

TOWN OF DOLORES, COLORADO

ORDINANCE NO. 553 SERIES 2021

AN ORDINANCE ENACTING THE FIRST AMENDMENT TO ORDINANCE NUMBER 2020-546 FOR THE REGULATION AND TAXATION OF MARIJUANA ESTABLISHMENTS IN THE TOWN OF DOLORES ALLOWING AND ESTABLISHING ZONING FOR LIGHT MANUFACTURING OF INFUSED MARIJUANA PRODUCTS

WHEREAS, the Town of Dolores adopted Ordinance Number 2020-546 for the allowance of and regulation and taxation of marijuana establishments in the Town of Dolores as well as amending the Dolores Land Use Code to permit such establishments; and

WHEREAS, the Colorado Marijuana Code under Title 44 of the Colorado Revised Statutes permits the Town to enact and amend ordinances regulating marijuana establishments.

WHEREAS the Board of Trustees has the authority to amend its Land Use Code from time to time to promote the purposes of the Code and address changing circumstances.

WHEREAS, the Board of Trustees has further determined that it is in the best interests of the health, safety and welfare of the inhabitants of the Town to exercise its express statutory authority to establish reasonable regulations governing marijuana businesses by amending Ordinance 2020-546.

WHEREAS when the original Dolores Marijuana Code was adopted it was assumed that all manufacture of infused marijuana products involved dangerous processes best suited to industrial zones. The marijuana industry has changed such that such manufacturing may, under limited special circumstances, be appropriate in other zones.

WHEREAS the Board of Trustees wishes to amend the Dolores Marijuana Code to define and zone for the light manufacturing of infused marijuana products that do not involve highly flammable, explosive or hazardous processes.

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

SECTION 1. The Dolores Marijuana Code adopted by Ordinance 2020-546 is amended to add the following definition as Section 1.2(3) and Section 2.2(1)(ee):

As used herein the term "Light Infused Product Manufacturing" shall mean the manufacturing of marijuana products in a manner that does not involve the use of butane, compressed carbon dioxide gas, or other flammable, explosive, or hazardous materials. By way of example, "Light Infused Product Manufacturing" would include the preparation of edible products in a commercial kitchen made from a THC Distillate that is manufactured elsewhere or which is extracted using a non-hazardous cold-water process.

SECTION 2. A new Subsection 3 is added to Section 5.2 of Article V of the Dolores Marijuana Code as follows:

Light Infused Product Manufacturing is permitted as a conditional use in Zones CH, CB-1 and CB-2 provided that the applicant (a) meets the requirements of the Dolores Marijuana Code, (b) the codes adopted under Title 15 of the Dolores Municipal Code, (c) the applicable provisions of the Dolores Land Use Code, (d) demonstrates in a detailed written plan that will become a condition of the applicant's

permit that the proposed manufacturing process does not involve the use of butane, compressed CO2 gas or any other flammable, explosive, dangerous or hazardous materials, and (e) demonstrates it will not endanger the public or surrounding properties in its manufacturing process.

SECTION 3. The Permitted Use Table under Appendix A to the Dolores Marijuana Code is amended as follows:

**Table 4.1:
Permitted Primary
Uses**

	LLR	new	R1	new	MR F	new	MH	CB 1 + 2	CH	LI	new	P	R10	R35		
	LL R1	LL R2	N R1	N R2	N R3	M U	M HP	D M U	H M U	IN D		P1	P2	R 10	R 35	Add. Rqmts
Key: /P/ Permitted Use /PL/ Permitted with Use Limitations /C/ Conditional Use /-/ Not Permitted																
Commercial																
Retail Sales																
General with drive-thru	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--	4.5.B
without drive-thru	--	--	--	--	--	--	--	C	P	--	--	--	--	--	--	4.5.B
Marijuana [1]																
Cultivation Operations	--	--	--	--	--	--	--	P/ C [2]	P/ C [2]	--	--	--	--	--	--	DMC
Recreational Marijuana Business	--	--	--	--	--	--	--	P/ C [2]	P/ C [2]	--	--	--	--	--	--	DMC
Testing	--	--	--	--	--	--	--	P/ C [2]	P/ C [2]	P/ C [2]	--	--	--	--	--	DMC
Infused Product Manufacturing	--	--	--	--	--	--	--	--	--	P/ C [2]	--	--	--	--	--	DMC
Light Infused Product Manufacturing	--	--	--	--	--	--	--	C	CH	P/ C [2]	--	--	--	--	--	DMC
Notes	[1] The uses in this section are defined in Dolores Ord. xxx, Marijuana Code (DMC). [2] Conditional use approval required when the subject property is located adjacent to residential districts or uses.															

SECTION 4. 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 any such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 5. This Ordinance shall take effect May 10th, 2021 or thirty (30) days after final publication whichever is later.

SECTION 6. All provisions of the Dolores Marijuana Code adopted by Ordinance 2020-546 shall remain in full force and effect except as expressly modified herein.

PUBLIC HEARING. This ordinance shall be considered for second or final reading on the 11th day of May 2021, 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 the first reading this 12th day of April 2021.

DOLORES BOARD OF TRUSTEES:

By: *Chad Wheelus* Mayor Chad Wheelus



Attest:

By: *Tammy Neely*
Tammy Neely Town Clerk

Passed adopted and approved on the second and final reading this 11th day of May 2021.

DOLORES BOARD OF TRUSTEES:

By: *Chad Wheelus* Mayor Chad Wheelus



Attest:

By: *Tammy Neely*
Tammy Neely Town Clerk