

ORDINANCE NO. 4
(Series 2010)

AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE TOWN OF LAKE CITY, COLORADO, AT THE GENERAL ELECTION ON NOVEMBER 2, 2010, A QUESTION OF WHETHER TO ALLOW MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS, AND MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURERS' LICENSES WITHIN THE TOWN.

WHEREAS, in the November 2000 general election, the voters of the State of Colorado adopted Amendment 20 to the Colorado Constitution ("Article XVIII, Section 14") which authorizes and limits the sale of medical marijuana for use in the treatment of debilitating medical conditions; and

WHEREAS, the Board of Trustees of Lake City, pursuant to its police power as provided for by Colorado Statutes and the Colorado Constitution, adopted Ordinance No. 5, Series 2009 and Ordinance No. 2, Series 2010, which declared, and then continued, a moratorium on the issuance of licenses or permits of any nature whatsoever relating to the operation and maintenance of medical marijuana centers and related facilities; and

WHEREAS, since the adoption of said moratorium, the Colorado General Assembly adopted House Bill 10-1284 (C.R.S. 12-43.3-101 *et seq.*) which authorizes municipalities to adopt and enforce ordinances to license, regulate, or prohibit the cultivation or sale of medical marijuana; and

WHEREAS, House Bill 12-1284 further authorizes a municipality, by either a majority of registered electors of the municipality voting at a regular election or a majority of the members of the governing board for the municipality, to vote to completely prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses; and

WHEREAS, the Board of Trustees of Lake City, Colorado desires to present to the registered electorate of the Town at the next regular municipal election the question of whether or not to exercise Lake City's local option to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses.

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

Section 1. The following question shall be submitted to a vote of the registered electorate of the Town of Lake City at the regular municipal election on November 2, 2010:

“MEDICAL MARIJUANA FACILITIES QUESTION

SHALL THE TOWN OF LAKE CITY, COLORADO EXERCISE ITS LOCAL OPTION UNDER COLORADO STATUTES (C.R.S. 12-43.3-101 *ET SEQ.*) TO ALLOW MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS, AND MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURERS’ LICENSES WITHIN THE TOWN?

YES _____ NO _____”

Section 2. The provisions of this ordinance and the question authorized to be submitted to the electorate are hereby declared to be severable. If any portion of this ordinance or the question shall be judicially determined to be invalid or unenforceable, such determination shall not affect the remaining provisions of such ordinance or question.

ADOPTED by unanimous vote of the Board of Trustees of the Town of Lake City this 18th day of August, 2010.

Larry Iiams, Mayor

ATTEST:

Cindy Nelson, Town Clerk