TOWN OF NEW CASTLE, COLORADO
ORDINANCE 2013-5

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL PROHIBITING RETAIL MARIJUANA STORES.

WHEREAS, Colorado voters approved an amendment to the Colorado Constitution, Article XVIII, Section 16, which allows in part for the retail sale of marijuana in the State of Colorado; and

WHEREAS, Article XVIII, Section 16, of the Colorado Constitution authorizes local governments, such as the Town of New Castle, to prohibit the operation of retail marijuana stores through the enactment of an ordinance; and

WHEREAS, C.R.S. § 12-43.4-104(3) authorizes a local jurisdiction such as the Town of New Castle to enact ordinances or regulations prohibiting the operation of retail marijuana establishments including retail marijuana stores; and

WHEREAS, the Town Council has considered comments and testimony offered by members of the public and the Planning Commission at a public meeting on June 26, 2013, as well as any additional comments offered at the public meetings where this ordinance was considered; and

WHEREAS, the Town Council has carefully considered the provisions of Article XVIII, Section 16, of the Colorado Constitution, the impacts of retail marijuana stores on the health, safety, and welfare of the Town and the citizens thereof, the costs of regulation balanced against the potential revenues from sales tax proceeds, and has determined that retail marijuana stores should not be located within the corporate limits of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the New Castle Town Council.

2. Amendment. The Town Council hereby amends the New Castle Municipal Code by the addition of a new Chapter 5.28 as follows:

Chapter 5.28 Retail Marijuana Businesses

5.28.010 Definitions

The terms used in this Chapter, unless the context otherwise requires, shall have the same meanings defined in the Colorado Retail Marijuana Code, Title 12, Article 43.4, Colorado Revised Statutes, as now existing or as hereafter amended by the state legislature.

5.28.020 Retail Marijuana Stores Prohibited

It is unlawful for any person to operate, cause to be operated, or permit to be operated, any retail marijuana store within the Town, or any off-premises warehouse storage facility of a retail marijuana store, and such uses are hereby prohibited in any location with the Town, or within any area hereinafter annexed to the Town. Nothing herein shall prohibit the operation of other forms of retail marijuana establishments, subject to all applicable state and local laws, regulations, and licensing requirements.

5.28.030 Penalties

1. A violation of any provision of this Chapter shall be punishable by a fine of not more than $1,000 or imprisonment for not more than one (1) year, or by both such fine and imprisonment.

2. Each and every day a violation of the provisions of this Chapter is committed, exists or continues shall be deemed a separate offense.

3. The Town is authorized to seek an injunction, abatement, restitution or any other remedy necessary to prevent, enjoin, abate, or remove the violation; and

4. Any remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law or in equity.

3. Review. The Town Council shall review the provisions of this Ordinance and consider whether any amendment or other action is appropriate at a public meeting to be held in July or August 2014 as the agendas permit. Unless the Town Council takes formal action following such review, all provisions herein shall remain in effect.

INTRODUCED on July 2, 2013, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on JULY 16, 2013, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

By: _____
Frank Breslin, Mayor

ATTEST:

_____
Melody Harrison, Town Clerk

TOWN OF NEW CASTLE
GARFIELD
SEAL
COUNTY
COLORADO

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