

ORDINANCE 2014-4

AN ORDINANCE TO SUBMIT TO A VOTE OF THE REGISTERED ELECTORS OF THE TOWN OF LA JARA, COLORADO, AT A COORDINATED ELECTION TO BE HELD WITH CONEJOS COUNTY, COLORADO, WHETHER TO PROHIBIT MEDICAL AND RECREATIONAL MARIJUANA CENTERS AND RETAIL ESTABLISHMENTS, OPTIONAL PREMISES CULTIVATION OPERATIONS, AND MEDICAL AND OR RECREATIONAL MARIJUANA-INFUSED PRODUCTS MANUFACTURERS AS WELL PROHIBIT RETAIL MARIJUANA BUSINESSES.

WHEREAS, in the November 2000 general election, the voters of the State of Colorado adopted Amendment 20 to the Colorado Constitution (“Article XVIII, Section 14”) that authorizes and limits the sale of medical marijuana for use in the treatment of debilitating medical conditions; and

WHEREAS, since that time, the Colorado General Assembly adopted House Bill 10-1284 that authorized a municipality to adopt and enforce an ordinance licensing, regulating, or prohibiting the cultivation or sale of medical marijuana, C.R.S. 12-43.3-103(2); and

WHEREAS, House Bill 10-1284 further authorized a municipality by either a majority of registered electors of the municipality voting at a regular or special election or a majority of the members of the governing body for the municipality to vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers, and

WHEREAS, on November 7, 2012, the voters of the State of Colorado approved Section 16 of Article XVIII of the Colorado Constitution that authorized the personal use and possession of recreational marijuana for adults; and

WHEREAS, on May 28, 2013, the governor signed House Bill; 13-1317 into law enacting Title 12, Article 43.4 of the Colorado Revised Statutes (the “Colorado Retail Marijuana Code”) which regulates the cultivation, manufacture, distribution, and sale of retail marijuana; and

WHEREAS, the Colorado Constitution also authorizes counties and municipalities in Colorado to prohibit or regulate retail marijuana businesses and to adopt regulations consistent with the intent of the state law; and

WHEREAS, the Board of Trustees wishes to take advantage of the local option provided for in House Bill 10-1284 by presenting to the registered electors of the Town of La Jara at a coordinated election to be held with Conejos County, Colorado, on November 4, 2014, the question whether to prohibit medical marijuana centers, optional premises cultivation operation, and medical marijuana-infused products manufactures as well as to prohibit or regulate retail marijuana businesses and to adopt regulations consistent with the intent of sate law;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA, COLORADO, AS FOLLOWS:

Section 1: That the following ballot question and title be submitted to a vote of the registered electors of the Town of La Jara, at the Town's special municipal election on November 4, 2014, to be held as a coordinated election with the Conejos County Clerk and Recorder:

Question No. 1: MEDICAL MARIJUANA

SHALL THE TOWN OF LA JARA, COLORADO, PROHIBIT MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS, AND MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURES ?

YES _____

NO _____

Question No. 2 RECREATIONAL MARIJUANA

SHALL THE ESTABLISHMENT AND OPERATION OF RETAIL MARIJUANA CULTIVATION FACILITIES, RETAIL MARIJUANA PRODUCT MANUFACTURING FACILITIES, RETAIL MARIJUANA TESTING FACILITIES AND RETAIL MARIJUANA STORES (COLLECTIVELY CALLED "RETAIL MARIJUANA ESTABLISHMENTS") BE PERMITTED IN THE TOWN OF LA JARA, COLORADO, SUBJECT TO THE REQUIREMENTS OF THE COLORADO RETAIL MARIJUANA CODE AND REGULATIONS TO BE ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA?

YES _____

NO _____

OFFICIAL BALLOT FOR THE MUNICIPAL
ELECTION HELD IN THE TOWN OF LA JARA
COLORADO, ON TUESDAY, NOVEMBER 4, 2014.

Section 2: The Town Clerk is hereby authorized and directed to prepare and issue notice of such ballot questions as provided by law.

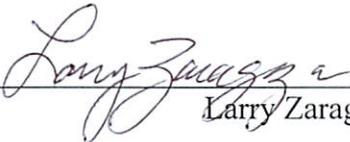
Section 3: Repeal. Any and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 3: If any section, subsection, sentence, clause or phrase of this ordinance or the question is, for any reason, held to be invalid or unconstitutional, such decision shall not affect that validity or constitutionality of the remaining portions of this ordinance and question. The Town of La Jara hereby declares that it would have passed this ordinance and question, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

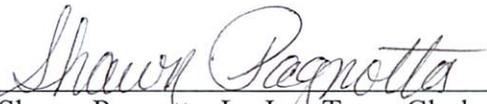
INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA AT WHICH A QUORUM WAS PRESENT THIS 15th DAY OF JULY, 2014.

**THE BOARD OF TRUSTEES OF THE
TOWN OF LA JARA, COLORADO**

ATTEST:



Larry Zaragoza, Mayor



Shawn Pagnotta, La Jara Town Clerk

