

Town of Marble
Ordinance Number 8
Series of 2014

AN ORDINANCE PROHIBITING THE ESTABLISHMENT OF MEDICAL OR RETAIL MARIJUANA ESTABLISHMENTS AND MARIJUANA-RELATED ACTIVITIES ON OR IN TOWN-OWNED, OCCUPIED, OR CONTROLLED PROPERTY

WHEREAS:

- A. The Town of Marble (the "Town") is a statutory town organized pursuant to Colorado Law; C.R.S. §31-1-101 *et seq.*;
- B. 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;
- C. As provided in Section 16(5)(f) of Article XVIII of the State Constitution, and C.R.S. §12-43.4-104(3), the Town may regulate, or prohibit, the operation of "retail marijuana establishments," including marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores through the enactment of an ordinance;
- D. As provided in Section 16(6)(d) of Article XVIII of the State Constitution, and C.R.S. §12-43.4-104(5)(b), the Town may also prohibit or otherwise regulate the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in Town-owned, occupied, or controlled property;
- E. The Colorado Constitution, Article XVIII, §14, and the Colorado Medical Marijuana Code (Article 43.3 to Title 12 of the Colorado Revised Statutes) specifically authorize the governing body of a municipality to "vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses." See C.R.S. §12-43.3-106 (collectively, "medical marijuana establishments");
- F. By Ordinances Nos. 2014-1 and 2014-2, the Town adopted 30 day and 60 day (respectively) moratoriums on retail marijuana establishments and medical marijuana establishments;
- G. The Board has taken the matter of retail marijuana establishments and medical marijuana establishments under further advisement;
- H. Medical and recreational marijuana possession and use remain contrary to federal law;
- I. The Board recognizes the negative impacts of possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in Town-owned, occupied, or controlled property;

J. The Town Board of Trustees ("Board") finds and determines that the adoption of this ordinance is in the best interests of the Town and necessary to protect the health, safety and welfare of the citizens of the Town;

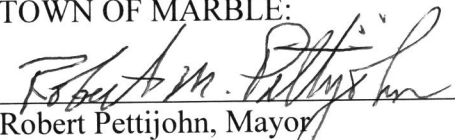
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MARBLE, COLORADO THAT:

1. The establishment or operation of any medical marijuana establishment, or retail marijuana establishment (including marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores) within the Town is hereby prohibited.

2. It shall be unlawful to possess, consume, use, display, transfer, distribute, sell, transport, or grow marijuana on or in Town-owned or occupied property.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED BY TITLE ONLY this 10th day of July, 2014 by a vote of 5 in favor and 0 opposed.

TOWN OF MARBLE:


Robert Pettijohn, Mayor

ATTEST:


Ron Leach, Clerk