

ORDINANCE NO. 1097 (2019)

AN ORDINANCE OF THE CITY OF CRAIG, COLORADO REFERRING A QUESTION TO THE REGISTERED VOTERS APPROVING RETAIL MARIJUANA CULTIVATION BUSINESSES, RETAIL MARIJUANA MANUFACTURING BUSINESSES, RETAIL MARIJUANA TEST FACILITIES, AND RETAIL MARIJUANA OFF-PREMISES STORAGE BUSINESSES IN THE CITY OF CRAIG AND SETTING A BALLOT QUESTION FOR THE NOVEMBER 5, 2019 COORDINATED ELECTION.

RECITALS

WHEREAS, Colorado voters approved the adoption of Amendment 64 at the general election held on November 6, 2012, thereby adding Article XVIII, Section 16 entitled Personal Use and Regulation of Marijuana to the Colorado Constitution; and

WHEREAS, Amendment 64 provides for the state licensing and regulation of recreational marijuana establishments, including retail marijuana cultivation businesses, retail marijuana manufacturing businesses, retail marijuana test facilities and retail marijuana off-premises storages businesses; and

WHEREAS, Amendment 64 allows a locality to prohibit the sale of marijuana through retail stores through enactment of an ordinance, which the City of Craig did when it enacted Ordinances 1030 (2013) and 1038 (2014); and

WHEREAS, the City Council of the City of Craig is of the opinion that the City Council should refer a ballot question to the registered voters residing within the City of Craig at the November 5, 2019 coordinated election concerning approval of retail marijuana cultivation businesses, retail marijuana manufacturing businesses, retail marijuana test facilities and retail marijuana off-premises storages businesses in the City of Craig; and

WHEREAS, upon approval of the ballot question if approved by the registered voters the City Council for the City of Craig will adopt an ordinance enacting the City's Retail Marijuana Establishment Ordinance by adopting Chapter 5.70 entitled "Marijuana, Operation of Retail Marijuana Establishments" and repealing Chapter 5.60 entitled "Marijuana, Operation of Commercial Marijuana Establishments Prohibited" of the Craig Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRAIG AS FOLLOWS:

1. The question of the approval of retail marijuana cultivation businesses, retail marijuana manufacturing businesses, retail marijuana test facilities and retail marijuana off-premises storages businesses in the City of Craig is authorized for referral to the Craig City Clerk for inclusion on the ballot for the coordinated election to be held on Tuesday, November 5, 2019, which shall be submitted for approval by the registered electors in the City of Craig. The measure referred by this Ordinance

shall automatically take effect upon certification of the Moffat County Clerk that a majority of the registered electors voting at that election have approved the measure.

2. The ballot issue shall be substantially as follows:

BALLOT ISSUE (Number to be determined):

SHALL THE CITY OF CRAIG ALLOW RETAIL MARIJUANA CULTIVATION BUSINESSES, RETAIL MARIJUANA MANUFACTURING BUSINESSES, RETAIL MARIJUANA TEST FACILITIES, AND RETAIL MARIJUANA OFF-PREMISES STORAGE BUSINESSES BEGINNING FEBRUARY 1, 2020?

YES _____ NO _____

3. The City Council may submit additional ballot issues or other measures to appear on the ballot of the regular election by the adoption of appropriate resolutions or ordinances as required by law.
4. Upon passage of the measure, the City staff shall adopt an ordinance, and thereafter amend such ordinance, enacting the City's Retail Marijuana Establishment Ordinance by adopting Chapter 5.70 entitled "Marijuana, Operation of Retail Marijuana Establishments" and repealing Chapter 5.60 entitled "Marijuana, Operation of Commercial Marijuana Establishments Prohibited". Such ordinance shall be substantially in the form considered by the City Council prior to this ordinance and may be amended after initial adoption from time to time.
5. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance.
6. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.
7. This Ordinance shall take effect ten (10) days after passage and upon publication of such ordinance after passage.
8. The City Council deems it appropriate to publish the title of this Ordinance, together with a summary of the Ordinance and with the statement that the text is available for public inspection and acquisition in the office of the City Clerk.
9. Upon approval on second reading, the City Clerk shall certify the ballot content to the Moffat County Clerk for inclusion on the ballot for the November 5, 2019 coordinated election.

READ, APPROVED AND ORDERED PUBLISHED ON FIRST READING THIS _____ DAY OF _____, 2019 BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO.

Jarrod Ogden, Mayor

ATTEST:

Liz White, City Clerk

PASSED, APPROVED, AND ADOPTED AFTER HEARING ON SECOND READING THIS _____ DAY OF _____, 2019 BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO.

Jarrod Ogden, Mayor

ATTEST:

Liz White, City Clerk