

Town of Coal Creek
Coal Creek, Colorado

ORDINANCE NO. 3, SERIES 2013

AN ORDINANCE ESTABLISHING THE PROHIBITION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES AND RETAIL MARIJUANA STORES IN THE TOWN OF COAL CREEK, COLORADO.

WHEREAS, Colorado voters approved an amendment to the State Constitution, Article XVIII, Section 16, which allows in part for the retail sale and cultivation of marijuana in the State of Colorado;

WHEREAS, Article XVIII, Section 16, of the Colorado Constitution authorizes local governments, such as the Town of Coal Creek, to “prohibit the operation of marijuana cultivation facilities, marijuana products manufacturing facilities, marijuana testing facilities or retain marijuana stores through the enactment of an ordinance” and

WHEREAS, the Town Board of Trustees has carefully considered the provisions of Article XVIII, Section 16 of the Colorado Constitution, and the impact of operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores’ licenses on the health, safety, and welfare of the Town and the inhabitants thereof, and has determined, as an exercise of its local land use authority, that such marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores’ shall not be located within the corporate limits of the Town.

NOW, THEREFORE, Be it ordained by the BOARD OF THE TOWN OF COAL CREEK:

1. AUTHORITY.

- (a) The Town Council hereby finds, determines and declares that it has the power to adopt this Article pursuant to:
- (b) Article XVIII, Section 16, of the Colorado Constitution;
- (c) The Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.;
- (d) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers)
- (e) Section 31 -15 -501, C.R.S. (concerning municipal authority to regulate businesses).

2. DEFINITIONS.

For the purpose of this ordinance, the following terms shall have the following meanings:

“Marijuana” means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extract 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. “Marijuana does not include industrial hemp, nor does it

include fiber produced from stalks, oil, or cake made from the seeds of the plants, 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 product.

“Marijuana accessories” means any equipment, products, or materials of any kind which are used intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

“Marijuana cultivation facilities” means any entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

“Marijuana products” means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments and tinctures.

“Marijuana testing facilities” means an entity licensed to analyze and certify the safety and potency of marijuana.

“Retail marijuana store” means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana products manufacturing facilities and to sell marijuana and marijuana products to consumers.

“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.

3. Marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores’ licenses are prohibited.

It is unlawful for any person to operate, cause to be operated, or permit to be operated, any marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores within the Town and all such uses are hereby prohibited in any location within the Town, or within any area hereinafter annexed to the Town.

4. Penalty.

A violation of the provisions of this Ordinance shall be punishable as follows:

1. By a fine of not more than one thousand dollars (\$1,000), or imprisonment in the county jail for not more than one year, or by both such fine and imprisonment;
2. Each and every day a violation of the provisions of this Ordinance is committed, exists or continues shall be deemed a separate offense;

3. The Town is specifically authorized to seek an injunction, abatement, restitution or any other remedy necessary to prevent enjoin, abate, or remove the violation; and
4. Any remedies provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law or in equity.

5. Safety Clause.

The Town Board hereby finds, determines and declares that this ordinance is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of the public convenience and welfare. The Town Board further determines that the Ordinance bears rational relation to the proper legislative object sought to be obtain.

6. Severability Clause.

If any clause, sentence, paragraph or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

7. Effective Date.

This Ordinance shall become effective thirty (30) days after publication.

INTRODUCED, READ, AND APPROVED on first reading this 6th day of August 2013, BY THE BOARD OF TRUSTEES OF THE TOWN OF COAL CREEK, COLORADO.

APPROVED AND ADOPTED after the second reading this _____ day of September, 2013.

BY: _____
Connie Higgs, Mayor

ATTEST: _____
Connie Gjelsness, Town Clerk

