

ORDINANCE NO. _____, 2013
AN ORDINANCE OF THE TOWN BOARD/CITY COUNCIL TOWN/CITY OF
_____, COLORADO ENACTING CHAPTER ____ OF THE CODE OF ORDINANCES
REGARDING RETAIL MARIJUANA LOCAL LICENSING AUTHORITY

WHEREAS, on November 7, 2012, the voters of the State of Colorado approved Section 16 of Article XVIII of the Colorado Constitution, which authorized the personal use and possession of recreational marijuana for adults; and

WHEREAS, on May 28, 2013, the governor signed House Bill 13 -1317 into law enacting Title 12, Article 43.4 of the Colorado Revised Statutes (the "Colorado Retail Marijuana Code "), which regulates the cultivation, manufacture, distribution, and sale of retail marijuana; and

WHEREAS, the Colorado Retail Marijuana Code states that on or after October 1, 2013, businesses engaged in the cultivation, manufacture, or sale of marijuana or in the processing of marijuana - infused products shall apply for a license subject to its terms and conditions and any rules promulgated pursuant thereto; and

WHEREAS, the Colorado Constitution also authorizes counties and municipalities in Colorado to prohibit or regulate retail marijuana businesses and to adopt regulations consistent with the intent of the state law

WHEREAS, in order to comply with the Retail Marijuana Code and the new state licensing scheme, the _____ Town Board/City Council has determined to make conforming changes to Article _____, Chapter _____, of the _____ Municipal Code.

NOW, THEREFORE, THE COUNCIL/BOARD OF THE CITY/TOWN OF _____, COLORADO, ORDAINS THAT:

Option A

Section _____ Retail Marijuana Licensing Authority.

(1) The Town Council hereby finds, determines and declares that it has the power to adopt this Article pursuant to:

- (a) Section 12- 43.4 -101, et seq., C.R.S. (known as the Retail Marijuana Code);
- (b) Section 31 -15 -103, C.R.S. (concerning municipal police powers);
- (c) Section 31 -15 -401, C.R.S. (concerning municipal police powers);
- (d) Section 31 -15 -501, C.R.S. (concerning municipal authority to regulate businesses).

(2) The _____ (the designee might be the Town Board, City Council, Municipal Judge, Municipal Clerk, Municipal Manager/Administrator, Liquor Licensing Authority, or some other municipal person or entity) shall be the local licensing authority of the City/Town for the licensing of medical marijuana centers, pursuant to this Article, unless the Town Council designates other persons to serve as the local licensing authority by ordinance. The local licensing authority shall possess all powers given to local licensing authorities by the provisions of the Colorado Retail Marijuana Code and rules and regulations promulgated thereunder. Any decision made by the local licensing authority to grant or deny a license, to revoke or suspend a license, or to renew or not renew a license shall be a final decision and may be appealed to the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

Section _____ Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the _____, that it 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 public convenience and welfare. The Town Council further determines that this Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section _____ Severability. 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.

Section _____ Effective Date. This Ordinance shall become effective _____ (_____) days after passage on second reading.

Option B

MARIJUANA LICENSING AUTHORITY

Sec. _____. Creation.

There shall be and is hereby created a Retail Marijuana Licensing Authority, hereafter referred to in this Article as the "Authority".

See. _____. Composition.

The Authority shall be _____ person/entity (the designee might be the Town Board, City Council, Municipal Judge, Municipal Clerk, Municipal Manager/Administrator, Liquor Licensing Authority, or some other municipal person or entity).

Sec. _____. Functions.

(a) The Authority shall have the duty and authority pursuant to the Colorado Retail Marijuana Code and this Article to grant or refuse licenses in the manner provided by law.

- (b) The Authority shall have all the powers of a Local Licensing Authority as set forth in the Colorado Retail Marijuana Code.
- (c) The Authority shall have the power to promulgate rules and regulations concerning the procedures for hearings before the Authority.
- (d) The Authority shall have the power to require any applicant or licensee to furnish any relevant information required by the Authority.
- (e) The Authority shall have the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records at any hearing which the Authority is authorized to conduct. Any such subpoena shall be served in the same manner as a subpoena issued by the District Court of the State.
- (f) The local licensing authority shall possess all powers given to local licensing authorities by the provisions of the Colorado Retail Marijuana Code and rules and regulations promulgated thereunder. Any decision made by the local licensing authority to grant or deny a license, to revoke or suspend a license, or to renew or not renew a license shall be a final decision and may be appealed to the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

Section _____. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the _____, that it 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 public convenience and welfare. The Town Council further determines that this Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section _____. Severability. 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.

Section _____. Effective Date. This Ordinance shall become effective _____ (_____) days after passage on second reading.

INTRODUCED, FIRST READ, PASSED AND ORDERED POSTED ON FIRST READING THIS _____ DAY OF 2013.

ATTEST:

_____, Town Clerk
_____, Mayor

PASSED, ADOPTED, AND APPROVED ON SECOND READING THIS _____ DAY OF 2013.

ATTEST:

_____, Town Clerk

APPROVED AS TO FORM:

_____, Attorney

_____, Mayor