

# Town of Silverton

Post Office Box 250 Silverton, Colorado 81433-0250

TELEPHONE (970) 387-5522 FAX (970) 387-5583

Internet: <http://www.silverton-co.us>



## ORDINANCE NO. 2010-03

### AN ORDINANCE AMENDING THE CODE OF THE TOWN OF SILVERTON TO REGULATE MEDICAL MARIJUANA DISPENSARIES.

**WHEREAS**, at the November 2000 election, Colorado voters approved the medical use of marijuana by enacting Article XVIII, Section 14 of the Colorado Constitution (“Amendment 20”); and

**WHEREAS**, the regulations for caregivers, also operating as “dispensaries,” are not adequately articulated at the state level, making it appropriate for local regulation of the impacts of such uses; and

**WHEREAS**, the Town of Silverton has a valid interest in regulating the impacts of medical marijuana business in a manner that is consistent with Amendment 20; and

**WHEREAS**, if medical marijuana dispensaries operating pursuant to Amendment 20 were allowed to be established and operated without appropriate local regulation, medical marijuana dispensaries might be operated in a manner that would be inconsistent with surrounding uses; or otherwise be detrimental to the public health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF SILVERTON, COLORADO:**

**Section 1.** The section of Chapter 7, Article 2 of the Code of the Town of Silverton, entitled “Definitions” is hereby amended by the addition of the following definition to be inserted alphabetically into said article, with the entire section to be renumbered accordingly:

“Medical marijuana dispensary” means and includes the use of any property or structure to distribute, transmit, give, dispense, cultivate, or otherwise provide marijuana in any usable form in accordance with Section 14 of Article XVIII of the Colorado Constitution.

**Section 2.** Chapter 7 of the Code of the Town of Silverton is hereby amended by the addition of a new Article 5 to read as follows:

## ARTICLE 5

### Medical Marijuana Dispensaries

#### Sec. 7-5-1. Location and requirements.

(a) Medical marijuana dispensaries shall be located only in permanent locations established within the Business Pedestrian (B-P) or Economic Development (E-D) zoned areas of the Town and shall be “uses subject to review” in each of those two zones. It shall be unlawful to cause or permit the operation, establishment or maintenance of a medical marijuana dispensary outside of the E-D or B-P zoned areas of the Town or from a movable, mobile or transitory location in any zone district or on any public rights-of-way within the Town, excluding delivery services with a lawful base of operation in San Juan County.

(b) It shall be unlawful to cause or permit the operation, establishment or maintenance of a medical marijuana dispensary unless a use subject to review permit has been obtained pursuant to this code, a business license has been obtained pursuant to this code, and unless the use is in compliance with such approval and all applicable regulations of this Code.

(c) No medical marijuana dispensary shall be established, operated or maintained within 150 feet of the exterior property boundary of property containing the following:

- (1) Any Civic/Open Space District zoned property in the City;
- (2) Any licensed day care center;
- (3) Any alcohol or drug rehabilitation facility;
- (4) Any public community center, park, fairground or recreation center, or any publicly owned or maintained building open for use to the general public;
- (5) Any other medical marijuana dispensary
- (6) Any halfway house or correctional facility.

(d) No medical marijuana dispensary shall be established, operated or maintained within 300 feet of the exterior property boundary of property containing the following:

- (1) Any public or private educational institution or school;

(e) A medical marijuana dispensary that, at the time it received its use-subject-to-review permit and business license, was in compliance with the location requirements for subsection (c) and subsection (d) of this section, does not violate that subsection if, when the dispensary applies to renew its valid business license, it no longer meets any of the location requirements in subsection (c) and (d). This provision only applies to the renewal of a valid business license and does not apply to an application for a business license that is submitted as a result of the previous business license expiring or being revoked.

**Sec. 7-5-2. Advertisements and signs.**

Existing town sign regulations shall apply to medical marijuana dispensaries.

**Sec. 7-5-3. Indoor use.**

All business related to, or distribution of, medical marijuana shall be conducted indoors, and business activities should be screened to prevent the viewing the growing or distribution of medical marijuana from the public right-of-way. It shall be unlawful for any person to consume, or permit consumption of, medical marijuana on the premises.

Businesses shall operate only within the hours of 8am to 7pm.

**Sec. 7-5-4. Security.**

Medical marijuana dispensaries shall provide adequate security on the premises, and the use subject to review application shall include a narrative description of how the applicant will provide security. Furthermore, dispensaries shall provide proof as to the functionality of a security system within twenty-four hours of such request by a Town Official or the Town Board.

**Section 4.** If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Board hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 5.** The repeal or modification of any provision of any prior ordinance by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose

of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**Section 6.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED IN FULL this \_\_\_\_\_ day of \_\_\_\_\_, 2010.**

**PUBLIC HEARING AND SECOND HEARING WILL BE THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010, AT 7:30 P.M. AT SILVERTON TOWN HALL, 1360 GREENE STREET, SILVERTON, COLORADO**

**READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this \_\_\_\_\_ day of \_\_\_\_\_, 2010.**

TOWN OF SILVERTON, COLORADO

\_\_\_\_\_  
Terrence Kerwin, Mayor

ATTEST:

\_\_\_\_\_  
Brian Carlson, Clerk Trasurer