

AN ORDINANCE AMENDING TITLE 9 OF THE TOWN CODE OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, CONCERNING ZONING REGULATIONS AND PROHIBITING THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES OR RETAIL MARIJUANA STORES WITHIN THE TOWN

WHEREAS, on November 6, 2012, the voters of Colorado approved the adoption of Amendment 64, *Personal Use and Regulation of Marijuana*, which became effective upon official declaration of the vote thereon by proclamation of the Governor, pursuant to Section 1(4) of Article V, of the Colorado Constitution; and

WHEREAS, Amendment 64 added a new Section 16 to Article XVIII of the Colo. Constitution; and

WHEREAS, Part 5(f) of Section 16 provides that a locality may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or through an initiated or referred measure; provided, any initiated or referred measure to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores must appear on a general election ballot during an even numbered year; and

WHEREAS, Amendment 64 defines a “locality” in part in Section 2(e) of Section 16 to include a municipality; and

WHEREAS, it is the intent of the current Board of Trustees of the Town to refer a measure to the voters of the Town at the next even numbered year general election to determine whether the voters desire to allow or prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores within the Town; and

WHEREAS, in the interim, consistent with the authority granted to the Board in Amendment 64, the Board desires to adopt this ordinance prohibiting the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities or retail marijuana stores within the Town; and

WHEREAS, nothing in this Ordinance shall require the Board of Trustees to refer a question to the voters of the Town at the next even numbered year general election, but it is the intent of the current Board to refer a question to the voters of the Town at such election that reads substantially in conformity with the following language:

WHEREAS, if the question is referred, it is the intent of the current Board of Trustees to amend Title 9 of the Town Code appropriately and if necessary following the certification of the results of the November 2014 election; and

WHEREAS, the Board of Trustees desires to adopt this ordinance to codify such prohibited land uses within the Town in Title 9 of the Town Code concerning zoning regulations; and

WHEREAS, in accordance with Section 9-4-6(B) of the Town Code, this proposal to amend the zoning text has been referred to the Planning Commission, which has recommended its approval; and

WHEREAS, in accordance with Section 9-4-6(C) of the Town Code, notice of public hearing on this ordinance held before the Board of Trustees prior to adoption hereof was duly published on _____, 2013, at least 15 days before the hearing.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, THAT:

Section 1. New Definitions. Section 9-3-1, Definitions, is hereby amended by the additions of the following terms and definitions:

MARIJUANA CULTIVATION FACILITIES

Shall have the meaning as set forth in Section 16 to Article XVIII of the Colorado Constitution as the same may, from time to time, be amended.

MARIJUANA PRODUCT
MANUFACTURING FACILITIES

Shall have the meaning as set forth in Section 16 to Article XVIII of the Colorado Constitution as the same may, from time to time, be amended.

MARIJUANA TESTING FACILITIES

Shall have the meaning as set forth in Section 16 to Article XVIII of the Colorado Constitution as the same may, from time to time, be amended.

MARIJUANA STORES (RETAIL)

Shall have the meaning assigned to "retail marijuana stores" as set forth in Section 16 to Article XVIII of the Colorado Constitution as the same may, from time to time, be amended.

Section 2. Amendment to Zone District Use Schedule. Section 9-6-3, Zone District Use Schedule, is hereby amended by adding new rows to be numbered .26, .27, .28 and .29 and

existing row numbered .26 (“Medical Marijuana Businesses”) shall be renumbered .30 and all rows that follow sequentially shall be appropriately renumbered. New rows .26, .27, .28 and .29 shall read as follows:

	USE	R1	R2	R3	M	B	O
.26	Marijuana cultivation facilities	P	P	P	P	P	P
.27	Marijuana product manufacturing facilities	P	P	P	P	P	P
.28	Marijuana testing facilities	P	P	P	P	P	
.29	Marijuana stores (retail)	P	P	P	P	P	P

Section 3. Home Occupations Amendment. Subsection (B) of Section 9-7-1 shall be amended to read as follows with additions in all caps and deletions shown as strike-throughs:

(B) Specific Prohibition. Without limiting the foregoing, no medical marijuana business, marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or marijuana stores (retail) shall be permitted as a home occupation.

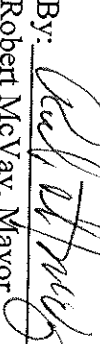
Section 4. Repealer. All ordinances, resolutions or parts thereof in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance or resolution or revive any ordinance or resolution.

Section 5. Severability. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining provisions of this Ordinance will remain valid, it being the intent of the Town that the provisions of this Ordinance are severable.

Section 6. Effective Date. This Ordinance shall become effective thirty days after publication following final passage.

INTRODUCED, READ, ADOPTED, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE 21st DAY OF March, 2013, BY A VOTE OF 5 IN FAVOR, 0 AGAINST, and 0 ABSTAINING.


TOWN OF HOT SULPHUR SPRINGS

By: 
Robert McVay, Mayor

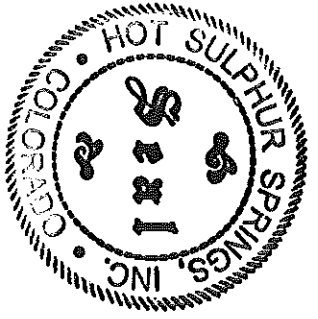
I hereby certify that the above Ordinance was introduced and adopted by the Town Board of Trustees of the Town of Hot Sulphur Springs, Colorado, at its meeting of March 21st, 2013, and ordered published by title only in the *Sky Hi* newspaper on April 27th, 2013.

SEAL

ATTEST:

By: 
Sandy White, Town Clerk

Publication Date: April 27th, 2013
Effective Date: May 5th, 2013 (30 days after publication)



MIDDLE PARK TIMES

I, Matt Sandberg, do solemnly swear that I am the publisher of the Middle Park Times, that the same is a weekly newspaper printed, in whole or in-part, and published in the County of Grand, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and interruptedly in said County of Grand for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement, that said newspaper has been admitted to the United States mail as second-class matter under the provisions of the act of March 3, 1879, or any amendment thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.


That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said daily newspaper for the period of 1 consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated 4/4/2013 and that the last publication of said notice was dated 4/4/2013 in the issue of said newspaper.

In witness whereof, I have here unto set my hand this day, 07/17/2013.



Matt Sandberg
Publisher

Subscribed and sworn to before me, a notary public in and for the County of Eagle, State of Colorado this day 07/17/2013.



Pamela J. Schultz, Notary Public
My Commission expires: November 1, 2015

NOTATION ON THE USE OR CONSUMPTION OF MARIJUANA OR MARIJUANA PRODUCTS IN A PRIVATE SOCIAL, INDUSTRIAL OR NON-RESIDENTIAL ZONING DISTRICT OPERATED AS A PRIVATE PROPERTY THAT IS NOT A ZONING DISTRICT. THIS NOTICE IS FOR THE PURPOSE OF NOTIFYING PERSONS TO USE OR CONSUME MARIJUANA OR MARIJUANA PRODUCTS ON SITE, AND DECLARING AN EMERGENCY

Published in the Middle Park Times April 4, 2013.
(90588861)



My Commission Expires 11/01/2015

Ad ID |9058861

Date |04/01/2013

Time |3:47 PM

ORDINANCE NO. 2013-3-1-288

AN ORDINANCE AMENDING TITLE 9 OF THE TOWN CODE OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, CONCERNING ZONING REGULATIONS AND PROHIBITING THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES OR RETAIL MARIJUANA STORES WITHIN THE TOWN

ORDINANCE NO. 2013-3-2-289

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE USE OR CONSUMPTION OF MARIJUANA OR MARIJUANA PRODUCTS ON COMMERCIAL, INDUSTRIAL OR NON-RESIDENTIAL ZONED PROPERTY THAT OPERATES AS A PLACE OF PRIVATE ASSEMBLY FOR THE PURPOSE OF INVITING PERSONS TO USE OR CONSUME MARIJUANA OR MARIJUANA PRODUCTS ON SITE; AND DECLARING AN EMERGENCY

Published in the Middle Park Times April 4, 2013.
(9058861)

Ad shown is not actual print size

WORTH, APR 04, 2013
9058861

Ad Ticket #5

Acct: 1095219
Phone: (970)725-3933

Name: HOT SULPHUR SPRINGS, TOW
Address: PO BOX 116

E-Mail:
Client:
Caller: Sandy White
Receipt

City: HOT SULPHUR SPG
State: CO

Zip: 80451

Ad Name: 9058861A
Editions: 8MPT/
Start: 04/04/13

Original Id: 0
Class: 0990
Stop: 04/04/13

Color:

Issue 1

Rep: Pam Schultz

Copyline: ORDINANCE NO. 2013-3-1-288 Mar

ORDINANCE NO. 2013-3-1-288

Lines:	27
Depth:	2.26
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
Total	11.34
Payment	0.00

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