

CITY ATTY'S OFFICE
CODE CHANGE REVIEW
ATTY INIT _____
DATE ____/____/____

ORDINANCE NO. 13- 47

AN ORDINANCE AMENDING PART 1 (MEDICAL MARIJUANA LICENSE CODE) OF ARTICLE 3 (SALES OF GOODS AND SERVICES) OF CHAPTER 2 (BUSINESS LICENSING, LIQUOR REGULATION AND TAXATION) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO THE GROWING AND SELLING OF RETAIL MARIJUANA

WHEREAS, the City of Colorado Springs is a home rule municipal corporation created and organized pursuant to Article XX of the Colorado Constitution and the Charter of the City of Colorado Springs; and

WHEREAS, by virtue of Article XX of the Colorado Constitution, and as further authorized by state law, including, but not limited to, Sections 31-15-401 and 31-23-301 of the Colorado Revised Statutes, the City of Colorado Springs has broad authority to exercise its police powers to promote and protect the health, safety, and welfare of the community and its citizens; and; and

WHEREAS, on November 6, 2012 Colorado voters approved Amendment 64, *Personal Use and Regulation of Marijuana*, which adds a new Section 16 to Article XVIII of the Colorado Constitution; and

WHEREAS, pursuant to Article XVIII, section 16 of the Colorado Constitution, a "locality," defined to include a home rule municipality, may "prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance;" and

WHEREAS, City Council desires to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores within the City limits in order to protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Part 1 (Medical Marijuana License Code) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation And Taxation) of the

Code of the City of Colorado Springs 2001, as Amended, is amended to read as follows:

2.3.101: LEGISLATIVE DECLARATION:

A. The City Council hereby declares it to be in the interest of the health, safety and welfare of the citizens of the City, and a proper exercise of the police power, to require the licensing of persons and businesses providing medical marijuana related services. The provisions of this part are to be consistent with and applied in accord with Colorado Revised Statutes § 12-43.3-101 *et seq.*, the Colorado Medical Marijuana Code ("State Code"). Nothing in this ~~section~~**Part** is intended to conflict with or violate any other City or State law or regulation related to the medical use of marijuana. (Ord. 11-32)

B. It is the intent of this Part to prohibit the operation of all retail marijuana establishments within the City of Colorado Springs, and in furtherance of this intent, the Colorado Springs City Council makes the following findings:

1. **Article XVIII, Section 16 of the Colorado Constitution specifically authorizes a municipality "to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, retail marijuana stores, or retail marijuana establishments through the enactment of an ordinance".**

2. **Based on careful consideration of Article XVIII, Section 16 of the Colorado Constitution, and the potential secondary effects of the cultivation and dispensing of marijuana for recreational use, and the retail sale, distribution and manufacturing of marijuana for recreational use or marijuana-infused products, City Council finds and determines that these operations have an adverse impact on the health, safety and welfare of the City of Colorado Springs and its inhabitants.**

3. **Nothing in this Part is meant to inhibit any individual's right to personal use of marijuana pursuant to Article XVIII, Section 16(3) of the Colorado Constitution.**

4. **Nothing in this Part is meant to inhibit or prohibit the operation of any medical marijuana facility licensed pursuant to this Part 1 of Article 3 of Chapter 2 of the Code of the City of Colorado Springs 2001, as amended.**

2.3.102: DEFINITIONS:

* * *

MARIJUANA: All parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted 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

plant, sterilized seed of the plant which is incapable of germination, if these items exist apart from any other item defined as "Marijuana" in this section.

MARIJUANA CULTIVATION FACILITY: Any real property used for or upon which there is any type of structure or any such facility that includes or is associated with cultivating, preparing, or packaging marijuana for sale to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

MARIJUANA PRODUCT: 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 PRODUCT MANUFACTURING FACILITY: Any real property used for or upon which there is any type of structure or any such facility that includes or is associated with manufacturing, preparing, or packaging marijuana products.

MARIJUANA TESTING FACILITY: Any real property used for or upon which there is any type of structure or any such facility that includes or is associated with analyzing and certifying the safety and potency of marijuana.

* * *

RETAIL MARIJUANA ESTABLISHMENT: A Marijuana Cultivation Facility, a Marijuana Product Manufacturing Facility, a Marijuana Testing Facility, or a Retail Marijuana Store.

RETAIL MARIJUANA STORE: Any real property used for or upon which there is any type of structure or any such facility that includes or is associated with the sale of marijuana or marijuana products to consumers.

* * *

2.3.109: UNLAWFUL ACTS:

A. It shall be unlawful for any person licensed pursuant to this article to:

* * *

11. Operate a Retail Marijuana Establishment within the City of Colorado Springs.

* * *

D. It shall be unlawful for any person to operate a Retail Marijuana Establishment within the City of Colorado Springs.

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection and acquisition in the office of the City Clerk.


Introduced, read, and finally passed, adopted and approved this 23rd day of July, 2013.

Finally passed: August 13, 2013



Keith King, Council President

Mayor's Action:

- Approved: 
 Disapproved: _____, based on the following objections:



Steve Bach, Mayor

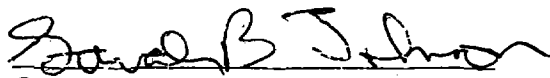
Council Action:

- Finally adopted on a vote of 5 to 4, on August 23, 2013
 Amended and resubmitted _____.



Keith King, Council President

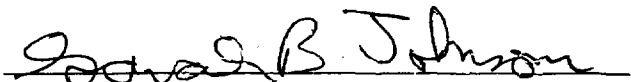
ATTEST:



City Clerk

I HEREBY CERTIFY that the foregoing ordinance entitled **“AN ORDINANCE AMENDING PART 1 (MEDICAL MARIJUANA LICENSE CODE) OF ARTICLE 3 (SALES OF GOODS AND SERVICES) OF CHAPTER 2 (BUSINESS LICENSING, LIQUOR REGULATION AND TAXATION) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO THE GROWING AND SELLING OF RETAIL MARIJUANA”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on July 23, 2013; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 13th day of August, 2013, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 23rd day of August, 2013.


City Clerk