure

#### **Business Inspections**

1

#### **Food trailer/truck inspections**

## **STR Inspections**

None

## **Internet Technology**

Working with NetForce to eliminate bugs in Owl

## **SPECIAL PROJECTS**

None

## **STR's**

One new unpermitted STR. Working with the Owner

## **Compliance issues**

Still working on grease trap compliance

## **Other items**

A local daycare contacted me to ask for an inspection of their facility. The state is changing the designation of this daycare and stepping up enforcement of day cares. We will be contacting the state to see if they will approve of me as the inspector for this day care.

Call Type	Number Events	Avg Dispatch	Avg Response	Avg Travel	Avg On Scene	Total On Scen	Total Time
ABANDON VEHICLE	2	62.98	0.03	15.05	38	76	172.5
ANIMAL AT LARGE	1	3.57	6.17	13.03	0	0	33.3
ANIMAL CARCASS	2	6.58	0.35	10.57	0	0	134.73
ASSIST OTHER AGENCY	2	1.73	34.62	7.58	0	0	353.9
ATTEMPT TO SERVE CIVIL	5	1.45	0.27	0.18	0	0	56.5
ATTEMPT TO SERVE OTHER	1	0.15	0.02	7.53	5.18	5.18	76.82
BARKING DOG	1	2.93	30.7	0	0	0	0.28
BUSINESS ALARM	1	0.77	0.22	10.85	0.07	0.07	0.05
BUSINESS CHECK	1	0.03	0.03	0	0	0	2.68
CIVIL	1	0	0	0	0	0	4.02
CIVIL STANDBY	1	5.4	0	0	0	0	11.72
CONSENSUAL CONTACT	1	0.3	0.15	1.18	38.2	38.2	26.18
DISTURBANCE	2	2.93	1.5	64.45	13.93	27.87	77.23
DOG RUNNING AT LARGE	10	29.17	64.07	88.52	25.65	256.5	2199.83
DRIVING UNDER REVOCATION	1	3.65	0.13	4.27	7.42	7.42	33.77
EXTRA PATROL	5	1.1	0.18	4.82	18.62	93.08	469.33
FALL VICTIM	2	0	0.1	16.55	68.68	137.37	363.2
FIGHT	2	0.5	0.12	30.47	12.3	24.6	117.8
FIRE ALARM	1	1.87	0.13	33.45	47.32	47.32	57.07
FLAGGED DOWN	1	0.03	16.03	0	0	0	10.18
FOLLOWUP	4	0.15	0.07	18.9	0	0	387.13
GAS LEAK OUTSIDE	1	0	0.07	15.58	121.9	121.9	19.6
HARASSMENT	2	16.9	0.02	5.67	0	0	93.33
INJURED ANIMAL	1	1.62	15.45	0	0	0	2.82
JUVENILE PROBLEM	3	5.65	0.13	19.23	0	0	431.2
LIVESTOCK AT LARGE	3	74.97	0.52	0.03	0	0	141.6
LOST OR STOLEN PROPERTY	1	4.3	4.67	0.55	56.6	56.6	0.4
MAN WITH GUN	1	2.77	7.55	36.27	220.97	220.97	3.08
MENTAL SUBJECT	2	3.97	12.95	19.15	0.08	0.17	40.47
MOTORIST ASSIST	3	18.67	241.8	0.07	0	0	425.8
OVERDOSE; DRUGS	1	1.3	0.03	20.08	24.97	24.97	20.87
OVERDUE MOTORIST	1	9.42	2.18	0	0	0	0.7
PARKING COMPLAINT	1	0.13	0	0	0	0	2.05

PHONE CALL	2	7.92	0	0	0	0	0	108.27
RADAR TRAILER PLACEMENT	1	0.13	0	0	0	0	0.15	
RECKLESS	2	0	0.1	21.53	18.3	36.6	57.17	
REDDI REPORT	1	5.47	0.05	17.35	0	0	1.57	
RESIDENTIAL ALARM	1	2.03	0.12	12.45	0	0	2.52	
RESTRAINING ORDER VIOLATION	4	20.65	118.15	81.63	162.68	650.73	808.73	
RUNAWAY	1	2.22	0.83	58.53	23.83	23.83	52.07	
SECURITY CHECK	48	0.22	20.33	14.6	1.78	85.6	30288	
SLIDE OFF	1	2.02	3.02	21.73	17.43	17.43	50.88	
SUSPICIOUS ACTIVITY	1	4.8	5.87	8.35	0	0	28.32	
SUSPICIOUS VEHICLE	3	4.65	0.53	13.33	12.1	36.3	24.85	
TEST	1	0.13	0.03	0	0	0	31.4	
THEFT	2	12.05	15.07	8.5	106	212	280.73	
TRAFFIC ACCIDENT	3	2.15	1.47	10.68	10.47	31.4	225.2	
TRAFFIC PROBLEM	1	2.2	0.63	29.87	0	0	33.87	
TRAFFIC STOP	44	2.4	0.33	3.57	0	0	16697.27	
TRESPASS	2	9.27	10.6	11.92	21.43	42.87	96.8	
UNCONSCIOUS OR UNRESPONSIVE	1	0	0.02	0	17.28	17.28	53.88	
UNWANTED PERSON	1	3.28	0.3	30.98	56.58	56.58	76.82	
VERBAL DISTURBANCE	1	0.5	0.12	2.3	106.15	106.15	49.05	
VIN INSPECTION	4	0.92	0.12	14.93	0	0	180.47	
WARRANT SERVICE	2	0.13	2.52	48.38	36.72	73.43	18.23	
WELFARE CHECK	6	21.22	20.23	54.95	20.58	123.5	815	

Calls for Service Sector 801-Jan.2025

200

Call Type	Number Events	Avg Dispatch	Avg Response	Avg Travel	Avg On Scene	Total On Scene	Total Time
ABANDON VEHICLE	2	62.98	0.03	15.05	38	76	172.5
ASSIST OTHER AGENCY	2	1.73	34.62	7.58	0	0	353.9
ATTEMPT TO SERVER OTHER	1	0.15	0.02	7.53	5.18	5.18	76.82
BARKING DOG	1	2.93	30.7	0	0	0	0.28
BUSINESS ALARM	1	0.77	0.22	10.85	0.07	0.07	0.05
BUSINESS CHECK	1	0.03	0.03	0	0	0	2.68
DISTURBANCE	2	2.93	1.5	64.45	13.93	27.87	77.23
DOG RUNNING AT LARGE	6	17.03	18.13	20.45	25.65	153.9	583.6
EXTRA PATROL	3	0.85	0.07	4.82	11.67	35	115.65
FIGHT	2	0.5	0.12	30.47	12.3	24.6	117.8
FIRE ALARM	1	1.87	0.13	33.45	47.32	47.32	57.07
FOLLOWUP	4	0.15	0.07	18.9	0	0	387.13
GAS LEAK OUTSIDE	1	0	0.07	15.58	121.9	121.9	19.6
HARASSMENT	2	16.9	0.02	5.67	0	0	93.33
JUVENILE PROBLEM	3	5.65	0.13	19.23	0	0	431.2
LOST OR STOLEN PROPERTY	1	4.3	4.67	0.55	56.6	56.6	0.4
MAN WITH GUN	1	2.77	7.55	36.27	220.97	220.97	3.08
MENTAL SUBJECT	2	3.97	12.95	19.15	0.08	0.17	40.47
MOTORIST ASSIST	1	3.92	34.1	0	0	0	32.87
OVERDOSE; DRUGS	1	1.3	0.03	20.08	24.97	24.97	20.87
OVERDUE MOTORIST	1	9.42	2.18	0	0	0	0.7
PARKING COMPLAINT	1	0.13	0	0	0	0	2.05
PHONE CALL	1	5.07	0	0	0	0	19.37
RADAR TRAILER PLACEMENT	1	0.13	0	0	0	0	0.15
RESTRAINING ORDER VIOLATION	3	16.72	117.37	79.42	162.68	488.05	605.1
SUSPICIOUS VEHICLE	2	2.73	0.03	0.02	0	0	7.33
TEST	1	0.13	0.03	0	0	0	31.4
THEFT	2	12.05	15.07	8.5	106	212	280.73
TRAFFIC STOP	34	1.63	0.22	3.55	0	0	8630.33
TRESPASS	1	6.18	0.05	1.58	21.43	21.43	47.62
UNCONSCIOUS OR UNRESPONSIVE	1	0	0.02	0	17.28	17.28	53.88
VERBAL DISTURBANCE	1	0.5	0.12	2.3	106.15	106.15	49.05
VIN INSPECTION	3	0.87	0.1	8.3	0	0	77.9
WARRANT SERVICE	2	0.13	2.52	48.38	36.72	73.43	18.23
WELFARE CHECK	4	14.23	1.27	7.82	0	0	295.93

Total Calls for Service - January 2025

96



## **Town Manager's Report**

Date: February 5, 2025

To: Board of Trustees

From: Leigh Reeves, Town Manager

- Before you Monday, is the contract for our new Judge, Kristen Tarrin, who will start on the March 28<sup>th</sup> court date. Resolution 645 will approve her contract.
- Resolution R643, Series 2025 is to participate in Montezuma County's Hazard Mitigation Plan. This is put forth by Jim Spratlen, EMS Manager for Montezuma County.
- Resolution R644, Series 2025 is a resolution for our amended budget to adjust revenues and expenditures by the amount of our tax revenue loss. Since the loss was roughly 10% of our budgeted revenue, we cut 10% of the expenses, except for roads, not chip sealing Central this year as Phase II water will tear all those roads up and the budget for a matching grant to complete the comp plan. DOLA will not give us a grant for this so we will have to pay in full for whatever we need.
- Ordinance 583 is to enter into an agreement for franchise rights given to Empire Electric. We will have one for Atmos Gas at the next meeting. This is payment for easements so utilities can provide their services. This is the first reading.
- David and Ann discovered that our ICC rating for residential at 4 and commercial at 5(1 is best, 10 is worst) is not working in our favor on FEMA grant funding or for a reduction in our flood insurance rates. David is working to get our score connected to official FEMA documentation.



- You will find a copy of our new Ordinance for Marijuana sales in the Town of Dolores. Jon will be discussing this at Monday's meeting. This is an effort to update our outdated ordinances. We will be looking at our liquor ordinance in the near future.
- We are in need of more guidance as I am consistently working 60 hours or more each week. As such, there are items in section 13 on the agenda that I need help prioritizing for me and my team. I don't want to assign the work to get you enough data to make a decision if the whole board is not in support of the topic of conversation.
- Item 13.1, Kelley has created a powerpoint with all the entries for the logo contest. There is also a ballot for your use. We can choose a winner tonight or discuss the next steps.
- Item 13.2, this is a discussion regarding O577 and the concept of being a member of a water "district". As a member you pay for the right to receive water that is clean, treated and safe for consumption from the town. Please see the document after my report that will help understand the future of our water system.
- Item 13.3, this will be a discussion of attendance for comment by Zoom or recording the meeting to post to our website for people to view and only have attendance be in person.
- Item 13.4, this will be a discussion of a marquee in the park for communication about town happenings.
- Item 13.5, do we want to allow Yurts to be built to building code standards in the Town of Dolores. Trustee Curry will need to recuse himself from the conversation and the vote. It is a conflict of interest for him as he will be building a yurt on his property. According to CO state law a trustee has to recuse themselves in a discussion they could profit from.
- Originally February's workshop was going to be around the community center but more time for the financial numbers has been requested. So, if we pick an item from the list in section 13 we can create a workshop or we can continue to discuss economic development opportunities.



- We are continuing discussion with CPW for more funds to complete the Fishing is Fun grant this year.
- Kelley and I attended the Region9 quarterly board meeting last Thursday. It is great to see their good work, where we can partner, where they can help and what each government entity is doing.
- The DCC committee would like to create a Friends of the DCC non-profit. We can use that entity to raise funds to help update the kitchen and other areas of the center. We can also have a paint day. I spoke with CSU contact for 4H and they would be willing to have kids help clean up in the Spring as part of their program. There are 45 kids and their parents at each 4H meeting.
- The Dolores school district has come forward with their new buildings map and a request for a setback adjustment. They will be in FEMA compliance as a requirement of their loan and the fact it is a public building.
- Planning & Zoning will be putting together a communication plan for getting input on the Comp Plan. I have contacted Megan Moore from Logan Simpson to see if they can help us with that portion. We can get an estimate of cost based on what we need. I have also contacted Elizabeth Garvin of Clarion Associates to identify her counter part at their firm.
- The Flanders Park bathroom is open to the public again. The sewer and water line were dug up by Cruzan construction. The subcontract plumber fixed both lines to properly keep them from freezing. We are working with Cruzan on the hours of time spent by our team to help.



	January	Expected Revenues and Expenditures	Percent of expected	Rationale
<b>INCOME</b>				
Tax Revenue	\$ 7,869.96	\$ 84,104.17	9%	Sales tax reduction r/t misallotment of funds
Franchise Revenues	\$ 27,062.65	\$ 26,000.00	104%	Atmos pays annually in January
Licenses	\$ 4,001.00	\$ 2,946.67	136%	
Grant Revenues	\$ 6,258.14	\$ -		Non budgeted grant revenue from closed out grant
Conservation Trust Fund	\$ -	\$ -		Quarterly
Parks and Rec Revenue	\$ 200.00	\$ 500.00	40%	Reduced activity: Seasonal
Community Center Revenue	\$ 1,755.00	\$ 2,500.00	70%	
Water and Sewer Revenue	\$ 45,633.74	\$ 52,166.67	87%	
Equipment Sale Revenue	\$ 7,025.00	\$ -	+	Non budgeted revenue from sale of flat bed/truck
Other Revenue Sources	\$ 6,819.83	\$ 7,083.33	96%	
<b>Total Revenue</b>	<b>\$ 106,625.32</b>	<b>\$ 175,300.84</b>	<b>61%</b>	
Mayor, Trustees, and Committees	\$ -	\$ -		Quarterly
Staff Salaries and Benefits	\$ 85,731.76	\$ 73,612.66	116%	End of year bonus rolled forward
Information Technology	\$ 5,151.10	\$ 6,708.33	77%	
Grant Expenses	\$ 2,690.00	\$ 3,000.00	90%	Minimal grant activity for this month
Parks Expenses	\$ 4,065.94	\$ 4,000.00	102%	
Community Center Expenses	\$ 1,331.31	\$ 4,460.00	30%	
Miscellaneous Expenses	\$ 24,368.98	\$ 24,000.00	102%	Contributions to businesses and recycling for the year
Equipment	\$ 5,758.16	\$ 5,583.33	103%	
Sheriff Expenses	\$ -	\$ -	0%	Paid quarterly
General Operations	\$ 12,426.36	\$ 14,379.58	86%	Region 9 and Holiday
Streets Operation Expenses	\$ 2,519.39	\$ 8,291.67	30%	
Water Operation Expenses	\$ 54,828.59	\$ 48,745.00	112%	First payment to Cruzan for emergency roof
Sewer Operation Expenses	\$ 745.92	\$ 1,991.67	37%	
<b>Total Expenses</b>	<b>\$ 199,617.51</b>	<b>\$ 194,772.24</b>	<b>102%</b>	
<b>Net Revenue</b>	<b>\$ (92,992.19)</b>	<b>\$ (19,471.40)</b>		Sales Tax reduction, annual contributions, and roof at water plant are driving the difference between budget and actual. Data will continue to evolve and be more representative as we complete the first quarter.

# **Kelly and Fronapfel Law, P.C.**

**JON L. KELLY, SENIOR PARTNER**

**DOLORES**

**KELLYANDFRONAPFELWPC.COM**

**GRAND JUNCTION**

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February 3, 2025

Dear Board of Trustees,

Please find enclosed proposed revisions to the current marijuana code.

The purpose of these revisions is to bring our 2020 ordinance into compliance with recent statutory changes and to change the manner in which applications are processed at the local level.

If you do not have time to read the entire document, please focus your attention on the highlighted changes.

Thank you.

Very Truly Yours,

/s/

Jon Lewis Kelly



5.16.010 - Legislative intent and purpose.

1. Legislative intent: The board of trustees of the town intends to regulate the use, acquisition, cultivation, production and distribution of medical marijuana in a manner consistent with Article XVIII, Section 14 of the Colorado Constitution (the Medical Marijuana Amendment).
  - a. The Medical Marijuana Amendment to the Colorado Constitution does not provide a legal manner for patients to obtain medical marijuana unless the patient grows the marijuana or the marijuana is grown by the patient's primary caregiver.
  - b. House Bill 10-1284, signed by the Governor on June 7, 2010, ENACTS ARTICLE 43.3 OF TITLE 12, C.R.S., (THE COLORADO MARIJUANA CODE) WHICH IMPOSES STATEWIDE REGULATIONS PERTAINING TO THE USE, ACQUISITION, CULTIVATION, PRODUCTION, SALE AND DISTRIBUTION OF MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS WITHIN THE STATE.
  - c. Nothing within this article is intended to promote or condone the production, cultivation, use, sale or distribution of medical marijuana other than in compliance with applicable state law.
2. Purpose: The purpose of this article is to implement the Medical Marijuana Amendment in a manner consistent with Article 10 of Title 44, C.R.S., to protect the public health, safety and welfare of the residents and patients of the town by prescribing the manner in which medical [marijuana businessmarijuana stores](#) can be conducted within the town. Further, the purpose of this article is to:
  - a. Provide for the safe sale and distribution of medical marijuana to patients who qualify to obtain, possess and use marijuana for medical purposes under the Medical Marijuana Amendment.
  - b. Protect public health and safety through reasonable limitations on business operations as they relate to noise, air and neighborhood and patient safety, security for businesses and their personnel and other health and safety concerns.
  - c. Limit the number of medical [marijuana businessmarijuana stores](#) that can be established within the town based on the needs of the community and the desires of the inhabitants.
  - d. Impose fees to cover the costs incurred by the town for licensing and regulating medical [marijuana businessmarijuana stores](#).
  - e. Adopt a mechanism for monitoring compliance with the provisions of this article.
  - f. Create regulations that address the particular needs of the patients and residents of the town and coordinate with laws enacted by the State that pertain to such matters.
  - g. Facilitate the implementation of the Medical Marijuana Amendment without exceeding the authority granted to the town by such amendment.
  - h. The approval of any license, renewal or change to any existing license by the local licensing authority is expressly contingent upon approval of the applicant by the state licensing authority.

([Ord. No. 546](#), § 1(1.1), 11-23-2020)

5.16.020 - Definitions.

1. The following words and phrases used in this article shall have the following meanings unless the context clearly indicates otherwise:
  - a. *Adjacent grounds* means all areas that the licensee has a right to possess by virtue of his or her ownership or lease, which are outside the enclosed licensed premises, but adjacent and contiguous to the licensed premises, including but not limited to porches, patios, decks, entryways, lawns, parking lots and similar areas and all fixed and portable things in such areas, including but not limited to lights, signs and security devices.

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- b. *Business manager* means the individual designated by the owner of a medical ~~marijuana business~~marijuana store and registered with the town as the person responsible for all operations of the business during the owner's absence from the business premises.
- c. *Character and record* includes all aspects of a person's character and record, including but not limited to moral character; criminal record, including serious traffic offenses; record of previous sanctions against liquor licenses, gambling licenses or medical marijuana licenses, which the person owns, in whole or in part, in which the person serves as a controlling beneficial owner, manager or employee; education, training, experience; civil judgments entered against the person; truthfulness, honesty; and financial responsibility. The conviction of any person for an offense, shall not, in itself, be grounds for a finding of a bad character and record if such person demonstrates that he or she has been rehabilitated in accordance with C.R.S. § 24-5-101. In the event the local licensing authority considers information concerning the criminal history of a person, the local licensing authority shall also consider any information provided by an applicant regarding such criminal history records, including but not limited to evidence of rehabilitation, character references and educational achievements, especially those items pertaining to the period of time between the last criminal conviction and the time of consideration of a license application.
- d. *Contiguous* means located within the same building as the medical ~~marijuana center~~marijuana store or medical marijuana-infused products manufacturer, located in a separate building on the same parcel of land as the medical ~~marijuana center~~marijuana store or medical marijuana-infused products manufacturer, or located in a separate building on a separate parcel of land that is adjacent to and shares at least fifty percent of a common lot line with the lot on which the medical ~~marijuana center~~marijuana store or medical marijuana-infused products manufacturer is located.
- e. *Good cause* shall have the same meaning as set forth in C.R.S. § 44-10-103(17).
- F. **LAWS OF THE STATE OF COLORADO SHALL MEAN AND INCLUDE SECTION 14 OF ARTICLE XVIII OF THE COLORADO CONSTITUTION; THE COLORADO MARIJUANA CODE, ARTICLE 10 OF TITLE 44 C.R.S.; OTHER COLORADO STATUTES, INCLUDING BUT NOT NECESSARILY LIMITED TO C.R.S. § 18-18-406(3), AND C.R.S. § 25-1.5-106; APPLICABLE REGULATIONS PROMULGATED BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND THE STATE LICENSING AUTHORITY; AND ALL APPLICABLE FINAL DECISIONS OF COLORADO'S APPELLATE COURTS.**
- G. **LICENSED PREMISES MEANS THE PREMISES SPECIFIED IN AN APPLICATION FOR A LICENSE UNDER THIS ARTICLE WHICH ARE OWNED OR IN POSSESSION OF THE LICENSEE, AND WITHIN WHICH THE LICENSEE IS AUTHORIZED TO CULTIVATE, MANUFACTURE, DISTRIBUTE OR SELL MEDICAL MARIJUANA IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE AND THE LAWS OF THE STATE.**
- h. *Licensee* shall have the same meaning as set forth in C.R.S. § 44-10-103(25).
- i. *Local licensing authority* shall mean the board of trustees of the town.
- j. *Medical marijuana* shall have the same meaning as set forth in C.R.S. § 44-10-103(34).
- k. **Medical ~~marijuana business~~marijuana store shall mean a person holding a medical ~~marijuana center~~marijuana store license, as defined in C.R.S. § 44-10-501; a medical ~~marijuana-infused~~ products manufacturer license, as defined in C.R.S. § 44-10-503; and/or ~~medical marijuana cultivation facility~~ lan optional premises cultivation operation license, as defined in C.R.S. § 44-10-502. For the purposes of this article, a patient who cultivates, produces, possesses or transports medical marijuana or a primary caregiver who cultivates, produces, sells, distributes, possesses, transports or makes available marijuana in any form to one or more patients shall not be deemed a medical ~~marijuana business~~marijuana store.**
- l. **Medical ~~marijuana BUSINESS~~marijuana store center shall have the same meaning as set forth in C.R.S. § 44-10-103(35)**

- m. **MEDICAL MARIJUANA BUSINESS MARIJUANA STORE OPERATOR SHALL HAVE THE SAME MEANING AS SET FORTH IN .R.S. § 44-10-103(36).**
- m. **Medical marijuana-infused products manufacturer shall have the same meaning as set forth in C.R.S. § 44-10-103 (38).**
- n. *Medical use* shall have the same meaning as is set forth in Article XVIII, Section 14(1)(b) of the Colorado Constitution, or as may be fully defined in any applicable state law or regulation.
- o. **Medical marijuana cultivation facility Optional premises cultivation operation shall have the same meaning as set forth in C.R.S. § 44-10-103(37).**
- p. *Patient* shall have the same meaning as is set forth in Article XVIII, Section 14(1)(d) of the Colorado Constitution, or as may be more fully defined in any applicable state law or regulation.
- q. *Person* means a natural person, partnership, association, company, corporation, limited liability company or organization, or a manager, agent, owner, director, servant, officer or employee thereof.
- r. *Premises* means a distinct definite location which may include a building, a part of a building, a room or any other definite contiguous area.
- s. *Primary caregiver* shall have the same meaning as is set forth in Article XVIII, Section 14(1)(d) of the Colorado Constitution, or as may be more fully defined in any applicable state law or regulation.
- t. *Controlling beneficial owner* means:
- i. In the case of any business entity, including any general or limited partnership, corporation, limited liability company or other entity, any person who has five percent or greater interest in the ownership of the entity and any person who has the day-to-day authority to or actually does manage the entity's financial affairs.
  - ii. In the case of a corporation, the persons described for any entity described in subparagraph i. and the president, vice president, secretary, chief executive officer, chief financial officer and any person who holds five percent or more of the capital stock of the corporation.
  - iii. In the case of a limited liability company, the persons described for any such entity in subparagraph i. above and any member of the limited liability company.
  - iv. In the case of a sole proprietorship, the individual owner.
  - v. Where this Code requires the production of the name and contact information of controlling beneficial owners, the town may, in its discretion require an applicant to disclose only the identities of controlling beneficial owners holding a ten-percent or greater interest in the business entity.
- u. *Serious traffic offense* means any driving offense carrying eight points or greater under C.R.S. § 42-2-127, or the substantial equivalent of such events in any other state.
- v. *State licensing authority* means the authority created by C.R.S. § 44-10-201, for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution and sale of medical marijuana in this state.
2. Unless defined in this article or the context clearly indicates otherwise, any word or term used in this article that is defined in Article XVIII, Section 14(1)(f) of the Colorado Constitution or in the Colorado Marijuana Code shall have the same meaning that is ascribed to such word or term in the Colorado Constitution or in the Colorado Marijuana Code.
3. As used herein the term "light infused product manufacturing" shall mean the manufacturing of marijuana products in a manner that does not involve the use of butane, compressed carbon dioxide gas, or other flammable, explosive, or hazardous materials. By way of example, "light infused product manufacturing" would include the preparation of edible products in a commercial kitchen made from a

THC Distillate that is manufactured elsewhere or which is extracted using a non-hazardous cold-water process.

([Ord. No. 546](#), § 1(1.2), 11-23-2020; [Ord. No. 553](#), § 1, 5-11-2021)

5.16.030 - License required.

1. It shall be unlawful for any person to operate a medical ~~marijuana-business~~marijuana store without first having obtained a license to operate pursuant to the provisions of this article, having paid the fees therefor, as well as having obtained a license to operate from the state licensing authority. The licensing requirements apply to all medical ~~marijuana-business~~marijuana stores that exist on the effective date of this article and any medical ~~marijuana-business~~marijuana stores established after such effective date.
2. Any person violating this section commits a municipal offense punishable by up to ninety days incarceration, up to a four-hundred-ninety-nine-dollar fine or by both such incarceration and fine. A person committing a violation shall be guilty of a separate offense for each day or part thereof during which the offense is committed or continued to be permitted by such person and shall be punished accordingly.
3. Pursuant to the provisions of Article 10 of Title 44, C.R.S., medical ~~marijuana-business~~marijuana stores shall be licensed by the town in one or more of the following categories:
  - a. Medical marijuana store business, as defined in C.R.S. § 44-10-103(4035). Such business shall meet all criteria and requirements of C.R.S. § 44-10-501, as well as all other regulatory requirements applicable to medical ~~marijuana-business~~marijuana stores set forth within this article, and within Article 10 of Title 44, C.R.S.
  - b. Medical marijuana-infused products manufacturer, as defined in C.R.S. § 44-10-103. Such business shall meet all criteria and requirements of C.R.S. § 44-10-503, as well as all other regulatory requirements applicable to medical marijuana-infused products manufacturing set forth in this article and within the laws of the state.
  - c. Medical marijuana cultivation facility license, as defined in C.R.S. § 44-10-502. Such cultivation operation shall meet all criteria and requirements of C.R.S. § 44-10-502, as well as all other regulatory requirements applicable to optional premises cultivation operations set forth in this article and within the laws of the state.
  - d. Medical marijuana testing facility license as defined in C.R.S. § 44-10-103. Such business shall meet all criteria and requirements of C.R.S. § 44-10-504, as well as all other regulatory requirements applicable to medical marijuana testing facility set forth in this article and within the laws of the state.
  - e. Medical marijuana transporter license as defined in C.R.S. § 44-10-103. Such business shall meet all criteria and requirements of C.R.S. § 44-10-505, as well as all other regulatory requirements applicable to medical marijuana transporter set forth in this article and within the laws of the state.
4. The licensing requirements set forth in this article shall actually be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any federal law, the laws of the state, or local laws, including, but not by way of limitation, a business license, retail sales tax license, retail food establishment license or any applicable zoning permits or building permits.

5. ~~The town may approve a license contingent on the state licensing authority issuing a license, but no license for a medical [marijuana businessmarijuana store](#) shall actually be issued by the town until a license for such use, at the location designated in the application, has been issued by the state licensing authority. NO LICENSE APPLICATION WILL BE ACCEPTED BY THE TOWN UNTIL THE APPLICANT HOLDS AN APPLICABLE VALID LICENSE FROM THE STATE LICENSING AUTHORITY.~~
6. The issuance of a license pursuant to this article does not create a defense, exception or provide immunity to any person in regard to any potential federal criminal liability the person may have for the production, distribution or possession of marijuana.
7. Every license issued under this article confers only a limited and conditional privilege subject to the requirements, conditions and limitations of this article and state law. The license does not confer a property right of any kind. The license and the privilege created by the license may be further regulated, limited or completely extinguished at the discretion of the board of trustees or the electors of the town, without any compensation to a licensee. Every license approved or issued under this article shall be subject to the future exercise of the reserved rights of referendum and initiative, exercise of the local option described in C.R.S. § 44-10-104, and any other future ordinances adopted by the electors of the town or the board of trustees. Nothing contained in this article grants to any licensee any vested right to continue operating under the provisions of this article as they existed at the time the license was approved or issued, and every license shall be subject to any ordinance or prohibition adopted after the license was approved or issued.
8. A separate license shall be required for each location from which a medical [marijuana businessmarijuana store](#) is operated.
9. All medical [marijuana businessmarijuana store](#) licenses issued by the town shall be valid for a period of one year from the date such license is issued. Renewal applications shall be filed at least forty-five days prior to the expiration date of the existing license.
10. Licensees shall report each transfer or change of ownership interest, change in business manager, change in controlling beneficial owners or change in employees on forms provided by the town clerk. An application for a change of manager shall be submitted to the town clerk at least thirty days prior to any such change to provide necessary time for the background check and processing of the application pursuant to section 6-90[5.16.070] below.

([Ord. No. 546](#), § 1(1.3), 11-23-2020)

#### 5.16.040 - Local licensing authority.

1. For the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution and sale of medical marijuana within the town, there is hereby created the medical marijuana local licensing authority of the Town of Dolores. The board of trustees shall serve as the local licensing authority.
2. The local licensing authority shall have such powers and duties as are provided for in this article and the Colorado Marijuana Code.
3. The local licensing authority shall be assisted by the town attorney, the town marshal, the town clerk and such other personnel as may be designated by the town manager in the performance of the powers and duties of the local licensing authority.

([Ord. No. 546](#), § 1(1.4), 11-23-2020)

#### 5.16.050 - General licensing procedure and regulations.

The town clerk shall have authority to promulgate and employ reasonable regulations associated with the making and processing of applications for medical [marijuana businessmarijuana store](#) licenses.



The town manager also may promulgate regulations concerning the processes and procedures associated with the issuance, renewal, denial, suspension or revocation of such licenses that supplement and are not inconsistent with the provisions of this article. Such regulations shall be written and shall become effective when copies of the same have been provided to the board of trustees and made available to the public, or upon a later effective date set forth in the regulations.

([Ord. No. 546](#), § 1(1.5), 11-23-2020)

5.16.060 - Application and license fees.

1. Application and license fees (which are in addition to any state license fees, whether or not shared with the town and in addition to any applicable fees required under the town land use code and building code) for medical [marijuana businessmarijuana stores](#) shall be as follows:
  - a. New license application fees:
    - i. First submittal: one thousand dollars.
    - ii. For associated facilities or licenses: five hundred dollars.
  - b. Fingerprint-based criminal background check fee, per person checked: actual cost.
  - c. Renewal application fee: five hundred dollars.
  - d. Late renewal fee: five hundred dollars.
  - e. Change of business manager: one hundred fifty dollars (plus actual fingerprint-based background check fees).
  - f. Transfer of location: one thousand dollars.
  - g. Modification of premises or other activities for which a fee is permitted, but for which a fixed amount is not set in this article: two hundred fifty dollars.
  - h. Change of corporate structure or change of a controlling beneficial owner: one hundred fifty dollars per person (plus actual fingerprint-based background check fees).
  - i. Other change in financial interests: one hundred dollars minimum, or actual cost if more than one hundred dollars.
  - j. The board of trustees, by resolution, may increase or decrease any fee or cost or otherwise modify any other provisions set forth in this section. Any such increase, decrease or other modification shall be evidenced by an appendix to this article.
2. The primary purpose of the fees established in this section is to defray the costs of the particular municipal services provided and not to defray the costs of general services provided by the town or to raise general revenues. The fees provided in this section are reasonably related and proportional to the costs of the services provided and do not generate additional net revenue.
3. Fees described in this section are non-refundable even if a license or application is denied, approved but not issued, lapsed, abandoned or withdrawn.

([Ord. No. 546](#), § 1(1.6), 11-23-2020)

5.16.070 - License applications.

1. Application for a medical [marijuana businessmarijuana store](#) license shall be made to the town clerk upon forms provided by the town clerk for that purpose. A complete application must contain all information that is required by the laws of the state with respect to any license that may be issued pursuant to the Colorado Marijuana Code and such additional information as may be requested by the town clerk in writing. At a minimum, the application shall require the following information:

- a. The name, address and date of birth of the owner of the proposed medical [marijuana businessmarijuana store](#) in whose name the license is proposed to be issued. If the owner is a corporation, partnership, limited liability company or similar business entity, the application shall include the name and address of all controlling beneficial owners. If the owner is not a natural person, the organization documents for all business entities identified in the application and the contact information for the person that is authorized to represent the entity shall be provided.
- b. The name, address and date of birth of the business manager of the medical [marijuana businessmarijuana store](#) if the manager is proposed to be someone other than the owner or if the owner is an entity other than a natural person.
- c. The name, address and date of birth of all persons holding any financial interest in the medical [marijuana businessmarijuana store](#), other than commercial lenders regulated by the federal government or the state.
- d. The name, address and date of birth of all employees or prospective employees of the medical [marijuana businessmarijuana store](#).
- e. A statement of whether or not any of the named owners, controlling beneficial owners, managers, parties with a financial interest, employees or other persons named on the application have been:
  - i. Denied an application for a medical [marijuana businessmarijuana store](#) license by any other jurisdiction, including the state, or has had such license suspended or revoked.
  - ii. Denied an application for liquor license pursuant to Article 3 or 4, Title 44, C.R.S., or had any such license suspended or revoked.
  - iii. Convicted, entered a plea of no contest or entered a plea of guilty in conjunction with a deferred judgment and sentence pertaining to any charge related to the possession, use or possession with intent to distribute narcotics, drugs or other controlled substances.
  - iv. Convicted, entered a plea of no contest or entered a plea of guilty in conjunction with a deferred judgment and sentence pertaining to any serious traffic offense.
- f. A licensee shall notify the state licensing authority and local licensing authority in writing of the name, address and date of birth of any proposed new owner, controlling beneficial owner, business manager, person holding a financial interest in the business or employee at least thirty days before the new owner, controlling beneficial owner, business manager or employee becomes associated with the business. The new owner, controlling beneficial owner, business manager or employee shall pass a fingerprint-based criminal history record check as required by the state licensing authority and obtain the required identification prior to being associated with, managing, owning or working at the medical [marijuana businessmarijuana store](#).
- g. Proof of ownership or legal possession of the proposed licensed premises for the term of the proposed license shall be presented to the town clerk before any medical [marijuana businessmarijuana store](#) license permitted by this article may be issued. If the licensed premises will be leased rather than owned by the applicant, a written consent by the owner of the property to licensing of the premises as a medical [marijuana businessmarijuana store](#) must be submitted by the applicant to the town clerk as part of a complete application. A fully executed lease may satisfy this requirement if it clearly indicates that the owner knows that the leased premises will be used as a licensed medical [marijuana businessmarijuana store](#). If the building in which the licensed premises will be located is regulated by a declaration of covenants, such declaration, covenants or restrictions shall be submitted by the applicant to the town clerk as part of its complete application to establish that a medical [marijuana businessmarijuana store](#) is not prohibited by such declaration, covenants or restrictions.
- h. An operating plan for the proposed medical [marijuana businessmarijuana store](#) including the following information:
  - i. A description of the products and services to be provided by the medical [marijuana businessmarijuana store](#), including an indication of whether or not the facility proposes to

engage in the retail sale of medical marijuana-infused products for human consumption or use.

- ii. A floor plan showing all interior dimensions of the licensed premises and the layout of the medical ~~marijuana business~~[marijuana store](#). Such floor plan shall also show the controlling beneficial owner uses of the floor area depicted therein, including a depiction of where any services other than the dispensing of medical marijuana are proposed to occur on the licensed premises. If the building or proposed licensed premises are not yet in existence, the applicant shall file a scaled plot plan and a detailed sketch for the interior and submit an architect's drawing of any building to be constructed.
  - iii. A security plan containing all information required by the state licensing authority's regulations.
  - iv. A lighting plan, including security lighting, for the licensed premises and adjacent grounds.
  - v. Any information and documentation not included in the foregoing subparagraphs that is or will be required in an application to be filed with the state licensing authority for the state license that may be issued in accordance with the provisions of the Colorado Marijuana Code.
  - vi. Any additional documents or information reasonably requested by the town clerk.
2. Any application for a medical ~~marijuana business~~[marijuana store](#) license shall be accompanied by the application fee, criminal background check fee, and an annual fee as required by section 5.16.060 above or in any resolution adopted pursuant thereto. No application shall be deemed complete or be processed in the absence of the payment of such fees.
  3. Upon receipt of an application for a medical ~~marijuana business~~[marijuana store](#) license, the town clerk shall circulate the application to the town manager, the building official and the marshal's office to determine whether the proposed facility is or will be in full compliance with any and all laws, rules and regulations administered by said departments.
  4. Unless an application is under concurrent review by the state licensing authority and the local licensing authority, the marshal's office shall perform a criminal background investigation for the proposed licensee, business manager, if any, the controlling beneficial owners of the entity, if applicable, persons holding a financial interest in the proposed business, employees and any other persons subject to a criminal background check under the provisions of the Colorado Marijuana Code in connection with any license application permitted thereunder. The applicant shall pay all actual costs of such background checks. The town marshal shall provide the board of trustees with a written report concerning the character and record of the proposed licensee, the business manager if any, the controlling beneficial owners of any business entity that would constitute the licensee, persons holding a financial interest in the proposed business and employees.
  5. The town manager, town building official and the town marshal shall perform physical inspection of the proposed licensed premises to determine compliance with any applicable requirement of this article as well as any other applicable codes.
  6. The town clerk shall not proceed to process any application for a license that is not complete or otherwise in full compliance with this article, any other applicable town ordinance or regulation or any applicable laws of the state. The town clerk also shall refuse to further process any application that contains any false or incomplete information, but shall allow an applicant reasonable opportunity to correct deficiencies in applications that fail to include complete information before denying such application.

[\(Ord. No. 546, § 1\(1.7\), 11-23-2020\)](#)

5.16.080 - Procedures for approval or denial of license application.

1. Within thirty days following the date the town clerk certifies that a license application is complete, the local licensing authority shall approve the license application, deny the license application or approve the license application with conditions. No public hearing shall be required. However, the local licensing authority shall notify the applicant of the date and time the application will be considered. The applicant shall appear at such meeting and the applicant shall be permitted to address the local licensing authority in support of the application. No application for a license authorized under this article shall be approved unless:
  - a. All applicable requirements of this article have been satisfied;
  - b. All applicable requirements of the Colorado Marijuana Code have been satisfied;
  - c. All required licensee fees and associated costs have been paid by the applicant;
  - d. The applicant has received a conditional use permit to operate the proposed medical [marijuana businessmarijuana store](#) in accordance with the town's land use code;
  - e. All other applicable requirements of this Code have been met;
  - f. The applicant has obtained a state sales tax license, town sales tax license, and a business license pursuant to article I of this Code;
  - g. The applicant is not in arrears in regard to any administrative fines, court fines, assessments, sales tax reporting or payment obligations, or fees owed to the town; and
  - h. No fraudulent, misrepresented or false statement of material or relevant fact is contained within the application or was made to the local licensing authority.
2. The local licensing authority shall issue its determination and findings within thirty days following the meeting at which the application was considered. The local licensing authority shall notify the applicant in writing of its determination and findings by First-Class U.S. Mail addressed to the applicant at the address shown on the application. No license shall actually be issued by the local licensing authority until the applicant has obtained the requisite license from the state licensing authority.

([Ord. No. 546](#), § 1(1.8), 11-23-2020)

#### 5.16.090 - Conditions on licenses.

1. At the time that a new license is first approved, when an existing license is renewed, at any time that a sanction other than revocation is imposed or at any time the local licensing authority approves a major change to a license, the local licensing authority may impose on the license any conditions related to the license, licensed premises or adjacent grounds that are reasonably necessary to protect the public health, safety or welfare, including but not limited to the following:
  - a. Additional security requirements;
  - b. Additional record keeping requirements;
  - c. Limits and requirements on parking and traffic flows;
  - d. Requirements for walls, doors, windows, locks and fences on the licensed premises and adjacent grounds;
  - e. Limits on the number of patients who may patronize the establishment at one time;
  - f. Limits on medical marijuana-infused products that may be sold;
  - g. Requirements and limits on ventilation and lighting;
  - h. Limits on the products other than medical marijuana and medical marijuana-infused products that can be sold on the licensed premises such as drug paraphernalia;
  - i. Limits on noise inside the licensed premises or on the adjacent grounds;

- j. Prohibitions on certain conduct in the licensed premises that would disrupt existing uses on nearby properties;
- k. Limits on hours of operation that are more restrictive than prescribed by section 5.16.110(K) below;
- l. A requirement that the licensee temporarily close the licensed premises to the public until certain changes, inspections or approvals are made; and
- m. A limitation on the square footage of the licensed premises.

([Ord. No. 546](#), § 1(1.9), 11-23-2020)

5.16.100 - Personal requirements for licensee, controlling beneficial owners, business manager, persons holding financial interest and employees.

1. The applicant, controlling beneficial owners, business manager, persons holding a financial interest in the business and employees shall meet all requirements for the issuance of a license by the state licensing authority.
2. The applicant, controlling beneficial owners, business manager and employees shall all be over the age of twenty-one years.
3. The applicant, controlling beneficial owners, business manager, persons holding a financial interest in the business and employees have not been determined by any other medical marijuana licensing authority, any other licensing board within the state or the state licensing authority to not be persons of good character and record within the preceding three years.
4. The applicant, controlling beneficial owners, business manager, persons holding a financial interest in the medical ~~marijuana business~~[marijuana store](#) and employees are presently persons of good character and record.
5. The applicant, controlling beneficial owners, business manager, persons holding a financial interest in the medical ~~marijuana business~~[marijuana store](#) and employees shall be ineligible based on a criminal conviction as defined by CRS § 44-10-307 as amended.
6. The applicant, controlling beneficial owners, business manager, persons holding a financial interest in the medical ~~marijuana business~~[marijuana store](#) and employees have not had their authority, if any, to act as a primary caregiver revoked by the state within the preceding two years.
7. The applicant and controlling beneficial owners are not in default on any municipal, county, state or federal taxes, fees, fines or charges, do not have any outstanding warrants for their arrest, and do not have any outstanding liens or judgments payable to the town.
8. The applicant and controlling beneficial owners are not in default on any student loan.
9. The applicant and controlling beneficial owners do not have any orders or judgments against them for child support in default or in arrears.
10. The applicant and controlling beneficial owners are not peace officers or prosecuting attorneys.
11. The applicant and controlling beneficial owners are not licensed physicians who recommend medical marijuana to patients.

([Ord. No. 546](#), § 1(1.10), 11-23-2020)

5.16.110 - Special restrictions and requirements.

1. Limitation on the Number of Licenses that may be Issued within the Town. All medical ~~center~~[marijuana stores](#) and facilities must be co-located within a like licensed recreational ~~marijuana~~

~~businessmarijuana storemarijuana store~~ held by a licensee licensed under article II of this Code. No stand-alone medical marijuana license of any type shall be issued. The local licensing authority may issue up to two medical ~~marijuana-centermarijuana store~~ licenses which must be co-located in a center licensed under article II herein; one medical marijuana-infused products manufacturing licenses which must be co-located in a manufacturing facility licensed under article II herein; two optional premises cultivation operation licenses relating to medical ~~marijuana-centermarijuana store~~ licenses, the operations of which are contiguous to the medical ~~marijuana-centermarijuana stores~~, and which must be co-located with a cultivation operation licensed under article II herein; one optional premises cultivation operation licenses related to medical ~~marijuana-centermarijuana store~~ licenses, the operations of which are not contiguous to the medical ~~marijuana-centermarijuana stores~~, which must be co-located in a premises cultivation operation licensed under article II herein; and one optional premises cultivation operation licenses related to medical marijuana-infused products manufacturer, which must be co-located in an infused product manufacturing operation licensed under article II herein. In the event more than one license application for a medical ~~marijuana-businessmarijuana storemarijuana store~~ of the same classification is submitted to the local licensing authority within a period of thirty days, the applications comply with all of the requirements of this article and the Colorado Marijuana Code, but the local licensing authority is not permitted to approve all of the applications because of the limitations set forth in this subsection, the local licensing authority shall approve the application that the local licensing authority finds and determines will best promote the intent and purposes of this article and the Colorado Marijuana Code in accordance with the procedures set forth for multiple applications under article II of this Code. An application for renewal of an existing medical ~~marijuana-businessmarijuana storemarijuana store~~ license shall receive a preference over an application for a new medical ~~marijuana-businessmarijuana storemarijuana store~~ license if the existing business has substantially met all of the requirements of this article and the Colorado Marijuana Code during the previous license term and is in good standing.

2. Permitted Locations. All medical ~~marijuana-businessmarijuana storemarijuana store~~ licenses shall be issued for a specific location which shall be designated as the licensed premises. Retail ~~marijuana-businessmarijuana storemarijuana store~~ licenses shall only be issued for locations permitted as shown in the principle uses by zoning district table contained in the town's land use code. If an applicant has not yet received a conditional use permit to operate a medical ~~marijuana-businessmarijuana storemarijuana store~~, a license may be granted conditioned upon such conditional use permit being granted. A present no industrial zone exists under the land use code.
3. Distance from Schools. Medical ~~marijuana-centermarijuana stores~~, cultivation operations, testing facilities, manufacturing facilities shall be located a minimum of one thousand feet from schools having full time enrollment of one hundred or more students, as measured from the nearest property boundary of such school use to the front door or primary access of the proposed licensed premises. Medical ~~marijuana-centermarijuana stores~~, cultivation operations, testing facilities, manufacturing facilities shall be located a minimum of five hundred feet from schools having full time enrollment of less than one hundred students, as measured from the nearest property boundary of such school use to the front door or primary access of the proposed licensed premises. Prior to issuing a retail ~~marijuana-businessmarijuana storemarijuana store~~ license, the local licensing authority shall confirm that the proposed licensed premises boundaries meet such requirements. Medical ~~marijuana-centermarijuana stores~~, cultivation operations, testing facilities, manufacturing facilities shall be located a minimum of two hundred fifty feet from a building that is primarily used as a school administration office where children may be present, as measured from the nearest property boundary of such school use to the front door or primary access of the proposed licensed premises.
4. Once the ~~marijuana-businessmarijuana storemarijuana store~~ license is issued, the town will not preclude a school from locating within the above described buffer zone. A retail ~~marijuana-businessmarijuana storemarijuana store~~ may then continue to operate at its present location. If a school use later locates within the applicable buffer zone, however, the licensee does so at its own risk, and the issued license provides no protection or indemnification against enforcement of federal or other applicable laws prohibiting the operation of a retail ~~marijuana-businessmarijuana storemarijuana store~~ near a school.

5. Distance from Licensed Child Care Facilities. Medical ~~marijuana-center~~[marijuana stores](#), cultivation operations, testing facilities, manufacturing facilities shall be located a minimum of two hundred fifty feet from licensed child care facilities, as defined in the Colorado Marijuana Code.
6. Distance from Publicly Owned Playgrounds. Medical ~~marijuana-center~~[marijuana stores](#), cultivation operations, testing facilities, manufacturing facilities shall be located a minimum of two hundred fifty feet from the nearest outside fence of any public playground owned by the Town of Dolores.
7. Distance from Other Medical ~~Marijuana-Business~~[Marijuana store](#)~~Marijuana stores~~. There shall be no distance requirement between medical ~~marijuana-business~~[marijuana store](#)~~marijuana stores~~.
8. No mobile facilities. No medical ~~marijuana-business~~[marijuana store](#)~~marijuana store~~ shall be located in a movable or mobile vehicle or structure, and no medical marijuana products shall be delivered in the town unless such delivery is by a medical ~~marijuana-center~~[marijuana store](#) licensed by the town and such delivery is specifically permitted by the Colorado Marijuana Code.
9. No Products to be Visible From Public. Marijuana plants, products, accessories and associated paraphernalia contained in a medical ~~marijuana-business~~[marijuana store](#)~~marijuana store~~ shall not be visible from a public sidewalk, public street or right-of-way, or any other public place or any portions of the building not restricted to patients only. Visibility of any outdoor optional premises cultivation operation shall be governed by the conditional use permit granted by the board of trustees.
10. No Beer or Alcohol on Premises. No fermented malt beverages and no alcohol beverages, as defined in the Colorado Beer Code and the Colorado Liquor Code, respectively, shall be kept, served or consumed on the premises of a medical ~~marijuana-business~~[marijuana store](#)~~marijuana store~~, except for marijuana tinctures.
11. Hours of Operation. Medical ~~marijuana-business~~[marijuana stores](#) shall limit their hours of operation to between eight a.m. and nine p.m.
12. Restrictions Regarding Signage. All signage associated with a medical ~~marijuana-business~~[marijuana store](#) shall meet the standards established in this Code and the land use code. In addition, no sign associated with a medical ~~marijuana-business~~[marijuana store](#) shall use the word marijuana, cannabis or any other word or phrase commonly understood to refer to marijuana unless such word or phrase is immediately preceded by the word medical or the message of such sign includes the words for medical use or for medicinal purposes in letters that are no smaller than the largest letter on the sign. No depiction of marijuana plants or leaves shall appear on any exterior sign of a medical ~~marijuana-business~~[marijuana store](#).
13. Storage of Products. All products and accessories shall be center completely indoors and on-site out of public view.
14. Restrictions on Location of Transactions. All transactions involving medical marijuana shall occur indoors and out of view of the public.
15. Consumption of Marijuana Prohibited. No consumption of any medical marijuana product shall be allowed or permitted on the licensed premises or adjacent grounds.
16. Underage Persons Prohibited. No person under the age of eighteen years shall be permitted in the licensed premises unless accompanied by a parent or legal guardian.
17. Gun Sales and Pawn Shop Activities Prohibited. No gun sales or pawn shop activities shall be permitted on the licensed premises.
18. Storage of Currency. All currency over one thousand dollars shall be center within a separate vault or safe (no marijuana in safe), securely fastened to a wall or floor, as approved by the marshal's office.
19. Prevention of Emissions. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the licensed premises shall be provided at all times. In the event that any debris, dust, fluids or other substances shall exit the licensed premises, the landowner and licensee shall be jointly and severally responsible for the full cleanup immediately. The medical ~~marijuana-business~~[marijuana store](#) shall properly dispose of all materials and other substances in a safe and sanitary manner.

20. Compliance with Other Codes. The licensed premises and adjacent grounds of a medical ~~marijuana business~~[marijuana store](#) shall comply with all zoning, health, building, electrical, mechanical, fire and other codes and ordinances of the town as shown by completed inspections and approvals by the community development department, building department, Dolores Fire Protection District and Montezuma County Health Department, if applicable.
21. No Harm to Public Health, Safety and Welfare. The licensed premises and adjacent grounds of a medical ~~marijuana business~~[marijuana store](#) shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.

([Ord. No. 546](#), § 1(1.11), 11-23-2020)

5.16.120 - Specific requirements for medical ~~marijuana center~~[marijuana store](#).

1. The licensee shall also obtain an optional premises cultivation operation license, related to the licensed premises of the medical ~~marijuana center~~[marijuana store](#).
2. The applicant shall cultivate at least seventy percent of the marijuana sold or exchanged on the licensed premises.
3. Small samples of medical marijuana products offered for sale may be displayed on shelves, counters and display cases in areas restricted to patients and primary caregivers. All bulk marijuana products shall be locked within a separate vault or safe (no other items in this safe), securely fastened to a wall or floor, as approved by the marshal's office.
4. A medical ~~marijuana center~~[marijuana store](#) may sell drug paraphernalia as that term is defined in chapter 10, article XII, of this Code to patients only and shall be exempt from the prohibitions contained in said article. Provided, however, a medical ~~marijuana center~~[marijuana store](#) shall not display drug paraphernalia for sale on the licensed premises and such drug paraphernalia shall only be shown to patients in an area restricted to access by patients upon request.

([Ord. No. 546](#), § 1(1.12), 11-23-2020)

5.16.130 - Specific requirements for optional premises cultivation operation license.

1. The applicant shall also hold a medical ~~marijuana center~~[marijuana store](#) license or a medical marijuana-infused products manufacturer's license.
2. The proposed licensed premises shall be related to the licensee's licensed premises for a licensed medical ~~marijuana center~~[marijuana store](#) or a medical marijuana-infused products manufacturer's operation.
3. The area of the proposed licensed premises utilized for cultivation shall be equipped with a ventilation system with carbon filters sufficient in type and capacity to eliminate marijuana odors emanating from the interior to the exterior discernible by reasonable persons. The ventilation system must be inspected and approved by the building official.
4. The area of the proposed licensed premises utilized for cultivation shall be sufficiently separated from the area of the premises open to the public or to patients and primary caregivers, or a negative air pressure system shall be installed to prevent pesticides, fertilizers and other chemicals, artificial and natural, from moving into the ambient air in the area open to the public, patients and primary caregivers or any adjacent building, and such separation or negative air pressure system shall be approved by the Dolores Fire Protection District and the building official.
5. If carbon dioxide will be used in the cultivation area in the proposed licensed premises, sufficient physical barriers or a negative air pressure system shall be in place to prevent carbon dioxide from moving into the ambient air in any area open to the public or to patients or in any adjacent building in



a concentration that would be harmful to any person, including persons with respiratory disease, and shall be inspected and approved by the Dolores Fire Protection District and building official.

6. Walls, barriers, locks, signage and other means shall be employed to prevent the public or patients and primary caregivers from entering the area of the licensed premises utilized for cultivation of marijuana.
7. Disposal of unwanted marijuana by-products shall be done in accordance with procedures approved by the marshal's office.
8. If the approved cultivation area for the licensed operation increases in size, a new license must be issued and the existing conditional use permit shall be modified for the expanded area.
9. All permitted cultivation shall occur indoors in a manner that cultivation lights shall not be visible from outside the cultivation structure.

([Ord. No. 546](#), § 1(1.13), 11-23-2020)

5.16.140 - Specific requirements for medical marijuana-infused products manufacturer's license.

1. The applicant shall have a contract with a medical ~~marijuana-center~~[marijuana store](#), stating the type and quantity of medical marijuana-infused products that the medical ~~marijuana-center~~[marijuana store](#) will buy from the licensee.
2. The applicant may obtain an optional premises cultivation operation license and cultivate its own medical marijuana for use in manufacturing. As an alternative, the licensee may obtain medical marijuana from not more than five different medical ~~marijuana-center~~[marijuana stores](#) in the production of one medical marijuana-infused product. A medical marijuana-infused products manufacturer licensee shall have a written contract and shall at a minimum set forth the total amount of medical marijuana obtained from a medical ~~marijuana-center~~[marijuana store](#) licensee to be used in the manufacturing process and the total of medical marijuana-infused products to be manufactured from the medical marijuana obtained from the particular medical ~~marijuana-center~~[marijuana store](#).

([Ord. No. 546](#), § 1(1.14), 11-23-2020)

5.16.150 - Renewal of medical ~~marijuana-business~~[marijuana store](#) license.

1. A licensee may renew its medical ~~marijuana-business~~[marijuana store](#) license by submitting an application to the town clerk at least forty-five days before and not more than ninety days before the expiration of the license. If a licensee fails to file an application for renewal of its license at least forty-five days before expiration of the license, the license shall expire.
2. A licensee may renew a license that has expired if:
  - a. The license has expired for less than ninety days; and
  - b. The licensee pays the regular renewal fee and an additional five-hundred-dollar late renewal fee.
3. In the event an application for renewal has been filed at least forty-five days before the expiration of the previous license, but the local licensing authority does not rule on the application for renewal before the expiration of the previous license, the previous license shall be deemed extended until the local licensing authority issues a decision on the application for renewal, but in no event may the license be extended for more than thirty days. If the applicant is not eligible for reinstatement of an expired license by the State of Colorado, the applicant is subject to the procedures and fees provided in the Code for a new license application.
4. The local licensing authority may renew a license without a public hearing. However, if the local licensing authority believes there may be good cause to deny the application for renewal, the local licensing authority shall hold one public hearing on the application. The licensee shall have an

opportunity to be heard at the hearing and shall be given at least fifteen days' written notice of the date and time of the public hearing on the application for renewal.

5. The building official or designee shall conduct an annual fire and life safety inspection shall be required prior to the renewal of the license.

([Ord. No. 546](#), § 1(1.15), 11-23-2020)

5.16.160 - Major changes to medical ~~marijuana business~~[marijuana store](#) license or licensed premises requiring approval of local licensing authority.

1. A licensee shall not make any of the following changes without first obtaining written approval of the local licensing authority which may be granted contingent upon state licensing authority approval:
  - a. Any transfer of the license or any ownership interest in the licensee's business entity or license;
  - b. Any change in the location of the licensed premises;
  - c. Any change in the licensee's controlling beneficial owners or employees;
  - d. The hiring, substitution, resignation, replacement or termination of the business manager;
  - e. Any change in the ownership of any of the stock of licensee's corporation;
  - f. Any change in the structure, ventilation system, plumbing system, electrical supply system, floor plan, safe or vault, locks, surveillance system, fire suppression system or security system at the licensed premises;
  - g. Any material change to the adjacent grounds, including but not limited to lighting, parking or fences; and
  - h. Any material change in the operation from the operational plan submitted at the time the license was approved.
2. The local licensing authority may summarily approve any of the above changes or hold a public hearing on the same, in the local licensing authority's discretion. In the event the local licensing authority elects to hold a public hearing, the local licensing authority shall post notice of the hearing in the manner described in C.R.S. § 44-10-303, on the licensed premises for a period of at least ten days. Notice of the hearing shall also be provided to the applicant at least ten days prior to the public hearing.
3. A licensee shall report each major change described in this section to the local licensing authority at least thirty days prior to the change to allow sufficient time for the local licensing authority to review the proposed change.
4. The transfer of a license to a new owner does not constitute a new license. The transferring of a license or ownership interest in a license takes the transfer of such license or interest subject to the conditions, history, record, and sanctions imposed on that license under the previous ownership of the license.

([Ord. No. 546](#), § 1(1.16), 11-23-2020)

5.16.170 - Reports of minor changes.

1. Every licensee shall report the following to the local licensing authority in writing within ten days of such event:
  - a. Any change in a person's financial interest in the licensee's business, the licensed premises or adjacent grounds;
  - b. Any charges filed against or any conviction of any controlling beneficial owner, business manager or employees for any felony, misdemeanor or serious traffic offense, including but not limited to any deferred judgment and sentence ordered or supervised by a court of law; and

- c. Any change to any sign on the licensed premises or adjacent grounds.

([Ord. No. 546](#), § 1(1.17), 11-23-2020)

5.16.180 - Books and records.

1. Every licensee shall maintain on the licensed premises at any time that any person is present on the licensed premises accurate and up-to-date books and records of the business operations of the licensee or an authentic copy of the same, including but not limited to the following:
  - a. All books and records required to be maintained by the Colorado Marijuana Code and the regulations promulgated thereunder;
  - b. Lists, manifests, orders, invoices and receipts for all marijuana, marijuana plants and medical marijuana-infused products cultivated, harvested, processed, delivered, purchased, centered, sold and exchanged during the preceding two years by each transaction or event, including the date, source, strain, type, quantity, weight and purchaser;
  - c. An inventory of all marijuana and medical marijuana-infused products presently on the licensed premises;
  - d. Sales taxes and all other taxes collected and paid pursuant to this chapter;
  - e. The name, address and a copy of each purchaser's medical marijuana registry card for every patient who has registered the medical ~~marijuana-center~~[marijuana store](#) as his or her primary center or who has purchased medical marijuana, marijuana plants or medical marijuana-infused products at the licensed premises;
  - f. The written recommendation of any physician who has recommended that a patient registered with the medical ~~marijuana-center~~[marijuana store](#) needs more than two ounces of medical marijuana and six marijuana plants to address the patient's debilitating medical condition;
  - g. The name, address and a copy of the medical marijuana license of any other medical marijuana facility licensee with whom the licensee has transacted any business, including but not limited to any purchase, sale or exchange of marijuana plants, harvested marijuana or medical marijuana-infused products; and
  - h. Copies of the medical marijuana registry card of a homebound patient and the waiver from the state authorizing a primary caregiver to purchase medical marijuana for the homebound medical marijuana patient and transport the same to the homebound patient.
2. The licensee shall separate or redact any information showing a patient's debilitating medical condition from the above records.

([Ord. No. 546](#), § 1(1.18), 11-23-2020)

5.16.190 - Inspection of books and records; audits.

1. Any law enforcement officer or the town manager may, without a warrant and without reasonable suspicion, inspect the books and records described in section 5.16.180 above at any time that anyone is present inside the licensed premises, but shall not inspect confidential patient medical information describing a patient's debilitating medical condition, unless a warrant specifically authorizing inspection of such records is issued or there are legal grounds that would excuse the requirement of a warrant.
2. Upon five days' written notice, a licensee shall provide the books and records of the licensee for inspection or auditing by the town, but shall not be required to provide any confidential patient medical information. In the event confidential patient medical information is interspersed with other records or is contained on the same sheet of paper or electronic record, the licensee shall copy the record and

redact the confidential patient medical information and provide a redacted copy to the town or law enforcement officers.

([Ord. No. 546](#), § 1(1.19), 11-23-2020)

5.16.200 - Inspection of licensed premises and adjacent grounds.

1. Every licensed premises and adjacent grounds shall be open to inspection by town marshals, building officials, Dolores Fire Protection District officials, zoning officials and health department officials at any time that anyone is present in the licensed premises, without obtaining a search warrant and without reasonable suspicion to believe that any violation or criminal offense has occurred.
2. The licensee, controlling beneficial owners, business manager and employees shall have no reasonable expectation of privacy as to the buildings, rooms, areas, furniture, safes, lockers or containers on the licensed premises and adjacent grounds, except as provided in this section.
3. Licensees, controlling beneficial owners, business managers, employees, patients, primary caregivers and other persons on the licensed premises and adjacent grounds shall retain a reasonable expectation of privacy as to their medical condition, their persons, the personal effects in their immediate possession, and their motor vehicles on the licensed premises and adjacent grounds, to the extent provided by law.

([Ord. No. 546](#), § 1(1.20), 11-23-2020)

5.16.210 - Suspension and revocation of license.

1. In accordance with C.R.S. § 44-10-901, as contained in the Colorado Marijuana Code, and the rules and regulations promulgated thereunder, the local licensing authority shall have the power, on its own motion or on complaint, after investigation and opportunity for a public hearing at which the licensee shall be afforded an opportunity to be heard, to suspend or revoke a medical [marijuana businessmarijuana store](#) license issued by the local licensing authority. The local licensing authority shall have the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records necessary to the determination of the hearing. Subpoenas shall be enforced by the municipal court. The procedure for imposing such disciplinary actions shall be in accordance with C.R.S. § 44-10-901.
2. The local licensing authority may suspend or revoke a medical [marijuana businessmarijuana store](#) license for a violation by the licensee or by any of the agents or employees of the licensee of the following:
  - a. Any of the provisions of the Colorado Marijuana Code or the rules and regulations promulgated thereunder;
  - b. Good cause as defined in subsection (17) of C.R.S. § 44-10-103, as contained in the Colorado Marijuana Code;
  - c. Violation of any of the provisions set forth in this article;
  - d. The licensee has failed to pay the annual medical marijuana license and application fees, annual business license fee or sales taxes due and owing;
  - e. The licensee has made any false statement in the application for a license or renewal thereof as to any of the facts required to be stated in such application;
  - f. The licensee has failed either to file the required reports or to furnish such information and records as required by this article;
  - g. Violation of any condition imposed by the local licensing authority on the issuance of the license;

- h. Any facts or conditions exist which, if it had existed or had been known to exist at the time of the application for such license or renewal thereof, would have warranted the local licensing authority in refusing originally to issue such license or renewal thereof;
  - i. The licensee has failed to maintain the licensed premises in compliance with the requirements of the land use code or any building, electrical or mechanical code provision applicable to the licensed premises; or
  - j. The licensee, or any of the agents or employees of the licensee, have violated any ordinance of the town or any state law on the licensed premises or have permitted such a violation on the licensed premises by any other person.
3. Except in the case of an emergency suspension, a suspension of a license shall not be for a period longer than six months.
  4. Any final decision of the local licensing authority suspending or revoking a medical [marijuana businessmarijuana store](#) license, following a hearing as permitted in this section, may be appealed to the Montezuma County District Court within thirty days following the date of such decision pursuant to the provisions of Rule 106(a)(4), Colorado Rules of Civil Procedure.

([Ord. No. 546](#), § 1(1.21), 11-23-2020)

ARTICLE II. - LICENSING AND REGULATION OF RECREATIONAL [MARIJUANA-BUSINESSMARIJUANA STOREES](#)

5.16.220 - Purpose.

1. The board of trustees intends to regulate the use, acquisition, production and distribution of recreational marijuana in a manner consistent with the Section 16 of Article XVIII of the Colorado Constitution ("Retail Marijuana Amendment") and in accordance with the Colorado Marijuana Code, Article 10 of Title 44, C.R.S. (the "Colorado Marijuana Code") and regulations adopted by the State of Colorado thereunder.
  - a. The Colorado Marijuana Code, Article 10 of Title 44, C.R.S., imposes statewide regulations pertaining to the cultivation, manufacture, distribution and sale of retail marijuana and for the licensing of retail [marijuana businessmarijuana store](#) establishments. Such legislation also permits local licensing of such establishments. However, the state law is not intended to, and does not; address the local impacts of marijuana operations, making it appropriate for local regulation of [marijuana businessmarijuana store](#).
  - b. The use, distribution, cultivation, production, possession and transportation of marijuana remains illegal under federal law, and marijuana is still classified as a "Level 1 Controlled Substance" under federal law. Nothing within this article is intended to promote or condone the production, use, sale or distribution of retail or recreational marijuana other than in compliance with applicable local and state law and the Colorado Constitution.
  - c. This article is not intended to regulate medical [marijuana businessmarijuana storees](#) which are governed by article I above in this chapter.
  - d. This article is to be construed to protect the interests of the public over [marijuana businessmarijuana store](#) interests. Operation of a retail [marijuana businessmarijuana store](#) establishment is a revocable privilege and not a right within the town. There is no property right for an individual to have a business to sell marijuana within the Town of Dolores.
2. The purpose of this article II is to implement the Recreational Marijuana Amendment in a manner consistent with the Colorado Marijuana Code to protect the health, safety and welfare of the residents of the town by prescribing the time, place and manner in which retail [marijuana businessmarijuana storees](#) may be operated within the town. In addition, the purpose of this article is to:

- a. Provide for the safe sale of retail and recreational marijuana to persons legally permitted to obtain, possess and use marijuana for recreational purposes in accordance with the Recreational Marijuana Amendment.
- b. Protect public health and safety through reasonable limitations on business operations as they relate to noise, air quality, food safety, public safety, security for the businesses and their personnel, and other health and safety concerns.
- c. Impose fees in an amount sufficient to cover the direct and indirect cost to the town of licensing and regulating retail ~~marijuana-business~~marijuana store.
- d. Allow retail ~~marijuana-center~~marijuana stores, retail marijuana cultivation facilities, retail marijuana product manufacturing facilities and retail marijuana testing facilities to operate in compliance with this article II.
- e. Facilitate the implementation of the Recreational Marijuana Amendment without going beyond the authority granted by such amendment.
- f. The approval of any license, renewal or change to any existing license by the local licensing authority is expressly contingent upon approval of the applicant by the state licensing authority.

([Ord. No. 546](#), § 1(2.1), 11-23-2020)

#### 5.16.230 - Definitions.

1. The following words and phrases used in this article shall have the following meanings unless the context clearly indicates otherwise:
  - a. *Applicant* means a person who has submitted an application to the Dolores Local Licensing Authority pursuant to this article to operate a retail ~~marijuana-business~~marijuana store, which application has not been approved or denied by the authority.
  - b. *Advertised, advertising or advertisement* means the act of drawing the public's attention, whether through print, signs, telephonic, electronic, wireless or digital means, to a retail ~~marijuana-business~~marijuana store or retail marijuana testing facility in order to promote the sale, cultivation, or testing of marijuana by the business.
  - c. *Business manager* means the individual(s) designated by the owner of a retail ~~marijuana-center~~marijuana store, retail marijuana cultivation facility, retail marijuana product manufacturing facility, or retail marijuana testing facility who are registered with the town as the person(s) responsible for all operations of the business during the owner's absence from the business premises.
  - d. *Character and record* includes all aspects of a person's character and record, including but not limited to, moral character; criminal record including serious traffic offenses; record of previous sanctions against liquor licenses, gambling licenses, retail marijuana licenses, or medical marijuana licenses, which the person owns, in whole or in part, and which the person serves as a controlling beneficial owner, manager or employee; education, training, experience; civil judgments entered against the person; truthfulness, honesty; and financial responsibility. The conviction of any person for any offense, shall not, in itself, be grounds for a finding of a bad character and record if such person demonstrates that he/she has been rehabilitated in accordance with C.R.S. § 24-5-101. In the event the local licensing authority considers information concerning the criminal history of a person, the local licensing authority shall also consider any information provided by an applicant regarding such criminal history records, including but not limited to, evidence of rehabilitation, character references and educational achievements, especially those items pertaining to the period of time between the last criminal conviction and the time of consideration of a license application.
  - e. *Co-located ~~marijuana-business~~marijuana store* means a medical ~~marijuana-business~~marijuana store that has a license pursuant to article I of this chapter that is permitted by the owner of the

building and all applicable laws, to divide the licensed medical ~~marijuana-business~~marijuana store to allow for both a medical ~~marijuana-center~~marijuana store and a retail ~~marijuana-center~~marijuana store as a separate business premises with separate licenses from the town within the same footprint and owned by the same person(s) or entity.

- f. *Colorado Marijuana Code* shall mean Article 10 of Title 44, C.R.S., as the same may be hereafter amended, and any rules or regulations promulgated thereunder.
- g. Direct beneficial interest owner means a person or closely held business entity that owns a share or shares of stock in a licensed retail ~~marijuana-business~~marijuana store, including the officers, directors, managing members, or partners of the licensed retail ~~marijuana-business~~marijuana store or closely held business entity, or a qualified limited passive investor.
- h. *Good cause*, for purpose of denial of an initial, renewal, or reinstatement of a license application, or for the imposition of disciplinary action against an existing licensee shall mean:
  - i. The licensee or applicant has violated, does not meet, or has failed to comply with any of the terms and conditions of this article II or provisions of the Colorado Marijuana Code, any rules promulgated pursuant thereto, or any other supplemental relevant state or local law, rules or regulations; or
  - ii. The licensee or applicant has failed to comply with any special terms or conditions that were placed upon the license pursuant to an order of the state licensing authority or the Dolores Local Licensing Authority; or
  - iii. The licensee or applicant has a bad character and record; or
  - iv. The licensee's licensed premises has been operated in a manner that adversely affects the public health, safety or welfare of the neighborhood in which the establishment is located.
- i. *Good moral character* means having a personal history that demonstrates honesty, fairness, and respect for the rights of others and the law, pursuant to Colorado Marijuana Enforcement Division regulations.
- j. *License* means to grant a license pursuant to the Colorado Marijuana Code and this article for a retail ~~marijuana-center~~marijuana store, retail marijuana cultivation facility, retail marijuana product manufacturing facility, or retail marijuana testing facility.
- k. *Licensed premises* means the premises specified in an application for a license pursuant to this article V[Chapter 5.16] and the Colorado Marijuana Code that is owned by or in possession of the licensee and within which the licensee is authorized to distribute, sell, cultivate, or manufacture marijuana products, or test retail marijuana in accordance with the provisions of the Colorado Marijuana Code.
- l. *Licensee* shall mean the retail ~~marijuana-business~~marijuana store named on the retail ~~marijuana-business~~marijuana store license, and all individuals named in the initial retail ~~marijuana-business~~marijuana store license application, or individuals later submitted to and approved by the town, including without limitation, owners, business managers, financiers, and individuals owning any part of an entity that holds a financial or other ownership interest in the retail ~~marijuana-business~~marijuana store.
- m. *Local licensing authority* shall mean the Dolores Local Licensing Authority which shall consist of the members of the Dolores Board of Trustees or its designee(s).
- n. *Marijuana* for the purposes of this article shall have the same meaning as set forth in the Recreational Marijuana Amendment or as may be more fully defined in any applicable state or local law or regulation.
- o. *Marijuana accessories* shall have the same meaning as such term is defined in the Recreational Marijuana Amendment.

- p. ~~Marijuana business~~Marijuana store shall mean any medical ~~marijuana business~~marijuana store as defined by article I of the this chapter or retail ~~marijuana business~~marijuana store as defined in this article II.
- q. *Medical marijuana* shall have the same meaning as set forth in Section 14 of Article XVIII of the Colorado Constitution.
- r. *Medical ~~marijuana business~~marijuana store* shall include medical ~~marijuana center~~marijuana stores, medical marijuana infused products manufacturers, and medical marijuana optional premises cultivation operations as defined in the Colorado Marijuana Code, Article 10 of Title 44, C.R.S.
- s. *Operating fees* means fees that may be charged by the town for costs including but not limited to inspection, administration, and enforcement of regulations governing retail ~~marijuana business~~marijuana store authorized pursuant to subsection 16(5)(f) of Article XVIII of the Colorado Constitution, the Colorado Marijuana Code, the rules adopted pursuant thereto, and this article II.
- t. *Place open to the general public* shall mean any property owned, leased or used by a public entity, any place of private property open to the public, common areas of buildings, public parks, vehicles, streets, sidewalks, trails, those portions of any public or private property upon which the public has an expressed or implied license to enter or remain, and any place visible from such places. Places open to the general public shall not include any private residential property regardless of whether it can be seen from a place open to the public.
- u. *Preschool* means a facility that provides preschool programs and services to a school district under the Colorado Preschool Program Act to a majority of the children who attend or are enrolled in that facility.
- v. *Recreational marijuana* means any marijuana intended for recreational use which meets all of the requirements for recreational marijuana contained in this article, the Recreational Marijuana Amendment, and any other applicable state or local law.
- w. *Retail marijuana* means all parts of the plant of the genus cannabis (hereafter the plant) whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin including marijuana concentrate, that is cultivated, manufactured, distributed, or sold by a licensed retail ~~marijuana center~~marijuana store. Retail marijuana does not include industrial hemp, nor does it include fiber produced from stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.
- x. *Retail marijuana cultivation facility* has the same meaning as "marijuana cultivation facility" as defined in Section 16(2)(h) of Article XVIII of the State Constitution.
- y. *Retail ~~marijuana business~~marijuana store* means a retail ~~marijuana center~~marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturer, or a retail marijuana testing facility.
- z. *Retail marijuana products manufacturer* has the same meaning as "marijuana product manufacturing facility" as defined in Section 16(2)(j) of Article XVIII of the State Constitution.
- aa. *Retail ~~marijuana center~~marijuana store* has the same meaning as defined in Section 16(2)(n) of Article XVIII of the State Constitution.
- bb. *Retail marijuana testing facility* means "marijuana testing facility" as defined in Section 16(2)(l) of Article XVIII of the State Constitution that is licensed pursuant to the Colorado Marijuana Code.
- cc. *School* means a public or private licensed preschool, or a public, private or charter elementary, middle, junior high or high school, vocational school, secondary school, community college, college or other institution of higher education.



- dd. *State licensing authority* means the authority created for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, and sale of retail marijuana in Colorado, pursuant to C.R.S. § 44-10-201, of the Colorado Marijuana Code.
- ee. As used herein the term "light infused product manufacturing" shall mean the manufacturing of marijuana products in a manner that does not involve the use of butane, compressed carbon dioxide gas, or other flammable, explosive, or hazardous materials. By way of example, "light infused product manufacturing" would include the preparation of edible products in a commercial kitchen made from a THC Distillate that is manufactured elsewhere or which is extracted using a non-hazardous cold-water process.

([Ord. No. 546](#), § 1(2.2), 11-23-2020; [Ord. No. 553](#), § 1, 5-11-2021)

5.16.240 - License required for retail ~~marijuana-business~~[marijuana store](#).

It shall be unlawful to operate a retail ~~marijuana-center~~[marijuana store](#), a retail marijuana cultivation facility, a retail marijuana product manufacturing facility, or a retail marijuana testing facility within the Town of Dolores without first obtaining a town license to operate pursuant to this article, and having a validly issued license in good standing from the State of Colorado, and having paid all applicable fees. Any person violating this section shall be punished by a fine of up to three hundred ninety-nine dollars, or by imprisonment in the Montezuma County jail for a period of up to ninety days, or by both such fine and imprisonment. Each day that a violation continues shall be considered a separate and distinct offense.

([Ord. No. 546](#), § 1(2.3), 11-23-2020)

5.16.250 - Composition of local licensing authority.

The board of trustees is hereby designated as the Dolores Local Licensing Authority. The board of trustees, may by resolution, delegate its authority or part of its authority set forth in this article to an individual or group of individuals to act as the local licensing authority.

([Ord. No. 546](#), § 1(2.4), 11-23-2020)

5.16.260 - Functions and powers of local licensing authority.

1. The local licensing authority shall have the duty and authority pursuant to the Colorado Marijuana Code and this article to grant or deny an application described in this article and to levy penalties against a licensee in the manner provided by law.
2. The local licensing authority shall consider applications for new business premises, transfer of ownership, change of location, licensed premises modification, changes in tradename and any other appropriate application.
3. The local licensing authority shall have the power to promulgate rules and regulations concerning the procedure for hearings before the local licensing authority.
4. The local licensing authority shall have the power to require any applicant or licensee to furnish such information to the authority as may be reasonably necessary in order for the authority to perform the duties and functions authorized by this article II.
5. The local licensing authority shall have the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records at any hearing which the authority is authorized to conduct. Any subpoena shall be served in the same manner as a subpoena issued by a district court of the state. The municipal judge shall have the power and authority to enforce such subpoena.

(Ord. No. 546, § 1(2.5), 11-23-2020)

5.16.270 - Limitation on the number of licenses that may be issued within the town.

A maximum of two retail ~~marijuana-center~~marijuana store licenses which may be a co-located medical and retail ~~marijuana-business~~marijuana store shall be issued by the local licensing authority. A maximum of two retail marijuana cultivation licenses which may be a co-located medical and retail ~~marijuana-business~~marijuana store shall be issued by the local licensing authority. A maximum of one retail marijuana manufacturing facility license which may be a co-located medical and retail ~~marijuana-business~~marijuana store shall be issued by the local licensing authority. A maximum of one retail marijuana testing facility license shall be issued by the local licensing authority. An application for renewal of an existing retail ~~marijuana-center~~marijuana store license or retail marijuana cultivation facility license shall receive a preference over an application for a new retail ~~marijuana-center~~marijuana store license or new retail marijuana cultivation facility license if the existing business has substantially met all of the requirements of this article and the Colorado Marijuana Code during the previous license term and is in good standing. If a new retail ~~marijuana-center~~marijuana store license or a new retail marijuana cultivation license becomes available for issuance after the issuance of the initial licenses described herein, the town clerk may publish a notice stating when the town will accept applications for such licenses. Any applications received before or after the period described in such notice will be considered null, void and of no effect.

(Ord. No. 546, § 1(2.6), 11-23-2020)

5.16.280 - Co-location of ~~marijuana-business~~marijuana stores.

1. A person who holds a medical ~~marijuana-center~~marijuana store license pursuant to article I of this chapter and Article 10 of Title 44, C.R.S. and a retail ~~marijuana-center~~marijuana store license may operate both licenses within the same premises ("co-located operation"), provided they can satisfy the requirements applicable to each business or each premises under the Colorado Marijuana Code, Article 10 of Title 44, C.R.S., Colorado Marijuana Code, and articles I and II of this chapter.
2. No co-located license shall be issued for a retail ~~marijuana-center~~marijuana store in a retail marijuana testing facility, or for a medical ~~marijuana-business~~marijuana store in a retail marijuana testing facility.
3. No co-located license shall be issued for a location in any zone where either of the proposed co-located operations are prohibited by the town's land use code.
4. In the event a medical ~~marijuana-center~~marijuana store authorizes medical patients under twenty-one years of age on the premises, then there shall be a complete separation of the medical ~~marijuana-center~~marijuana store and the retail ~~marijuana-center~~marijuana store operated under co-located licenses. Specifically the operation of a co-located business premises shall include the following:
  - a. Separate sales and storage areas;
  - b. Separate entrances and exits;
  - c. Separate inventories and inventory tracking processes;
  - d. Separate point of sales operations;
  - e. Separate record keeping systems; and
  - f. Each operation shall otherwise meet all requirements imposed herein or in any state law for the operation of a retail ~~marijuana-business~~marijuana store and a medical ~~marijuana-business~~marijuana store.
5. Licensees operating a medical ~~marijuana-center~~marijuana store that prohibits the admittance of patients under the age of twenty-one years and a retail ~~marijuana-center~~marijuana store may share their licensed premises as a co-location. Such a medical ~~marijuana-center~~marijuana store licensee

must post signage that clearly conveys that persons under the age of twenty-one years may not enter the premises. Under these circumstances, and upon approval of the state licensing authority and the Dolores Local Licensing Authority, the medical marijuana and retail marijuana and medical marijuana-infused products and retail marijuana products must be separately displayed on the same sales floor. Record keeping for the business operation of both must enable the state and the town to clearly distinguish the inventories and business transactions of medical marijuana and medical marijuana-infused products from retail marijuana and retail marijuana products.

(Ord. No. 546, § 1(2.7), 11-23-2020)

**5.16.290 - Issuance of initial licenses—General.**

1. After adoption of this chapter, the town clerk may publish a notice that the Town of Dolores is accepting applications for retail ~~marijuana-business~~marijuana store licenses. Said notice shall establish a deadline for the town's acceptance of such applications. The town clerk shall initially review such applications for completeness. In the event the town clerk finds that an application is incomplete, the town clerk shall notify the applicant in writing of the application deficiencies and allow the applicant to correct such deficiencies within fifteen days from the date of receiving such notice. The town clerk shall then forward the applications to the local licensing authority for processing and review. The local licensing authority shall then finally determine the sufficiency of the license applications and the eligibility of the applicants to hold a retail ~~marijuana-business~~marijuana store license.
2. The town clerk shall initially review such applications for completeness. If an application is incomplete or fails to comply with the requirements of this article or the Colorado Marijuana Code, Article 10 of Title 44, C.R.S., the town clerk shall reject said application. Amendment of such application or correction of information on such application shall not be permitted. The town clerk shall forward the applications that appear complete and in compliance with this article and the Colorado Marijuana Code to the local licensing authority for processing and review. The local licensing authority shall then finally determine the sufficiency of the license applications and the eligibility of the applicants to hold a retail ~~marijuana-business~~marijuana store license.

(Ord. No. 546, § 1(2.8), 11-23-2020)

**5.16.300 - Issuance of licenses—Retail ~~marijuana-center~~marijuana stores and retail marijuana cultivation facilities.**

1. If more sufficient license applications are received than the maximum number allowed pursuant to section 15.16.290 and the local licensing authority is not permitted to approve all of the sufficient applications received because of the limitations set forth in section 15.16.270, the local licensing authority shall establish a date and time for selecting by lot the priority of the sufficient license applications. The local licensing authority shall then proceed to approve one retail ~~marijuana-center~~marijuana store license to the highest priority applicant who has been a bonafide resident of Dolores, Colorado for at least one year prior to the date of the application, or if a business entity, over fifty percent of its direct beneficial interest owners have been bonafide residents of Dolores, Colorado for at least one year prior to the date of the application. The local licensing authority shall also approve one retail ~~marijuana-center~~marijuana store license to the highest priority applicant as determined by lot of all sufficient applications received, that have paid the applicable license and operational fees and that comply with the requirements of this article. The local licensing authority shall also approve two retail marijuana cultivation facility licenses for the two highest priority applicants, as determined by lot, that have paid the applicable license and operational fees and that comply with the requirements of this article. One retail marijuana cultivation facility license shall be awarded to the highest priority applicant as determined by lot who has been a bonafide resident of Dolores, Colorado for at least one year prior to the date of the application, or if a business entity, over fifty percent of the direct beneficial owners have been bonafide residents of Dolores, Colorado for at least one year prior to the date of

the application. A third retail marijuana cultivation facility license shall be issued to the highest priority applicant as determined by lot who was not awarded a license through the process described above.

2. In regard to license applications for retail ~~marijuana center~~[marijuana store](#) and/or retail marijuana cultivation facilities received by the local licensing authority, if more sufficient license applications are received by the local licensing authority than the number of available licenses permitted pursuant to section 15.16.290 and the local licensing authority is not permitted to approve all of the sufficient applications received because of the limitation set forth in section 15.16.270, the local licensing authority shall establish a date and time for selecting by lot the priority of the sufficient license applications. No priority shall be given based upon the residency of the applicant.
3. The local licensing authority shall also issue retail marijuana cultivation licenses to retail ~~marijuana center~~[marijuana store](#) licensees who also submit applications for a retail marijuana cultivation facility and who agree that at least seventy percent of the product cultivated will be supplied to its own retail ~~marijuana center~~[marijuana store](#).
4. Initial Review. In addition to other requirements contained in this article II the initial criteria considered for review by the local licensing authority for an application for a retail ~~marijuana center~~[marijuana store](#) license and retail marijuana cultivation facility license must be satisfied in full before the applicant will be assigned a priority number. The initial review standards are as follows:
  - a. The applicant has fully completed a state licensing authority application including all subparts thereof, which shall be submitted as part of its application to the local licensing authority. No material changes to the application to the state licensing authority shall be made after such submission to the local licensing authority. This Code contemplates that the completed state licensing authority application will be submitted to the state licensing authority after approval by the local licensing authority. "Material change" includes change of location, change of type of license, change in business structure or financing structure/arrangements, change in detailed floor plans, or changes to applicants security plan;
  - b. The applicant shall not be ineligible based on a criminal conviction as defined by CRS § 44-10-307 as amended;
  - c. The applicant's proposed facility location satisfies the buffering requirements set forth herein; and
  - d. The business must certify that it has satisfied or will meet the minimum security requirements of this article V[Chapter 5.16] prior to opening.
5. Award of Retail ~~Marijuana Center~~[Marijuana store](#) and Retail Marijuana Cultivation Facility Licenses. The local licensing authority shall issue a retail ~~marijuana center~~[marijuana store](#) license to the applicants with the highest priority (as determined by lot if necessary) that have paid all applicable fees and that comply with the requirements of this article. The local licensing authority shall issue a retail marijuana cultivation license to the two applicants with the highest priority as determined by lot as described above, that have paid all applicable fees and that comply with the requirements of this article.
6. Limitation on Number of Licenses per Person. No person or business entity or any person associated with a business entity may hold an ownership interest in more than one retail ~~marijuana center~~[marijuana store](#) located in the town.

([Ord. No. 546](#), § 1(2.9), 11-23-2020)

#### 5.16.310 - Permitted locations.

All retail ~~marijuana business~~[marijuana store](#) licenses shall be issued for a specific location which shall be designated as the licensed premises. Retail ~~marijuana business~~[marijuana store](#) licenses shall only be issued for locations permitted as shown in the Principle Uses by Zoning District Table contained in the town's land use code and appendix to article IV herein. If an applicant has not yet received a conditional use permit to operate a retail ~~marijuana business~~[marijuana store](#), a license may be granted conditioned upon such conditional use permit being granted.

(Ord. No. 546, § 1(2.10), 11-23-2020)

5.16.320 - Distance requirements from schools and other locations.

1. Distance from Schools. Retail ~~marijuana-center~~[marijuana store](#), cultivation operations, testing facilities, manufacturing facilities shall be located a minimum of one thousand feet from schools having full time enrollment of one hundred or more students, as measured from the nearest property boundary of such school use to the front door or primary access of the proposed licensed premises. Retail ~~marijuana-center~~[marijuana stores](#), cultivation operations, testing facilities, manufacturing facilities shall be located a minimum of five hundred feet from schools having full time enrollment of less than one hundred students, as measured from the nearest property boundary of such school use to the front door or primary access of the proposed licensed premises. Retail ~~marijuana-center~~[marijuana stores](#), cultivation operations, testing facilities, manufacturing facilities shall be located a minimum of two hundred fifty feet from a building that is primarily used as a school administration office where children may be present, as measured from the nearest property boundary of such school use to the front door or primary access of the proposed licensed premises. Prior to issuing a retail ~~marijuana-business~~[marijuana store](#) license, the local licensing authority shall confirm that the proposed licensed premises boundaries meet such requirements.
2. Once the ~~marijuana-business~~[marijuana store](#) license is issued, the town will not preclude a school from locating within the above described buffer zone. A retail ~~marijuana-business~~[marijuana store](#) may then continue to operate at its present location. If a school use later locates within the applicable buffer zone, however, the licensee does so at its own risk, and the issued license provides no protection or indemnification against enforcement of federal or other applicable laws prohibiting the operation of a retail ~~marijuana-business~~[marijuana store](#).
3. Distance from Licensed Child Care Facilities. Retail ~~marijuana-center~~[marijuana stores](#), cultivation operations, testing facilities, manufacturing facilities shall be located a minimum of two hundred fifty feet from licensed child care facilities, as defined in the Colorado Marijuana Code.
4. Distance from Publicly Owned Playgrounds. Retail ~~marijuana-center~~[marijuana stores](#), cultivation operations, testing facilities, manufacturing facilities shall be located a minimum of two hundred fifty feet from the nearest outside fence of any public playground owned by the Town of Dolores.
5. Distance from Other Medical ~~Marijuana-Business~~[Marijuana stores](#). There shall be no distance requirement between medical ~~marijuana-business~~[marijuana stores](#).

(Ord. No. 546, § 1(2.11), 11-23-2020)

5.16.330 - General licensing conditions.

1. Except as specifically provided herein, the issuance of a license for a retail ~~marijuana-business~~[marijuana store](#) by the town shall be subject to compliance with all provisions of C.R.S. § 44-10-313, concerning licensing requirements.
2. The license requirements set forth in this article shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state or local law, including by way of example, a retail sales license, an occupation tax license, an excise tax license, a retail food establishment license, or any applicable zoning, land use or building permits.
3. The issuance of a license pursuant to this article does not create a defense, exception or provide immunity to any person in regard to any potential criminal liability a person may have for the production, distribution or possession of marijuana.
4. A separate license shall be required for each location from which a retail ~~marijuana-business~~[marijuana store](#) is operated. A separate license shall be required for each specific business or business entity, for each geographical location and for each co-located retail ~~marijuana-center~~[marijuana store](#). No

person or entity may hold an ownership interest in more than one retail [marijuana-centermarijuana store](#) within the Town of Dolores.

5. The submission of an application for the issuance of a license under this article from the town shall act as acknowledgement and agreement by the applicant or the licensee that the sale of marijuana continues to be subject to the control and jurisdiction of the federal government and actions taken by the federal government under the federal laws and regulations may limit or invalidate any license issued by the town or the licensee's ability to own or operate a retail [marijuana-businessmarijuana store](#) in the town.
6. After submission of a license application to the local licensing authority, no material revisions, changes, corrections or amendments to such application will be accepted by the local licensing authority. "Material" includes, but shall not be limited to, change of type of license, change in business structure, change of persons participating in a business entity, or financing structure/arrangements, change in detailed floor plans, and a change to the security plan.

([Ord. No. 546](#), § 1(2.12), 11-23-2020)

#### 5.16.340 - License application requirements.

1. **Start Date.** The local licensing authority shall receive and process all applications for retail [marijuana businessmarijuana store](#) licenses beginning on January 4, 2021.
2. **Application Materials.** An application for a retail [marijuana-businessmarijuana store](#) license shall be made on forms provided by the town clerk for such purposes. Only one original application will be accepted. Copies will not be accepted. The town clerk is authorized to promulgate requirements concerning organization of the application such as binding requirements, font size, etc. The applicant shall use the application to demonstrate its compliance with the provisions of this article II and other applicable laws, rules or regulations. In addition to general information required of standard applications, the application shall require the following information:
  - a. Name and address of the owner or owners of the proposed retail [marijuana-businessmarijuana store](#) and in whose name the license is proposed to be issued.
  - b. If the proposed owner is a corporation, then the application shall include the name and address of all officers and directors of the corporation, and of any person holding any financial interest in the corporation, whether as a result of the issuance of stock, instruments of indebtedness, or otherwise, including disclosure information pertaining to bank, savings and loan associations or other commercial lender which has loaned funds to the applicant.
  - c. If the proposed owner is a partnership, association or limited liability company, the application shall include the name and address of all partners, members, managers or persons holding any financial interest in the partnership, association or limited liability company, including those holding an interest as the result of instruments of indebtedness or otherwise including disclosure of information pertaining to a bank, savings and loan association, or other commercial lender which has loaned funds to the applicant. It is not permissible to refer to such individuals using generic descriptions such as "family and friends."
  - d. If the owner is not a natural person, the application shall include copies of the organizational documents for all entities identified in the application and the contact information for the person that is authorized to represent the entity or entities.
  - e. Name and address of the proposed business manager(s) of the retail [marijuana businessmarijuana store](#), if the business manager is proposed to be someone other than the owner, or if the owner is an entity rather than a natural person.
  - f. A statement indicating whether any of the named owners, members, business managers, parties with a financial interest, or persons named on the application have been:

- i. Denied an application for a medical ~~marijuana-business~~[marijuana store](#) license or a retail ~~marijuana-business~~[marijuana store](#) license pursuant to any state or local licensing law, rule or regulation, or had such license suspended or revoked.
- ii. Denied an application for a liquor license pursuant to Article 3 or 4 of Title 44, C.R.S., or by any similar state or local licensing law, rule, regulation or had such license suspended or revoked.
- iii. Convicted, entered a plea nolo contendere, or entered a plea of guilty in conjunction with a deferred judgment and sentence pertaining to any charge related to possession, use, or possession with intent to distribute narcotics, drugs or controlled substances.
- iv. Convicted, entered a plea of nolo contendere, or entered a plea of guilty in conjunction with a deferred judgment and sentence pertaining to any charge related to driving or operating a motor vehicle while under the influence or while impaired by alcohol or controlled substances.
- v. **The applicant shall not be ineligible based on a criminal conviction as defined by CRS § 44-10-307 as amended.**
- g. Proof that the applicant will have ownership or legal possession and control of the premises proposed for the retail ~~marijuana-business~~[marijuana store](#) for the term of the proposed license. Purchase contracts for real estate may not include a contingency for licensure. "Backup contracts" will not be accepted as evidence the applicant has control of the property. Similarly, leases may not include a contingency for licensure.
- h. Proof of insurance as follows:
  - i. Workers compensation insurance to cover obligations imposed by the Workers Compensation Act of Colorado and any other applicable laws for any employee engaged in the performance of work related to the operation of the retail ~~marijuana-business~~[marijuana store](#); and
  - i. Comprehensive general liability insurance with minimum single limits of one million dollars each occurrence and two million dollars aggregate, applicable to all premises and operations.
  - j. An operating plan for the proposed retail ~~marijuana-business~~[marijuana store](#) including the following information:
    - i. A description of the products and services to be sold or provided by the retail ~~marijuana-business~~[marijuana store](#).
    - ii. A dimensioned floor plan of the proposed premises clearly labeled, showing:
      1. The layout of the structure and the floorplan in which the retail ~~marijuana-business~~[marijuana store](#) will be located including information sufficient to prove compliance with ventilation, security and other structural requirements contained therein;
      2. The principle uses of the floor area depicted on the floorplan including but not limited to storage areas, retail sales areas and restricted areas where marijuana will be centered and located; and
      3. Areas where any services other than the cultivation, distribution or sale of retail marijuana is proposed to occur on the licensed premises.
      4. That the retail floor space will not exceed one thousand square feet.
- k. For a retail marijuana testing facility or retail marijuana products manufacturing facility, a plan that specifies all means to be used for extraction, heating, washing, or otherwise changing the form of the marijuana plant, or the testing of any marijuana, and verification of compliance with all applicable state and local laws for ventilation and safety measures for each process.

- l. The maximum amount of retail marijuana or retail marijuana products that may be on the business premises at any one time expressed in grams of marijuana and units of marijuana-infused products.
- m. A security plan indicating how the applicant will comply with the requirements of this chapter and any other applicable law, rule or regulation. The applicant may submit the portions of such security plan which include trade secrets or specialized security arrangements confidentially. The town will not disclose the documents appropriately submitted under the Colorado Open Records Act, C.R.S. § 24-72-201 et seq., if they constitute confidential trade secrets or specialized security arrangements to any party other than law enforcement agencies, unless compelled to do so by court order. Any document that the applicant considers eligible for protection under the Colorado Open Records Act shall be clearly marked as confidential and the reasons for such confidentiality shall be stated on the document.
- n. A business plan demonstrating applicant's ability to successfully operate in a highly regulated industry over an extended period of time. The plan shall indicate necessary capital improvements and the estimated cost thereof, an estimate of first year revenues and operating expenses, and evidence that the applicant will have the resources necessary to pay for such expenses.
- o. A lighting plan showing the illumination of the outside area of the retail [marijuana businessmarijuana store](#) for security purposes that meets the requirements of article V[Chapter 5.16] of this Code.
- p. A vicinity map drawn to scale, indicating within a radius of one-quarter mile from the boundaries of the property upon which the retail [marijuana businessmarijuana store](#) is to be located, the proximity of the property to any school.
- q. Fingerprints and personal histories for all owners and parties having a financial interest in the proposed retail [marijuana businessmarijuana store](#) as defined in this article. All such individuals shall be subject to a criminal background check in conjunction with the license application and review conducted by the Colorado Bureau of Investigation pursuant to C.R.S. § 44-10-307.
- r. A plan for disposal of any retail marijuana or product that is not sold or is contaminated in a manner that protects any portion thereof from being possessed or ingested by a person or animal.
- s. A plan for ventilation that describes the ventilating systems that will be used to prevent any odor of marijuana from extending beyond the premises of the business. A best available filtration system shall be required and carbon filtration is strongly encouraged by the town.
- t. If applicable, a plan showing that the cultivation operation will emit light outside of the licensed premises.
- u. If applicable, a plan showing that the cultivation operation will not burden the town's wastewater treatment facility.
- v. A description of all toxic, flammable or other materials regulated by federal or state government that would have authority over the business if it was not a retail [marijuana businessmarijuana store](#), that will be used, kept or created at the retail [marijuana businessmarijuana store](#) and the location where such materials will be centered.
- w. An application for a retail [marijuana businessmarijuana store](#) license shall be accompanied by the application fee, operational fee, criminal background fee, if any, together with any other applicable fees that may be established by resolution of the board of trustees.
- x. An application for a retail [marijuana businessmarijuana store](#) license shall be accompanied by a completed state licensing authority application, including all subparts thereof, without attachments.

([Ord. No. 546](#), § 1(2.13), 11-23-2020)

5.16.350 - Inspection required.



1. An inspection of the proposed retail ~~marijuana-business~~[marijuana store](#) by the town manager, town's marshal's office and the town building official shall be required prior to actual issuance of a license. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any retail marijuana or marijuana products, and prior to the opening of the business to the public. The purpose of the inspection is to verify that the business facilities are constructed and can be operated in accordance with the application submitted, the applicable requirements of this article, and any other applicable law, rule or regulation such as building codes and fire codes.
2. The building official or designee shall conduct an annual fire and life safety inspection conducted by the town building official is required for renewal of licenses.

([Ord. No. 546](#), § 1(2.14), 11-23-2020)

5.16.360 - Issuance of license.

1. The Dolores Local Licensing Authority shall not issue a retail ~~marijuana-business~~[marijuana store](#) license until the inspection, background checks, and all other information available to the town have been found to verify that the applicant:
  - a. Has submitted a full and complete application;
  - b. Has made improvements to the business premises consistent with the application;
  - c. Is prepared to operate the business with the owners and business managers as set forth in the application, all in compliance with the provisions of this article and any other applicable law, rule or regulation;
  - d. Has paid all required fees; and
  - e. Is otherwise in compliance with all other provisions of this article and any other applicable provisions of the Dolores Municipal Code and the Colorado Marijuana Code, and the regulations promulgated thereunder.

([Ord. No. 546](#), § 1(2.15), 11-23-2020)

5.16.370 - Release of information.

Any signature on an application for the issuance, transfer or modification of a license for a retail ~~marijuana-business~~[marijuana store](#) or for a change in business manager or other amendment to the license shall constitute a release for purposes of allowing the town to conduct investigations regarding the personal histories of all interested parties and shall constitute a consent to the release of any information obtained by the town through such process as a public record under the Colorado Open Records Act, including, but not limited to, criminal history reports conducted by the town or any other authorized agency and all financial disclosures obtained by the town or any other entity.

([Ord. No. 546](#), § 1(2.16), 11-23-2020)

5.16.380 - License fees and charges.

1. Applicants for retail ~~marijuana-business~~[marijuana store](#) licenses or existing licensees shall pay the following fees (which are in addition to any state license fees, whether or not shared with the town and in addition to any applicable fees required under the town land use code and building code):
  - a. New license for retail ~~marijuana-center~~[marijuana store](#) application fee: one thousand dollars.
  - b. New license for retail marijuana cultivation facility application fee: one thousand dollars.
  - c. New license for retail marijuana manufacturing facility application fee: one thousand dollars.

- d. New license for retail marijuana testing facility application fee: one thousand dollars.
  - e. Annual operating fee: one thousand five hundred dollars.
  - f. Renewal of existing retail [marijuana-businessmarijuana store](#) license application fee: one thousand dollars.
2. The fees above apply to each license issued, and a business with multiple locations in the town must pay separate fees for each location. The appropriate fees must be paid in conjunction with any application or request before the town will process or act upon forms submitted. All fees are non-refundable in the entirety. No fees previously paid by a licensee in connection with a license shall be refunded if the licensee's license is subsequently suspended or revoked.

([Ord. No. 546](#), § 1(2.17), 11-23-2020)

5.16.390 - Persons prohibited as licensees and business managers.

1. The criteria for determination of those persons who are not eligible to receive a retail [marijuana-businessmarijuana store](#) license or to act as a business manager of such an establishment shall be as provided in this article V[Chapter 5.16] and in C.R.S. § 44-10-307.
2. No license approval provided by this article shall be issued to or held by:
  - a. Any person whose criminal history indicates the person is not of good moral character;
  - b. Any corporation, any of whose officers', directors' or stockholders' criminal histories and record indicate such person is not of good moral character;
  - c. Any partnership, association, or company, any of whose officers', or any of whose members', criminal histories and record indicate such person is not of good moral character;
  - d. Any person employing, assisted by, or financed in whole or in part by any other person whose criminal history and record indicate such person is not of good moral character;
  - e. Any cooperative association, any of whose officers', directors', or stockholders' or members' criminal histories and record indicate that such person is not of good moral character;
  - f. A person under twenty-one years of age;
  - g. A person approved pursuant to this article who, during a period of licensure or approval, or who, at the time of application, has failed to:
    - i. File any tax return with a taxing agency related to the operation of a retail [marijuana-businessmarijuana store](#) or medical [marijuana-businessmarijuana store](#);
    - ii. Pay any taxes, interest, or penalties due to a taxing agency relating to the operation of a retail [marijuana-businessmarijuana store](#) or medical [marijuana-businessmarijuana store](#).
  - h. A person deemed ineligible based on a criminal conviction as defined by C.R.S. § 44-10-307 as amended;
  - i. A person who employs another person at a retail [marijuana-businessmarijuana store](#) who has not submitted fingerprints for a criminal history record check or whose criminal history record check reveals that the person is ineligible;
  - j. A sheriff, deputy sheriff, town marshal, or prosecuting officer, or an officer or employee of the state licensing authority or the local licensing authority;
  - k. A person applying for a license for a location that is currently licensed as a retail food establishment or wholesale food registrant.
3. In investigating the qualifications of an applicant or a licensee, the local licensing authority may have access to criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency. In the event the local licensing authority considers the applicant's

criminal history record, the local licensing authority shall also consider any information provided by the applicant regarding such criminal history record, including but not limited to, evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the time between the applicant's last criminal conviction and the consideration of the application for a retail ~~marijuana-business~~[marijuana store](#) license. As used in this section, "criminal justice agency" means any federal, state or municipal court or any governmental agency or subunit of such agency that administers criminal justice pursuant to a statute or executive order and that allocates a substantial part of its annual budget to the administration of criminal justice.

4. The focus of the inquiry into the character of any person associated with the operation of a retail ~~marijuana-business~~[marijuana store](#) shall be whether the person's character is such that violations of state law or municipal ordinances pertaining to the possession and distribution of marijuana and/or the operation of retail ~~marijuana-business~~[marijuana store](#) would be likely to result if a license were granted.
5. A direct beneficial interest owner who is a natural person must either:
  - a. Have been a resident of Colorado for at least one year prior to the date of the application; or
  - b. Be a United States citizen prior to the date of the application. A retail ~~marijuana-business~~[marijuana store](#) may be comprised of an unlimited number of direct beneficial interest owners that have been residents of Colorado for at least one year prior to the date of application. A retail ~~marijuana-business~~[marijuana store](#) that is comprised of one or more direct beneficial interest owners who have not been Colorado residents for at least one year prior to submittal of the application shall have at least one officer who has been a Colorado resident for at least one year prior to submittal of the application and all officers with day to day operational control over the business must become Colorado residents for at least one year prior to the submittal of the application. A retail ~~marijuana-business~~[marijuana store](#) is limited to no more than fifteen direct beneficial interest owners, including all parent and subsidiary entities, all of whom are natural persons. A direct beneficial interest owner that is a closely held business entity must consist entirely of natural persons who are United States citizens prior to the date of the application, including all parent and subsidiary entities.
6. A retail ~~marijuana-business~~[marijuana store](#) may include qualified institutional investors that own thirty percent or less of the retail ~~marijuana-business~~[marijuana store](#).
7. A person who intends to apply as a direct beneficial interest owner shall first submit a request to the state licensing authority for a finding of suitability as a controlling beneficial interest owner. The person shall receive a finding of suitability prior to submitting an application to the state licensing authority to be a direct beneficial interest owner. Failure to receive a finding of suitability prior to application shall be grounds for denial by the state licensing authority or local licensing authority.
8. The state licensing authority shall perform a limited initial background check on qualified limited passive investors. If the initial background check provides reasonable cause for additional investigation, the state licensing authority may require a full background check. The state licensing authority shall review the retail ~~marijuana-business~~[marijuana store](#)'s operating documents to ensure compliance with this section.
9. For the purposes of this subsection, unless the context otherwise requires, "institutional investor" means:
  - a. An employee benefit plan or pension fund that is subject to the federal "Employee Retirement Income Security Act of 1974", as amended, excluding employee benefit plan or pension funds sponsored by a licensee or an intermediary holding company licensee that directly or indirectly owns five percent or more of a licensee;
  - b. A state or federal government pension plan;
  - c. A group comprised entirely of persons specified above; or
  - d. Any other entity identified through rule by the state licensing authority.

([Ord. No. 546](#), § 1(2.18), 11-23-2020)

5.16.400 - Issuance or denial of approval.

1. In determining whether to issue an approval of an application for possible granting of a license in accordance with sections 5.16.290 and 5.16.300, the local licensing authority may consider the following:
  - a. Whether the application is complete and signed by the applicant;
  - b. Whether the applicant has paid the application fee, license fee and the annual operating fee;
  - c. Whether the application complies with all of the requirements of this article, the Colorado Marijuana Code, and rules promulgated by the state licensing authority;
  - d. Whether the application contains any material misrepresentations;
  - e. Whether the proposed retail ~~marijuana-business~~[marijuana store](#), retail marijuana cultivation facility or retail marijuana products manufacturing facility complies with the town's land use code. The local licensing authority shall make specific findings of fact with respect to whether the building in which the proposed retail ~~marijuana-center~~[marijuana store](#) will be located conforms to the distance requirements set forth in section 15.16.320; and
  - f. The facts and evidence adduced as a result of its investigation as well as any other facts and any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed.
2. The local licensing authority may deny the approval of an application for good cause as defined in Colorado Marijuana Code. If an application is administratively denied, the applicant may appeal such denial to the full local licensing authority by filing a notice of appeal with the town clerk within fifteen days following issuance of the decision denying the application. Said notice shall state the grounds for such appeal. Such appeal shall be heard by a hearing officer duly appointed by the local licensing authority. Following a hearing and an opportunity for applicant to be heard, the hearing officer shall recommend to the local licensing authority that the appeal be affirmed or denied.
3. The local licensing authority may impose reasonable conditions upon any license approval or renewal issued pursuant to this article.
4. After the initial granting of a retail ~~marijuana-center~~[marijuana store](#) license or retail marijuana cultivation facility license, if such license later becomes available, the town clerk may publish the availability of the license and the procedures set forth in section 15.16.300 shall be followed.
5. No person shall own, operate, manage, control or hold a direct beneficial interest in more than one retail ~~marijuana-center~~[marijuana store](#) within the Town of Dolores.
6. The local licensing authority shall issue its decision approving or denying the application within thirty days following completion of the application investigation by town staff and completion of a determination of the priority for license applicants for retail ~~marijuana-center~~[marijuana stores](#) and retail marijuana cultivation facilities described in section 6-108[5.16.340]. The decision shall be in writing, shall state the reasons for the decision, and a copy of the decision shall be mailed by certified mail to the applicant at the address shown on the application.
7. An applicant must file its application to the state licensing authority within thirty days following notification that the local licensing authority has approved its application. Such applicant shall also set an appointment with the state licensing authority regarding such application. Failure to do so shall render the local licensing authority's approval null and void and of no effect.
8. The town clerk shall not actually issue a license to an approved applicant until the applicant has been issued a license by the state licensing authority.

([Ord. No. 546](#), § 1(2.19), 11-23-2020)

#### 5.16.410 - Renewal of license

1. A licensee may renew its retail ~~marijuana-business~~[marijuana store](#) license by submitting an application to the town clerk at least forty-five days before and not more than ninety days before the expiration of the license. If a licensee fails to file an application for renewal of its license at least forty-five days before expiration of the license, the license shall expire.
2. A licensee may renew a license that has expired if:
  - a. The license has expired for less than thirty days; and
  - b. The licensee pays the regular renewal fee and an additional five-hundred-dollar late renewal fee.
3. If the applicant is not eligible for reinstatement of an expired license by the state licensing authority, the applicant is subject to the procedures and fees provided in the Code for a new license application.
4. In the event an application for renewal has been filed at least forty-five days before the expiration of the previous permit, but the local licensing authority does not rule on the application for renewal before the expiration of the previous license, the previous license shall be deemed extended until the local licensing authority issues a decision on the application for renewal, but in no event may the license be extended for more than ninety days.
5. The local licensing authority may renew a license without a public hearing. However, if the local licensing authority believes there may be good cause to deny the application for renewal, the local licensing authority shall hold a public hearing on the application. The licensee shall have an opportunity to be heard at the hearing and shall be given at least fifteen days' written notice of the date and time of the public hearing on the application for renewal.
6. The building official or designee shall conduct a fire and life safety inspection prior to the renewal of the license.

([Ord. No. 546](#), § 1(2.20), 11-23-2020)

#### 5.16.420 - Contents and display of approval.

1. The approved licensee shall post the certificate of approval by the local licensing authority in a conspicuous location on the premises. A retail ~~marijuana-business~~[marijuana store](#) approval shall contain the following information:
  - a. Type of approval;
  - b. The name of the licensee;
  - c. The date of issuance of the approval;
  - d. The street address at which the licensee is authorized to operate the retail ~~marijuana-business~~[marijuana store](#);
  - e. Any conditions of approval imposed upon the license by the local licensing authority;
  - f. The date of expiration of the approval; and
  - g. The signature of the town clerk.

([Ord. No. 546](#), § 1(2.21), 11-23-2020)

#### 5.16.430 - Transfer/changes in ownership structure.

1. License approvals held by natural persons may not be transferred. In the event a natural person or persons holding a license sell the associated retail ~~marijuana-business~~[marijuana store](#), the purchaser shall be entitled to apply for a new retail ~~marijuana-business~~[marijuana store](#) license for the purchased

business notwithstanding the provisions of section 15.16.270. The purchaser shall be required to pay a new license application fee as set forth in section 15.16.380. If the proposed sale or conveyance of a partial interest in a retail ~~marijuana-business~~[marijuana store](#) to a person who previously did not own ten percent or more of the retail ~~marijuana-business~~[marijuana store](#) will, after the sale, result in the person owning ten percent or more of the retail ~~marijuana-business~~[marijuana store](#), the licensee shall apply for a change in ownership structure, which the local licensing authority shall process as a new license approval application by the new owner. A state license for a retail ~~marijuana-business~~[marijuana store](#) is not transferrable except as provided in C.R.S. § 44-10-312, as contained in the Colorado Marijuana Code.

2. License approvals held by partnerships, corporations, limited liability companies, or other business entities are not transferrable and terminate automatically upon dissolution of the entity. If the proposed sale or conveyance of any interest in the entity to a person who previously did not own ten percent or more of the business will, after the sale, result in the person owning ten percent or more of the entity, the licensee shall apply for a change in ownership structure, which the local licensing authority shall process as a new license approval application by the new owner notwithstanding the limitation for retail ~~marijuana-center~~[marijuana stores](#) contained in section 5.16.270.
3. Changes in ownership structure that do not result in a person increasing that persons interest from less than ten percent to more than ten percent shall be reported to the local licensing authority and may be approved administratively by the town clerk.

([Ord. No. 546](#), § 1(2.22), 11-23-2020)

#### 5.16.440 - Change of location.

1. A licensee may move its permanent location to another location in the town, but it shall be unlawful to cultivate, manufacture, distribute, or sell retail marijuana at any such place until permission to do so is granted by the local licensing authority and the state licensing authority.
2. In permitting a change of location, the local licensing authority shall consider all reasonable restrictions that are or may be placed on the new location and any such new location shall comply with all requirements of this article II, the town's land use code, the Colorado Marijuana Code, and rules promulgated by the state licensing authority, as well as other specific regulations required in this document.
3. The local licensing authority shall not authorize a change of location until the applicant produces a license issued and granted by the state licensing authority covering the period for which the change of location is sought.

([Ord. No. 546](#), § 1(2.23), 11-23-2020)

#### 5.16.450 - Suspension or revocation of a license.

1. A license approval pursuant to this article may be suspended or revoked by the local licensing authority or a hearing officer appointed by the local licensing authority after a hearing for the following reasons:
  - a. Fraud, misrepresentation, or a false statement of material fact contained in the license application;
  - b. Any violation of the Dolores Municipal Code or state law pertaining to the operation of a retail ~~marijuana-business~~[marijuana store](#) including regulations adopted by the state licensing authority, for the possession or distribution of marijuana or manufacturing of retail marijuana products;
  - c. A violation of any of the terms and conditions of its license;
  - d. A violation of any of the provisions of this article.

2. In deciding whether a retail ~~marijuana-business~~[marijuana store](#) license should be suspended or revoked, and in deciding whether to impose conditions in the event of a suspension, the local licensing authority shall consider:
  - a. The nature and severity of the violation;
  - b. Corrective action, if any, taken by the licensee;
  - c. Prior violation(s), if any, by the licensee;
  - d. The likelihood of a reoccurrence of the violation;
  - e. The circumstances of the violation;
  - f. Whether the violation was willful; and
  - g. Previous sanctions if any imposed on the licensee.
3. The provisions of Part 96 of the Colorado Marijuana Code shall govern proceedings for the suspension or revocation of a license granted pursuant to this article. The local licensing authority may not impose a fine in lieu of a suspension as authorized under the provisions of the Colorado Marijuana Code.

([Ord. No. 546](#), § 1(2.24), 11-23-2020)

5.16.460 - Operational requirements—General.

1. A retail ~~marijuana-business~~[marijuana store](#) shall be operated and maintained strictly in accordance with the license application.
2. All retail ~~marijuana-business~~[marijuana store](#) shall collect and remit all applicable state, county and town sales taxes, occupation taxes, excise taxes or other lawfully imposed tax in a timely manner.
3. No marijuana or products containing marijuana shall be smoked, eaten or otherwise consumed or ingested within the retail ~~marijuana-business~~[marijuana store](#).
4. No person under twenty-one years of age shall be allowed within the business premises of a retail ~~marijuana-business~~[marijuana store](#). No person shall be allowed entry into the business premises without showing a valid picture identification in accordance with the requirements of the Colorado Marijuana Code.
5. Any and all possession, storage, display or sales or other distribution of marijuana and testing of marijuana shall occur only within the restricted area of a retail ~~marijuana-business~~[marijuana store](#) or retail marijuana testing facility and shall not be visible from the exterior of the business.
6. Each licensee shall manage the licensed premises himself or herself or employ a separate business manager on the premises. The licensee shall report any change in business manager to the town within seven days after the change.
7. The retail ~~marijuana-business~~[marijuana store](#) shall not maintain any quantity of marijuana within the licensed premises in excess of the amount stated on the license application to the town.
8. It shall be unlawful for any retail ~~marijuana-business~~[marijuana store](#) to employ any person who is not at least twenty-one years of age. All business managers and employees of any licensee shall possess a valid occupational license and identification badge issued by the State of Colorado.
9. Retail ~~marijuana-business~~[marijuana store](#) shall provide adequate security on the business premises, which shall include the following:
  - a. Twenty-four-hour security surveillance color cameras to facilitate the investigation of crimes, with a redundant power supply and circuitry to monitor entrances/exits and the parking lot, if applicable, with the interior and exterior of the premises. Security video and audio shall be preserved for a minimum of forty days in a secure off-site location in the town or through a service over a network that provides on-demand access, commonly referred to as the "cloud". The owner

shall provide segments of surveillance footage upon request to law enforcement officers investigating crimes committed against the establishment or its customers. The owner shall be required to produce surveillance footage disclosing the identity of customers and shall not edit surveillance footage to protect customer privacy. The resolution of these color cameras shall be of sufficient quality to allow for the identification of the subjects' facial features, in all lighting conditions, in the event of a crime;

- b. An NFPA 72 compliant fire/burglar system that is professionally monitored and maintained in good working order and inspected annually by a certified 3rd party; An NFPA 13 compliant fire suppression system that is professionally monitored and maintained in good working order and inspected annually by a certified 3rd party; any change in monitoring of the life safety systems requires notification to the town within seventy-two hours; a locking safe permanently affixed to the premises suitable for storage of inventory and cash, all to be centered during non-business hours. Live plants being cultivated shall not be deemed inventory requiring storage in a locked safe;
- c. Exterior lighting that illuminates the exterior walls of the establishment shall comply with the provisions of article V[Chapter 5.16] of this Code and the Dolores Land Use Code;
- d. No firearms, knives, or other weapons shall be permitted in a retail ~~marijuana center~~[marijuana store](#) except those carried by sworn peace officers, those carried by persons having concealed weapons permits, and those carried by security personnel employed by the retail ~~marijuana center~~[marijuana store](#) or its contractor.
- e. The Dolores Town Marshal or other appropriate town employee shall report to the town clerk all violations of this article and other applicable state and local laws and the town clerk shall maintain a record of each license issued and record the reports of the violations in such records.

([Ord. No. 546](#), § 1(2.25), 11-23-2020)

5.16.470 - Same—Retail ~~marijuana center~~[marijuana stores](#).

1. Retail ~~marijuana center~~[marijuana store](#) may only be open to the public between the hours of eight a.m. and nine p.m. daily, and no sale or other distribution of marijuana may occur upon the premises outside of those hours. A licensed cultivation facility in Dolores or its contracted agent may deliver marijuana and marijuana products as permitted by Colorado law on any day of the week and at any time except between the hours of six a.m. and four p.m.
2. For retail ~~marijuana center~~[marijuana stores](#), the odor of marijuana must not be perceptible at the exterior of the building, the exterior of the licensed premises, or at any adjoining use of the property. Retail ~~marijuana center~~[marijuana stores](#) must use the best available filtration system such as carbon air filter scrubbers or charcoal filtration systems.
3. Prior to initiating a sale, the employee of a retail ~~marijuana center~~[marijuana store](#) making the sale shall verify that the purchaser has a valid identification card showing the purchaser is twenty-one years of age or older. If a person under twenty-one years of age presents a fraudulent proof of age, any action relying on the fraudulent proof of age shall not be grounds for the revocation or suspension of any license issued under this article. If a retail ~~marijuana center~~[marijuana store](#) licensee or employee has reasonable cause to believe that a person is under twenty-one years of age and is exhibiting fraudulent proof of age in an attempt to obtain any retail marijuana or marijuana infused products, the licensee or employees are authorized to confiscate such fraudulent proof of age, if possible, and shall, within seventy-two hours after the confiscation, remit the same to a state or local law enforcement agency. The failure to confiscate such fraudulent proof of age or to remit the same to a state or local law enforcement agency within seventy-two hours after the confiscation does not constitute a criminal offense. If a retail ~~marijuana center~~[marijuana store](#) licensee or employee believes that a person is under twenty-one years of age and is exhibiting fraudulent proof of age in an attempt to obtain any retail marijuana or retail marijuana infused products, the licensee or employee, or any peace officer, acting in good faith and upon probable cause based upon reasonable grounds therefor, may detain



and question such person in a reasonable manner for the purpose of ascertaining whether a person is guilty of any unlawful act regarding the purchase of retail marijuana. The questioning of a person by the licensee or an employee does not render the licensee or the employee civilly or criminally liable for slander, false arrest, false imprisonment, malicious prosecution, or unlawful detention.

4. Any sale of retail marijuana by a retail ~~marijuana center~~marijuana store shall be made in person, directly to the purchaser, within the restricted area of the retail ~~marijuana center~~marijuana store. No sale shall be made by a telephone, internet or other means of remote purchase. Delivery shall occur only in person to the purchaser at the time of purchase within the restricted area of the retail ~~marijuana center~~marijuana store. Vending machines are prohibited.
5. Drive in or drive through retail ~~marijuana center~~marijuana store facilities shall not be permitted.
6. All retail marijuana sold or otherwise distributed by the licensee shall be packaged and labeled in a manner that advises the purchaser that it contains marijuana, specifies the amount of marijuana in the product, and that the marijuana is intended for use solely by a person lawfully possessing retail marijuana. The label shall be in compliance with all applicable requirements of the State of Colorado.
7. Retail ~~marijuana center~~marijuana stores shall provide customers with the contact information for local drug abuse treatment centers as well as educational materials regarding the hazards of substance abuse.
8. Marijuana shall not be consumed or used on the premises of a retail ~~marijuana center~~marijuana store and it shall be unlawful for a retail ~~marijuana center~~marijuana store licensee to allow marijuana to be consumed upon its licensed premises. In the case of a retail ~~marijuana center~~marijuana store located in a structure with a legal secondary unit or other legal dwelling unit, the secondary unit or dwelling unit shall not be considered part of the retail ~~marijuana center~~marijuana store premises if access to such unit is prohibited to the retail ~~marijuana center~~marijuana store customers.

([Ord. No. 546](#), § 1(2.26), 11-23-2020)

5.16.480 - Same—Retail marijuana cultivation facilities.

1. Retail marijuana cultivation facilities may conduct business operations on the licensed premises at any time. However, shipping and receiving of products and supplies at the retail marijuana cultivation facility shall only occur between the hours of four a.m. and ten p.m. on any day of the week.
2. A ventilation and filtration system shall be installed in every retail marijuana cultivation facility. A best available filtration system, such as carbon air filter scrubbers or a charcoal filtration system shall be used.
3. Only indoor retail marijuana cultivation facilities shall be permitted and shall be construed and operated in a manner to prevent light from growing operations to be visible outside of the structure.

([Ord. No. 546](#), § 1(2.27), 11-23-2020)

5.16.490 - Same—Retail marijuana products manufacturing.

1. Retail marijuana product manufacturing facilities may conduct business operations on the licensed premises at any time. However, shipping and receiving of products and supplies shall only occur between the hours of six a.m. and ten p.m. daily.
2. A retail marijuana products manufacturing facility shall have a best available filtration system, such as carbon air filter scrubbers or charcoal filtration system.
3. A retail marijuana product manufacturing facility shall include appropriate ventilation systems to mitigate noxious gases or other fumes used or created as a part of production.

([Ord. No. 546](#), § 1(2.28), 11-23-2020)

5.16.500 - Same—Retail marijuana testing facilities.

1. Retail marijuana testing facilities may conduct business operations on the licensed premises at any time. However, shipping and receiving of materials, supplies and retail marijuana or retail marijuana products shall only occur between the hours of four a.m. and ten p.m. daily.
2. A retail marijuana testing facility shall contain a best available filtration system, such as carbon air filter scrubbers or a charcoal filtration system.
3. A retail marijuana testing facility shall contain appropriate ventilation systems to mitigate noxious gases or other fumes used or created as a part of testing procedures.
4. All retail marijuana testing facilities shall operate in compliance with all applicable state laws and regulations adopted pursuant to such laws including, but not limited to, C.R.S. § 44-10-604.

([Ord. No. 546](#), § 1(2.29), 11-23-2020)

5.16.510 - Requirements relating to monitoring and security of restricted areas and inventory.

1. All components of the security plan submitted with the application, as it may be amended, shall be in good working order, monitored and secured twenty-four hours per day. A separate security system is required for each business. A security plan must include, at a minimum, the following security measures:
  - a. Cameras. Retail ~~marijuana business~~[marijuana store](#) shall include and use security color cameras to monitor and record all areas of the premises (excluding restrooms), including all areas where persons may gain or attempt to gain access to marijuana or cash maintained by the retail ~~marijuana business~~[marijuana store](#). Cameras shall record operations of the business to an off-site location, and shall record all potential areas of ingress or egress to the business with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained by the licensee for a minimum of forty days in a secure off-site location in the town or through a service over a network that provides on-demand access, commonly referred to as a "cloud".
  - b. Storage. The retail ~~marijuana business~~[marijuana store](#) shall install and use a safe or safe room for storage of any inventory, processed marijuana and cash on the premises when the business is closed to the public. Safe rooms shall be incorporated into the building structure and shall have solid core doors with commercial grade locks and shall be visible through the surveillance camera system. For retail marijuana products that must be kept refrigerated or frozen, the business may lock the refrigerated container or freezer in a manner authorized by the town in place of the use of a safe or safe room so long as the container is affixed to the building structure and visible through the surveillance camera system.
  - c. NFPA 72 Compliant Fire Alarm-Burglar Alarm System. The retail ~~marijuana business~~[marijuana store](#) shall install and use an alarm system that is monitored by a company that is staffed twenty-four hours a day, seven days a week. The security plan submitted to the town shall identify the company monitoring the alarm system, including contact information. Any modification relative to the company monitoring the alarm system shall be reported to the town within seventy-two hours.

([Ord. No. 546](#), § 1(2.30), 11-23-2020)

5.16.520 - Signage and advertising.

1. All exterior signage associated with the retail [marijuana-businessmarijuana store](#) must meet the standards established in town's land use and development code. In addition, no exterior signage shall use the word "marijuana", "cannabis" or any other word, phrase or symbol commonly understood to refer to marijuana.
2. A retail [marijuana-businessmarijuana store](#) may not advertise in a manner that is misleading, deceptive, false or is designed to appeal to minors.
3. Except as otherwise provided in this section, it shall be unlawful for any person licensed under this article or any other person to advertise any retail [marijuana-businessmarijuana store](#) or any retail marijuana infused product anywhere within the town where the advertisement is in plain view of, or in, a place open to the general public, including advertising and using any of the following media: any billboard or other outdoor general advertising device; any sign mounted on a vehicle; any handheld or other portable sign; or any hand bill, leaflet or flyer directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property. The prohibition set forth in this section shall not apply to:
  - a. Any sign located on the licensed premises of a retail [marijuana-businessmarijuana store](#) which exists solely for the purpose of identifying the location of the premises and which otherwise complies with this article, the town's land use and development code and any other applicable town laws and regulations; or
  - b. Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the town or on the internet.
4. No retail [marijuana-businessmarijuana store](#) shall distribute or allow the distribution of any marijuana without charge within a retail [marijuana-businessmarijuana store](#) or at any other place in the town for purposes of promotion, advertising, or any other similar purpose.

([Ord. No. 546](#), § 1(2.31), 11-23-2020)

5.16.530 - Right of entry—Records to be maintained and inspection procedures.

1. Each licensee of a retail [marijuana-businessmarijuana store](#) shall keep and maintain a complete set of books of accounting, invoices, copies of orders and sales, shipping receipts, bills of lading, correspondence, and all other records necessary to fully document the business transactions of such licensee. The licensee shall also maintain records which verify that the amount of marijuana within the retail [marijuana-businessmarijuana store](#) does not exceed the amount allowed. All such records shall be open at all times during business hours for inspection and examination by the town manger, the building official, the town marshal, or their duly authorized representatives. The town may require the licensee to furnish such information as it considers necessary for the proper administration of this article. The records shall clearly show the source, amount, price and dates of all retail marijuana received or purchased, and the amount, price, and dates for all retail marijuana sold.
2. By accepting the retail [marijuana-businessmarijuana store](#) license, licensee consents to the disclosure of the information required by this section.
3. The town may require an audit of the books of account and records of the retail [marijuana-businessmarijuana store](#) as it may deem necessary. Such audit shall be made by an auditor selected by the town, who shall have access to all books and records of such licensee. The expense of any audit determined to be necessary by the town shall be paid by the town; provided, however, should the audit reflect a failure of the licensee, in whole or in part, to timely remit all sales taxes, occupation taxes or excise taxes due to the town, the expense of the audit shall be paid by the licensee.
4. The acceptance of a retail [marijuana-businessmarijuana store](#) license from the town constitutes consent by the licensee, owners, business managers and employees of such business to permit the town manager, town marshal, building official, or their representatives to conduct routine inspections of the licensed retail [marijuana-businessmarijuana store](#) to assure that the retail [marijuana-businessmarijuana store](#) and the premises are being operated and maintained in accordance with the

terms set forth in the application and that all operations in the premises remain in compliance with this article, the Colorado Marijuana Code, and any rules or regulations promulgated thereunder.

5. All retail ~~marijuana-business~~[marijuana store](#) shall be required to obtain applicable state and town licenses and shall collect and remit all applicable state, county and town sales taxes, occupation taxes and excise taxes in a timely manner. The retail ~~marijuana-business~~[marijuana store](#) license and sales tax license for the business shall be conspicuously posted in the business.

([Ord. No. 546](#), § 1(2.32), 11-23-2020)

#### 5.16.540 - Compliance with other applicable laws.

Except as may be otherwise provided in this article, or rules or interpretations adopted by the town, any law or regulation adopted by the State of Colorado governing the cultivation, production, possession, distribution or testing of marijuana for retail or recreational use shall also apply to retail ~~marijuana-business~~[marijuana store](#) licensed within the town. Provided, however, if a state law or regulation permits what this article prohibits, this article shall control.

([Ord. No. 546](#), § 1(2.33), 11-23-2020)

#### 5.16.550 - Violations; penalty.

1. Any person, other than a licensee of a retail ~~marijuana-business~~[marijuana store](#), who violates any provision of this article shall be deemed guilty of a municipal offense and may be punished by a fine not to exceed three hundred ninety-nine dollars, imprisonment for a period not to exceed ninety days, or by both such fine and imprisonment.
2. Any licensee of a retail ~~marijuana-business~~[marijuana store](#) who violates any provisions of this article shall be subject to civil penalties of up to one thousand dollars for each day during which such violation occurs or continues. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. Following notice and hearing, the local licensing authority may impose such civil penalties.

([Ord. No. 546](#), § 1(2.34), 11-23-2020)

### ARTICLE III. - MARIJUANA OCCUPATION TAX

#### 5.16.560 - Purpose.

1. The board of trustees of the Town of Dolores hereby finds, determines and declares:
  - a. For the purposes of this article, every person that furnishes medical marijuana to a patient or a medical marijuana-infused products manufacturer or to other medical ~~marijuana-center~~[marijuana stores](#) for consideration in the Town of Dolores, every retail ~~marijuana-center~~[marijuana store](#) that furnishes retail marijuana, retail marijuana products or retail marijuana accessories to a consumer for consideration in the Town of Dolores, every retail marijuana cultivation facility that cultivates and sells retail marijuana to a retail ~~marijuana-center~~[marijuana store](#) or retail marijuana product manufacturer for consideration in the Town of Dolores, and every retail marijuana product manufacturing facility that furnishes retail marijuana products to retail ~~marijuana-center~~[marijuana stores](#) for consideration in the Town of Dolores is exercising a taxable privilege. The purpose of this article is to impose a tax which will be paid by every vendor providing medical marijuana, retail marijuana, retail marijuana products and cultivated retail marijuana in the Town of Dolores, which tax will provide revenues for the Town of Dolores;

- b. The provision of medical marijuana to patients and certain medical ~~marijuana-business~~marijuana stores and the provision of retail marijuana and retail marijuana products to consumers, retail ~~marijuana-center~~marijuana stores and retail marijuana product manufacturers results in the increased use of town streets and rights-of-way, increased traffic, increased demands upon municipal services such as police protection and has a substantial affect upon the health, safety and welfare of the citizens of the Town of Dolores and upon the expenditures budgeted by the town, which is a matter of local concern; and
- c. The classification of medical ~~marijuana-center~~marijuana stores, retail ~~marijuana-center~~marijuana stores, medical and retail marijuana-infused products manufacturing facilities and retail marijuana cultivation facilities as separate businesses and occupations is reasonable, proper, uniform and nondiscriminatory; and the taxable amount hereby levied is reasonable, proper, uniform, nondiscriminatory, and necessary.

(Ord. No. 546, § 1(3.1), 11-23-2020)

5.16.570 - Definitions.

1. The following words and phrases used in this article shall have the following meanings unless the context clearly indicates otherwise:
  - a. *Medical marijuana* means marijuana that is grown and sold for a purpose authorized by Article XVIII, Section 14 of the Colorado Constitution.
  - b. *Medical ~~marijuana-business~~marijuana store* means the use of a property or portion thereof, for the production, cultivation, manufacture, storage, distribution, acquisition or sale of marijuana, including the use of property for medical ~~marijuana-center~~marijuana stores, medical marijuana-infused products manufacturers and optional premises cultivation facilities, whether any such use is for profit or not for profit.
  - c. *Medical ~~marijuana-center~~marijuana store* means a person licensed to operate a business as described in the Colorado Marijuana Code that sells medical marijuana and medical marijuana-infused products at retail to registered patients or primary caregivers as defined in Article XVIII, Section 14 of the Colorado Constitution, but is not a primary caregiver.
  - d. *Medical marijuana-infused products manufacturer* means a person licensed pursuant to the Colorado Marijuana Code to operate a business manufacturing medical marijuana-infused products.
  - e. *Occupation tax* means a tax on each sales transaction of medical marijuana or retail marijuana as Defined in this article III.
  - f. *Patient* has the meaning set forth in Article XVIII, Section 14(1)(c) of the Colorado Constitution.
  - g. *Primary caregiver* has the meaning set forth in Article XVIII, Section 14(1)(f) of the Colorado Constitution.
  - h. *Person* means an individual, partnership, firm, joint enterprise, limited liability company, corporation, estate or trust, or any group or combination acting as a unit, but shall not include the United States of America, the State of Colorado and any political subdivision thereof.
  - i. *Retail marijuana* means marijuana that is cultivated, manufactured, distributed or sold by a licensed retail ~~marijuana-business~~marijuana store.
  - j. *Retail ~~marijuana-business~~marijuana store* means the use of a property or portion thereof, for the production, cultivation, manufacture, storage, distribution, acquisition or sale of retail marijuana including the use of property for retail ~~marijuana-center~~marijuana stores, retail marijuana cultivation facilities and retail marijuana products manufacturing facilities, whether any such use is for profit or not-for-profit.

- k. *Retail marijuana cultivation facility* means a "marijuana cultivation facility" as defined in Section 16(2)(h) of Article XVIII of the Colorado Constitution.
- l. *Retail marijuana product manufacturing facility* means an entity licensed to purchase marijuana; manufacture, prepare and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail ~~marijuana center~~[marijuana stores](#), but not to consumers.
- m. *Retail marijuana products* means "marijuana products" as defined in Section 16(2)(k) of Article XVIII of the Colorado Constitution that are produced at a retail marijuana products manufacturing facility.
- n. *Retail ~~marijuana center~~[marijuana store](#)* means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products at retail to consumers.
- o. *Sale* means the furnishing for consideration by any person of medical marijuana or retail marijuana within the town.
- p. *Tax* means the tax payable by the vendor or the aggregate amount of taxes due from a vendor during the period for which the vendor is required to pay the occupation tax on the sales of medical marijuana or retail marijuana under this article.
- q. *Taxpayer* means the vendor obligated to pay the tax under the terms of this article.
- r. *Vendor* means a person furnishing medical marijuana to a patient or to a medical marijuana-infused products manufacturer or to a medical ~~marijuana center~~[marijuana store](#) for consideration within the town, or a person furnishing cultivated retail marijuana to a retail ~~marijuana center~~[marijuana store](#) or to a retail marijuana products manufacturer, or furnishing retail marijuana or retail marijuana products to consumers for consideration.

([Ord. No. 546](#), § 1(3.2), 11-23-2020)

#### 5.16.580 - Levy of taxes.

1. Medical ~~Marijuana Center~~[Marijuana stores](#). Pursuant to the authority granted by the town's registered electors voting at the April 7, 2020 municipal election, there is hereby levied by the Town of Dolores an occupation tax in the amount of three dollars per sales transaction on:
  - a. The provision of medical marijuana by medical ~~marijuana center~~[marijuana stores](#) to patients for consideration within the Town of Dolores;
  - b. The provision of medical marijuana-infused products to other medical ~~marijuana center~~[marijuana stores](#) for consideration, within the Town of Dolores;
  - c. The provision of medical marijuana by medical marijuana optional premises cultivation facilities to medical ~~marijuana center~~[marijuana stores](#) or medical marijuana-infused products manufacturers within the Town of Dolores.
2. Retail ~~Marijuana Business~~[Marijuana stores](#). Pursuant to the authority granted by the town's registered electors voting at the April 7, 2020 municipal election, there is hereby levied by the Town of Dolores an occupation tax in the amount of three dollars per sales transaction on:
  - a. The provision of retail marijuana, retail marijuana products, and retail marijuana accessories by any retail ~~marijuana center~~[marijuana store](#) for consideration within the Town of Dolores;
  - b. The provision of retail marijuana by a retail marijuana cultivation facility to any retail ~~marijuana center~~[marijuana store](#), retail marijuana product manufacturing facility, or other retail marijuana cultivation facility for consideration within the Town of Dolores;

- c. The provision of retail marijuana and retail marijuana products by any retail marijuana product manufacturing facility to retail [marijuana center](#)[marijuana stores](#) or other retail marijuana product manufacturing facilities for consideration within the Town of Dolores.

([Ord. No. 546](#), § 1(3.3), 11-23-2020)

#### 5.16.590 - Exemptions.

This article shall not be applicable to transactions between a patient and a primary caregiver when acting in accordance with all applicable provisions of Article XVIII, Section 14(1)(c) of the Colorado Constitution, C.R.S. § 44-10-101 et seq., C.R.S. § 25-1.5-106, and the regulations promulgated by the Colorado Department of Public Health and Environment, Colorado Department of Revenue or any other agency with regulatory authority concerning medical marijuana.

([Ord. No. 546](#), § 1(3.4), 11-23-2020)

#### 5.16.600 - Collection of tax.

1. Every vendor providing medical marijuana or retail marijuana taxable under this article shall remit such tax on or before the tenth day of each month on account of medical marijuana or retail marijuana transactions in the preceding month. Said payment shall be accompanied by a return which shall contain such information and be in such form as the town clerk may prescribe.
2. The burden of proving that any transaction is exempt from the tax shall be upon the vendor.
3. If the accounting methods regularly employed by the vendor in the transaction of business, or other conditions, are such that the returns aforesaid made on a calendar month basis will impose unnecessary hardship, the town clerk may, upon request of the vendor, accept returns at such intervals as will, in the town clerk's opinion, better suit the convenience of the vendor and will not jeopardize the collection of the tax; provided, however, the town clerk may by rule permit a vendor whose monthly tax obligation is less than one hundred dollars to make returns and pay taxes at intervals not greater than three months.
4. It shall be the duty of every vendor to maintain, keep and preserve suitable records of all sales made by the vendor and such other books or accounts as may be required by the town clerk in order to determine the amount of the tax of which the vendor is liable under this article. It shall be the duty of every such vendor to keep and preserve for a period of three years all such books, invoices and other records and the same shall be open for examination by the town clerk or designee.
5. The tax to be paid by a vendor shall not be stated and charged separately from the sale price of medical marijuana or retail marijuana on any record thereof at the time when the sale is made or at the time when evidence of the sale is issued, such as a receipt provided, a vendor may indicate on the record or receipt the sale price "includes Town of Dolores Occupation Tax."

([Ord. No. 546](#), § 1(3.5), 11-23-2020)

#### 5.16.610 - Audit of records.

1. For the purpose of ascertaining the correct amount of the occupation tax on medical marijuana or retail marijuana sales transactions due from any person engaged in such medical marijuana or retail [marijuana business](#)[marijuana store](#) in the town under this article, the town clerk or an authorized agent, may conduct an audit by examining any relevant books, accounts and records of such person.
2. All books, invoices, accounts and other records shall be made available within the town limits and be open at any time during regular business hours for examination by the town clerk or an authorized agent. If any taxpayer refuses to voluntarily furnish any of the foregoing information when requested,

the town clerk may issue a subpoena to require that the taxpayer or its representative attend a hearing or produce any such books, accounts and records for examination. Any such subpoena may be enforced by the Dolores Municipal Court.

3. Any exempt person claiming an exemption under the provisions of this article is subject to audit in the same manner as any other person engaged in the sale of medical marijuana or retail marijuana in the town.

([Ord. No. 546](#), § 1(3.5), 11-23-2020)

#### 5.16.620 - Tax overpayments and deficiencies.

An application for refund of tax monies paid in error or by mistake shall be made within three years after the date of payment for which the refund is claimed. If the town clerk determines that within three years of the due date, a vendor overpaid the occupation tax on the provision of medical marijuana or retail marijuana, she shall process a refund or allow a credit against a future remittance from the same taxpayer. If at any time the town clerk determines the amount paid is less than the amount due under this article, the difference together with the interest shall be paid by the medical ~~marijuana-business~~[marijuana store](#) or retail ~~marijuana-business~~[marijuana store](#) within ten days after receiving written notice and demand from the town clerk. The town clerk may extend that time for good cause.

([Ord. No. 546](#), § 1(3.6), 11-23-2020)

#### 5.16.630 - Tax information confidential.

1. All specific information gained under the provisions of this article which is used to determine the tax due from a taxpayer, whether furnished by the taxpayer or obtained through audit, shall be treated by the town and its officers, employees or legal representatives as confidential. Except as directed by judicial order or as provided in this article, no town officer, employee, or legal representative shall divulge any confidential information. If directed by judicial order, the officials charged with the custody of such confidential information shall be required to provide only such information as is directly involved in the action or proceeding. Any town officer or employee who shall knowingly divulge any information classified herein as confidential, in any manner, except in accordance with proper judicial order, or as otherwise provided in this article or by law, shall be guilty of a violation hereof.
2. The town clerk may furnish to officials of any other governmental entity who may be owed sales tax any confidential information, provided that said jurisdiction enters into an agreement with the town to grant reciprocal privileges to the town.
3. Nothing contained in this section shall be construed to prohibit the delivery to a taxpayer or its duly authorized representative a copy of such confidential information relating to such taxpayer, the publication of statistics so classified as to prevent the identification of particular taxpayers, or the inspection of such confidential information by an officer, employee, or legal representative of the town.

([Ord. No. 546](#), § 1(3.7), 11-23-2020)

#### 5.16.640 - Forms and regulations.

1. The town manger is hereby authorized to prescribe forms and promulgate rules and regulations to aid in the making of returns, the ascertainment, assessment and collection of said occupation tax on the provision of medical marijuana or retail marijuana and in particular and without limiting the general language of this article, to provide for:
  - a. A form of report on the provision of medical marijuana or retail marijuana to be supplied to all vendors;



- b. The records which medical ~~marijuana-business~~marijuana stores providing medical marijuana and medical marijuana-infused products and retail ~~marijuana-business~~marijuana stores providing retail marijuana, retail marijuana products and retail marijuana accessories are to keep concerning the tax imposed by this article.

([Ord. No. 546](#), § 1(3.8), 11-23-2020)

5.16.650 - Enforcement and penalties.

1. It shall be unlawful for any person to intentionally, knowingly, or recklessly fail to pay the taxes imposed by this article, or to make any false or fraudulent return, or for any person to otherwise violate any provisions of this article. Any person convicted of a violation of this article shall be deemed guilty of a municipal offense, punishable by a fine of up to three hundred ninety-nine dollars and ninety days imprisonment or by both such fine and imprisonment. Each day, or portion thereof, that any violation of this article continues shall constitute a separate offense.
2. A penalty in the amount of ten percent of the tax due or the sum of ten dollars, whichever is greater, shall be imposed upon the medical ~~marijuana-business~~marijuana store or retail ~~marijuana-business~~marijuana store and become due in the event the tax is not remitted by the tenth day of the month as required by this article, or such other date as prescribed by the town clerk, and two and one-half percent interest shall accrue each month on the unpaid balance. The town clerk is hereby authorized to waive, for good cause shown, any penalty assessed.
3. If any part of a deficiency is due to negligence or intentional disregard of regulations, but without intent to defraud, there shall be added ten percent of the total amount of the deficiency, and interest, from the medical ~~marijuana-business~~marijuana store or retail ~~marijuana-business~~marijuana store required to file a return. If any part of the deficiency is due to fraud with the intent to evade the tax, then there shall be added fifty percent of the total amount of the deficiency together with interest and in such case, the whole amount of the unpaid tax, including the additions, shall become due and payable ten days after written notice and demand by the town clerk.
4. If any medical ~~marijuana-business~~marijuana store or retail ~~marijuana-business~~marijuana store fails to make a return and pay the tax imposed by this article, the town may make an estimate, based upon available information of the amount of tax due and add the penalty and interest provided above. The town shall mail notice of such estimate, by certified mail, to the medical ~~marijuana-business~~marijuana store or retail ~~marijuana-business~~marijuana store at its address as indicated in the town records. Such estimate shall thereupon become an assessment, and such assessment shall be final and due and payable from the taxpayer to the town clerk ten days from the date of service of the notice or the date of mailing by certified mail; provided, however, that within the ten-day period such delinquent taxpayer may petition the town clerk for a revision or modification of such assessment and shall, within such ten-day period, furnish the town clerk the documents, facts and figures showing the correct amount of such taxes due and owing.
5. Such petition shall be in writing and the facts and figures submitted shall be submitted in writing, and shall be given by the taxpayer under penalty of perjury. Thereupon, the town clerk may modify such assessment in accordance with the facts submitted in order to effectuate the provisions of this article. Such assessment shall be considered the final order of the town clerk, and may be reviewed by a court of competent jurisdiction under the Rule 106(a)(4) of the Colorado Rules of Civil Procedure, provided that the taxpayer gives written notice to the town clerk of such intention within ten days after receipt of the final order of assessment.

([Ord. No. 546](#), § 1(3.9), 11-23-2020)

5.16.660 - Tax lien.

1. The taxes imposed by this article, together with the interest and penalties herein provided and the costs of collection which may be incurred, shall be, and until paid, remain a first and prior lien superior to all other liens on all of the tangible personal property of a taxpayer within the town and may be foreclosed by seizing under distraint warrant and selling so much thereof as may be necessary to discharge the lien. Such distraint warrant may be issued by the town clerk whenever the taxpayer is in default in the payment of the tax, interest, penalty or costs. Such warrant may be served and the goods subject to such lien seized by any town peace officer, the Montezuma County Sheriff or any duly authorized employee of the town. The property so seized may be sold by the agency seizing the same or by the town clerk at public auction after ten days have passed following an advertised notice in a newspaper published in the town, in the same manner as is prescribed by law in respect to executions against property upon judgment of a court of record, and the remedies of garnishment shall apply.
2. The taxes imposed by this article shall be, and remain, a first and prior lien superior to all other liens on the real property and appurtenant premises at which the taxable transactions occurred.

([Ord. No. 546](#), § 1(3.10), 11-23-2020)

5.16.670 - Recovery of unpaid tax.

1. The town clerk may also treat any such taxes, penalties, costs or interest due and unpaid as a debt due the town from the taxpayer.
2. In case of failure to pay the taxes, or any portion thereof, or any penalty, costs or interest thereon, when due, the town clerk may recover at law the amount of such taxes, penalties, costs, the reasonable value of any salaried attorney's time, including legal assistant's time, or the reasonable attorney's fees, including legal assistant's fees, charged, plus interest, in any county or district court of the county wherein the taxpayer resides or had a controlling beneficial owner place of business (at the time the tax became due) having jurisdiction of the amount sought to be collected.
3. The return of the taxpayer or the assessment made by the town clerk shall be prima facie proof of the amount due.
4. Such actions may be actions in attachment, and writs of attachment may be issued to the Montezuma County Sheriff, as the case may be, and in any such proceeding no bond shall be required of the town clerk, nor shall any town peace officer or sheriff require of the town clerk an indemnifying bond for executing the writ of attachment or writ of execution upon any judgment entered in such proceedings. The town clerk may prosecute appeals in such cases without the necessity of providing a bond therefor.
5. It shall be the duty of the town attorney, when requested by the town clerk, to commence an action for the recovery of taxes due under this article and this remedy shall be in addition to all other existing remedies, or remedies provided in this article.
6. The town may certify the amount of any delinquent tax, plus interest, penalties and the costs of collection, as a charge against the property at which the taxable transaction occurred to the Montezuma County Treasurer for collection in the same manner as delinquent ad valorem taxes pursuant to C.R.S. § 31-20-105.

([Ord. No. 546](#), § 1(3.11), 11-23-2020)

5.16.680 - Status of unpaid tax in bankruptcy and receivership.

Whenever the business or property of a taxpayer subject to this article shall be placed in receivership, bankruptcy or assignment for the benefit of creditors, or seized under distraint for taxes, all taxes, penalties and interest imposed by this article and for which the taxpayer is in any way liable under the terms of this article shall be a prior and preferred lien against all the property of the taxpayer, except

as to other tax liens which have attached prior to the filing of the notice, and no sheriff, receiver, assignee or other officer shall sell the property of any person subject to this article under process or order of any court, without first ascertaining from the town clerk the amount of any taxes due and payable under this article, and if there be any such taxes due, owing and unpaid, it shall be the duty of such officer to first pay the amount of the taxes out of the proceeds of such sale before making payment of any monies to any judgment creditor or other claimants of whatsoever kind or nature, except the costs of the proceedings and other preexisting tax liens as above provided.

([Ord. No. 546](#), § 1(3.12), 11-23-2020)

#### 5.16.690 - Hearings, subpoenas and witness fees.

1. Hearings before the town clerk pursuant to provisions in this article shall be held in a manner that provides due process of law. Any subpoena issued pursuant to this article may be enforced by the Dolores Municipal Judge pursuant to C.R.S. § 13-10-112(2). The fees of witnesses for attendance at hearings shall be the same as the fees of witnesses before the district court, such fees to be paid when the witness is excused from further attendance. When the witness is subpoenaed at the instance of the town clerk, such fees shall be paid in the same manner as other expenses under the terms of this article, and when a witness is subpoenaed at the instance of any party to any such proceeding, the town clerk may require that the cost of service of the subpoena and the fee of the witness be borne by the party at whose instance the witness is summoned. In such case, the town clerk, at his/her discretion, may require a deposit to cover the cost of such service and witness fees. A subpoena issued as aforesaid shall be served in the same manner as a subpoena issued out of a court of record.
2. The Dolores Municipal Judge, upon the application of the town clerk or the taxpayer, may compel the attendance of witnesses, the production of books, papers, records or memoranda, and the giving of testimony before the town clerk or any duly authorized hearing officers, by an action for contempt, or otherwise, in the same manner as production of evidence may be compelled before the court.

([Ord. No. 546](#), § 1(3.13), 11-23-2020)

#### 5.16.700 - Depositions.

The town clerk or any party in an investigation or hearing before the town clerk may cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in courts of this state and to that end compel the attendance of witnesses and the production of books, papers, records or memoranda.

([Ord. No. 546](#), § 1(3.14), 11-23-2020)

#### 5.16.710 - Statute of limitation.

1. Except as otherwise provided in this section, the taxes for any period, together with interest thereon and penalties with respect thereto, imposed by this article shall not be assessed, nor shall notice of lien be filed, or distraint warrant be issued, or suit for collection be instituted, or any other action to collect the same be commenced, more than three years after the date on which the tax was or is payable, nor shall any lien continue after such period, except for taxes assessed before the expiration of such three-year period when the notice of lien with respect to which has been filed prior to the expiration of such period.
2. In case of a false or fraudulent return with intent to evade taxation, the tax, together with interest and penalties thereon, may be assessed, or proceedings for the collection of such taxes may be commenced at any time.

3. Before the expiration of such period of limitation, the taxpayer and the town clerk may agree in writing to an extension thereof, and the period so agreed on may be extended by subsequent agreements in writing.

([Ord. No. 546](#), § 1(3.15), 11-23-2020)

#### 5.16.720 - Exemption from revenue limitation.

1. In accordance with the approval of the registered electors voting at the April 7, 2020 municipal election, the revenues derived from the tax imposed by this chapter on medical ~~marijuana-business~~[marijuana stores](#) shall be collected and spent as a voter approved revenue change, notwithstanding any revenue or expenditure limitations contained in Article X, Section 20, of the Colorado Constitution.
2. In accordance with the approval of the registered electors voting at the April 7, 2020 municipal election, the revenues derived from the tax imposed by this chapter on retail ~~marijuana-business~~[marijuana stores](#) shall be collected and spent as a voter approved revenue change, notwithstanding any revenue or expenditure limitations contained in Article X, Section 20, of the Colorado Constitution.

### ARTICLE IV. - MARIJUANA EXCISE TAX

#### 5.16.730 - Purpose.

The board of trustees of the Town of Dolores, Colorado intends that a municipal excise tax be imposed on the first sale or transfer of unprocessed retail marijuana by a retail marijuana cultivation facility to a retail ~~marijuana-center~~[marijuana store](#) or retail marijuana products manufacturer within the town. The purpose of this tax is to increase the revenue base for the Town of Dolores to fund the enforcement of regulations on the retail marijuana industry, other costs related to enforcement of marijuana laws, education and public health programs associated with marijuana consumption, and other town expenses. All revenues from the tax shall be deposited in the town's general fund. The excise tax levied by this article was approved by a majority vote of registered Dolores electors voting at the April 7, 2020 municipal election.

([Ord. No. 546](#), § 1(4.1), 11-23-2020)

#### 5.16.740 - Definitions.

The following words and phrases used in this article shall have the following meanings unless the context clearly indicates otherwise:

*Average market rate* means the amount determined by the State of Colorado pursuant to C.R.S. § 39-28.8-101(1), as the average price of unprocessed retail marijuana that is sold or transferred from a retail marijuana cultivation facility to a retail ~~marijuana-center~~[marijuana store](#) or retail marijuana products manufacturer.

All other terms in this article shall have the same meaning as set forth in article II of this chapter, licensing and regulation of recreational ~~marijuana-business~~[marijuana stores](#).

([Ord. No. 546](#), § 1(4.2), 11-23-2020)

#### 5.16.750 - Imposition and rate of tax.

There is hereby levied an excise tax of five percent upon the average market rate of unprocessed retail marijuana that is sold or transferred from a retail marijuana cultivation facility located in the Town of Dolores to a retail [marijuana-centermarijuana store](#) or retail marijuana products manufacturer.

([Ord. No. 546](#), § 1(4.3), 11-23-2020)

5.16.760 - Vendor liable for tax.

Each retail marijuana cultivation facility within the Town of Dolores shall collect the tax imposed by this article upon every sale or transfer of unprocessed retail marijuana from the cultivation facility. The person charged with the duty to collect taxes also has the burden of proving that any transaction is not subject to the tax imposed by this article.

([Ord. No. 546](#), § 1(4.4), 11-23-2020)

5.16.770 - Taxes collected are held in trust.

All sums of money paid by any person or facility to a cultivation facility as excise taxes pursuant to this article are public monies that are the property of the Town of Dolores. The person required to collect and remit municipal retail marijuana excise taxes shall hold such monies in trust for the sole use and benefit of the Town of Dolores until paying them to the town's treasurer.

([Ord. No. 546](#), § 1(4.5), 11-23-2020)

5.16.780 - Licensing and reporting procedures.

1. Every person with the duty to collect the excise tax imposed by this article shall obtain an excise tax license from the town clerk and shall report such taxes collected on forms prescribed by the town clerk and remit such taxes to the town on or before the tenth day of the month for the preceding month or months under the report. An excise tax license shall be valid so long as:
  - a. The business remains in continuous operation, and
  - b. The license is not cancelled by the licensee or revoked by the town, and
  - c. The business holds a valid retail marijuana license pursuant to article II of this chapter.
2. The excise tax license may be cancelled or revoked by the town as provided in this article.
3. Whenever a business entity that is required to be licensed under this article is sold, purchased, or transferred, so that the ownership interest of the purchaser or seller changes in any respect, the purchaser shall obtain a new excise tax license.
4. Every person engaged in a retail marijuana cultivation business in the Town of Dolores shall keep books and records according to the standards of the town clerk and this article and subject to the town treasurer's right to audit as set forth in this article.

([Ord. No. 546](#), § 1(4.6), 11-23-2020)

5.16.790 - Collection of tax.

1. If the accounting methods regularly employed by the vendor in the transaction of business, or other conditions, are such that the returns aforesaid made on a calendar month basis will impose unnecessary hardship, the town clerk may, upon request of the vendor, accept returns at such intervals as will, in the town clerk's opinion, better suit the convenience of the vendor and will not jeopardize the

collection of the tax; provided, however, the town clerk may by rule permit a vendor whose monthly tax obligation is less than one hundred dollars to make returns and pay taxes at intervals not greater than three months.

2. It shall be the duty of every vendor to maintain, keep and preserve suitable records of all sales made by the vendor and such other books or accounts as may be required by the town clerk in order to determine the amount of the tax of which the vendor is liable under this article. It shall be the duty of every such vendor to keep and preserve for a period of three years all such books, invoices and other records and the same shall be open for examination by the town clerk, town treasurer or their designees.

([Ord. No. 546](#), § 1(4.7), 11-23-2020)

5.16.800 - Audit of records.

1. For the purpose of ascertaining the correct amount of the excise tax due and owing to the town, the town treasurer or an authorized agent, may conduct an audit by examining any relevant books, accounts and records of such person.
2. All books, invoices, accounts and other records shall be made available within the town limits and be open at any time during regular business hours for examination by the town clerk, town treasurer or an authorized agent. If any taxpayer refuses to voluntarily furnish any of the foregoing information when requested, the town clerk may issue a subpoena to require that the taxpayer or its representative attend a hearing or produce any such books, accounts and records for examination. Any such subpoena may be enforced by the Dolores Municipal Court.
3. Any person claiming an exemption under the provisions of this article is subject to audit in the same manner as any other person engaged in the sale or transfer of unprocessed retail marijuana in the town.

([Ord. No. 546](#), § 1(4.8), 11-23-2020)

5.16.810 - Tax overpayments and deficiencies.

1. An application for refund of tax monies paid in error or by mistake shall be made within three years after the date of payment for which the refund is claimed. If the town clerk determines that within three years of the due date, a vendor overpaid the excise tax upon the sale or transfer of unprocessed retail marijuana, she shall process a refund or allow a credit against a future remittance from the same taxpayer. If at any time the town clerk determines the amount paid is less than the amount due under this article, the difference together with interest shall be paid by the retail marijuana cultivation facility within ten days after receiving written notice and demand from the town clerk. The town clerk may extend that time for good cause.

([Ord. No. 546](#), § 1(4.9), 11-23-2020)

5.16.820 - Tax information confidential.

1. All specific information gained under the provisions of this article which is used to determine the tax due from a taxpayer, whether furnished by the taxpayer or obtained through audit, shall be treated by the town and its officers, employees or legal representatives as confidential. Except as directed by judicial order or as provided in this article, no town officer, employee, or legal representative shall divulge any confidential information. If directed by judicial order, the officials charged with the custody of such confidential information shall be required to provide only such information as is directly involved in the action or proceeding. Any town officer or employee who shall knowingly divulge any information

classified herein as confidential, in any manner, except in accordance with proper judicial order, or as otherwise provided in this article or by law, shall be guilty of a violation hereof.

2. The town clerk may furnish to officials of any other governmental entity who may be owed sales tax or excises taxes any confidential information, provided that said jurisdiction enters into an agreement with the town to grant reciprocal privileges to the town.
3. Nothing contained in this section shall be construed to prohibit the delivery to a taxpayer or its duly authorized representative a copy of such confidential information relating to such taxpayer, the publication of statistics so classified as to prevent the identification of particular taxpayers, or the inspection of such confidential information by an officer, employee, or legal representative of the town.

([Ord. No. 546](#), § 1(4.10), 11-23-2020)

#### 5.16.830 - Forms and regulations.

1. The town clerk is hereby authorized to prescribe forms and promulgate rules and regulations to aid in the making of returns, the ascertainment, assessment and collection of said excise tax on the sale or transfer of unprocessed retail marijuana and in particular and without limiting the general language of this article, to provide for:
  - a. A form of report on the sale or transfer of unprocessed retail marijuana to be supplied to all vendors;
  - b. The records which retail marijuana cultivation facilities are to keep concerning the tax imposed by this article.

([Ord. No. 546](#), § 1(4.11), 11-23-2020)

#### 5.16.840 - Enforcement and penalties.

1. It shall be unlawful for any person to intentionally, knowingly, or recklessly fail to pay the tax imposed by this article, or to make any false or fraudulent return, or for any person to otherwise violate any provisions of this article. Any person convicted of a violation of this article shall be deemed guilty of a municipal offense, punishable by a fine of up to three hundred ninety-nine dollars and ninety days imprisonment or by both such fine and imprisonment. Each day, or portion thereof, that any violation of this article continues shall constitute a separate offense.
2. A penalty in the amount of ten percent of the tax due or the sum of ten dollars, whichever is greater, shall be imposed upon the retail marijuana cultivation facility and become due in the event the tax is not remitted by the tenth day of the month as required by this article, or such other date as prescribed by the town clerk, and two and one-half percent interest shall accrue each month on the unpaid balance. The town clerk is hereby authorized to waive, for good cause shown, any penalty assessed.
3. If any part of a deficiency is due to negligence or intentional disregard of regulations, but without intent to defraud, there shall be added ten percent of the total amount of the deficiency, and interest, from the retail marijuana cultivation facility required to file a return. If any part of the deficiency is due to fraud with the intent to evade the tax, then there shall be added fifty percent of the total amount of the deficiency together with interest and in such case, the whole amount of the unpaid tax, including the additions, shall become due and payable ten days after written notice and demand by the town clerk.
4. If any retail marijuana cultivation facility fails to make a return and pay the tax imposed by this article, the town may make an estimate, based upon available information of the amount of tax due and add the penalty and interest provided above. The town shall mail notice of such estimate, by certified mail, to the retail marijuana cultivation facility at its address as indicated in the town records. Such estimate shall thereupon become an assessment, and such assessment shall be final and due and payable from the taxpayer to the town clerk ten days from the date of service of the notice or the date of mailing by certified mail; provided, however, that within the ten-day period such delinquent taxpayer may

petition the town clerk for a revision or modification of such assessment and shall, within such ten-day period, furnish the town clerk the documents, facts and figures showing the correct amount of such taxes due and owing.

5. Such petition shall be in writing and the facts and figures submitted shall be submitted in writing, and shall be given by the taxpayer under penalty of perjury. Thereupon, the town clerk may modify such assessment in accordance with the facts submitted in order to effectuate the provisions of this article. Such assessment shall be considered the final order of the town clerk, and may be reviewed by a court of competent jurisdiction under the Rule 106(a)(4) of the Colorado Rules of Civil Procedure, provided that the taxpayer gives written notice to the town clerk of such intention within ten days after receipt of the final order of assessment.

([Ord. No. 546](#), § 1(4.12), 11-23-2020)

#### 5.16.850 - Tax lien.

1. The tax imposed by this article, together with the interest and penalties herein provided and the costs of collection which may be incurred, shall be, and until paid, remain a first and prior lien superior to all other liens on all of the tangible personal property of a taxpayer within the town and may be foreclosed by seizing under distraint warrant and selling so much thereof as may be necessary to discharge the lien. Such distraint warrant may be issued by the town clerk whenever the taxpayer is in default in the payment of the tax, interest, penalty or costs. Such warrant may be served and the goods subject to such lien seized by any town marshal, the Montezuma County Sheriff or any duly authorized employee of the town. The property so seized may be sold by the agency seizing the same or by the town clerk at public auction after ten days have passed following an advertised notice in a newspaper published in the town, in the same manner as is prescribed by law in respect to executions against property upon judgment of a court of record, and the remedies of garnishment shall apply.
2. The tax imposed by this article shall be, and remain, a first and prior lien superior to all other liens on the real property and appurtenant premises at which the taxable transactions occurred.

([Ord. No. 546](#), § 1(4.13), 11-23-2020)

#### 5.16.860 - Recovery of unpaid tax.

1. The town clerk may also treat any such taxes, penalties, costs or interest due and unpaid as a debt due the town from the taxpayer.
2. In case of failure to pay the taxes, or any portion thereof, or any penalty, costs or interest thereon, when due, the town clerk may recover at law the amount of such taxes, penalties, costs, the reasonable value of any salaried attorney's time, including legal assistant's time, or the reasonable attorney's fees, including legal assistant's fees, charged, plus interest, in any county or district court of the county wherein the taxpayer resides or had a controlling beneficial owner place of business (at the time the tax became due) having jurisdiction of the amount sought to be collected.
3. The return of the taxpayer or the assessment made by the town clerk shall be prima facie proof of the amount due.
4. Such actions may be actions in attachment, and writs of attachment may be issued to the Montezuma County Sheriff, as the case may be, and in any such proceeding no bond shall be required of the town clerk, nor shall any town marshal or sheriff require of the town clerk an indemnifying bond for executing the writ of attachment or writ of execution upon any judgment entered in such proceedings. The town clerk may prosecute appeals in such cases without the necessity of providing a bond therefor.
5. It shall be the duty of the town attorney, when requested by the town clerk, to commence an action for the recovery of taxes due under this article and this remedy shall be in addition to all other existing remedies, or remedies provided in this article.



6. The town may certify the amount of any delinquent tax, plus interest, penalties and the costs of collection, as a charge against the property at which the taxable transaction occurred to the Montezuma County Treasurer for collection in the same manner as delinquent ad valorem taxes pursuant to C.R.S. § 31-20-105.

([Ord. No. 546](#), § 1(4.14), 11-23-2020)

#### 5.16.870 - Status of unpaid tax in bankruptcy and receivership.

Whenever the business or property of a taxpayer subject to this article shall be placed in receivership, bankruptcy or assignment for the benefit of creditors, or seized under distraint for taxes, all taxes, penalties and interest imposed by this article and for which the taxpayer is in any way liable under the terms of this article shall be a prior and preferred lien against all the property of the taxpayer, except as to other tax liens which have attached prior to the filing of the notice, and no sheriff, receiver, assignee or other officer shall sell the property of any person subject to this article under process or order of any court, without first ascertaining from the town clerk the amount of any taxes due and payable under this article, and if there be any such taxes due, owing and unpaid, it shall be the duty of such officer to first pay the amount of the taxes out of the proceeds of such sale before making payment of any monies to any judgment creditor or other claimants of whatsoever kind or nature, except the costs of the proceedings and other preexisting tax liens as above provided.

([Ord. No. 546](#), § 1(4.15), 11-23-2020)

#### 5.16.880 - Hearings, subpoenas and witness fees.

1. Hearings before the town clerk pursuant to provisions in this article shall be held in a manner that provides due process of law. Any subpoena issued pursuant to this article may be enforced by the Dolores Municipal Judge pursuant to C.R.S. § 13-10-112(2). The fees of witnesses for attendance at hearings shall be the same as the fees of witnesses before the district court, such fees to be paid when the witness is excused from further attendance. When the witness is subpoenaed at the instance of the town clerk, such fees shall be paid in the same manner as other expenses under the terms of this article, and when a witness is subpoenaed at the instance of any party to any such proceeding, the town clerk may require that the cost of service of the subpoena and the fee of the witness be borne by the party at whose instance the witness is summoned. In such case, the town clerk, at her discretion, may require a deposit to cover the cost of such service and witness fees. A subpoena issued as aforesaid shall be served in the same manner as a subpoena issued out of a court of record.
2. The Dolores Municipal Judge, upon the application of the town clerk, may compel the attendance of witnesses, the production of books, papers, records or memoranda, and the giving of testimony before the town clerk or any duly authorized hearing officers, by an action for contempt, or otherwise, in the same manner as production of evidence may be compelled before the court.

([Ord. No. 546](#), § 1(4.16), 11-23-2020)

#### 5.16.890 - Depositions.

The town clerk or any party in an investigation or hearing before the town clerk may cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in courts of this state and to that end compel the attendance of witnesses and the production of books, papers, records or memoranda.

([Ord. No. 546](#), § 1(4.17), 11-23-2020)

5.16.900 - Statute of limitation.

1. Except as otherwise provided in this section, the taxes for any period, together with interest thereon and penalties with respect thereto, imposed by this article shall not be assessed, nor shall notice of lien be filed, or distraint warrant be issued, or suit for collection be instituted, or any other action to collect the same be commenced, more than three years after the date on which the tax was or is payable, nor shall any lien continue after such period, except for taxes assessed before the expiration of such three-year period when the notice of lien with respect to which has been filed prior to the expiration of such period.
2. In case of a false or fraudulent return with intent to evade taxation, the tax, together with interest and penalties thereon, may be assessed, or proceedings for the collection of such taxes may be commenced at any time.
3. Before the expiration of such period of limitation, the taxpayer and the town clerk may agree in writing to an extension thereof, and the period so agreed on may be extended by subsequent agreements in writing.

([Ord. No. 546](#), § 1(4.18), 11-23-2020)

5.16.910 - Exemption from revenue limitation.

In accordance with the approval of the registered electors voting at the April 7, 2020 municipal election, the revenues derived from the tax imposed by this chapter shall be collected and spent as a voter approved revenue change, notwithstanding any revenue or expenditure limitations contained in Article X, Section 20, of the Colorado Constitution.

([Ord. No. 546](#), § 1(4.19), 11-23-2020)

TOWN OF DOLORES, COLORADO

ORDINANCE NO 583

SERIES 2025

AN ORDINANCE OF THE TOWN OF DOLORES, GRANTING TO EMPIRE ELECTRIC ASSOCIATION, ITS LESSEES, SUCCESSORS, AND ASSIGNS A NON-EXCLUSIVE FRANCHISE FOR A PERIOD OF TEN (10) YEARS WITH A TEN (10) YEAR RENEWAL, TO ERECT, MAINTAIN AND OPERATE AN ELECTRICAL SYSTEM AND ANY AND ALL NECESSARY TRANSMISSION LINE OR LINES, SERVICES AND OTHER APPURTENANCES THEREUNTO APPERTAINING IN, UPON, UNDER, OVER, ACROSS AND ALONG THE STREETS, ALLEYS, BRIDGES, AND PUBLIC PLACES OF THE TOWN OF DOLORES, AND FOR THE TRANSMISSION, DISTRIBUTION AND OTHER USES AND PURPOSES IN SAID TOWN OF DOLORES AND FOR THE PURPOSE OF TRANSMITTING AND CONVEYING SUCH ELECTRICITY INTO, THROUGH OR BEYOND THE IMMEDIATE LIMITS OF SAID TOWN TO OTHER CITIES, TOWNS AND CUSTOMERS AND PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH THE SAID COMPANY IS TO OPERATE, AND REPEALING ORDINANCE NO. 463, SERIES 2005 OF SAID TOWN OF DOLORES, AND SETTING A PUBLIC HEARING.

BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF DOLORES, MONTEZUMA COUNTY, COLORADO:

ARTICLE I

Whenever the word "Town" is hereinafter employed, it shall designate the Town of Dolores, Montezuma County, Colorado, and any future annexations or additions thereto, the grantor and whenever the word "Company" is used, it shall designate not only Empire Electric Association, Incorporated, the grantee, but also its successors and assigns. Whenever the word "Franchise" or "Ordinance" is used, it shall designate this specific Ordinance No 583, Series 2025.

ARTICLE II

That the Company is hereby granted a non-exclusive franchise for a period of ten (10) years to erect, construct, maintain and operate, an electrical transmission and distribution system and any and all necessary lines, services and other appurtenances and equipment thereunto appertaining in, upon, under, over, across and along the streets, alleys, bridges and public places owned or controlled by the Town for the

transmission, distribution and sale of electricity for lighting, heating, industrial and all other uses and purposes in said Town, and for the purpose of transmitting, and conveying such electricity into or through the limits of said Town. This Franchise shall be renewed for a second ten-year term unless the Town gives the Company written notice, prior to ninety (90) days before the expiration of the Franchise, that it desires to negotiate terms and conditions of this Franchise or to cancel this Franchise. In the event the Town elects to negotiate new terms and conditions of this Franchise and no agreement is reached regarding the new terms and conditions, this Franchise shall be renewed for the second ten (10)-year term under

the same terms and conditions set forth herein. If the Town elects to cancel this Franchise, then the Town shall purchase the electric system of the Company pursuant to Article XII. The "electric system of the Company" shall consist of all the equipment, facilities, and real property owned by the Company located within the boundaries of the Town, as well as any and all equipment and facilities of the Company that may be stranded or deemed unusable by the purchase.

### ARTICLE III

All construction and repair of facilities within the Town are subject to inspection by the Town and a determination by the Town that said construction and repair has been performed in accordance with all applicable ordinances, rules, and regulations of the Town. It shall be a condition of the Town's approval that, for any facilities installed, renovated, or replaced after the effective date of this Franchise, the Company shall provide the Town with as-built drawings of each such facility in such formats as reasonably requested by the Town. The Company shall furnish such information in both hard copy and in digital format, compatible with the Town's information system, referencing state plane coordinates.

The Company will endeavor to place all newly constructed or reconstructed electrical distribution lines underground whenever feasible. The Company and the Town agree that in some cases, terrain, surrounding improvements, other utilities in the vicinity, or other electrical distribution design requirements render an underground line infeasible. The Company will place newly constructed electrical distribution lines underground to serve new residential and/or industrial subdivisions in accordance with the Company's rules and regulations and the Town's subdivision regulations.

The Company must obtain an excavation permit prior to any excavation, except for emergency work, for work on private property, or for minor work that does not disturb actual street surfaces or other public improvements or other utilities. Should it become necessary for the Company, in exercising its rights and performing its duties hereunder, to interfere with any street or other public or private improvement, the

Company shall repair at its own expense, and in a skillful manner subject to the approval by the Town, such improvement.

The Town shall have the right to allow the installation of public telecommunication facilities in the Company's rights of way on Town property, so long as there is no interference with the Company's functions, and such installation is completed under the supervision of the Company and meets the Company's rules and regulations, and the National Electrical Safety Code.

The Town shall designate the location and the size of any easement on property owned or controlled by the Town, together with any further restrictions or requirements deemed appropriate, as long as the designation complies with the latest edition of the National Electrical Safety Code and common practices of the utility industry.

#### ARTICLE IV

The Company shall use due care not to interfere with or damage any water facilities, sanitary sewer facilities, storm water facilities, or other structures now in place or which may hereafter be placed in streets in the Town, and the Company shall, at its own expense, repair in a workmanlike manner, and subject to the approval of the Town, any such water facilities, sanitary sewer facilities, facilities, storm water facilities, or other structures which are damaged through the action of the Company, provided, however, that the Town may make such repairs and charge the reasonable cost thereof to the Company if the Company fails to repair the damages within a reasonable time after receipt of written notice from the Town. This grant of authority shall apply to all streets presently platted or otherwise of record, all easements presently owned by or dedicated to the Town or the public within the Town limits and to all future streets and easements later acquired by or dedicated to the Town and located within the Town limits. The Company shall be responsible to remedy any defects and repair work performed by the Company for a period of two years after completion. The Town shall have the right to inspect and supervise any work on the Town property and improvements. The Town shall use due care not to interfere with or damage any facilities of the Company now in place or which may hereafter be placed in the streets and other properties owned or controlled by the Town. If the Town causes damage to the Company's facilities, the Company shall make repairs and charge a reasonable cost thereof to the Town. This grant of authority shall apply to all streets presently platted or otherwise of record, all easements presently owned by or dedicated to the Town or the public within the Town limits, all other property owned

by the Town, and to all future streets, easements and property later acquired by or dedicated to the Town and located within the Town limits.

## ARTICLE V

The Town may request from the Company new streetlights within the Dolores Town limits. Company shall install lights according to the Company's overhead street lighting tariffs in effect at that time. The Company shall install all new lights with a luminary (the light head) that is designed to minimize light pollution. The style and light pattern of any new luminaries shall be approved by the Town and the Company prior to installation of the luminary by the Company.

For the term of this Franchise, rate increases under the Overhead Street Lighting Tariff are hereby capped at a value not to exceed increases in the Consumer Price Index for All Urban Consumers (CPI-U) for the West – Size Class B/C for All Items published by the Bureau of Labor Statistics.

## ARTICLE VI

The Company agrees for and on behalf of itself, its lessees, successors and assigns, that for and during the term and period of this grant, it will maintain in the Town an adequate, modern, standard and sufficient electrical system and equipment and to maintain and operate the same in a modern and adequate fashion.

The Company also agrees to use its best efforts to obtain the lowest possible wholesale cost on electricity to be distributed, provided however, that due consideration will be given by the

Company to the adequate supply and a reserve to ensure continued operation of the system herein authorized.

The Company will from time to time during the term of this Franchise make such enlargements and extensions of its electrical system as the business of the Company and the growth of said Town justify, in accordance with its Rules and Regulations relating to customer connections, transmission and distribution line extensions currently in effect and on file from time to time with the Colorado Public Utilities Commission or other competent authority having jurisdiction in the premises; provided, however, that no obligation shall extend to, or be binding upon the Company, to construct or extend its power lines or furnish electricity or electrical service within said Town if Company is, for any reason, unable to obtain an adequate supply of electricity from its wholesale power supplier to warrant the construction or extension of its electrical system, for the furnishing of such electricity or electrical

service; provided, further, that when the amount of electricity supplied to Company is insufficient to meet the firm requirements of connected or new customers, Company shall have the right to prescribe reasonable rules and regulations for allocating the available supply of electricity.

The Company agrees to purchase surplus power from private individuals who are producing electric power for home consumption so long as the sole purchase of surplus power is in accordance with C.R.S. 40-9.5-301, et seq.

## ARTICLE VII

This Franchise is granted subject to all conditions, limitations and immunities now provided for and applicable to the operations of a public utility by the laws of the State of Colorado. The rates to be charged for electrical service within said Town and the rules and regulations with reference to character, quality and standards of service to be furnished by Company shall be under the jurisdiction and control of such regulatory body as may, from time to time during this grant, be vested by law with authority and jurisdiction of the rates, regulations and quality and standards of service to be supplied by Company.

## ARTICLE VIII

Notwithstanding any provision in this Franchise to the contrary, it is understood by the Company that all the provisions of the laws of the State of Colorado and the ordinances of the Town , incorporated herein and made a part hereof by reference, as fully, and to the same extent as though such provisions were fully presented herein.

## ARTICLE IX

The Company shall, at all times, maintain adequate voltage and an adequate supply of electricity not less than that prescribed in its rules and regulations relating thereto in effect and on file from time to time with the Colorado Public Utilities Commission or other competent authorities having jurisdiction on the premises.

## ARTICLE X

The Company shall indemnify and hold the Town harmless from any and all claims and actions, litigation or damage by third parties, arising out of the passage of this Franchise or of the construction, erection, installation, maintenance or operation of the Company's properties operated by authority of this Franchise within the boundaries of the Town or arising out of the negligence of the Company's employees in the operation thereof, including the Court costs and reasonable attorney fees in making

defense against such claims. A copy of the process served upon the Town shall be served by the Town upon the Company. The Company shall have the right to defend in the name of the Town and to employ counsel for such purpose; such right shall not, however, preclude the Town Attorney from participating in any such litigation on behalf of the Town, but at no additional expense to the Company.

## ARTICLE XI

If the Company shall be in material default in their performance of any of the terms and conditions of this Franchise and shall continue in material default for more than sixty (60) days after receiving notice from the Town Board of said Town of such default, the said Town Board may, by ordinance duly passed and adopted, terminate all rights granted under this Franchise to the Company. The said written notice of default shall specify the provision of this Franchise, and the failure of provisions in the performance by the Company, of which the Town claims the Company is in material default. Said notice shall be in writing and served in the manner provided by the Laws of Colorado for the service of original notices in civil actions.

## ARTICLE XII

The Town has the right to condemn any public utility works or ways, and the rights of the Company in connection therewith, as provided by the Colorado Constitution and Statutes of the State of Colorado. The Town also may purchase the electric system of the Company pursuant to Article II herein. These rights of acquisition may be exercised by the Town in accordance with the Colorado Constitution and Statutes of the State of Colorado, with the Company entitled to just compensation as set forth in C.R.S. 40-9.5-204 (2003 and as subsequently amended).

The Town retains the right to acquire property outside the Town limits by condemnation as allowed by the Colorado Constitution. In the event the Town proceeds with an acquisition of the Company's facilities, the Company shall continue to provide service until the effective date of the transfer of such facilities. The Company and the Town agree to work together to coordinate the timing of any such acquisition to prevent disruption in service to customers within the Town.

## ARTICLE XIII

That in consideration for said Franchise and in compensation for the use and occupancy of the streets, alleys and public grounds, the Company, its lessees, successors, and assigns shall pay a franchise fee ("Franchise Fee") of five percent (5%) of gross receipts from



the sale of electricity within the limits of the Town.

On or before the twentieth (20th) day of each month, the Company shall make a report of the gross sales within the limits of said Town and remit the Franchise Fee. An annual adjustment will be made to reflect Franchise Fees that have been paid to the Town but not actually collected by the Company by deducting the Franchise Fee portion of the Company's bad debt write-off attributable to sales within the Town from the next ensuing monthly payment of Franchisee's Fee to said Town. This adjustment normally occurs in July.

The Franchise Fee shall be surcharged on billings for electric service to consumers within said Town.

It is further agreed that the Company will budget for economic development incentives for business and industrial customers on a case-by-case basis.

#### ARTICLE XIV

Ordinance No. 463, Series 2005, of the Town of Dolores, Colorado, is hereby repealed as of the effective date of this Ordinance.

#### ARTICLE XV

Nothing in this Franchise shall be so construed as to prevent the Company from assigning all of its right, title or interest, granted or authorized under or by virtue of the terms of this Franchise, provided, however, that the Town is notified at least sixty (60) days in advance of the assigning, and that such assignment shall not become effective until approved by the Town Board except that such approval shall not be unreasonably withheld.

#### ARTICLE XVI

The Company shall not, as to rates, charges, service, facilities, rules, regulations or in any other respect make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage, provided that nothing in this Ordinance shall be taken to prohibit the establishment from time to time of a graduated scale of charges and classified rate schedules to which any customer coming within an established classification would be entitled.

#### ARTICLE XVII

If any section, subsection, sentence, clause, phrase, punctuation or portion of this Franchise is for any reason deemed invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase, punctuation or portion shall be a distinct, independent provision and such holding shall not affect the validity of the remaining portions hereof.

#### ARTICLE XVIII

If at any time it shall be necessary to relocate any transmission, distribution or service lines or other structures of the Company to permit the Town to lay, make or change streets, grades, pavements, Town owned storm and sanitary sewers, water mains or other Town owned works or improvements, the cost of all such changes shall be shared equally between the Town and the Company.

#### ARTICLE XIX

Once during each calendar year of the Franchise term, the Town Board, upon giving thirty (30) days' notice to the Company of its intention to do so, may review and change the franchise fee the Town shall be entitled to receive as part of the Franchise in accordance with applicable law; provided, however, the Town may only change the franchise fee to be received by the Town under the terms of this Franchise to the equivalent of the highest franchise fee paid by the Company to any city or town in the State of Colorado in which the Company provides electrical service under a similar franchise. The Town and Company expressly agree that any franchise agreement currently in effect between the Company and any Colorado city or town which provides for payment of a flat-rate franchise fee higher than the fee negotiated hereunder is excluded and exempt from consideration by the Town.

#### ARTICLE XX

This Ordinance, when and if approved by the Town Board, shall be considered for first hearing on the 10th day of February 2025.

**PUBLIC HEARING.** This Ordinance shall be considered for second or final reading on the

10th day of March\_, 2025 at the hours of 5:30pm in the Town Board Chambers in Town Hall, Dolores, Colorado, at which time and place all persons may appear and be heard concerning the same.

PASSED, ADOPTED AND APPROVED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

TOWN OF DOLORES

\_\_\_\_\_

Mayor Chris Holkestad

ATTEST:

\_\_\_\_\_

Town Clerk Tammy Neely

PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025, WITH AN EFFECTIVE DATE OF \_\_\_\_\_, 2025.

TOWN OF DOLORES

\_\_\_\_\_

Mayor Chris Holkestad

ATTEST:

\_\_\_\_\_

Town Clerk Tammy Neely

APPROVED AS TO FORM:

Town Attorney

ACCEPTANCE OF FRANCHISE

COMES NOW Empire Electric Association, Inc., and by these presents does herewith accept the terms and provisions of that certain electrical franchise created by Ordinance of the Town of Dolores, Colorado, being Ordinance No. \_\_\_\_\_, Series 2025, passed, adopted and

approved on final reading the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

WITNESS the hand of the President of the Board of said Empire Electric Association, Inc., at Cortez, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

EMPIRE ELECTRIC ASSOCIATION, INC.

\_\_\_\_\_

President of the Board

STATE OF COLORADO)

) ss.

COUNTY OF MONTEZUMA)

The above and foregoing document was executed before me this \_\_\_\_\_ day of \_\_\_\_\_ 2025, by \_\_\_\_\_ as President of the Board of Empire Electric Association, Inc., in the County of Montezuma and State of Colorado.

WITNESS my hand and official seal.

\_\_\_\_\_

**Town of Dolores  
Resolution No R644  
2025**

**A RESOLUTION AMENDING THE 2025 BUDGET AND PROVIDING FOR A SUPPLEMENTAL APPROPRIATION OF FUNDS TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSE AS SET FORTH BELOW FOR THE 2025 BUDGET YEAR**

WHEREAS, the Board of Trustees of the Town of Dolores has previously adopted the 2025 budget at its regular meeting on December 9, 2024;

WHEREAS, the Town Board of Trustees has reviewed revised estimated revenues and expenditures for 2025;

WHEREAS, the Town Board of Trustees finds it necessary to amend the 2025 budget to more accurately reflect the revenues and expenditures for 2025;

WHEREAS, the Town Board of Trustees has caused to be published a notice containing the date and time of a public hearing at which the adoption of the proposed budget amendment will be considered and a statement that the proposed budget amendment is available for public inspection at the office of the Town Clerk located in the Town of Dolores Town Hall during normal business hours, and that any interested elector of the Town of Dolores may file any objection to the proposed budget amendment at any time prior to the final adoption of the proposed budget amendment; and

WHEREAS, whatever increases or decreases may have been made in the expenditures like increases or decreases were added to the revenues so that the budget remains in balance as required by law.

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF DOLORES BOARD OF TRUSTEES AS FOLLOWS:

Section 1. There be and hereby is appropriated out of the revenues of the Town of Dolores, Colorado for the fiscal year 2025 beginning January 1, 2025 and ending December 31, 2025 the sums to be raised by taxation and otherwise, which sum is hereby divided and appropriated for the purposes set forth on Exhibit 1, attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 10th day of February, 2025.

\_\_\_\_\_  
Mayor, Chris Holkestad

ATTEST:

\_\_\_\_\_  
Town Clerk, Tammy Neely

	2023 Actuals	2024 Final Budget	2024 Amended	2025 Budget	2025 Amended
<b>INCOME</b>					
Tax Revenue	1,164,592.93	930,700.00	1,039,678.66	1,193,750.00	1,009,250.00
Franchise Revenues	92,219.09	83,300.00	89,826.34	83,000.00	83,000.00
Licenses	54,389.53	36,575.00	35,773.21	35,000.00	35,000.00
Grant Revenues	229,951.62	431,479.81	662,788.58	785,000.00	785,000.00
Conservation Trust Fund	12,774.63	12,000.00	30,183.34	30,000.00	30,000.00
Parks and Rec Revenue	4,760.00	2,500.00	2,500.00	11,000.00	11,000.00
Community Center Revenue	-	29,034.99	28,663.98	30,000.00	30,000.00
Water and Sewer Revenue	636,035.93	580,582.20	583,020.47	626,000.00	626,000.00
Equipment Sale Revenue	-	50,000.00	50,000.00	-	-
Other Revenue Sources	105,931.74	6,700.00	116,228.87	85,000.00	85,000.00
<b>Total Revenue</b>	<b>2,300,655.47</b>	<b>2,162,872.00</b>	<b>2,638,663.45</b>	<b>2,878,750.00</b>	<b>2,694,250.00</b>
Mayor, Trustees, and Committees	16,118.88	18,700.00	11,700.98	18,700.00	17,200.00
Staff Salaries and Benefits	661,350.98	711,255.16	766,567.76	883,151.89	883,351.88
Information Technology	54,556.59	162,472.32	87,708.69	90,500.00	80,500.00
Grant Expenses	284,618.31	537,138.34	1,181,635.41	759,503.51	759,503.51
Parks Expenses	52,559.50	93,300.00	42,901.63	68,500.00	48,000.00
Community Center Expenses	-	29,648.22	29,910.95	53,520.00	53,520.00
Miscellaneous Expenses	62,516.35	46,100.00	16,471.06	37,000.00	27,500.00
Equipment	93,770.92	150,887.88	229,194.93	67,000.00	67,000.00
Sheriff Expenses	218,578.29	-	18,333.33	275,000.00	275,000.00
General Operations	140,858.45	203,721.61	196,159.64	209,405.00	172,555.00
Streets Operation Expenses	140,507.78	175,500.00	69,593.14	122,500.00	99,500.00
Sewer Operation Expenses	26,561.05	24,600.00	18,960.76	30,400.00	23,900.00
Water Operation Expenses	150,368.39	82,750.00	98,953.32	191,750.00	184,950.00
<b>Total Expenses</b>	<b>1,902,365.49</b>	<b>2,073,601.21</b>	<b>2,768,091.60</b>	<b>2,806,930.40</b>	<b>2,692,480.39</b>
<b>Net Revenue</b>	<b>398,289.98</b>	<b>89,270.79</b>	<b>(129,428.15)</b>	<b>71,819.60</b>	<b>1,769.61</b>

**Town of Dolores  
Resolution No 643 series  
2025**

**A RESOLUTION SUPPORTING PARTICIPATION IN THE MONTEZUMA  
COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN (HMP)**

WHEREAS the Town of Dolores is uniquely situated in a manner exposing its citizens and businesses to the risk of numerous natural hazards including the threat of flood, fire and landslides.

WHEREAS the Board of Trustees finds that cooperation with other jurisdictions in Montezuma County for emergency management, planning and response is of paramount importance to the safety of the public.

WHEREAS to further these purposes the Board of Trustees wishes to renew its participation in Montezuma County's Hazard Mitigation Plan which will allow participating jurisdictions to obtain assistance from the Federal Emergency Management Agency to deliver a letter of intent to participate in the Montezuma County Multi-Jurisdictional Hazard Mitigation Plan.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES FOR  
THE TOWN OF DOLORES, COLORADO:**

**Section 1.** The Board of Trustee supports and directs the Town Manager to execute the Letter of Intent attached hereto as Exhibit 1 to participate in the Montezuma County Multi-Jurisdictional Hazard Mitigation Plan.

**PASSED AND ADOPTED** this 10<sup>th</sup> day of February, 2025.

\_\_\_\_\_  
Mayor Chris Holkestad

ATTEST:

\_\_\_\_\_  
Town Clerk Tammy Neeley

# **LETTER OF INTENT TO PARTICIPATE**

January 27, 2025

Mark Thompson  
State Hazard Mitigation Officer,  
9195 E. Mineral Ave, Suite 200,  
Centennial, CO 80112

Re: "Statement of Intent to Participate" as a participating jurisdiction to the Montezuma County Multi-Jurisdictional Hazard Mitigation Plan (HMP)

Dear Mr. Thompson,

In accordance with the Federal Emergency Management Agency's (FEMA) Local Hazard Mitigation Plan (HMP) requirements, under 44 CFR §201.6, which specifically identify criteria that allow for multi-jurisdictional mitigation plans, the Town of Dolores is submitting this letter of intent to confirm that Town of Dolores has agreed to participate in the Montezuma County Multi-Jurisdictional Hazard Mitigation Planning effort.

Further, as a condition to participating in the mitigation planning, Town of Dolores agrees to meet the requirements for mitigation plans identified in 44 CFR §201.6 and to provide such cooperation as is necessary and in a timely manner to Montezuma County to complete the plan in conformance with FEMA requirements.

Town of Dolores understands that it must engage in the following planning process, as more fully described in FEMA's *Local Mitigation Planning Handbook* dated April 2023 including, but not limited to:

- Identification of hazards unique to the jurisdiction;
- The conduct of a vulnerability analysis and an identification of risks, where they differ from the general planning area;
- The formulation of mitigation goals responsive to public input and development of mitigation actions complementary to those goals. A range of actions must be identified specific for each jurisdiction;
- Demonstration that there has been proactively offered an opportunity for participation in the planning process by all community stakeholders (examples of participation include relevant involvement in any planning process, attending meetings, contributing research, data, or other information, commenting on drafts of the plan, etc.);
- Documentation of an effective process to maintain and implement the plan;
- Formal adoption of the Multi-Jurisdictional Hazard Mitigation Plan by the jurisdiction's governing body (each jurisdiction must officially adopt the plan).

Therefore, with a full understanding of the obligations incurred by an agreement between the Lead Jurisdiction and the Participating Jurisdiction, I Leigh Reeves, as



Town Manager of the Town of Dolores, a statutory town, commit the Town of Dolores to the Montezuma County Multi-Jurisdictional Hazard Mitigation Planning effort.

**RESOLUTION NO. R645**  
**A RESOLUTION OF THE TOWN OF DOLORES APPROVING CONTRACT FOR MUNICIPAL JUDGE**

WHEREAS, the Town of Dolores (the "Town"), is a duly organized and existing statutory municipality of the State of Colorado; and

WHEREAS, a vacancy occurred in the position of municipal judge for the Town of Dolores; and,

WHEREAS; after soliciting requests for proposals from the legal community, the Board of Trustees selected Kristen Tarrin to serve as the municipal judge for the Town of Dolores;

WHEREAS, the Board of Trustees finds that Kristen Tarrin meets the requirements of CRS § 13-10-106 and Dolores Municipal Code § 2.12.030;

WHEREAS, § 13-10-105 provides that the Board of Trustees may appoint a municipal judge for a term not less than two years, except that the Board may require that the initial term expire at the next election for the Board of Trustees;

WHEREAS The Dolores Municipal Code is silent on the length of term and the next general election is in April of 2026; and,

WHEREAS the Board of Trustees wishes to formally appoint Kristen Tarrin as municipal judge, establish the initial term of her office, and enter into a contract for judicial services.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES, COLORADO, AS FOLLOWS:

**Section 1.** Pursuant to CRS § 13-10-105 and Dolores Municipal Code § 2.12.030 Kristen Tarrin is appointed to serve as municipal judge completing the two year term of the previous magistrate commencing March 10, 2025 and expiring on April 27, 2026 or until reappointment or the seating of another municipal judge.

**Section 2.** The Municipal Judge's compensation shall be \$105.00 per hour. The terms and conditions of the Municipal Judge's employment shall be as set forth in the Municipal Judge Services Agreement, effective as of February 10, 2025 attached hereto and incorporated herein by this reference.

**Section 3.** The Town Manager is authorized to execute the Services Agreement referenced herein on behalf of the Town.

**Section 4.** If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this resolution.

**Section 5.** All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

**Section 6.** The effective date of this resolution shall be immediately upon adoption.

ADOPTED AND APPROVED this 10th Day of February, 2025, by the BOARD OF TRUSTEES OF THE TOWN OF DOLORES, COLORADO.

\_\_\_\_\_  
Mayor, Chris Holkestad

ATTEST:

\_\_\_\_\_  
Town Clerk, Tammy Neely

## **TOWN OF DOLORES MUNICIPAL JUDGE SERVICES AGREEMENT**

**THIS MUNICIPAL JUDGE SERVICES AGREEMENT** is entered into and effective as of February 10, 2025 ("Effective Date"), by and between the **Town of Dolores, Colorado** (the "Town") and **Kristen Tarrin** ("Municipal Judge"), together referred to herein as the "Parties." In consideration of the mutual promises and covenants contained herein, the Parties agree as follows:

### **ARTICLE 1 – SERVICES**

Pursuant to Chapter 2 of the Dolores Municipal Code and CRS 13-10-101 *et seq.*, the Municipal Judge shall preside over all Dolores Municipal Court ("Municipal Court") cases in accordance with the applicable rules of municipal procedure, the Dolores Municipal Code and Colorado law.

### **ARTICLE 2 – QUALIFICATIONS**

The Municipal Judge shall continuously maintain the qualifications to serve as Municipal Judge as provided by the Dolores Municipal Code and Colorado law. The Municipal Judge shall maintain her license to practice law in the state of Colorado in good standing and shall promptly notify the Town of any change in status.

### **ARTICLE 3 - TERM; TERMINATION**

Pursuant to the February 10, 2025 resolution of the Town of Dolores, this Agreement shall be for an initial term ending on April 27, 2026, or until reappointment or the seating of another municipal judge. This Agreement may be terminated as provided by CRS § 13-10-105 or the resignation of the Municipal Judge.

### **ARTICLE 4 – COMPENSATION, PERFORMANCE**

The Parties agree that the Municipal Judge shall be compensated at **\$105.00 per hour** for services rendered under this Agreement, classified as an independent contractor. If the regular docket or a special session of the Dolores Municipal Court is adjourned after less than one hour, the Municipal Judge may round her time up to one hour. The Municipal Judge will not be compensated for travel time or mileage to and from the judge's home or regular place of employment to the Dolores Municipal Court.

### **ARTICLE 5 – INDEMNIFICATION, INSURANCE AND BENEFITS**

Pursuant to the Colorado Governmental Immunity Act, §§ 24-10-101 *et seq.*, C.R.S., Municipal Judge is an appointed official of the Town entitled to any and all benefits of law pertaining to judicial or sovereign immunity and to coverage by the Town's insurance applicable to persons holding such a position for claims brought against her in her official capacity arising out of the performance of her official duties as described. The Municipal Judge will not be covered by the Town's Workers Compensation Insurance nor entitled to receive benefits as an employee of the Town.

## **ARTICLE 6 – CODE, LAWS AND ORDINANCES**

Municipal Judge shall at all times during the performance of this Agreement, strictly adhere to all applicable federal, state and local laws, rules, regulations, and ordinances that affect or govern the work as herein contemplated.

## **ARTICLE 7 – JUDICIAL INDEPENDENCE**

An independent, fair and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a vital role in preserving the principles of justice and the rule of law. Judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system. Municipal Judge is expected to uphold these principles.

## **ARTICLE 8 – JUDICIAL IMPARTIALITY**

Municipal Judge shall uphold and apply the law, and shall perform all duties of judicial office impartially. Impartially means absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintenance of an open mind in considering issues that may come before the judge. Municipal Judge shall perform the duties of the judicial office, including administrative duties, without bias or prejudice. Municipal Judge shall not be swayed by public clamor or fear of criticism. Municipal Judge shall not permit social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment. Municipal Judge shall not convey or permit others to convey the impression that any person is able to influence the judge.

## **ARTICLE 9 - EX PARTE COMMUNICATION**

Municipal Judge shall not initiate, permit or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning pending or impending matters.

## **ARTICLE 10 – LAW AND VENUE**

The laws of the State of Colorado shall govern as to the interpretation, validity, and effect of this Agreement. The Parties agree that venue and jurisdiction for disputes regarding any aspect of this Agreement is proper and exclusive with the District Court of Montezuma County, Colorado.

## **ARTICLE 11 – NOTICES**

Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth below. Such notice shall be deemed to have been given when deposited in the United States Mail.

**If to the Town:** Town Manager, PO Box 630, Dolores, CO 81323

**If to Municipal Judge:** PO Box 823, Dove Creek, CO 81324

**ARTICLE 12 – ASSIGNMENT AND SUBCONTRACTORS**

The duties and obligations of Municipal Judge may not be assigned, delegated, or subcontracted except with the express written consent of the Town Manager. In the event that the Municipal Judge is unable to preside over a particular case due to a conflict of interest or is required to take a leave of absence, the Municipal Judge shall promptly notify the Town Manager, the Clerk of Court and the Town Attorney who shall make arrangements for the appointment of a substitute judge to hear the case or preside in her absence.

**ARTICLE 13 – SEVERABILITY**

To the extent that the Agreement may be executed and performance of the obligations of the Parties may be accomplished within the intent of the Agreement, the terms of this Agreement are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof. The waiver of any breach of a term hereof shall not be construed as a waiver of any other term, or the same term upon subsequent breach.

**ARTICLE 14 – INTEGRATION OF UNDERSTANDINGS**

This Agreement is intended as the complete integration of all understandings between the Parties. No prior or contemporaneous addition, deletion, or other amendment hereto shall have any force and effect whatsoever, unless embodied herein in writing. No subsequent novation, renewal, addition, deletion, or other amendment hereto shall have any force or effect unless embodied in writing and signed by Municipal Judge and an authorized representative of the Town.

**ARTICLE 15 - AMENDMENTS**

The Town may, from time to time, require changes in the scope of services of the Municipal Judge to be performed herein. Such changes, including any increase or decrease in the amount of the Judge's compensation, must be mutually agreed upon in writing by the Town and the Municipal Judge, as an amendment to this Agreement.

**IN WITNESS WHEREOF**, the Parties have executed this Agreement in two (2) copies, each of which shall be deemed an original, as of the day and year first written above.

TOWN OF DOLORES, by:

\_\_\_\_\_  
Town Manager, Leigh Reeves  
(Date)

\_\_\_\_\_  
(Date) Kristen Tarrin

The graphic features a large, light green circle with a soft drop shadow, centered on a white background. The text is positioned inside this circle. There are also decorative curved lines in shades of green and blue at the top and bottom corners of the page.

# Logo Contest

Town of Dolores 2025

No entries  
for Under 8  
years of age





Artists  
Aged 8-18:  
Prize \$50

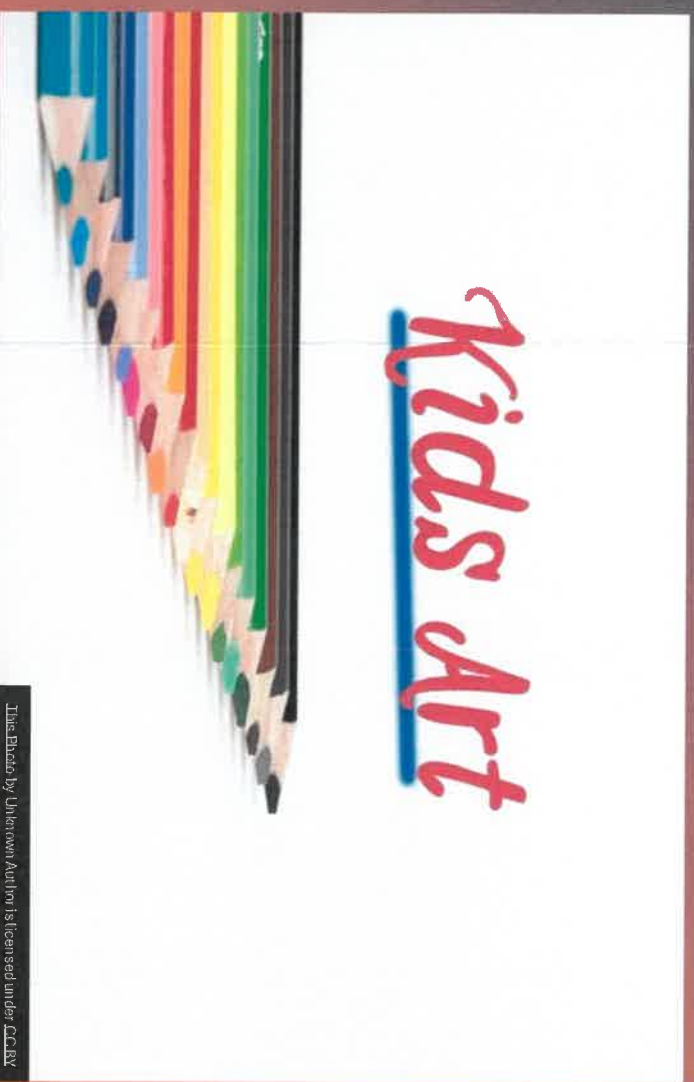


Image created by Ulkenown Art/Novi Art licensed under CC BY



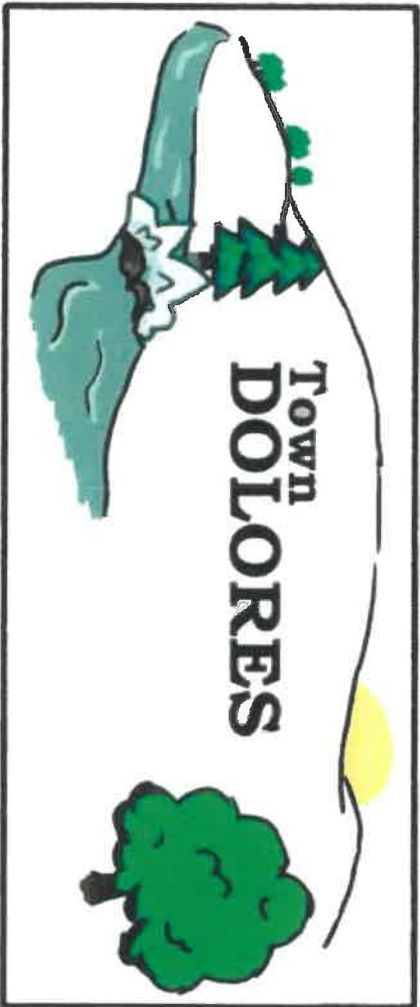
Child Entry 1



Child Entry 2



Child Entry 3



Child Entry 4



\*The original image has green inside the O's and R, it just didn't copy over that way

Child Entry 5



# Voting Time!!

- Mark your ballots for your choice of Artist aged 8-18
- The winner will receive \$50
- And a certificate for first place

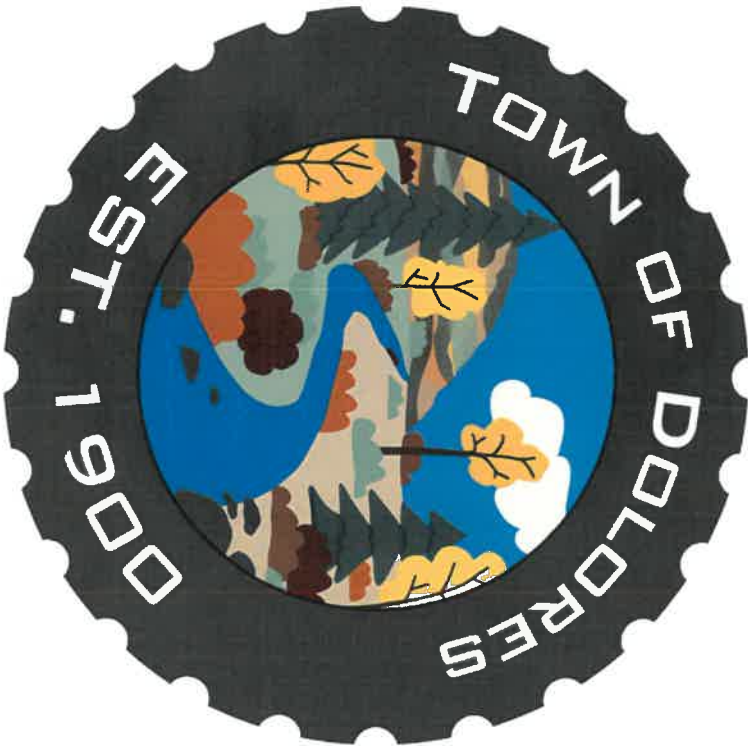


Adult Artists:  
Prize \$500

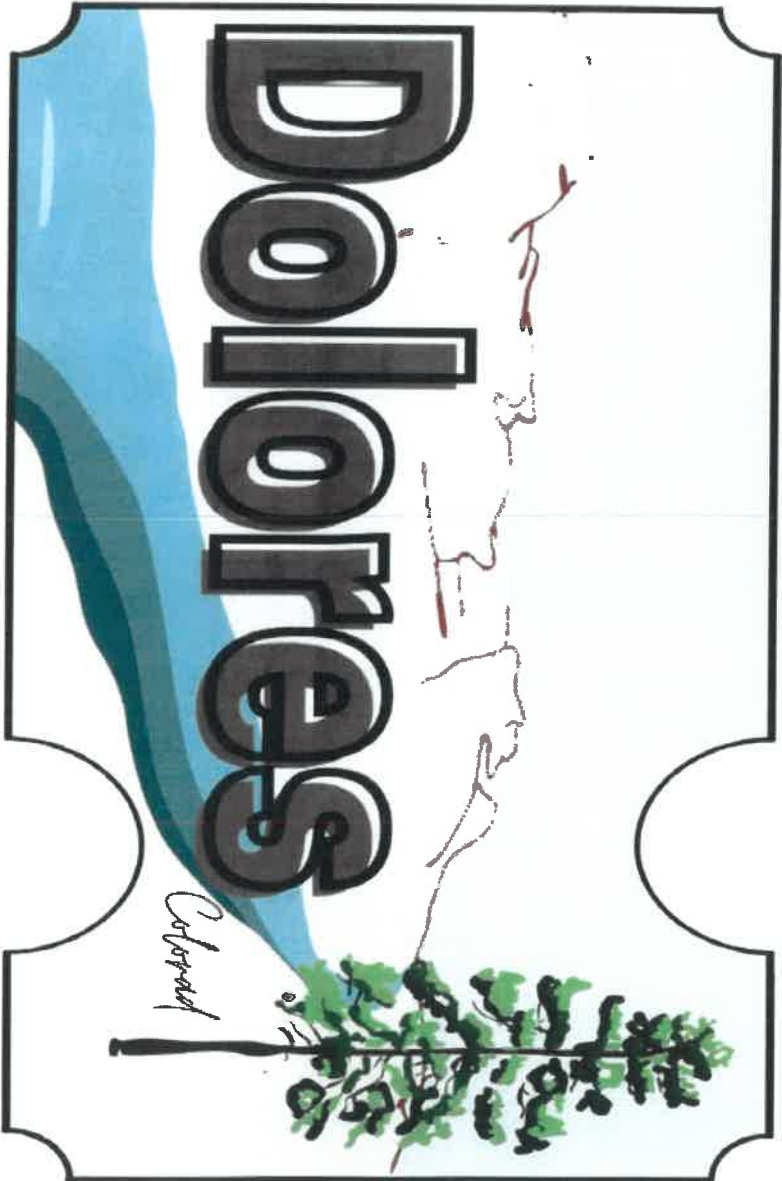




Adult Entry 1



Adult Entry 2



Adult Entry 3



Adult Entry 4



Adult Entry 5



Adult Entry 6



Adult Entry 7

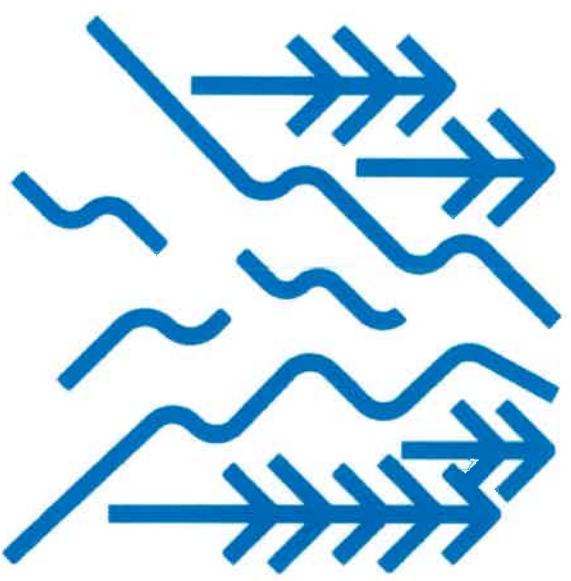


Adult Entry 8





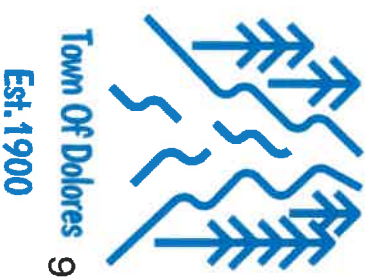
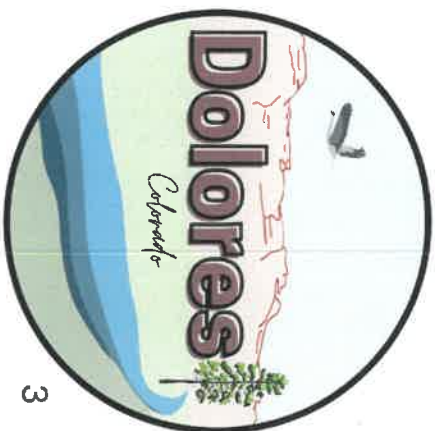
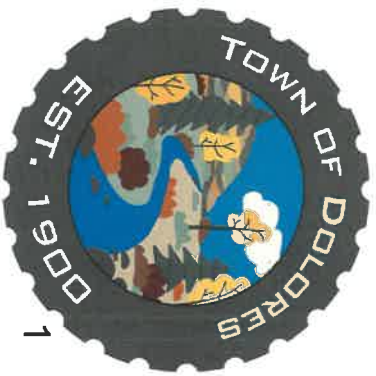
Adult Entry 9



**Town Of Dolores**

**Est. 1900**

Get out those ballots..



And the  
winner is.....



## Artists Aged 8-18

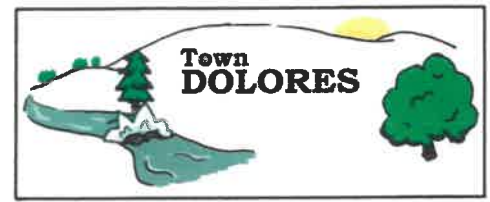
Child Entry 1

Child Entry 2

Child Entry 3

Child Entry 4

Child Entry 5



## Adult Artists

Adult Entry 1

Adult Entry 2

Adult Entry 3

Adult Entry 4

Adult Entry 5

Adult Entry 6

Adult Entry 7

Adult Entry 8

Adult Entry 9

