

**CITY OF CENTRAL, COLORADO  
ORDINANCE NO. 12-16**

**AN ORDINANCE AMENDING ARTICLE VIII OF CHAPTER 6  
AND CHAPTER 16 OF THE MUNICIPAL CODE REGARDING THE  
REGULATION OF MEDICAL MARIJUANA ESTABLISHMENTS,  
PATIENTS AND PRIMARY CAREGIVERS**

**WHEREAS**, the City of Central is a home rule city of the State of Colorado; and

**WHEREAS**, the City Council of the City of Central previously adopted regulations governing medical marijuana establishments as authorized pursuant to Amendment 20 which added § 14 of Article XVIII to the Colorado Constitution and as codified in Article VIII of Chapter 6 of the Municipal Code; and

**WHEREAS**, the City Council also adopted zoning regulations governing medical marijuana establishments found in Chapter 16 of the Municipal Code; and

**WHEREAS**, since adoption of the City's local regulations, the Colorado general assembly has adopted and amended the Colorado Medical Marijuana Code, set forth in Colorado Revised Statutes, Section 12-43.3-101 et. seq.; and

**WHEREAS**, Colorado Revised Statutes, Section 12-43.3-310, specifically authorizes a municipality to enact local government zoning, health, safety and public welfare laws for the distribution of medical marijuana that may be more restrictive than the Colorado Medical Marijuana Code; and

**WHEREAS**, the City desires to amend and update the City's regulations concerning medical marijuana to be consistent (except where more stringent regulations apply) with the Colorado Medical Marijuana Code; and

**WHEREAS**, the City further desires to adopt limited regulations concerning patients and primary caregivers so as to ensure the public health and safety of the community is protected; and

**WHEREAS**, by Colorado Revised Statutes, Section 12-43.3-404(7), and Formal Opinion of the Colorado Attorney General dated November 16, 2009, medical marijuana is classified as tangible personal property and the sale of such property is subject to local sales tax; and

**WHEREAS**, primary caregivers engaged in the cultivation, production, and processing of medical marijuana for one or more patients involves the sale or distribution of taxable tangible personal property for which the Central Municipal Code requires licensing and reporting of taxable transactions.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CENTRAL,  
GILPIN COUNTY:**

**Section 1.** Article VIII of Chapter 6 of the Municipal Code is hereby repealed and readopted to read as follows in its entirety:

**Article VIII Medical Marijuana Licenses**

**Division 1. Medical Marijuana Establishments**

**Sec. 6-301. Findings.**

The City Council adopts this Article based upon the following findings of fact:

(1) On November 7, 2000, the voters of the State of Colorado approved Amendment 20. Amendment 20 added Section 14 of Article XVIII to the Colorado Constitution, and created a limited exception from criminal liability under Colorado law (as opposed to federal law) for seriously ill persons who are in need of marijuana for specified medical purposes and who obtain and use medical marijuana under the limited, specified circumstances described in Amendment 20.

(2) The intent of Amendment 20 is to enable certain specified persons who comply with the registration provisions of the law to legally obtain, possess, cultivate, grow, use and distribute marijuana without fear of criminal prosecution under Colorado (as opposed to federal) law.

(3) Despite the adoption of Amendment 20 marijuana is still a controlled substance under Colorado and federal law. As a result, making it legal for a person to obtain, possess, cultivate, grow, use and distribute marijuana, even for medical use as contemplated by Amendment 20, has the potential for abuse that should be closely monitored and regulated by local authorities to the extent possible.

(4) If not closely monitored and regulated, the presence of marijuana, even for the purposes legally permitted by Amendment 20, can cause an increase in illegal activities within the City affecting the health, safety, order, comfort, convenience and general welfare of the residents of the City.

(5) If medical marijuana establishments operating pursuant to Amendment 20 were allowed to be established and to operate without appropriate local regulation of their location, medical marijuana establishments might be established in areas that would conflict with the City's comprehensive land use plan; be inconsistent with surrounding uses; or otherwise be detrimental to the public health, safety and welfare.

(6) Nothing in this Article allows a person to:

- a. Engage in conduct that endangers others or causes a public nuisance;

- b. Possess, cultivate, grow, use or distribute marijuana for any purpose other than for use as medical marijuana as authorized and limited by Amendment 20, and the implementing state statutes and administrative regulations;
- c. Possess, cultivate, grow, use or distribute marijuana that is otherwise illegal under applicable law; or
- d. Engage in any activity related to the possession, cultivation, growing, use or distribution of marijuana that is otherwise not permitted under the laws of the City or the State of Colorado.

(7) This Article is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City and the inhabitants thereof.

(8) No person, business, activity or use that distributed or involved the distribution of marijuana within the City prior to the enactment of this Article, as originally adopted by Ordinance No. 10-01, shall be deemed to have been legally established under this Code, and no such person, business, activity or use shall be entitled to claim legal, nonconforming status under any provision of this Code or applicable law.

**Sec. 6-302. Authority.**

The City Council hereby finds, determines and declares that it has the power to adopt this Article pursuant to:

- (1) The Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.;
- (2) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers);
- (3) Section 31-15-103, C.R.S. (concerning municipal police powers);
- (4) Section 31-15-401, C.R.S. (concerning municipal police powers);
- (5) Section 31-15-501, C.R.S. (concerning municipal authority to regulate businesses);
- (6) The authority granted to home rule municipalities by Article XX of the Colorado Constitution;
- (7) Section 14 of Article XVIII of the Colorado Constitution; and
- (8) The powers contained in the City of Central Home Rule Charter.

**Sec. 6-303. Definitions.**

(a) As used in this Article, the following words shall have the following meanings:

*Amendment 20* means a voter-initiated amendment to the Colorado Constitution adopted November 7, 2000 codified as Section 14 of Article XVIII to the Colorado Constitution.

*Applicant* means a person who has submitted an application for license pursuant to this Article.

*Application* means an application for license submitted pursuant to this Article.

*City Manager* means the City Manager of the City or designee.

*Colorado Medical Marijuana Code* means Article 43.3 of Title 12 of the Colorado Revised Statutes, inclusive of promulgated rules, and as may be amended.

*Cultivation* means the process by which a person promotes the germination and growth of a seed to a mature marijuana plant. *Cultivation* does not include the storing or watering of mature marijuana plants without the aid of grow lighting.

*Day* means a calendar day, unless otherwise indicated.

*Good cause* means and includes: (1) the licensee has violated, does not meet, or has failed to comply with any of the terms, conditions or provisions of this Article and any rule and regulation promulgated pursuant to this Article or the Colorado Medical Marijuana Code; (2) the licensee has failed to comply with any special terms or conditions that were placed on its license at the time the license was issued pursuant to an order of the state department of revenue or local licensing authority; or (3) the licensee's medical marijuana center has been operated in a manner that adversely affects the public health, welfare or safety of the immediate neighborhood in which the medical marijuana establishment is located. Evidence to support such a finding can include: (i) a continuing pattern of offenses against the public peace, as defined in Article VII of Chapter 10 of this Code; (ii) a continuing pattern of drug-related criminal conduct within the premises of the medical marijuana establishment or in the immediate area surrounding the medical marijuana establishment; or (iii) a continuing pattern of criminal conduct directly related to or arising from the operation of the medical marijuana establishment.

*License* means a license to operate a medical marijuana establishment issued pursuant to this Article.

*Licensee* means a person licensed pursuant to this Article and the Colorado Medical Marijuana Code.

*Local Licensing Authority* means the City Council of the City of Central as may be delegated to the City Manager as more specifically enumerated in this Article.

*Medical marijuana center* means a premises licensed pursuant to the Colorado Medical Marijuana Code to operate a business described in C.R.S. Section 12-43.3-402 that sells medical marijuana to registered patients or primary caregivers as defined in section 14 of Article XVIII of the state constitution but is not a caregiver.

*Medical marijuana establishment* means a medical marijuana center, a medical marijuana-infused product manufacturer or an optional premises cultivation operation.

*Medical marijuana-infused product* means a product infused with medical marijuana that is intended for use or consumption other than by smoking, including but not limited to, edible products, ointments, and tinctures.

*Medical marijuana-infused product manufacturer* means a person licensed pursuant to this Article and the Colorado Medical Marijuana Code to operate a business as described in C.R.S. Section 12-43.3-404.

*Optional premises cultivation operation* means a premises licensed pursuant to this Article and the Colorado Medical Marijuana Code where a business described in C.R.S. Section 12-43.3-403 will operate.

*Patient* has the meaning provided in Section 14(a)(d) of Article XVIII of the Colorado Constitution as further defined and regulated in C.R.S. Section 25-1.5-106 and 5 C.C.R. 1006-2.

*Primary caregiver* has the meaning provided in Section 14(1)(f) of Article XVIII of the Colorado Constitution as further defined and regulated in C.R.S. Section 25-1.5-106 and 5 C.C.R. 1006-2.

*School* means a public or private preschool or a public or private elementary, middle, junior high or high school.

(b) In addition to the definitions provided in Subsection (a) hereof, the other defined terms in Amendment 20 are incorporated into this Article by reference.

**Sec. 6-304. License required.**

No person shall operate a medical marijuana establishment within the City without a valid license issued in accordance with this Article.

**Sec. 6-305. Application for license.**

(a) An applicant seeking to obtain a license pursuant to this Article shall file an application with the City Manager. The form of the application shall be provided by the state and shall include all information required by the Colorado Medical Marijuana Code, and any additional information requested by the City Manager if such information, in his or her opinion, is reasonably necessary to complete the investigation and review of the application.

(b) A license issued pursuant to this Article does not eliminate the need for the licensee to obtain other required City licenses and licenses related to the operation of the approved medical marijuana center, including, without limitation:

- (1) Any required land use approval, if applicable;
- (2) A City business and sales tax license; and
- (3) Any building permits, including mechanical, plumbing license or electrical license.

**Sec. 6-306. Application fee.**

An applicant shall pay to the City a nonrefundable application fee when the application is filed. The purpose of the fee is to cover the administrative costs of processing the application. The amount of the application fee shall be fixed by the City Council by resolution.

**Sec. 6-307. Investigation of application.**

(a) The City Manager shall determine whether the application is complete and notify the applicant of any deficiencies. Upon receipt of a properly completed application, together with all information required in connection therewith, and the payment of the application fee as required by Section 6-306, the City Manager shall transmit copies of the application to:

- (1) the Police Department;
- (2) the Planning Department; and
- (3) any other person or agency which the City Manager determines should properly investigate and comment upon the application.

(b) Upon receipt of a completed application the Police Department shall obtain and review a criminal background records search on the applicant from the Colorado Bureau of Investigation.

(c) Within twenty (20) days of receipt of a completed application those City departments and other referral agencies described in Subsection (a) of this Section shall provide the City Manager with comments concerning the application.

**Sec. 6-308. Standards for issuance of license.**

(a) The City Manager is authorized to administratively approve a license under this Article so long as the following conditions are met:

- (1) The application (including any required attachments and submissions) is complete and signed by the applicant;

(2) The applicant has paid the application fee and any other fees required by this Code;

(3) The application does not contain a material falsehood or misrepresentation;

(4) The application complies with all of the requirements of this Article, the Code and the Colorado Medical Marijuana Code;

(5) The applicant has received written approval from the police department as to the applicant's criminal background; and

(6) The proposed location of the medical marijuana establishment is in compliance with the location, zoning and building requirements set forth in this Code.

(b) The City Manager may refer an application for a license under this Article to the City Council for a public hearing as permitted by C.R.S. Section 12-43.3-302.

**Sec. 6-309. Denial of license.**

The local licensing authority shall deny an application for a license under this Article, when the applicant fails to meet all of the standards set forth in Section 6-308 of this Article.

**Sec. 6-310. Authority to impose conditions on license.**

The local licensing authority is authorized to impose such reasonable terms and conditions on a license as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Article and applicable law.

**Sec. 6-311. Decision on application.**

The local licensing authority shall approve, deny or conditionally approve an application within thirty (30) days of the receipt of the completed application. The decision and the reasons for the decision, as well as any conditions of approval, shall be in writing.

**Sec. 6-312. Notice of decision.**

The City Manager shall notify the applicant of the decision on the application within three (3) business days of rendering the decision. A copy of the decision shall be sent by certified mail to the applicant at the address shown in the application.

**Sec. 6-313. Appeal of denial or condition approval of license.**

(a) An applicant has the right to appeal the City Manager's denial or conditional approval of an application to the City Council by filing a written request with the City Manager within twenty (20) days of the date of the notice of the decision described in Section 6-464 of this Code.

(b) The applicant shall be provided with not less than ten (10) days prior written notice of the appeal hearing to be held by the City Council.

(c) The burden of proof in an appeal filed under this Section shall be on the applicant.

(d) If the City Council finds by a preponderance of the evidence that the decision of the City Manager was correct, the City Council shall uphold the decision of the City Manager. If the City Council finds by a preponderance of the evidence that the decision of the City Manager was incorrect, the City Manager's decision shall be set aside and the license issued (if it was previously denied) or the conditions of approval stricken or modified.

(e) Any decision made by the City Council on an application for a license shall be a final decision and may be appealed to the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The applicant's failure to timely appeal the decision is a waiver of the applicant's right to contest the denial or conditional approval of the application.

**Sec. 6-314. Contents of license.**

(a) A license shall contain the following information:

(1) The name of the licensee;

(2) The date of the issuance of the license;

(3) The address at which the licensee is authorized to operate the medical marijuana establishment;

(4) Any special conditions of approval imposed upon the license by the City Manager, pursuant to Section 6-462; and

(5) The date of the expiration of the license.

(b) A license must be signed by both the applicant and the City Manager to be valid.

**Sec. 6-315. License transferable.**

A licensee may transfer or assign all ownership, rights and interests in a license subject to prior application to and approval by the City Manager and compliance with C.R.S. Section 12-43.3-309. The City Manager may refer the transfer application to the City Council for a public hearing in conformance with C.R.S. Section 12-43.3-309. Any attempt to transfer or assign a license in violation of this Section voids the license.

**Sec. 6-316. Duration of license; renewal.**

(a) Each license issued pursuant to this Article shall be valid for one (1) year from the date of issuance, and may be renewed as provided in this Section.

(b) An application for the renewal of an existing license shall be made to the City Manager not less than forty-five (45) days prior to the date of expiration. The process for renewal shall be administrative, in accordance with C.R.S. Section 12-43.3-311, provided that any decision not to renew shall be made by the City Council in accordance with the requirements set forth in C.R.S. Section 12-43.3-311.

(c) At the time of the filing of an application for the renewal of an existing license the applicant shall pay a renewal fee in an amount fixed by resolution by the City Council.

**Sec. 6-317. Duties of licensee.**

It is the duty and obligation of each licensee to do the following:

- (1) Comply with all of the terms and conditions of the license;
- (2) Comply with all of the requirements of this Article;
- (3) Comply with all other applicable City ordinances;
- (4) Comply with the Colorado Medical Marijuana Code;
- (5) Comply with all state laws and administrative regulations pertaining to the medical use of marijuana;
- (6) Comply with all applicable federal laws, rules or regulations, other than a federal law, rule or regulation concerning the possession, sale or distribution of marijuana which conflicts with Amendment 20;
- (7) Permit inspection of its records and operation by the City Manager for the purpose of determining the licensee's compliance with the terms and conditions of the license; and
- (8) Post the license in a conspicuous location at the medical marijuana establishment.

**Sec. 6-318. Suspension or revocation of license.**

(a) A license issued pursuant to this Article may be suspended or revoked by the local licensing authority for the following reasons:

- (1) Fraud, misrepresentation, or a false statement of material fact contained in the license application;
- (2) A violation of any City, state, or federal law or regulation, other than a federal law or regulation concerning the possession, sale or distribution of marijuana that conflicts with Amendment 20;
- (3) A violation of any of the terms and conditions of the license;
- (4) A violation of any of the provisions of this Article; or
- (5) Good cause.

(b) Hearing, Burden of Proof.

(1) Any authorized City official may request in writing that a license issued under this Article be suspended or revoked. The written request to suspend or revoke must include the allegations upon which the suspension or revocation is based and must be provided to the licensee.

(2) The City Council shall preside over the hearing on the suspension or revocation.

(3) The date and time of the hearing must be set, written notice of which must be sent by regular mail postage prepaid to the licensee at least ten days prior to the hearing date.

(4) The hearing must be conducted based on the allegations provided in the written request. The hearing is informal where no rules of evidence shall apply. The burden shall be on the City to prove by a preponderance of the evidence that the licensee has violated the provisions of Section 6-318(a).

(5) A written decision must be provided to the licensee within ten business days of the conclusion of the hearing. Notice shall be given by mailing a copy of the decision to the licensee by regular mail, postage prepaid, at the address shown in the license. Notice is deemed to have been properly given upon mailing.

(c) In connection with the suspension of a license, the City Manager may impose reasonable conditions.

(d) Any decision made by the City Council shall be a final decision and may be appealed to the district court, pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The licensee's failure to timely appeal the decision is a waiver of the licensee's right to contest the suspension or revocation of the license.

**Sec. 6-319. Prohibited Locations; Permanent Location Required.**

Prior to the issuance of a license for a medical marijuana establishment, the City Manager shall determine whether the proposed location of the medical marijuana establishment complies with the requirements of this Section and Chapter 16 of the Central City Municipal Code. Failure to comply with the requirements of this Section shall preclude issuance of a license.

(a) No medical marijuana establishment shall be located within an area zoned for single family residential use.

(b) Each medical marijuana establishment shall be operated from a permanent location. No medical marijuana dispensary shall be permitted to operate from a moveable, mobile or transitory location.

(c) No medical marijuana establishment shall be located within one thousand (1,000) feet of a school, an alcohol or drug treatment facility, or the principal campus of a college, university, or seminary, or a residential child care facility.

(d) Medical marijuana establishments that were lawfully in existence at a specific location within the City as of the effective date of this Section shall not be subject to the prohibition at that location.

**Sec. 6-320. On-site cultivation prohibited.**

The cultivation of marijuana on or within a medical marijuana center is prohibited.

**Sec. 6-321. Hours of operation.**

A medical marijuana establishment may serve, sell or distribute medical marijuana only between the hours of 8:00 a.m. and 7 p.m. Monday through Sunday.

**Sec. 6-322. Signage.**

All signage for a medical marijuana establishment shall comply with the requirements of Chapter 14 of this Code.

**Sec. 6-323. Required warnings to be posted.**

There shall be posted in a conspicuous location in each medical marijuana establishment a legible sign containing the following warnings:

(1) A warning that the diversion of marijuana for nonmedical purposes is a violation of state law;

(2) A warning that the use of medical marijuana may impair a person's ability to drive a motor vehicle or operate machinery, and that it is illegal under state law to drive a motor vehicle or to operate machinery when under the influence of or impaired by marijuana;

(3) A warning that loitering in or around the medical marijuana establishment is prohibited by state law; and

(4) A warning that possession and distribution of marijuana is a violation of federal law.

**Sec. 6-324. Paraphernalia.**

Devices, contrivances, instruments and paraphernalia for inhaling or otherwise consuming marijuana, including, but not limited to, rolling papers and related tools, water pipes, and vaporizers may lawfully be sold at a medical marijuana establishment. Such items may be sold or provided only to patients or primary caregivers.

**Sec. 6-325. Alcohol.**

The sale or consumption of an alcoholic beverage within a medical marijuana establishment is prohibited.

**Sec. 6-326. Security requirements.**

A licensee shall provide security on the premises of a medical marijuana establishment in accordance with the Colorado Medical Marijuana Code.

**Sec. 6-327. Taxes.**

Each licensee shall pay sales tax on all medical marijuana, paraphernalia and other tangible personal property sold by the licensee at the medical marijuana establishment.

**Sec. 6-328. Penalties; injunctive relief.**

(a) It is a municipal offense for any person to violate any provision of this Article. Any person convicted of having violated any provision of this Article shall be punished as set forth in Section 1-72 of this Code.

(b) In addition to all other remedies available to the City under this Code and by law, the operation of a medical marijuana establishment without a valid license issued pursuant to this Article may be enjoined by the City in an action brought in a court of competent jurisdiction.

**Sec. 6-329. No waiver of governmental immunity.**

In adopting this Article, the City Council is relying on and does not waive or intend to waive by any provision of this Article, the monetary limitations (presently \$150,000 per person and \$600,000 per occurrence) or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., as from time to time amended, or any other limitation, right, immunity, or protection otherwise available to the City, its officers or its employees.

**Sec. 6-330. No City liability.**

By accepting a license issued pursuant to this Article, a licensee releases the City, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of establishment owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations. The City Manager may require a licensee to execute a written instrument confirming the provisions of this Section.

**Sec. 6-331. Indemnification of City.**

By accepting a license issued pursuant to this Article a licensee, jointly and severally if more than one, agrees to indemnify and defend the City, its officers, elected officials, employees, attorneys, agents, insurers, and self-insurance pool against all liability, claims, and demands, on account of injury, loss, or damage, including, without limitation,

claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the operation of the medical marijuana establishment that is the subject of the license. The licensee further agrees to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims, or demands at its expense, and to bear all other costs and expenses related thereto, including court costs and attorney fees. The City Manager may require a licensee to execute a written instrument confirming the provisions of this Section.

**Sec. 6-332. Other laws remain applicable.**

The provisions of this Article do not protect licensees, operators, employees, customers and clients of a licensed medical marijuana establishment from prosecution pursuant to any laws that may prohibit the cultivation, sale, use or possession of controlled substances. In addition, as of the date of the adoption of this Article the cultivation, sale, possession, distribution and use of marijuana remain violations of federal and state law (except for conduct covered by Amendment 20), and this Article affords no protection against prosecution under such federal and state laws. Licensees, operators, employees, customers and clients of a licensed medical marijuana establishment assume any and all risk and any and all liability arising or resulting from the operation of the establishment under any state or federal law. Further, to the greatest extent licensed by law, any actions taken under the provisions of this Article by any public officer or officers, elected or appointed officials, employees, attorneys and agents of the City shall not become a personal liability of such person or of the City.

**Sec. 6-333. Compliance with State Law**

Except as otherwise provided herein, the local licensing authority shall be governed by the Colorado Medical Marijuana Code now in effect or subsequently amended. In the event of a conflict between the provisions of this article and those in the Colorado Medical Marijuana Code, the more stringent provision shall apply.

**Division 2. Primary Caregivers**

**Sec. 6-340. Primary Caregiver Requirements.**

(a) No primary caregiver shall produce, offer, sell or grow medical marijuana within the City without a valid business and sales tax license issued in accordance with this Chapter.

(b) Primary caregivers shall comply with all applicable provisions of this Code, and specifically, the business licensing and sales tax licensing and reporting requirements set forth in this Chapter. A primary caregiver shall provide the registry identification card number of each of his or her patients to employees of the City including any police officer of the City upon request in the course of their official duties while investigating compliance with the requirements of this Article.

(c) To the extent required by law, written documentation that includes the name, address, or other information of a patient or primary caregiver including, but not limited

to applications, permits, and correspondence, shall be maintained by the City as confidential. No person shall be permitted to have access to such confidential documentation except for authorized employees and contractors of the City in the course of their official duties and authorized employees of authorized law enforcement agencies.

(d) The cultivation, production or processing of medical marijuana and medical marijuana plants by primary caregivers for patients is a home occupation subject to the regulations set forth in Chapter 16 of the Code.

**Section 2.** Section 16-13, titled Definitions, of Chapter 16 of the Central City Municipal Code is hereby amended to delete the definition of “Medical Marijuana Dispensary” and to add the following new definitions to read:

*Medical marijuana center* means a premises licensed pursuant to the Colorado Medical Marijuana Code to operate a business described in C.R.S. Section 12-43.3-402 that sells medical marijuana to registered patients or primary caregivers as defined in section 14 of Article XVIII of the state constitution but is not a caregiver.

*Patient* has the meaning provided in Section 14(a)(d) of Article XVIII of the Colorado Constitution as further defined and regulated in Section 25-1.5-106 and 5 C.C.R. 1006-2.

*Primary caregiver* has the meaning provided in Section 14(1)(f) of Article XVIII of the Colorado Constitution as further defined and regulated in Section 25-1.5-106 and 5 C.C.R. 1006-2.

**Section 3.** Section 16-35 and Section 16-192 of Chapter 16 of the Central City Municipal Code are further amended to replace all references to “Medical Marijuana Dispensary” with the phrase “Medical Marijuana Center.”

**Section 4.** Article II of Chapter 16 of the Central City Municipal Code is hereby amended to add a new Section 16-37 to read in full as follows:

Sec. 16-37 Medical marijuana patients and primary caregivers.

Primary caregivers who cultivate, possess or dispense medical marijuana for use by patients, and patients who cultivate or possess medical marijuana for their own medical use, shall be subject to the following limitations:

1. All cultivation, processing and production of medical marijuana shall be conducted entirely within a dwelling unit. For purposes of this provision, dwelling unit shall mean one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single family, two-family or multi-family dwelling or mixed use building.

2. No cultivation, processing or production of medical marijuana may occur in an accessory structure; garage, whether attached or detached; shed; greenhouse; storage unit; or other structure other than a dwelling unit.
3. Patients and caregivers shall comply with all applicable City and state regulations, ordinances and laws, including home occupation requirements set forth in this Chapter.
4. No cultivation, possession or dispensing shall occur in the common areas of a multi-family or attached residential building.
5. No more than twelve (12) marijuana plants regardless of size or stage of growth may be cultivated or kept within any dwelling unit.
6. In no event shall a patient or primary caregiver keep, cultivate, grow or process more medical marijuana than such person is entitled to possess under Article XVIII, Section 14 of the Colorado Constitution.

**Section 5. Repealer.** Existing ordinances, parts of ordinances, or resolutions which are inconsistent or conflict with the provisions of this Ordinance are hereby repealed.

**Section 6. Severability.** 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 such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

**Section 7. Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Central City, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

**Section 8. Effective Date.** This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

**INTRODUCED AND READ** by title only on first reading at the regular meeting of the City Council of the City of Central on the \_\_\_\_ day of \_\_\_\_\_, 2012, at Central City, Colorado.

**CITY OF CENTRAL, COLORADO**

---

Ronald E. Engels, Mayor

Approved as to form:

---

Linda C. Michow, City Attorney

ATTEST:

---

Reba Bechtel, City Clerk

**PASSED AND ADOPTED** on second reading, at the regular meeting of the City Council of the City of Central on the \_\_\_\_ day of \_\_\_\_\_, 2012.

**CITY OF CENTRAL, COLORADO**

---

Ronald E. Engels, Mayor

ATTEST:

---

Reba Bechtel, City Clerk

**POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY** in the Weekly Register Call newspaper on \_\_\_\_\_, 2012.

**POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING]** in the Weekly Register Call newspaper on \_\_\_\_\_, 2012.

**CITY OF CENTRAL, COLORADO**

---

Ronald E. Engels, Mayor

ATTEST:

---

Reba Bechtel, City Clerk