



**CITY OF CREEDE, COLORADO
ORDINANCE NO 375**

**AN ORDINANCE PROHIBITING THE OPERATION OF MARIJUANA
CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING
FACILITIES, MARIJUANA TESTING FACILITIES OR RETAIL MARIJUANA
STORES WITHIN THE CITY OF CREEDE, COLORADO.**

WHEREAS, the Board of Trustees of the City of Creede prohibited medical marijuana facilities within the town by the provisions of Ordinance 361 on October 12, 2010; and

WHEREAS, Mineral County prohibited the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities or retail marijuana stores within Mineral County by the provisions of Ordinance 13-01 on April 15, 2013; and

WHEREAS, on November 6, 2012, the voters of Colorado approved the adoption of Amendment 64, Personal Use and Regulation of Marijuana; and

WHEREAS, said Amendment 64 became effective upon proclamation of the Governor by Executive Order D 2012-052 on December 10, 2012, pursuant to Section 1(4) of Article V, of the Colorado Constitution; and

WHEREAS, Amendment 64 will add a new Section 16 to Article XVIII of the Colorado Constitution; and

WHEREAS, Amendment 64 defines a "Locality" in part in section 2(e) of Section 16 to include a municipality; and

WHEREAS, PART 5(f) of Section 16 provides the following:

" . . . A locality 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 or through an initiated or referred measure . . ." and

WHEREAS, current confusion and uncertainty regarding regulating and enforcement issues compound the difficulty of adequately monitoring and policing retail recreational marijuana stores and cultivation facilities in small rural communities; and

WHEREAS, consistent with the authority granted to the Board of Trustees in Amendment 64, the Board desires to adopt this Ordinance prohibiting the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities or retail marijuana stores within the incorporated area of the City of Creede, Colorado; and

WHEREAS, the Board of Trustees finds that ordinance will thereby promote the health, safety and general welfare of the Creede community.



NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COUNTY OF MINERAL, STATE OF COLORADO, the following:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Board of Trustees.

Section 2. Marijuana Establishments Prohibited. The operation, ownership, establishment or conduct of marijuana cultivation facilities, marijuana establishments, marijuana product manufacturing facilities, marijuana products facilities, marijuana testing facilities and retail marijuana stores thereof is unlawful and prohibited within the City of Creede..

Section 3. Definitions. Unless otherwise specified or the context otherwise requires, any terms used herein shall have the same meanings as provided in Article XVIII, Section 16 of the Colorado Constitution. These definitions include, but are not limited to the following:

- (1) "Marijuana" or marihuana" means 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 marihuana concentrate. "Marijuana" or "marihuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other product.
- (2) "Marijuana accessories" means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.
- (3) "Marijuana cultivation facility" means an entity licensed to cultivate, prepare and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.
- (4) "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.
- (5) "Marijuana product manufacturing facility" means an entity licensed to purchase marijuana; manufacture, prepare and package marijuana products;



and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

- (6) "Marijuana products" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use and consumption, such as, but not limited to, edible products, ointments, and tinctures.
- (7) "Marijuana testing facility" means an entity licensed to analyze and certify the safety and potency of marijuana.
- (8) "Retail marijuana store" means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

Section 4. Amendment to Section 4-4 of the Creede Land Use Code. The Section 4-4 Matrix of Permitted and Conditional Uses by Zoning District of the Creede Land Use Code is hereby amended by adding the following language, which added language is depicted with double underlining, so that the table shall read in its entirety, and is hereby adopted in its entirety, as follows:

PERMITTED USES	R-1	R-2	MH	B-1	B-2	C	I	H	O
Residential Uses									
Accessory buildings and accessory uses	P	P	P	P	P	P	P		*
Accessory dwelling when associated with a permitted use	P	P	*	C	*	*	C		*
Group homes	P	P	*	P	P	P	C		*
Mobil home	*	*	P	*	*	*	*		*
Multiple-family dwellings	*	P	*	P	P	P	*		*
Senior housing	*	P	*	P	*	*	*		*
Single-family detached dwellings	P	P	P	C	C	C	*		*
Two-family dwellings	*	P	*	P	C	C	*		*
Institutional/Civic/Public Uses									
Cemeteries	*	*	*	*	*	*	*	*	C
Churches or place of worship and assembly	C	C	*	P	P	P	*		*
Community facilities	C	C	*	C	C	C	*		*
Golf courses	C	C	*	C	C	*	C		*
Golf driving range	C	C	*	C	C	*	C	C	*



Parks and open space	P	P	P	P	P	P	P	P	P
Public and private schools for elementary, intermediate and high school education	C	C	*	C	*	C	*		*
Public and private schools, including colleges, vocational training and technical training	*	*	*	P	C	C	*		*
Public facilities provided that business offices and repair and storage facilities are not included	C	C	P	P	P	P	P		C
Public facilities with business offices, but without repair and storage facilities	*	*	*	P	P	P	P		*
Public facilities with business offices and repair and storage facilities	*	*	*	C	P	C	P		*
PERMITTED USES	R-1	R-2	MH	B-1	B-2	C	I	H	O
Institutional/Civic/Public Uses (cont.)									
Transit facilities without repair or storage	*	*	*	*	P	P	*		*
Business/Commercial/Retail Uses									
Adult uses including product sales and entertainment	*	*	*	*	*	*	C		*
Artisan and photography studios and galleries	*	*	*	P	C	C	C		*
Auto, recreational vehicle, boat and truck sales	*	*	*	*	C	C	C		*
Auto, RV, boat and truck storage	*	*	*	*	C	C	P		*
Bars and taverns	*	*	*	C	C	P	C		*
Bed and breakfasts	*	C	*	P	P	P	*		*
Boarding and rooming houses	*	C	*	P	P	P	*		*
Car wash	*	*	*	C	P	P	P		*
Child care centers	C	C	*	P	P	P	C		*
Clubs and lodges	*	*	*	C	C	P	*		*
Convenience shopping and retail establishments	*	*	*	P	P	P	C		*
Entertainment facilities and theaters	*	*	*	C	C	P	C		*
Equipment, rental establishments without outdoor storage	*	*	*	*	P	P	P		*
Equipment, truck and trailer rental establishments with outdoor storage	*	*	*	*	C	C	C		*
Food catering	*	*	*	*	P	P	*		*
Funeral homes	*	*	*	*	P	P	*		*



Gasoline stations	*	*	*	C	P	P	P		*
Health and membership clubs	*	*	*	P	P	P	*		*
Home occupations - with restrictions	P	P	P	P	*	*	*		*
Hospitals	*	*	*	*	C	C	*		*
Large retail establishments	*	*	*	*	P	P	*		*
Limited indoor recreation facility	*	*	*	P	P	P	*		*
Limited outdoor recreation facility	C	C	*	C	C	C	C	C	C
Lodging establishments	*	*	*	P	P	P	C		*
Long term care facilities	*	C	*	C	P	P	*		*
<u>Marijuana Establishments</u>	=	=	=	=	=	=	=	=	=
Medical and dental offices and clinics	*	*	*	P	P	P	*		*
<u>Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-Infused Products Manufacturers</u>	=	=	=	=	=	=	=	=	=
Mixed-use dwelling units	*	*	*	P	P	P	*		*
Motor vehicle service and repair (minor repairs)	*	*	*	C	P	P	P		*
PERMITTED USES	R-1	R-2	MH	B-1	B-2	C	I	H	O
Business/Commercial/Retail Uses (cont.)									
Motor vehicle service and repair establishments (major repairs)	*	*	*	*	C	C	P		*
Night clubs	*	*	*	*	C	C	C		*
Open-air farmers' markets	*	*	*	P	P	P	C		*
Parking lots and parking garages (as a principal use)	*	*	*	C	C	C	P		*
Personal and business service shops	*	*	*	P	P	P	C		*
Plant nurseries & greenhouses	*	*	*	*	P	P	P		*
Print shops	*	*	*	*	P	P	*		*
Professional offices, financial services	*	*	*	P	P	P	*		*
RV parks	*	*	*	*	C	C	*		*
Restaurants/standard & fast food without drive-thru	*	*	*	P	P	P	*		*
Restaurants with drive-thru	*	*	*	*	P	P	C		*
Retail and supply yard establishments with outdoor storage	*	*	*	*	C	C	P		*
Sales and leasing of farm implements, heavy equipment sales, and heavy	*	*	*	*	*	*	C		*



excavation equipment									
Small animal boarding (kennels)	*	*	*	*	*	C	C		*
Small grocery stores	*	*	*	P	P	P	C		*
Supermarkets	*	*	*	*	P	P	*		*
Tourist facilities	*	*	*	P	P	P	*		*
Veterinary facilities, small animal clinics	*	*	*	*	P	P	*		*
Veterinary facilities, large animal clinics	*	*	*	*	*	*	P		*
Veterinary hospitals	*	*	*	*	C	C	C		*
Industrial Uses									
Dry cleaning plants	*	*	*	*	*	*	C		*
Enclosed mini-storage facilities	*	*	*	*	C	C	P		*
Manufacturing and preparation of food products	*	*	*	*	*	*	P		*
Manufacturing, assembly or packaging of products from previously prepared materials	*	*	*	*	*	*	P		*
Manufacturing of electric or electronic instruments and devices	*	*	*	*	*	*	P		*
<u>Marijuana Establishments</u>	=	=	=	=	=	=	=	=	=
<u>Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-Infused Products Manufacturers</u>	=	=	=	=	=	=	=	=	=
PERMITTED USES	R-1	R-2	MH	B-1	B-2	C	I	H	⓪
Industrial Uses (cont.)									
Plumbing, electrical and carpenter shops	*	*	*	*	*	*	P		*
Recycling facilities	*	*	*	*	*	*	C		*
Research, experimental or testing laboratories	*	*	*	*	C	C	P		*
Resource extraction, processes and sales establishment	*	*	*	*	*	*	C	C	*
Sales and leasing of farm implements, heavy equipment sales, mobile/manufactured homes, and heavy excavation equipment	*	*	*	*	*	*	C		*
Warehouse, distribution and wholesale uses	*	*	*	*	*	C	P		*



Wireless telecommunications facilities	*	*	*	*	*	*	P		*
Workshops and custom small industry uses	*	*	*	C	P	P	P		*

Section 5. Penalty. Any person, corporation, company, partnership, business association or organization violating the provisions of this ordinance shall be subject to a fine not exceeding \$ 300.00 and/or incarceration not exceeding ninety (90) days or both such fine and imprisonment. Each day of continued violation shall be considered a separate offense.

Section 6. Correction of Errors. City Staff is authorized to correct any typographical, grammatical, cross-reference, or other errors which may be discovered in any documents associated with this Ordinance and documents approved by this Ordinance provided that such corrections do not change the substantive terms and provisions of such documents.

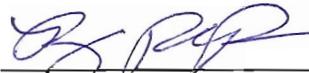
Section 7. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term "provision" means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term "application" means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the City of Creede.

Section 8. Publication. The City Clerk is ordered to publish this Ordinance by posting notice of adoption of this Ordinance on final reading by title in at least three public places within the City and posting at the office of the City Clerk, which notice shall contain a statement that a copy of the ordinance in full is available for public inspection in the office of the City Clerk during normal business hours.

Section 9. Effective Date. This Ordinance shall take effect thirty (30) days after following final passage.

INTRODUCED, APPROVED AND PASSED ON FIRST AND FINAL READING, on this 7th day of May, 2013.

BY:  5/8/13
Eric Grossman, Date
Mayor

ATTEST:  5/8/13
Randi DePriest, Date
City Clerk