

# TOWN OF COAL CREEK

## Ordinance NO 6-Series 2012

### **AN ORDINANCE PROHIBITING MEDICAL MARIJUANA CENTERS, INFUSED PRODUCT MANUFACTURERS', AND OPTIONAL CULTIVATION OPERATIONS WITHIN THE TOWN OF COAL CREEK, COLORADO**

**WHEREAS**, the Colorado Legislature adopted legislation which in pertinent part added a new Article 43.3 to the Title 12 of the Colorado Revised Statutes, to be known as the Colorado Medical Marijuana code; and

**WHEREAS**, the Colorado Medical Marijuana Code clarifies Colorado Constitution, Article XVIII, §14, and at the same time authorizes a regulatory scheme for the retail sale, distribution, cultivation, and dispersing of medical marijuana known as a "Medical Marijuana Center," and further authorize licensing mechanisms known as an "Optional Premises Cultivation Operation" and a "Medical Marijuana-infused Products Manufacturers' Licenses", and

**WHEREAS**, C.R.S. §12-43.3-106 specifically authorizes the governing body of a municipality to "vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses", and

**WHEREAS**, the Town Board has carefully considered Article XVIII, § 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, and the secondary effects of medical marijuana centers, optional premises cultivation operations, and medical infused products manufacturing on the health, safety and welfare of the Town of Coal Creek and its inhabitants,

**NOW THEREFORE, BE IT HEREBY ORDAINED** by the Town of Coal Creek, Colorado, as follows:

#### **Section 1. Prohibition of Medical Marijuana Facilities.**

##### **PURPOSE:**

Although the possession and use of marijuana is and remains unlawful under Federal law, Section 14 of Article XVIII of the Colorado Constitution provides an exception to prosecution under state criminal laws when marijuana is possessed and used for medical purposes by a patient who has been diagnosed with a debilitating medical condition, and by the patient's primary caregiver. The Constitution does not, however, contain any provision for the lawful sale or distribution of marijuana to patients. The Colorado Medical Marijuana Code clarifies Colorado law regarding the scope and extent of Article XVIII, §14 of the Colorado Constitution, and at the same time authorizes a regulatory scheme for the retail sale distribution, cultivation and dispensing of medical marijuana known as a "Medical Marijuana Center", and further authorizes licensing mechanisms known as an "Optional Premises Cultivation Operation" and a "Medical Marijuana-Infused Products Manufacturer's License." C.R.S. §12-43.3-106 specifically authorizes the governing body of a municipality to "vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses'. The purpose of this ordinance is to prohibit, within the Town of Coal Creek, Colorado, such medical marijuana facilities as provided for by the Colorado Medical Marijuana facilities as provided for by the Colorado Medical Marijuana Code in the interest of public health, safety and general welfare.

##### **PROHIBITION:**

It shall be unlawful and a violation of this Ordinance for a person to establish, operate cause or permit to be operated, or continue to operate within the Town of Coal Creek, Colorado, and within any area annexed to the town after the effective date of this ordinance, a medical marijuana center, a medical marijuana-infused product manufacturing facility, an optional premises cultivation operation, or any business, facility or any other operation requiring a license under C.R.S. § 12-43.3-101 et seq. as that statute may be amended from time to time.

**PATIENTS AND PRIMARY CAREGIVERS:**

Nothing in this Article shall prohibit, regulate or otherwise impair or be construed to prohibit, regulate or impair the cultivation, use or possession of medical marijuana by a patient and/or by a primary caregiver for his/her patients provided that such patient or primary caregiver is acting in accordance with all applicable provisions of Article XVIII Section 14(1)(c) of the Colorado Constitution, C.R.S. § 12-43.3-101 et. Seq. as amended, C.R. S. § 25-1.5-106 as amended, the regulations promulgated by the stated department of public health and environment, the department of revenue or any other agency with regulatory authority and the laws of the Town.

**Sections 2. Repealer.** All acts, orders, ordinances, resolutions, or portions thereof in conflict with the sections adopted in this Ordinance, are hereby repealed to the extent of such conflict.

**Section 3. Recording and Authentication.** This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and Town Clerk, and published according to Town ordinance.

**Section 4. Effective Date.** This ordinance shall take effect immediately after second reading.

**Section 5. Declaration of Public Interest.** This ordinance is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the Town of Coal Creek, Colorado.

**INTRODUCED, READ, AND APPROVED** on first reading the 3<sup>rd</sup> day of July, 2012, and published as provided by law.

**APPROVED, AND ADOPTED** after the second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

BY: \_\_\_\_\_  
Connie Higgs, Mayor

ATTEST: \_\_\_\_\_  
Connie Gjelsness, Town Clerk

