

2-3-25. - Cannabis Licensing and Advisory Board.

- (a) The City of Boulder Cannabis Licensing and Advisory Board shall consist of seven community members who are at least twenty-one years of age, all of whom are city residents, appointed by City Council for five-year terms. At the time of appointment, two members shall be marijuana or hemp business owners or representatives of such owners and two members shall have a connection to the health or education field. The remaining members shall be at large. Up to two ex officio non-voting members may be appointed by the City Council as provided below. The Advisory Board members who are first appointed shall be designated to serve for staggered terms so that no more than two terms expire in one year. One member shall serve one year, two members shall serve two-year terms, two members shall serve three-year terms and two shall serve five-year terms.
- (b) City council has discretion to appoint two non-voting ex officio members who will advise the Advisory Board. These positions are intended for non-city residents from the candidate pool, who would otherwise qualify but are prohibited from appointment because of the resident status requirement.
- (c) The city manager serves as secretary to the Advisory Board. The secretary may be known as the licensing clerk and shall serve as the Advisory Board's agent for all functions.
- (d) Four members shall constitute a quorum. An affirmative vote of a majority of the members present is necessary to authorize any action of the Advisory Board.
- (e) The Advisory Board shall be responsible for both advisory and licensing duties as set forth in this section. Initially the Advisory Board's duties shall be limited to an advisory role. The licensing duties are to be phased in over time. The phase in period shall be no less than six months and no longer than two years from the date of the Advisory Board's first meeting after formation. The timing of the phasing shall be determined by the Advisory Board. The Advisory Board will establish guidelines for determining what type of license matters will come before the Advisory Board and which will be handled administratively by city staff. The Advisory Board will determine the timing and scope of its licensing duties during this transition phase. All licensing duties will continue to be handled by the city manager until the Advisory Board formally determines otherwise.
- (f) The Advisory Board shall have the ability to issue subpoenas in quasi-judicial proceedings only.
- (g) Prior to making any recommendation or taking action, the Advisory Board shall hold a public hearing.
- (h) The Advisory Board's advisory functions are:
 - (1) Generally, to promote the Boulder community's interests and values in the local regulation of marijuana and hemp, while considering the downstream consequences of such regulations on the community and on public health and safety while

supporting economic development and congruence between local ordinances and state laws.

- (2) To advise the city council and city manager on marijuana and hemp issues, strategies, goals and policies;
 - (3) To study and make recommendations to council and the city manager regarding marijuana and hemp related issues raised by council, city manager, state legislative changes, the public, or the Advisory Board;
 - (4) To prioritize and continue any outstanding work from the Marijuana Advisory Panel;
 - (5) To address issues related to jurisdictional parity; and
 - (6) To follow the purpose and intent in Chapters 6-14 and 6-16, B.R.C. and any subsequently adopted related code provisions.
- (i) The Advisory Board's licensing functions may include:
- (1) To grant or refuse applications for licenses to operate a medical or recreational marijuana business as prescribed by Chapter 6-14, "Medical Marijuana" and Chapter 6-16, "Recreational Marijuana," B.R.C. 1981. The Advisory Board's responsibilities shall not include suspension, revocation, or imposition of fines as set forth in Sections 6-14-14 and 6-16-14 B.R.C. 1981. The city manager shall administer such matters;
 - (2) To perform licensing functions in a manner necessary to carry out the legislative purposes and requirements of the state and city marijuana licensing laws; and
 - (3) To perform all other responsibilities that the council may delegate to it.
- (j) The city manager shall issue all licenses granted by the Advisory Board upon receipt of the completed application and the operating fee, criminal background fee, annual license fee, and any other applicable fees, as required by Sections 4-20-64 "Medical Marijuana Businesses" and 4-20-67 "Recreational Marijuana Businesses," B.R.C. 1981, and meeting the requirements of Subsection 6-14-5(f) "Approval Requirements" or 6-16-6(f) "Approval Requirements" B.R.C. 1981.
- (k) The Advisory Board shall not perform any administrative functions unless expressly provided in this code.
- (l) The Advisory Board shall not involve itself in any review under the land use regulations, Title 9, "Land Use Code," B.R.C. 1981, unless its opinion is requested by the city council or the planning board.

Ordinance Nos. 8338 (2019); 8384 (2020).