

ORDINANCE NO. 5  
Series 2013

AN ORDINANCE OF THE TOWN OF PITKIN, COLORADO, PROHIBITING RETAIL  
MARIJUANA BUSINESSES

WHEREAS, on November 7, 2012, the voters of the State of Colorado approved Section 16 of Article XVIII of the Colorado Constitution, which authorized the personal use and possession of recreational marijuana for adults; and

WHEREAS, Article XVIII, Section 16 (5) of the Colorado Constitution provides for the regulation of marijuana; and

WHEREAS, Article XVIII, Section 16 (5) (f) of the Colorado Constitution provides that counties and municipalities in Colorado may enact ordinances, not in conflict with this section or regulations or legislation enacted pursuant to this section; and

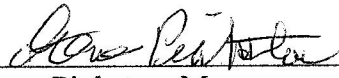
WHEREAS, Article XVIII, Section 16 (5) (f) of the Colorado Constitution also authorizes counties and municipalities in Colorado to prohibit or regulate retail marijuana businesses and to adopt regulations consistent with the intent of the state law.

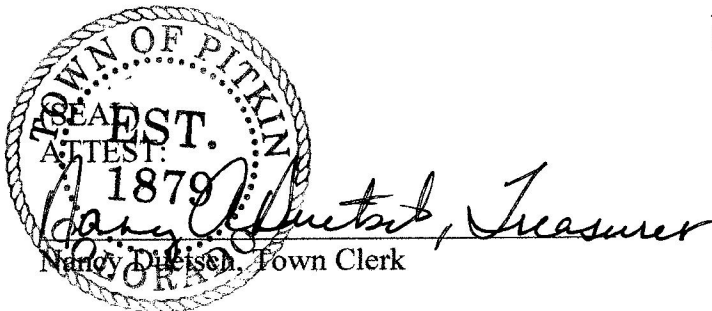
NOW, THEREFORE, be it ordained by the Board of Trustees of the Town of Pitkin, Colorado, as follows:

1. The Town of Pitkin Board of Trustees hereby finds, determines and declares that it has the power to adopt this Article pursuant to:
  - a. the Colorado Constitution, Article XVIII, Section 16 (Personal Use and Regulation of Marijuana);
  - b. Section 31-15-103, C.R.S. (concerning municipal police powers);
  - c. Section 31-15-401, C.R.S. (concerning municipal police powers);
  - d. Section 31-15-501, C.R.S. (concerning municipal authority to regulate businesses).
2. The Town of Pitkin hereby prohibits the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores pursuant to its authority set forth hereinabove.
3. The Town of Pitkin Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Pitkin, that it is promulgated for the health, safety and welfare of the public and this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town of Pitkin Board of Trustees further determines that this Ordinance bears a rational relation to the proper legislative object sought to be attained.

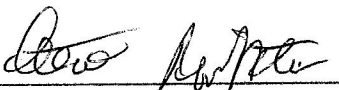
4. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.
5. The Town of Pitkin Board of Trustees hereby finds, determines and declares that this ordinance is necessary to the immediate preservation of the public health and safety, and therefore this Ordinance shall become effective upon adoption.

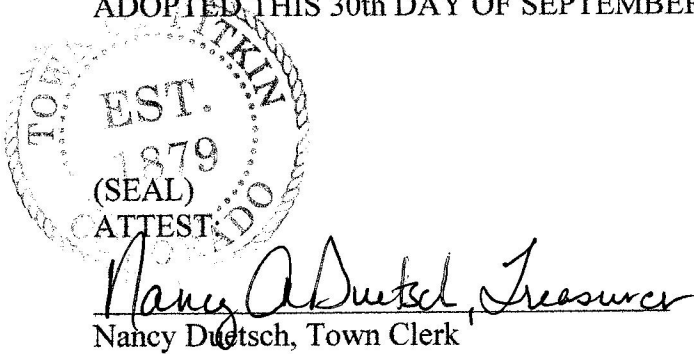
Read, Approved, and Ordered Published This 10th Day Of September, 2013.

  
Steve Pinkston, Mayor

  
ATTEST:  
Nancy Dutsch, Town Clerk

ADOPTED THIS 30th DAY OF SEPTEMBER, 2013.

  
Steve Pinkston, Mayor

  
(SEAL)  
ATTEST:  
Nancy Dutsch, Town Clerk