

CITY OF RIFLE, COLORADO
ORDINANCE NO. 20
SERIES OF 2013

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, PROHIBITING
THE OPERATION OF MARIJUANA PRODUCT MANUFACTURING
FACILITIES, MARIJUANA TESTING FACILITIES, AND RETAIL
MARIJUANA STORES IN THE CITY OF RIFLE

WHEREAS, Colorado voters passed Amendment 64, which amended Article XVIII of the Colorado Constitution by the addition of a new section 16 regarding the personal use and regulation of marijuana; and

WHEREAS, pursuant to Article XVIII, § 16(5)(f) of the Colorado Constitution, the City may “prohibit the operation of marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance”; and

WHEREAS, the Rifle City Council has carefully considered the provisions of Article XVIII, Section 16 of the Colorado Constitution, and the impact of the operation of marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores on the health, safety and welfare of the City and its inhabitants and the City Council has determined that such marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores should not be located within the corporate limits of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. It is unlawful for any person to operate, cause to be operated or permit to be operated in the City a marijuana product manufacturing facility, marijuana testing facility, or retail marijuana store and marijuana product manufacturing facilities, marijuana testing facilities, and marijuana stores are hereby prohibited at any location in the City; provided, however, nothing in this Ordinance shall affect or apply to any business licensed under the Colorado Medical Marijuana Code, Article 43.3 of Title 12, C.R.S. and Article VIII of Chapter 6 of the Rifle Municipal Code.

Section 3. For purposes of this Ordinance, the following terms shall have the following meanings:

a. “marijuana” 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 marijuana concentrate, but excluding industrial hemp, 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 testing facility” means a facility licensed to analyze and certify the safety and potency of marijuana.

c. “Marijuana product manufacturing facility” means a facility 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.

d. “Retail marijuana store” means a facility 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.

e. “Marijuana club” means a place not used for residential purposes where individuals gather to consume or grow marijuana, regardless of whether such place calls itself private or public or charges an admission or membership fee.

Section 4. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed this Ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 5. The City further determines that the adoption of this Ordinance is in the best interests and necessary to protect the health, safety and welfare of the citizens of the City of Rifle. The City also hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to Article XVIII, § 16(5)(f) and Article XX of the Colorado Constitution, the Home Rule Charter of the City of Rifle and the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S., Section 31-15-401, C.R.S. (concerning municipal police powers), and Section 31-15-501 (concerning municipal power to regulate businesses).

INTRODUCED on October 16, 2013, read by title, passed on first reading, and ordered published by title as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on November 6, 2013, passed without amendment, approved, and ordered published in full as required by the Charter.

Dated this ____ day of _____, 2013.

CITY OF RIFLE, COLORADO

BY _____
Mayor

ATTEST:

City Clerk