



MARIJUANA CULTIVATION FACILITY LICENSE SUBMITTAL REQUIREMENTS & PROCESSING INFORMATION

The following documents and information must be submitted as part of a Marijuana Cultivation Facility License application:

- Completed license application;
- One of the following forms of identification:
 - An identification card issued in accordance with Section 42-2-302, C.R.S.;
 - A valid Colorado driver's license;
 - A valid driver's license containing a picture issued by another state;
 - A United States military identification card;
 - A valid passport; or
 - An alien registration card.
- Indemnification Agreement and Affidavit of Acknowledgment;
- Applicant Corporation, Partnership, or Limited Liability Company business formation documents, management agreements, and operation agreements, with a certificate of good standing issued by the Colorado Secretary of State as applicable;
- A completed set of the Applicant's fingerprints;
- A completed Investigation Authorization/Authorization to Release Information Form and Applicant's Request to Release Information Form(s);
- Copy of the deed reflecting ownership of, or a lease reflecting the right of the Applicant to possess, the proposed licensed premises;
- If the Applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a marijuana cultivation facility;
- Evidence of the issuance of a valid Town excise tax license, if required;
- A clearly legible "to scale" diagram of the proposed licensed premises, no smaller than 8.5" x 11" and no larger than 11" x 17" showing, without limitation, the building layout, all entryways and exits to and from the proposed licensed premises, all areas in which marijuana will be cultivated and stored, and all proposed areas of water-based extraction activities;
- A comprehensive operation plan for the cultivation facility that contains, at a minimum, the following:
 - a. A description of the security provisions and systems meeting the requirements of Section 5.22.110.E. of the Hayden Municipal Code ("Code") and
 - b. An exterior lighting plan; and
 - c. A description of the cultivation activities, including without limitation, the area in which plants will be grown, a description of the ventilation and odor filtration system for the premises, if required by Code Section 5.22.110.D., and a description of the automatic fire suppression system, if required by applicable building and fire codes.
- An area map drawn to scale indicating land uses of other properties within a 500-foot radius of the proposed licensed premises and showing the proximity of such property to schools, parks and commercial child care centers in the area. *Distances must be

calculated by measuring the distance from the nearest property line of the school, park or commercial child care center to the building in which the cultivation facility is located.

- All necessary Town fees in cash or checks payable to the Town of Hayden;
- Any additional information that the Authority reasonably determines to be necessary in connection with the investigation, review and determination of the application.

The following is an overview of the processing steps for a Marijuana Cultivation Facility License:

1. Prior to submitting your application, the Code requires you to attend at least one pre-application meeting with Town Staff. You may contact the Town Clerk at 970-276-3741 to schedule this meeting. The meeting is conducted to answer questions and to help identify potentially problematic issues early on in the process.
2. Approval of a marijuana cultivation facility license application and issuance of such a license is required prior to operating your facility. The application should be submitted early in the process to ensure your proposed activities and building location are compliant with the Code. Applications are available at Town Hall, 178 West Jefferson Avenue, Hayden, CO 81639, which can also be reached by telephone at 970-276-3741.
3. Rules governing marijuana cultivation facilities in the Town of Hayden are contained in Chapter 5.22 of the Code and Article 14 of Title 16 of the Code. Please review these portions of the Code as they provide rules and regulations concerning where marijuana cultivation facilities may be located and how they must be operated. **It is your responsibility to be familiar with local ordinances governing marijuana cultivation facilities and to abide by them at all times.**
4. After you have filed a *complete* application, it will be circulated among relevant Town staff for review and comment. Please promptly respond to all requests from the Town Clerk for additional required information or documentation. Your failure to provide necessary information only delays the processing of the application.
5. If interior or exterior changes are proposed to the tenant space or building, you must contact Charlie Davis, SAFEbuilt 970-291-1269 for information related to applicable building codes, cultivation systems code and necessary permits.
6. The applicant, all persons having a financial interest in the cultivation facility and all persons having a financial interest in the applicant, if the applicant is entity, must contact the Hayden Police Department at 970-276-2535 to submit all information necessary to perform the criminal background check.
7. After the Licensing Authority (Town Clerk) has completed the investigation of a *complete* application, it shall issue a written decision approving or denying the application. That decision will be sent to you via certified mail to the address shown on the application.
8. After approval of an application, a license will not be issued until the building in which the facility is to be located is ready for occupancy with such furniture, fixtures and equipment in place as are necessary to comply with the applicable provisions of the Code.
9. It is unlawful to operate a marijuana cultivation facility in Town without first obtaining the proper Town license. Such license shall be kept current at all times and shall be conspicuously displayed at all times on the premises. The failure to maintain a current license shall constitute a violation of the Code.
10. All licenses shall be renewed annually.
11. The Authority shall deny any application that does not meet the requirements of the Code and may deny an application that does not meet the requirements of the Colorado Medical Marijuana Code. The Authority shall also deny any application that contains any false, misleading or incomplete information.
12. The licensee must promptly notify the Town Clerk, in writing, of any change in the information provided in the license application. The Town Clerk may investigate the change for compliance with the Code.

Is this proposed premises to be licensed located in a residential zoning district?

Yes No

Locational restrictions apply *both* to new applications and to applications to re-locate existing licenses.

Has the Applicant paid the application licensing fees to the State Licensing Authority in connection with their review of the application, if applicable? Yes No

On-site manager information: Name: _____			
Home Address: _____			
Street Address	Town	State	Zip Code
Business Cell Phone Number: _____		Email Address: _____	
Social Security Number * (last four digits only): _____		Date of Birth: _____	
Driver's License Number: _____		Jurisdiction that issued Driver's License: _____	

Is the business a change of use or occupancy for this location? Yes No

Will there be ANY remodeling or building alterations? Yes No

Does the Applicant have a comprehensive operation plan? Yes No

A comprehensive operation plan must be attached and contain, at a minimum, the following:

- A description of the security provisions and systems meeting the requirements of Section 5.22.110.E. of the Hayden Municipal Code (“Code”) and
- An exterior lighting plan; and
- A description of the cultivation activities, including without limitation, the area in which plants will be grown, a description of the ventilation and odor filtration system for the premises, if required by Code Section 5.22.110.D., and a description of the automatic fire suppression system, if required by applicable building and fire codes.

Oath of Application		
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 and belief. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Hayden Municipal Code and all rules and regulations which govern this application and marijuana cultivation facilities. I further acknowledge that it is my responsibility to provide the Town with amendments to this application in the event that any information changes after the date of application		
Authorized Signature	Printed Name and Title	Date

* Will be maintained by the Town as confidential, not available for public inspection, pursuant to C.R.S. 24-72-3-102.



**MARIJUANA CULTIVATION FACILITY LICENSE
Indemnification Agreement and Affidavit of Acknowledgement**

Name of Applicant:	
Business Name:	
Proposed Location:	

As an Applicant for a Marijuana Cultivation Facility License individually or on behalf of an entity, I on my behalf or on behalf of the entity for which I am applying, hereby acknowledge and agree to the following (please initial):

_____ I have obtained and examined a copy of the following provisions of the Hayden Municipal Code (“Code”): Chapter 5.22; Article 14 of Title 16. These Code provisions govern the location and operation of marijuana cultivation facilities in the Town of Hayden and I agree to abide by and conform to these provisions and to any and all conditions lawfully placed on the Marijuana Cultivation Facility License.

_____ I understand that by accepting a License issued pursuant to the Code, the licensee waives any claim concerning, and releases the Town, its officers, elected officials, employees, attorneys and agents from any liability for injuries or damages of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers of the licensee for any violation of state or federal laws, rules or regulations.

_____ I understand that by accepting a License issued pursuant to the Code, the licensees, jointly and severally if more than one (1), agree to indemnify, defend and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the medical marijuana dispensary business that is the subject of the license.

_____ I understand that the issuance of a License pursuant to the Code shall not be deemed to create an exception, defense or immunity for any person in regard to any potential criminal liability the person may have under state or federal law for the cultivation, possession, sale, distribution or use of marijuana.

_____ I understand that the Applicant and the employees of the Applicant of the marijuana cultivation facility may be subject to prosecution under federal marijuana laws.

_____ I understand that compliance with applicable provisions of the Colorado Medical Marijuana Code, Article 43.3, Title 12, C.R.S., and the Colorado Retail Marijuana Code, Article 43.4, Title 12, C.R.S., is also required.

_____ I understand that if a marijuana cultivation facility license is issued, it is valid for a period of one (1) year from the date of issuance.

Applicant’s Signature	Date



MARIJUANA CULTIVATION FACILITY LICENSE
Property Owner Affidavit

Form with fields for Name of Applicant, Business Name, Proposed Business Location, and Property Owner's Printed Name (Last, First, Middle).

I, _____, hereby state that I am the owner of record of the property located at _____, Hayden, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of the application and the use of the property for a marijuana cultivation facility.

Signature of Property Owner Date

Title of signor, if on behalf of an entity

State of _____)
) ss
County of _____)

Sworn to before me this _____ day of _____, 20____, by

_____.

Notary Public

(Seal)

My commission expires: _____



INVESTIGATION AUTHORIZATION/AUTHORIZATION TO RELEASE

I, _____, as an authorized agent for the Applicant, hereby authorize the Town of Hayden, Colorado (“Town”) to conduct a complete investigation into my personal background, using whatever legal means they deem appropriate. I hereby authorize any person or entity contacted by the Town to provide any and all such information deemed necessary by the Town. I hereby waive any rights of confidentiality in this regard. I understand that by signing this authorization, a financial record check may be performed. I authorize any financial institution to surrender to the Town a complete and accurate record of such transactions that may have occurred with that institution, including, but not limited to, internal banking memoranda, past and present loan application, financial statements and any other documents relating to my personal or business financial records in whatever form and wherever located. I understand that by signing this authorization, a financial record check of my tax filing and tax obligation status may be performed. I authorize the Colorado Department of Revenue to surrender to the Town a complete and accurate record of any and all tax information or records relating to me. I authorize the Town to obtain, receive, review, copy, discuss and use any such tax information or documents relating to me. I authorize the release of this type of information, even though such information may be designated as “confidential” or “nonpublic” under the provisions of state or federal laws. I understand that by signing this authorization, a criminal history check will be performed. I authorize the Town to obtain and use from any source, any information concerning me contained in any type of criminal history record files, wherever located. I understand that the criminal history record files contain records of arrests which may have resulted in a disposition other than a finding of guilt (i.e., dismissed charges, or charges that resulted in a not guilty finding). I understand that the information may contain listings of charges that resulted in suspended imposition of sentence, even though I successfully completed the conditions of said sentence and was discharged pursuant to law. I authorize the release of this type of information, even though this record may be designated as “confidential” or “nonpublic” under the provisions of state or federal laws.

The Town reserves the right to investigate all relevant information and facts to its satisfaction. I understand that the Town may conduct a complete and comprehensive investigation to determine the accuracy of all information gathered. However, the Town shall not be held liable for the receipt, use, or dissemination of inaccurate information. I, on behalf of the applicant, its legal representatives, and assigns, hereby release, waive, discharge, and agree to hold harmless, and otherwise waive liability as to the Town, its agents and employees for any damages resulting from any use, disclosure, or publication in any manner, other than a willfully unlawful disclosure or publication, of any material or information acquired during inquiries, investigations, or hearings, and hereby authorize the lawful use, disclose, or publication of this material or information. Any information contained within my application, contained within any financial or personnel record, or otherwise found, obtained, or maintained by the Town, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

Authorized Signature (must be witnessed)	Print Name	Title	Date
Witness Signature	Witness Printed Name	City	State



Applicant's Request to Release Information

- 1) I/We hereby authorize and request all persons to whom this request is presented having information relating to or concerning the applicant named below to furnish such information to a duly appointed agent of the Town of Hayden ("Town"), whether or not such information would otherwise be protected from the disclosure by any constitutional, statutory or common law privilege.
- 2) I/We hereby authorize and request all persons to whom this request is presented having documents relating to or concerning the above named applicant to permit a duly appointed agent of the Town to review and copy any such documents, whether or not such documents would otherwise be protected from disclosure by any constitutional, statutory, or common law privilege.
- 3) I/We hereby authorize and request the Colorado Department of Revenue to permit a duly appointed agent of the Town to obtain, receive, review, copy, discuss and use any such information or documents relating to or concerning the above named applicant, whether or not such information or documents would otherwise be protected from disclosure by any constitutional, statutory, or common law privilege.
- 4) If the person to whom this request is presented is a brokerage firm, bank, savings and loan, or other financial institution or an officer of the same, I/We hereby authorize and request that a duly appointed agent of the Town be permitted to review and obtain copies of any and all documents, records or correspondence pertaining to me/us, including but not limited to past loan information, notes co-signed by me/us, checking account records, savings deposit records, safe deposit box records, passbook records, and general ledger folio sheets.
- 5) I/We do hereby make, constitute, and appoint any duly appointed agent of the Town, my/our true and lawful attorney in fact for me/us in my/our name, place, stead, and on my/our behalf and for my/our use and benefit:
 - a. To request, review, copy, sign for, or otherwise act for investigative purposes with respect to documents and information in the possession of the person to whom this request is presented as I/We might;
 - b. To name the person or entity to whom this request is presented and insert that person's name in the appropriate location in this request; and
 - c. To place the name of the agent presenting this request in the appropriate location on this request.
- 6) I grant to said attorney in fact full power and authority to do, take, and perform all and every act and thing whatsoever requisite, proper, or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as I/We might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that said attorney in fact, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted.
- 7) This power of attorney ends twenty-four (24) months from the date of execution.
- 8) The above named applicant has filed with the Town an application for a Marijuana license. Said applicant understands that it is seeking the granting of a privilege and acknowledges that the burden of proving its qualifications for a favorable determination is at all times on the applicant. Said applicant accepts any risk of adverse public notice, embarrassment, criticism, or other action of financial loss, which may result from action with respect to this application.
- 9) I/We do, for myself/ourselves, my/our heirs, executors, administrators, successors, and assigns, hereby release, remise, and forever discharge the person to whom this request is presented, and his agents and employees from all and all manner or actions, causes of action, suits, debts, judgments, executions, claims, and demands whatsoever, known or unknown, in law or equity, which the applicant ever had, now has, may have, or claims to have against the person to whom this request is being presented or his agents or employees arising out of or by reason of complying with the request.
- 10) I/We agree to indemnify and hold harmless the person to whom this request is presented and his agents and employees from and against all claims, damages, losses, and expenses, including reasonable attorneys' fees arising out of or by reason of complying with this request.
- 11) A reproduction of this request by photocopying or similar process shall be for all intents and purposes as valid as the original.

Authorized Signature (must be witnessed)	Print Name of Applicant – Print Name of Signing Party	Title	Date
Witness Signature	Witness Printed Name	City	State
Signature of Town agent presenting Request:		Date:	