

**PALMER LAKE, COLORADO**

**ORDINANCE NO. 08-2020**

**AN ORDINANCE AMENDING SECTION 5.30.270 OF THE TOWN OF PALMER LAKE MUNICIPAL CODE REGARDING MARIJUANA ODOR CONTROL**

**WHEREAS**, the Board of Trustees of the Town of Palmer Lake, Colorado, pursuant to Colorado statute and the Town of Palmer Lake Municipal Code, is vested with the authority of administering the affairs of the Town of Palmer Lake, Colorado;

**WHEREAS**, the odor of marijuana from a licensed premises within the Town of Palmer Lake is currently regulated by Section 5.30.270 of the Palmer Lake Municipal Code; and

**WHEREAS**, the Board of Trustees has determined that it is in the public interest to further define how the odor of marijuana is detected and enforced.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO, THAT:**

**Section 1.**

Section 5.30.270 of the Palmer Lake Municipal Code shall be amended by adding the underlined language, to read in its entirety as follows:

**5.30.270. Operating Plans.**

In connection with the license application, the applicant shall provide a detailed operations plan and, upon issuance of a license, shall operate the medical marijuana facility in accordance with the plan. Such plan shall include:

(a) **Floor Plan.** A plan showing the layout of the dispensary and the principle uses of the floor area depicted. A center shall have a lobby waiting area at the entrance to the dispensary to receive clients, and a separate and secure designated area for dispensing medical marijuana to qualified patients or designated primary caregivers. The primary entrance of any stand-alone facility shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways.

(b) **Storage.** A center shall provide a storage plan which demonstrates compliance with 5.30.260(b).

(c) Security Plans. A medical marijuana facility shall provide a security plan which demonstrates compliance with 5.30.260.

(d) Lighting Plan. A medical marijuana facility shall provide a lighting plan in accordance with this code. Such Plan shall also include any illumination for the purposes of cultivation and any mitigation controls to lessen adverse impacts to the surrounding properties.

(e) Odor Controls. A medical marijuana center, optional premises cultivation operation or medical marijuana-infused product manufacturing location shall provide a plan for the mitigation and control of odors and other environmental impacts which may emanate from the dispensary. Such plan shall describe the ventilation system for the premises.

(1) The Odor Control measure must, at a minimum, filter out the odor of marijuana so that the odor is not capable of being detected by a person with a normal sense of smell at the exterior of the dispensary or any adjoining business, parcel or tract of real property.

(2) Odor Control Enforcement

i. For the purposes of measuring odor control, the Code enforcement officer is hereby deemed to be a person with a normal sense of smell.

ii. Upon receiving a complaint regarding marijuana odor, the code enforcement officer, or his or her designee, shall visit the area and investigate and determine the cause of the odor.

iii. Not more than 24 hours after receiving a complaint and making an initial investigation, the code enforcement, or his or her designee, shall follow up with a second visit to determine if the cause of the odor has ceased.

(3) It shall be unlawful for any person, firm, or corporation to fail to comply with any of the requirements of this subsection, 5.30.270(e). Any person, firm, or corporation violating any of these provisions or failing to comply with any of these provisions is guilty of a municipal offense and shall be punished according to Chapter 1.16 of this Code.

(f) A description of the products and services to be provided by the medical marijuana facility.

**Section 2.**

Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Board hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.


**Section 3.**


Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

**INTRODUCED, READ AND PASSED AT A FIRST READING AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 13TH DAY OF AUGUST, 2020.**

ATTEST:

TOWN OF PALMER LAKE, COLORADO

  
\_\_\_\_\_  
Dawn A. Collins  
Town Clerk/Deputy Administrator

BY:   
\_\_\_\_\_  
Mark Schuler  
Mayor Pro Tem