

**TOWN OF JAMESTOWN  
Ordinance 1, Series 2013**

**AN ORDINANCE ESTABLISHING A MORATORIUM ON THE LICENSING OF RECREATIONAL MARIJUANA FACILITIES, INCLUDING MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES AND RETAIL MARIJUANA STORES WITHIN THE TOWN OF JAMESTOWN**

WHEREAS, on November 6, 2012, Colorado voters approved an amendment to Article XVIII, Section 16 of the Colorado Constitution that makes the personal use, possession and limited home growing of marijuana for adults twenty-one years of age or older legal under Colorado law;

WHEREAS, Article XVIII, Section 16 of the Colorado Constitution also requires the state to establish a system under which marijuana is regulated and taxed similarly to alcohol, to facilitate the retail sale and cultivation of marijuana;

WHEREAS, Article XVIII, Section 16 of the Colorado Constitution, however, contains a local option, similar to the local option for medical marijuana that authorizes the Town Board to adopt an ordinance prohibiting the retail sale, cultivation, manufacturing and testing of marijuana within the corporate limits of the Town;

WHEREAS, under Article XVIII, Section 16 of the Colorado Constitution, regulations governing recreational marijuana operations are not due from the Department of Revenue until July 1, 2013, and local regulations are not required until October 1, 2013;

WHEREAS, recreational marijuana operations remain illegal under federal law, and the response of federal law enforcement authorities to Article XVIII, Section 16 of the Colorado Constitution remains uncertain;

WHEREAS, the Board of Trustees desires to impose a temporary prohibition on the use of property for a marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility or retail marijuana store in the Town, as authorized by Article XVIII, Section 16(5)(f) of the Colorado Constitution;

WHEREAS, the duration of this ban shall last until the Board of Trustees takes formal action after having had an opportunity to consider any potential challenges to Article XVIII, Section 16(5)(f) of the Colorado Constitution; the state regulations governing recreational marijuana operations; the position of the federal government; and issues relating to the conversion of existing medical marijuana facilities to recreational marijuana operations; and

WHEREAS, the Town's authority to adopt this Ordinance is found in: Article XVIII, Section 16 of the Colorado Constitution; the Local Government Land Use Control Enabling Act, C.R.S. 29-20-101, et seq.; C.R.S. 31-23-101, et seq. (municipal zoning powers); C.R.S. §§ 31-15-103, 31-15-401. (municipal police powers); and C.R.S. § 31-15-501 (municipal authority to regulate businesses).

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTES OF THE TOWN OF JAMESTOWN, COLORADO:**

Section 1. Recreational marijuana establishments – prohibited. The use of property as a marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility or retail marijuana store as those operations are defined in Article XVIII, Section 16 of the Colorado Constitution is prohibited within the corporate limits of the Town until the Board of Trustees takes formal action to modify such prohibition.

Section 2. Any person who violates any provision of this Ordinance shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not to exceed ten (10) days or both such fine and imprisonment. Each day during any portion of which any violation of any provision of this

Ordinance is committed, continued or permitted by any such person shall be deemed a separate offense.

Section 3. Saving Clause: The repeal or modification of any provision of this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining all proper actions, suits, proceedings and prosecutions for the enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings or prosecutions.

Section 4. Severability: If any portion of this ordinance is held to be invalid for any reason, such decisions shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

*BY TITLE*

**INTRODUCED, READ, ADOPTED, APPROVED, SIGNED AND ORDERED PUBLISHED IN FULL THIS**  
14 DAY OF April, 2013.

**TOWN OF JAMESTOWN, COLORADO**

Attest:

  
MARY ELLEN BURCH, TOWN CLERK

  
TARA SCHOEDINGER, MAYOR