

ORDINANCE NO. 1-2013

AN ORDINANCE OF THE TOWN OF CRAWFORD, COLORADO,
PURUSANT TO "LOCAL OPTION" PROVISIONS IN SECTION 16 OF
ARTICLE XVIII OF THE COLORADO CONSTITUTION (AMENDMENT
64) TO PROHIBIT THE ESTABLISHMENT AND OPERATION OF
BUSINESSES ENGAGED IN THE SALE OF MARIJUANA FOR ANY
PURPOSE OR USE WITHIN THE TOWN OF CRAWFORD, AND
DECLARING SUCH BUSINESSES TO BE NUISANCES UNDER EXISTING
NUISANCE ORDINANCES OF THE TOWN OF CRAWFORD

Recitals

WHEREAS, at the General Election held on November 6, 2012, Colorado voters approved Amendment 64 adding a new Section 16 to Article XVIII of the Colorado Constitution, which Amendment purports to de-criminalize the possession and use of marijuana by persons over the age of 21 years without regard to any medical purpose for such use; and

WHEREAS, the Town of Crawford has, by Ordinance No. 3-2011, prohibited the cultivation and sale of medical marijuana and the manufacturing of medical marijuana-infused products within the limits of the Town of Crawford, all pursuant to authority granted by the Colorado Medical Marijuana Code; and

WHEREAS Amendment 64 purports to de-criminalize the cultivation and use of marijuana for any use or purpose, but also expressly grants authority to the governing bodies of local governments to exercise the local option to prohibit certain business activities involving the cultivation for sale, and sale, of marijuana and marijuana products to any person or entity for any use or purpose and to prohibit the establishment and operation of such business activities; and

WHEREAS, the Board of Trustees of the Town of Crawford ("the Board of Trustees") has determined that the sale of marijuana to any person or entity for any use or purpose and the

establishment and operation of any business for such purposes should be prohibited within the Town of Crawford, Colorado; and

WHEREAS, the Board of Trustees has determined that any existing and prospective marijuana businesses in Crawford, Colorado, are subject to all local legislation which properly invokes the Town's police power, including the power to declare and abate nuisances.

Ordinance Provisions

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

SECTION 1. A new Article III of Chapter 6 "Marijuana Businesses and Operations Prohibited," shall be added to the Crawford Municipal Code to provide as follows:

ARTICLE III

Marijuana Businesses and Operations Prohibited

Sec. 6-3-110 Authority for Action and Local Option Reserved.

(a) Section 16, of Article XVIII of the Colorado Constitution (hereafter "Amendment 64")

authorizes the Town of Crawford to prohibit, by the affirmative vote of the Board of Trustees or by the affirmative vote of the electors of the Town, the certain activities involving the cultivation of marijuana for sale to any person or entity for any purpose or use and the establishment and operation of any business to be engaged in any such business activities.

(b) The Town of Crawford has authority to regulate activity within in the Town of Crawford for the protection of the health, safety and welfare of the inhabitants of the Town and to declare certain activities to be nuisances subject to abatement as provided by C.R.S. 31-15-401(c) and

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Chapter 7 of the Crawford Municipal Code.

(c) The Town of Crawford reserves unto itself and unto its registered electors the Local Option to allow and license marijuana business activities pursuant to Amendment 64

notwithstanding the adoption of this ordinance.

Sec. 6-3-120 Definitions - Terms used in this Article shall be given their plain meaning when not otherwise given explicit meaning in this Sec. 6-3-120. As used in this Article, the following words and phrases shall be construed with the following meanings:

(a) "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.

(b) "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.

(c) "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.

(d) "Marijuana Establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

(e) "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.

(f) "Marijuana Products" means 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.

(g) "Marijuana Testing Facility" means an entity licensed to analyze and certify the safety and potency of marijuana.

(h) "person" shall mean any natural person, partnership, association, company, corporation, limited liability company or other organization or entity, and shall include a manager, agent, owner, officer or an employee of such organization or entity.

(j) "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.

To the extent that the definition of any term set forth above is inconsistent or in conflict with the definition of the same term provided in Amendment 64 the constitutional definition in Amendment 64 shall prevail.

Sec. 6-3-130 General Prohibitions and Related Exceptions.

(a) No license, permit, or other authorization of any kind, shall be approved or issued by the Town of Crawford, to establish, operate, continue to operate or permit to be operated any marijuana

cultivation facility, marijuana product manufacturing facility, marijuana testing facility, retail marijuana store, or any other business engaged or proposed to be engaged in the cultivation for sale, or sale, of marijuana to any person for any purpose or use.

(b) No person shall maintain within the Town of Crawford any such business or operation or any other enterprise engaged in the sale or distribution of marijuana or marijuana products of any kind for any use or purpose except as permitted by the terms of Sections 14 and 16 of Article XVIII of the Colorado Constitution.

(c) The overall intent of this Section is to exercise fully the Town's local option allowed pursuant to Section 16(5)(f), of Section 16, Article XVIII of the Colorado Constitution. No intent shall be inferred from the adoption of this ordinance to deprive or limit the rights of medical marijuana patients and their primary care-givers established under section 14 of Article XVIII of the Colorado Constitution, or under any related State law and regulations. Nor shall any intent be inferred from this ordinance to deprive or limit the right of any person over the age of 21 years to cultivate, possess, and use marijuana for his or her personal use only within applicable limitations and restrictions of Amendment 64.

(d) Nothing in the adoption of this ordinance shall be considered or deemed to constitute any repeal or modification of Section 2 of Article 6 of the Municipal Code of the Town of Crawford which imposes a prohibition against medical marijuana business activities.

Sec. 6-3-140 Declaration of Nuisance. Any marijuana establishment or other business in the limits of the Town of Crawford which engages in the cultivation, manufacture, or harvest for sale, or the sale, use, or distribution of marijuana or marijuana products in any form, other than as may be authorized for personal use only by Amendment 64, or for medical purposes by Section 14 of Article XVIII of the Colorado Constitution, is hereby declared to be an ongoing nuisance subject to abatement pursuant to C.R.S. 31-15-401 et seq. and Chapter 7 of the Crawford Municipal Code.

Sec. 6-3-150. Violations and Enforcement Remedies.

Any violation of section 6-3-130 by any person or entity may be referred by the Town for appropriate criminal prosecution by the Seventh Judicial District Attorney. Any such violation may also be pursued as a public nuisance subject to abatement pursuant to C.R.S. 31-15-401 and Chapter 7 of the Crawford Municipal Code.

SECTION 2. APPLICABILITY AND EFFECTIVE DATE. This Ordinance shall apply

to all real property and persons within the Town of Crawford, Colorado. The effective date of the new Article 3 of Title 6 of the Crawford Municipal Code adopted by this Ordinance shall be 30 days

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from the date of its publication according to law.

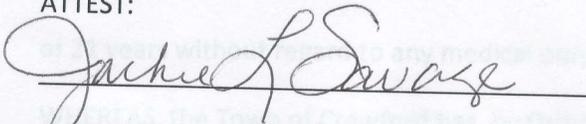
SECTION 3. SEVERABILITY. The provisions of this entire Ordinance are deemed necessary to preserve the public health, safety and welfare of the residents of Crawford, Colorado and are intended to cover matters of local municipal concern under authority of C.R.S. 12-43.3-101 et seq. If any part or provision of this Ordinance is found to be unconstitutional or illegal by any Court of competent jurisdiction, it shall be deemed severed from the remainder of the Ordinance which shall continue in full force and effect.

APPROVED AND ADOPTED BY THE AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS OF THE BOARD OF TRUSTEES OF THE TOWN OF CRAWFORD, COLORADO, THIS 5th DAY OF June, 2013.



Carolyn J. Steckel, Mayor

ATTEST:



Jackie Savage, Town Clerk

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CERTIFICATION

The undersigned, Jackie Savage, as the Town Clerk of the Town of Crawford, Colorado, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 1-2013 adopted by the Board of Trustees of the Town of Crawford, Colorado, at a regular meeting held on June 5, 2013, and that the same was duly published according to law on June 12, 2013.

Dated this 16th day of June, 2013.

