

PALMER LAKE, COLORADO

ORDINANCE NO. 24 OF 2017

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE AMENDING CHAPTER 5.30 REGULATING MARIJUANA RELATED USES WITHIN THE TOWN TO LIMIT THE NUMBER OF LICENSEES WITHIN THE TOWN TO TWO

WHEREAS, THE TOWN OF PALMER LAKE IS A COLORADO MUNICIPAL CORPORATION AUTHORIZED BY STATE LAW, INCLUDING, BUT NOT LIMITED TO, SECTIONS 31-15-401 AND 31-23-301 OF THE COLORADO REVISED STATUTES, TO EXERCISE ITS POLICE POWERS TO PROMOTE AND PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY AND ITS CITIZENS; AND

WHEREAS, PURSUANT TO SECTION 31-23-301 OF THE COLORADO REVISED STATUTES, SUCH POLICE POWERS INCLUDE THE POWER TO REGULATE THE LOCATION AND USE OF LAND WITHIN THE COMMUNITY FOR TRADE, INDUSTRY, OR OTHER PURPOSES; AND

WHEREAS, PLANNING, LAND USE, AND GENERAL BUSINESS REGULATION ARE WELL-ESTABLISHED AS PURELY MATTERS OF LOCAL CONCERN; AND

WHEREAS, IN NOVEMBER 2000 COLORADO VOTERS APPROVED AMENDMENT 20, CODIFIED AS SECTION 14 OF ARTICLE XVIII OF THE COLORADO CONSTITUTION, WHICH CONCERNS MEDICAL MARIJUANA; AND

WHEREAS, IN NOVEMBER 2012 COLORADO VOTERS APPROVED AMENDMENT 64, *PERSONAL USE AND REGULATION OF MARIJUANA*, WHICH ADDED A NEW SECTION 16 TO ARTICLE XVIII OF THE COLORADO CONSTITUTION (HEREINAFTER "RECREATIONAL MARIJUANA"); AND

WHEREAS, BY ORDINANCE 15 OF 2017, THE BOARD OF TRUSTEES AMENDED ITS ORDINANCES GOVERNING THE LICENSING OF PERSONS AND BUSINESSES PROVIDING MARIJUANA RELATED SERVICES AND REGULATING THE USE OF LAND WITHIN THE TOWN FOR MARIJUANA RELATED USES; AND

WHEREAS, THE BOARD OF TRUSTEES WISHES TO FURTHER AMEND THE ORDINANCE PROVISIONS GOVERNING THE LICENSING OF PERSONS AND BUSINESSES PROVIDING MARIJUANA RELATED SERVICES CONSISTENT WITH AND APPLIED IN ACCORDANCE WITH THE COLORADO MEDICAL MARIJUANA CODE, S§ 12-43.3-101 *ET SEQ.*, C.R.S. AND WITH THE COLORADO RETAIL MARIJUANA CODE, §§12-43.4-101 *ET SEQ.*, C.R.S.; AND

WHEREAS, THE TOWN'S AUTHORITY TO ADOPT THIS ORDINANCE IS FOUND IN THE COLORADO MEDICAL MARIJUANA CODE, SECTION 12-43.3-101, C.R.S.; ARTICLE XVIII, § 16 OF THE COLORADO CONSTITUTION, THE LOCAL GOVERNMENT LAND USE CONTROL ENABLING ACT, SECTION 29-20-101, C.R.S.;

SECTION 31-23-101, C.R.S. (MUNICIPAL ZONING POWERS); SECTIONS 31-15-103 AND 31-15-401, C.R.S. (MUNICIPAL POLICE POWERS) AND SECTION 31-15-501, C.R.S. (MUNICIPAL AUTHORITY TO REGULATE BUSINESSES); AND

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

Section 1. Section 5.30.010 entitled “Definitions” is hereby amended by the addition of “person” as a new defined term, which addition shall read as follows:

Person shall mean a corporation, partnership, limited liability company, or natural person or person(s).

Section 2. Section 5.30.03010 is re-titled as “Application restrictions; Application and Process for Issuance of License” and is hereby amended by the addition of a new subsection (A) with current subsections (A) through (D) being re-lettered (B) through (E) respectively, such new subsection (A) to read as follows in its entirety:

5.30.030. Application Restrictions; Application and Process for Issuance of License.

- A. At no time shall there be more than two persons holding license(s) under this chapter. No application for any new license shall be considered or license(s) issued unless such applicant either already holds a license under this chapter as of October 26, 2017, or is a transferee or proposed transferee of all such person(s) license(s) issued as of the date of the transfer.

Section 3. Subsection (5) of Section 5.30.060, entitled “Standards for Issuance of License” is hereby amended to read as follows in full:

- (5) The Applicant is not prohibited by Section 5.30.030(A) of this Code or by Section 12-43.3-307 or Section 12-43.4-306, C.R.S., as applicable, to be a Licensee. The Applicant and any other individuals listed on the Application may present written documentation with the Application regarding his/her criminal history, including but not limited to evidence of mitigating factors, rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant’s last criminal conviction and the consideration of the Application for a License.

Section 4. Section 5.30.060, entitled “Transferability of License” is hereby amended to read as follows in full:

5.30.120. Transferability of License.

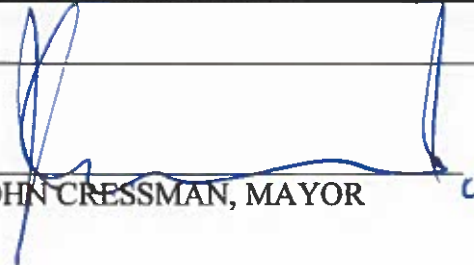
A License is transferable and assignable only in conformity with this Chapter and applicable state law, to include the criteria of Sections 5.30.030(A) and 5.30.060 (1) through (6) and including any requirement that the Town be notified of and approve in advance any transfer, to include transfer of capital stock or change of corporate or LLC structure in any Licensee and the Town may charge a fee for a transfer of ownership or

change of corporate or LLC structure application in an amount set by the Board of Trustees by resolution.


Section 5. Severability. It is hereby declared to be the intention of the Board of Trustees of the Town of Palmer Lake, Colorado that the sentences, clauses and phrases of this ordinance are severable, and if any sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by the valid judgment or decree of Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sentences, clauses or phrases of this ordinance since the same would have been enacted by the Board of Trustees without the incorporation of any unconstitutional or invalid sentence, clause or phrase.

Section 6. Publication and Effective Date. The Town Clerk shall certify to the passage of this ordinance and cause notice of its contents and passage to be published by title only and posted in full on the Town official web site. This ordinance shall become effective thirty (30) days after the date of publication.

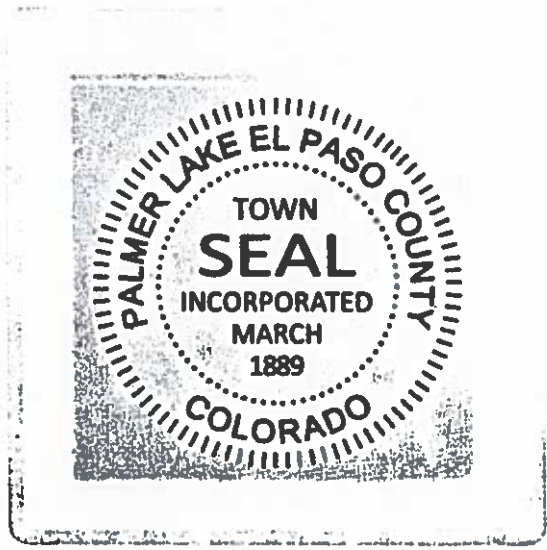
PASSED AND ADOPTED THIS 26 DAY OF Oct, 2017 BY A VOTE OF 5 FOR AND 1 AGAINST.



JOHN CRESSMAN, MAYOR

ATTEST:


TARA BERRETH, TOWN CLERK



I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Palmer Lake at its meeting of October 26, 2017, and ordered published by title only by Gazette newspaper on Oct 30, 2017 and published in full on the Town's official web site.



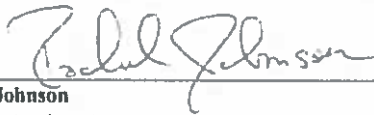
Tara Berreth, Town Clerk

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF El Paso

I, Rachel Johnson, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Colorado Springs Gazette, L.L.C., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole at the city of Colorado Springs in the County of El Paso, and the State of Colorado, and which is called Colorado Springs Gazette; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper 1 time(s) to wit 10/30/2017

That said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.



Rachel Johnson
Sales Center Agent

Subscribed and sworn to me this 10/30/2017, at said City of Colorado Springs, El Paso County, Colorado.

My commission expires November 1, 2020.



Mary Heifner
Notary Public
The Gazette

