

CITY OF RIFLE, COLORADO
ORDINANCE NO. 12
SERIES OF 2017

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF RIFLE, COLORADO, AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, SEPTEMBER 12, 2017, AN ADVISORY QUESTION WHETHER THE CITY OF RIFLE SHOULD PERMIT AND REGULATE RETAIL MARIJUANA STORES IN THE CITY.

WHEREAS, the City of Rifle, Colorado (the “City”) is a municipal corporation duly organized and operating as a home-rule City under the Rifle Home Rule Charter and the Constitution and laws of the State of Colorado; and

WHEREAS, in 2000, the voters of the State of Colorado approved Amendment 20 to the Colorado Constitution to permit the possession and use of medical marijuana; and

WHEREAS, in 2012, the voters of the State of Colorado approved Amendment 64 to the Colorado Constitution to permit the personal use of marijuana for adults 21 years of age and over; and

WHEREAS, Section 12-43.4-101 *et seq.* of the Colorado Revised Statutes sets forth a system of local and state regulation of retail marijuana; and

WHEREAS, by Chapter 6, Articles 7 and 8 of the Rifle Municipal Code, the City of Rifle has set forth a system for the local regulation of medical and retail marijuana in the City; and

WHEREAS, the City currently has five licensed medical marijuana centers, but does not at this time permit retail marijuana stores for the final sale of retail marijuana and retail marijuana products within the City; and

WHEREAS, the City Council finds that it is appropriate to propose to the qualified electors of the City at the regular municipal election to be held on September, 12, 2017, the question whether to permit and license the medical marijuana centers currently active in the City to also sell marijuana and marijuana products at retail for recreational consumption by persons 21 years of age and older.

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

1. Recitals. The City Council incorporates the foregoing recitals as conclusions, facts, determinations, and findings by the City Council.
2. Submission to Voters. The purpose of this Ordinance is to submit to the electors of the City of Rifle an advisory ballot question regarding the potential future licensing of retail marijuana stores for the final sale of retail marijuana and retail marijuana products in the City.

3. Publication of Ballot Form. The City Clerk shall cause a notice of election for the following ballot question to be published as part of the municipal election publication in substantially the following form and add the question to the City's 2017 Municipal Election Ballot:

SHOULD THE CITY OF RIFLE ALLOW FOR THE FIVE MEDICAL MARIJUANA CENTERS CURRENTLY OR IN THE FUTURE OPERATING IN THE CITY TO BE LICENSED AND REGULATED FOR THE SALE OF RETAIL/RECREATIONAL MARIJUANA AND MARIJUANA PRODUCTS?

YES _____

NO _____

4. Challenges to Ballot Title and Content. For the purposes of C.R.S. §1-11-203.5, this Ordinance shall serve to set the title and content of the ballot question set forth herein and the ballot title for such ballot question shall be the text of the ballot question itself. Any petition to contest the form or content of the ballot title must be filed with the District Court in and for Garfield County and a copy served on the City Clerk within five days after the date of publication of this Ordinance.

5. Conduct of Election. The officers and employees of the City are hereby authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this Ordinance.

6. Effect of Election Results. If a majority of the votes cast on the ballot question submitted at the election shall be in favor of the ballot question, the City Council shall take such action, by ordinance, to amend the Rifle Municipal Code as may be necessary.

7. Severability. If any clause or provision of this ordinance is held to be invalid or unenforceable, the invalidity or unenforceability of the clause or provisions will not affect the validity of any of the remaining clauses or provisions of this ordinance, which, upon the date that it is to take effect, will become, and remain thereafter, in full force and effect.

8. Invalidity. If this ordinance does not for any reason become effective, or is declared invalid by a court, the provisions of this ordinance will have no force or effect, and all other acts, orders, or ordinances of the City will continue to be effective as if this ordinance was never adopted.

INTRODUCED on June 7, 2017, read by title, passed on first reading, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on June 21, 2017, passed without amendments, approved, and ordered published in full as required by the Charter.

Dated this ____ day of _____, 2017.

CITY OF RIFLE, COLORADO

By _____
Mayor

ATTEST:

City Clerk