

CITY OF RIFLE, COLORADO
ORDINANCE NO. 15
SERIES OF 2016

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ADOPTING A
TEMPORARY BAN ON ALL APPLICATIONS FOR MEDICAL MARIJUANA
CENTERS, MEDICAL MARIJUANA-INFUSED PRODUCTS
MANUFACTURING FACILITIES, AND MEDICAL MARIJUANA
OPTIONAL PREMISES CULTIVATION OPERATIONS IN THE CITY.

WHEREAS, the City of Rifle ("Rifle" or the "City") is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and under the authority of the City of Rifle Home Rule Charter; and

WHEREAS, by Amendment 20 to the Colorado Constitution, the voters of the State of Colorado added Section 14 of Article XVIII thereto to provide local governments the authority regulate and control the cultivation, manufacture, and sale of Medical Marijuana and Medical Marijuana products within their boundaries; and

WHEREAS, Rifle has chosen to authorize, regulate, and control the sale and manufacture of Medical Marijuana and Medical Marijuana products within the City and codified such regulations as Chapter 6, Article VIII of the Rifle Municipal Code (the "City Code"); and

WHEREAS, by Amendment 64 to the Colorado Constitution, the voters of the State of Colorado added Section 16 of Article XVIII thereto to provide local governments the authority to regulate and control the cultivation, manufacture, testing, and sale of Retail Marijuana and Retail Marijuana products within their boundaries; and

WHEREAS, Rifle has chosen to authorize, regulate, and control the cultivation of Retail Marijuana within the City and codified such regulations as Chapter 6, Article IX of the City Code; and

WHEREAS, pursuant to Section 12-43.3-106, C.R.S. and Article XVIII, § 16(5)(f) of the Colorado Constitution, the City may prohibit the licensing and operation of medical and retail marijuana establishments within the City; and

WHEREAS, it is the desire of the City Council that City staff evaluate the number and types of marijuana establishments within the City before licensing additional marijuana businesses; and

WHEREAS, during such time, the Rifle City Council finds and determines that it is the best interest of the public health, safety, and welfare for the City to adopt a temporary ban on the location of any new marijuana establishments in 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. As of the date of this Ordinance, the City shall neither accept nor consider applications for any medical marijuana center, medical marijuana-infused products manufacturing facility, or medical marijuana optional premises cultivation operation while the City Staff examines the number, location, and desirability of such additional marijuana establishments within the City.

Section 3. This Ordinance is intended to be temporary in nature, and as such, this Ordinance shall be in effect from its effective date until August 31, 2016, unless earlier repealed or amended.

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 the 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 as an emergency ordinance by the City Council of the City of Rifle, Colorado, at a regular meeting of the Council held on June 15, 2016, approved by at least seventy-five percent (75%) of the Council members present, and ordered published in full as required by the Charter.

Dated this 15 day of June, 2016.

CITY OF RIFLE, COLORADO

BY


Mayor Pro Tem

ATTEST:


City Clerk

