

ORDINANCE NO. 24-XX

AN ORDINANCE SUBMITTING A CHARTER AMENDMENT TO THE REGISTERED ELECTORS OF THE CITY OF COLORADO SPRINGS, COLORADO, AT THE COORDINATED ELECTION CONDUCTED BY MAIL BALLOT TO BE HELD ON NOVEMBER 5, 2024, ADDING A NEW SECTION 130 OF Article XV OF THE CITY CHARTER PROHIBITING RETAIL MARIJUANA ESTABLISHMENTS

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

Section 1. Council hereby submits and refers to the vote of the registered electors of the City of Colorado Springs, Colorado at the Election (as defined in Section 2), a proposed amendment to the Charter of the City of Colorado Springs adding a new Section 130 of Article XV to read as follows:

15-130. Prohibition on Retail Marijuana Establishments.

- (a) **“Retail marijuana establishment” has the same meaning as “marijuana establishment” as defined in Section 16(2)(i) of Article XVIII of the Colorado Constitution, and means a retail marijuana cultivation facility, a retail marijuana testing facility, a retail marijuana product manufacturing facility, or a retail marijuana store.**
- (b) **In accord with Section 16(5)(f) of Article XVIII of the Colorado Constitution, the City hereby prohibits the operation of retail marijuana establishments within its boundaries.**
- (c) **Nothing in this section shall limit Section 16(3) of Article XVIII or the Colorado Constitution as it relates to the personal use of marijuana.**
- (d) **This section shall not apply to medical marijuana cultivation facilities, medical marijuana testing facilities, medical marijuana product**

manufacturing facilities, or medical marijuana stores operating in accord with law.

Section 2. The Election shall be a special municipal election which is held as part of a coordinated election, conducted by mail ballot on November 5, 2024, pursuant to the Charter of the City of Colorado Springs and applicable Colorado statutes, except as otherwise provided in the Charter or ordinances of the City, all as impliedly modified by relevant judicial decisions. The City Clerk shall be the designated election official for all matters.

Section 3. The question of amending the City Charter for this stated purpose shall be submitted to the registered qualified electors of the City in substantially the following form:

“Shall the Charter of the City of Colorado Springs be amended to add a new Section 130 of Article XV, prohibiting retail marijuana establishments within the City of Colorado Springs?”

_____ Yes

_____ No

Section 4. The City Clerk and officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance. The City Clerk shall assist and cooperate with the County Clerk and Recorder in conducting the Election.

Section 5. All actions heretofore taken by the Council and officers of the City, not inconsistent with the provisions of this ordinance and toward the Election, are hereby ratified, approved and confirmed.

Section 6. 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 that section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 7. All ordinances, resolutions, bylaws and regulations of the City in conflict with this ordinance, are hereby repealed to the extent of any conflict. This repealer shall not be construed to revive any ordinance, resolution, bylaw or regulation, in whole or in part, previously repealed.

Section 8. This ordinance shall be in full force and effect from and after its passage and publication as provided by the Charter.

Section 9. Within thirty (30) days of the effective date of this ordinance, the City Clerk shall publish notice of the election upon the amendment, which notice shall contain the full text of the amendment as set forth in this ordinance.

Introduced, read, passed on first reading and ordered published this _____day of _____ 2024.

Finally passed: _____

Council President

ATTEST:

Sarah B. Johnson, City Clerk