

ORDINANCE NO. 5209

AN ORDINANCE AMENDING ORDINANCE NO. 5064 AND SECTIONS 5.13.013 AND 5.13.029 OF THE GRAND JUNCTION MUNICIPAL CODE REGARDING CERTAIN MARIJUANA BUSINESS SECURITY REQUIREMENTS

RECITALS:

On April 6, 2022, the City Council adopted Ordinance 5064 regarding cannabis business licenses and regulations. By and with the adoption of that Ordinance the Grand Junction Municipal Code ("GJMC") now includes time, place, and manner restrictions for operating regulated cannabis businesses in the City while protecting the public health and safety through reasonable limitations on business operations. Regulated cannabis businesses include retail and/or co-located retail and medical cannabis businesses.

Recently a coalition of regulated cannabis businesses contacted the City Council seeking an amendment of the GJMC to clarify the requirements for storage of cannabis and money in the business places.

This ordinance amends Ordinance 5064 and its codification in the GJMC at 5.13.029 and 5.13.013 to require the secure storage of marijuana and marijuana products and cash kept at each regulated cannabis businesses in the City in a safe, vault or equivalent fixture, feature, or improvement to the business's property and that the fixture, feature, or improvement is either integral to the building structure or securely attached to the building.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

Title 5 of the Grand Junction Municipal Code, in relevant part, is amended as follows. Additions are shown in **bold** typeface. Deletions are shown in ~~strikethrough~~-typeface. All other provisions of Title 5 of the Grand Junction Municipal Code shall remain in full force and effect.

5.13.029 Security Requirements

5.13.029(a)(2) A security plan submitted with the application, as it may be amended, shall provide equipment, which shall be in good working order, monitored, and secured 24 hours per day. The plan, at a minimum, shall include:

(i) The installation and use of a safe **or vault as defined in GJMC 5.13.013**, for storage ~~of and all any processed cannabis and products containing cannabis~~ and/or cash on the **licensed** premises when the business is closed to the public. ~~The safe as defined in GJMC 5.13.013, shall be incorporated into the building structure, or securely attached thereto.~~

(ii) **Cannabis-infused products and cannabis concentrates that must be refrigerated or frozen shall be stored in a lockable refrigerator or freezer with all-**

metal sides and doors, which refrigerator or freezer shall either secured to the building structure within the Limited Access Area of the Licensed Premises or positioned within a vault, as defined in 5.13.013, and such refrigerators and freezers shall be locked when the business is closed to the public.

5.13.029(b)(3) The security plan shall be designed to:

Prevent theft or the diversion of cannabis, including maintaining all cannabis in a secure, locked room that is accessible only to authorized persons and, when the business is closed to the public, in a safe or vault or equivalent **as defined in 5.13.013.**

5.13.029(c) On and after the Effective Date of Ordinance # (this ordinance) any licensed regulated cannabis business in good standing with the City may amend its security plan to install and use a safe or vault as defined in GJMC 5.13.013 for storage of all cannabis and products containing cannabis and/or cash on the premises when the business is closed to the public as provided in this Code, subject any State or local requirements for inspection(s) and/or modification of the licensed premises as required by 5.13.039.

5.13.013 Definitions.

Safe means a ~~metal box~~, **fixture, feature or improvement as specifically defined herein, including any definition(s) adopted by reference**, that is either integral to the building structure or securely attached to the building structure-capable of (1) being locked securely by either a mechanical or electronic combination lock that is protected by a case-hardened drill-resistant steel plate or drill-resistant material of equivalent strength; (2) having door hinges that prevent the removal of the door, including but not limited to hinges that are not exposed to the outside, interlocking door designs, dead bars, jeweler's lugs and active locking bolts; (3) being constructed in a manner to prevent opening by human or mechanical force, or through the use of common tools, including but not limited to hammers, bolt cutters, crowbars or pry bars.; and ~~(4) being certified by the manufacturer to be adequate for securely storing the quantity of monetary funds and physical cannabis product of the cannabis business.~~

A Vault means a fixture, feature or improvement as specifically defined herein, including any definition(s) adopted by reference, that is integral to the building structure within the Limited Access Area of the Licensed Premises capable of (1) being locked securely by either a mechanical or electronic combination lock that is protected by a case hardened drill resistant steel plate or drill resistant material of equivalent strength; (2) having door hinges that prevent the removal of the door; (3) being constructed in a manner to prevent opening by human or mechanical force, or through the use of common tools, including but not limited to hammers, bolt cutters, crow bars or pry bars, and (4) with a steel door frame and with walls, floors and ceiling reinforced with at least one of the following:

- 1) **At least one layer of one-eighth inch or thicker welded steel plating;**

- 2) **Steel mesh of 10-gauge wire or thicker with openings no larger than 2 1/2" x 2 1/2" that is securely attached to the building structure;**
- 3) **Concrete 4" or thicker reinforced with 1/2" or thicker steel rods no wider than 6" apart;**
- 4) **A cage constructed to current 21 CFR 1301.72(b)(4) standards;**
- 5) **A vault constructed to current 21 CFR 1301.72(a)(3) standards**

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This ordinance is necessary to protect the public health, safety, and welfare of the residents of the City. If any provision of this ordinance is found to be unconstitutional or illegal, such finding shall only invalidate that part or portion found to violate the law. All other provisions shall be deemed severed or severable and shall continue in full force and effect.

INTRODUCED ON FIRST READING AND ORDERED PUBLISHED in pamphlet form this 20th day of March 2024.

PASSED, ADOPTED, AND ORDERED PUBLISHED AS AMENDED in pamphlet form this 3rd day of April 2024.



Anna M. Stout
President of the City Council



ATTEST:

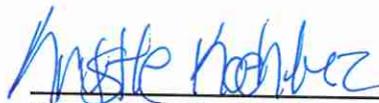


Amy Phillips
City Clerk

I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 5209 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 20th day of March 2024 and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 3rd day of April 2024, at which Ordinance No. 5209 was read, considered, adopted, and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 8th day of April 2024.



Deputy City Clerk

Published: March 22, 2024
Published: April 05, 2024
Effective: May 05, 2024

