

ORDINANCE NO. 510
Series 2012

AN ORDINANCE OF THE TOWN OF DOLORES, COLORADO, PROHIBITING THE LICENSES AND OPERATIONS OF MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS AND MEDICAL MARIJUANA INFUSED PRODUCTS MANUFACTURERS WITHIN THE TOWN OF DOLORES, COLORADO.

WHEREAS, pursuant to CRS § 31-15-103, municipalities have the authority to enact, publish and enforce, ordinances, codes and regulations, and

WHEREAS, C.R.S. § 12-43.3-106 of the Colorado Medical Marijuana Code specifically authorizes, in part, that the governing body of a municipality may “vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations and medical marijuana-infused products manufacturers’ licenses”; and

WHEREAS, C.R.S. §12-43.3-310 of the Colorado Medical Marijuana Code further specifically authorizes a municipality in part “to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturer’s licenses...based on local government zoning, health, safety, and public welfare laws for distribution of medical marijuana that are more restrictive than this article”; and

WHEREAS, C.R.S. § 12-43.3-308(1)(c) of the Colorado Medical Marijuana Code also provides that the state and local licensing authorities shall not receive or act upon a new application pursuant to the Colorado Medical Marijuana Code “for location in an area where the cultivation, manufacture, and sale of medical marijuana as contemplated is not permitted under the applicable zoning laws of the municipality, town and county, or county”; and

WHEREAS, the Board of Trustees has carefully considered the provision of the Colorado Medical Marijuana Code. Article XVIII, Section 14 of the Colorado Constitution, and the impact of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers’ 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 medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers’ licenses shall not be located within the corporate limits of the Town; and

WHEREAS, the Board of Trustees further recognizes the protections afforded by Article XVIII, Section 14 of the Colorado Constitution, and desires to affirm the ability of patients and primary caregivers to otherwise be afforded the protections of Article XVIII, Section 14 of the Colorado Constitution and C.R.S. § 25-1.5-106, as the same may be amended from time to time.

WHEREAS, Medical Marijuana Centers options premises cultivation operations and Medical Marijuana infused products manufacturing and sale do not appear economically viable within the Town of Dolores based on the closure of said operations within the town.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF DOLORES, COLORADO THAT:

Title 5, Chapter 5.16 is amended to add the following section(s):

5.16.010 It is unlawful for any person to operate, cause to be operated, or permit to be operated a medical marijuana center, optional premises cultivation operation, or facility for which a medical marijuana-infused products manufacturers' license could otherwise be obtained within the Town, and all such uses are hereby prohibited in any location within the Town, or within any area hereafter annexed to the Town.

5.16.020 Definitions: as used in this ordinance the following definitions apply:

(a) *Medical marijuana* means marijuana that is grown and sold for a purpose authorized by Section 14 of Article XVIII of the Colorado Constitution.

(b) *Medical marijuana center* means a person authorized to be licensed to operate a business as described in the Colorado Medical Marijuana Code that sells Medical marijuana to registered patients or primary caregivers as defined in Section 14 of Article XVIII of the Colorado Constitution, but is not a primary caregiver, and which a municipality is authorized to prohibit as a matter of law.

(c) *Medical marijuana-infused products manufacturer* means a person licensed pursuant to the Colorado Medical Marijuana Code to operate a business known as a Medical Marijuana-Infused Products Manufacturing License, and which a municipality is authorized to prohibit as a matter of law.

(d) *Optional premises cultivation operation* means a person authorized to be licensed pursuant to the Colorado Medical Marijuana Code to operate a business known as an optional premises grow facility in order to grow and cultivate marijuana for a purpose authorized by Section 14 of Article XVIII of the Colorado Constitution, and which a municipality is authorized to prohibit as a matter of law.

(e) *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.

(f) *Patient* has the meaning provided in Section 14(1)(c) of Article VXIII of the Colorado Constitution.

(g) *Primary caregiver* has the meaning provided in Section 14(1)(f) of Article XVIII of the Colorado Constitution.

5.16.030 Medical Marijuana Center, Optional Premises Cultivation Operations, and Medical Marijuana-Infused Products Manufacturers' Licenses are prohibited from being issued or recognized by the Town of Dolores.

5.16.040 Patient and Primary Caregivers: Nothing in this Section shall be construed to prohibit, regulate or otherwise impair the use of medical marijuana by

patients as defined by the Colorado Constitution, or the provision of medical marijuana by a primary caregiver to a patient in accordance with the Colorado Constitution, and consistent with C.R.S. § 25-1.5-106, and rules promulgated there under, as the same statute and rules may be amended from time to time.

5.16.050 Violation Penalty A violation of this title is punishable as set forth in Title 1 Section 1.12.010 now in effect or as maybe amended from time to time.

Safety Clause. The Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Dolores that it is promulgated for health, safety, and welfare of the public, due to inquiries for applications for medical marijuana centers in the Town, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained and shall therefore become effective upon passage.

Repealer. All orders, bylaws, ordinances, and resolutions of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict.

Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

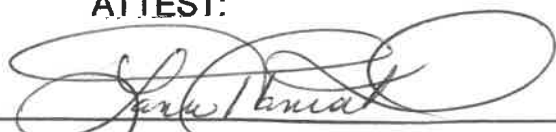
Sunset Unless the Board of Trustees of the Town of Dolores, Colorado specifically determines otherwise, this ordinance shall sunset upon two years of its taking effect.

Recording and Authentication. Upon adoption hereof, this Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signatures of the Mayor and the Town Clerk.

PUBLIC HEARING. This ordinance shall be considered for second or final reading on the 18th day of June, 2012, at the hour of 6:30 p.m. in the Town Board Chambers in Town Hall, Dolores Colorado, at which time and place all persons may appear and be heard concerning the same.

PASSED, ADOPTED AND APPROVED ON FIRST READING THIS 14TH DAY OF MAY, 2012.

ATTEST:



Land Hancock, Town Clerk

TOWN OF DOLORES

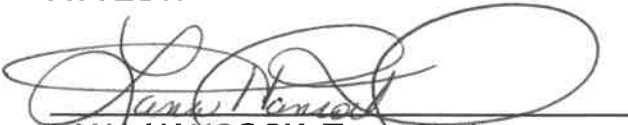


DUVALL TRUELSEN, Mayor

PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING
THIS 18TH DAY OF JUNE, 2012.

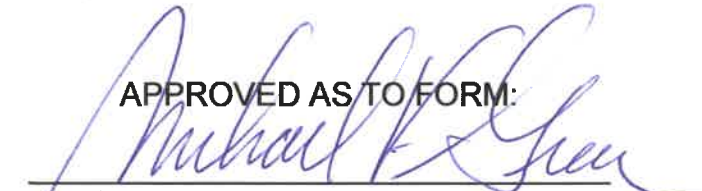
TOWN OF DOLORES

ATTEST:


LANA HANGOOCK, Town Clerk


DUVALL TRUELSEN, Mayor

APPROVED AS TO FORM:


MICHAEL F. GREEN, Town Attorney

