

ORDINANCE NO. 2016-2

AN ORDINANCE AMENDING SECTION 10-7-220 (POSSESSION OF MARIJUANA)
AND SECTION 10-7-250 (MARIJUANA FACILITIES AND RETAIL STORES)

WHEREAS, the Saguache Municipal Code Sections 10-7-220 and 10-7-250 prohibit the possession of marijuana and commercial marijuana facilities in the Town of Saguache; and

WHEREAS, Amendment 64 of the Colorado Constitution necessitates certain amendments to the above-referenced sections to facilitate their intended purpose; and

WHEREAS, the Town of Saguache does not allow commercial marijuana cultivation or marijuana sales facilities in the Town,

NOW THEREFORE, be it Ordained by the Board of Trustees of the Town of Saguache that Sections 10-7-220 and 10-7-250 of the Saguache Municipal Code be amended to reads as follows:

Sec. 10-7-220 Possession of Marijuana

- (a) **(1)** It is unlawful for any unauthorized person to possess not more than one ounce of marijuana.

(2) Cultivation

In accordance with Article XVIII § 16 (3)(b) of the Colorado Constitution, no person shall cultivate, participate in cultivating, nor allow the cultivating of more than twelve (12) marijuana plants, with six or fewer being mature flowering plants, in his or her household, accessory buildings, greenhouse or any other structures attached of appurtenant to his or her property; provided further, the growth of said plants shall be limited to one's primary dwelling and shall not include outbuildings, accessory structures or greenhouses. It shall be no defense to this section that there is more than one adult residing upon or as co-owner or lessees upon such property nor that the owner, lessee or person possessing such property was acting as caregiver for medical marijuana patients. Any person who violates this subsection shall be punished as provided in Section 1-4-20 of the Saguache Municipal Code. Provided further that any person who violates the cultivation provisions referenced herein shall commit a separate offense for each day of continuation of such cultivation.

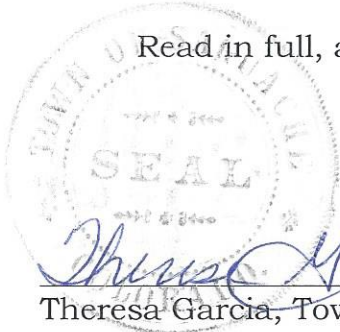
(3) Unlawful use of town water for marijuana

In accordance with the provisions of Article 12 of Title 37, C.R.S., concerning Water Rights Administration, no person shall utilize town water for

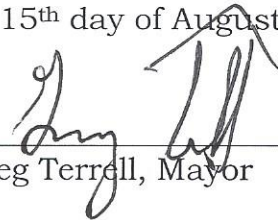
cultivation of marijuana other than the 12 plants as specified in (a) (2) above; any person violating the provisions of this subsection shall be subject to the same penalty provided thereon.

THE TOWN BOARD FINDS THAT THIS ORDINANCE IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, AND SAFETY DUE TO VERIFIED REPORTS OF UNAUTHORIZED CULTIVATION OF ILLEGAL QUANTITIES OF MARIJUANA IN THE TOWN OF SAGUACHE AND WILL BECOME EFFECTIVE UPON PASSAGE OF THE SAME.

Read in full, approved and adopted this 15th day of August, 2016.



Theresa Garcia
Theresa Garcia, Town Clerk



Greg Terrell, Mayor

CERTIFICATION

I hereby certify that the within Ordinance was introduced, read in full, approved and adopted at the regular meeting of the Board of Trustees of the Town of Saguache, Colorado on the 15th day of August, 2016, and published by title in the Saguache Crescent, a legal newspaper in the Town of Saguache on September 1, 2016.



Therese Garcia, Town Clerk