

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE 2014-2**

AN ORDINANCE OF THE TOWN OF NEW CASTLE PROHIBITING
ALL TYPES OF RETAIL MARIJUANA ESTABLISHMENTS.

WHEREAS, The Town is authorized and empowered to enact this Ordinance under its general police powers and the powers of the Town's Home Rule Charter; and

WHEREAS, on November 6, 2012 the voters of Colorado approved Amendment 64 which amended the Colorado Constitution to authorize the personal use of marijuana by adults in certain circumstances; and

WHEREAS, on December 10, 2012 the Governor signed Executive Order D 2012-052 declaring the vote on Amendment 64, which rendered the change to Section 16 of Article XVIII of the Constitution valid; and

WHEREAS, Article XVIII § 16(5) empowers a local government to regulate certain aspects of the production, sale, and consumption of marijuana and also permits a local government to enact a total ban on the cultivation, manufacture, and sale of marijuana within its boundaries; and

WHEREAS, C.R.S. § 12-43.4-104(3) authorizes a local jurisdiction such as the Town to enact an ordinance prohibiting the operation of retail marijuana establishments within the jurisdiction; and

WHEREAS, the Town via Ordinance 2011-1, as codified as Section 9.60.030 of the Town Code, has previously enacted a permanent comprehensive ban on the operation of medical marijuana businesses within the Town, which remains in full force and effect; and

WHEREAS, the Town via Ordinance 2013-5, as codified in Chapter 5.28 of the Town Code, has previously enacted a permanent comprehensive ban on the operation of retail marijuana stores, which remains in full force and effect; and

WHEREAS, the Planning and Zoning Commission held a public hearing on July 24, 2013 and then passed Resolution No. PZ 2013-4 making recommendations to the Town Council concerning zone districts in which certain types of retail marijuana establishments, not including stores, could be allowed as conditional uses in the event that the Town Council determined to allow such uses at all within the Town; and

WHEREAS, Ordinance 2013-6 enacted a moratorium on all other types of retail marijuana establishments through August 1, 2014; and

WHEREAS, the Town Council has reviewed and considered the ban on retail marijuana stores enacted by Ordinance 2013-5 in accordance with Section 3 of said ordinance and has determined that the ban should remain in place and should be extended to cover all other types of

retail marijuana establishments as defined in the Colorado Retail Marijuana Code, Article 43.4, Title 12, C.R.S.; and

WHEREAS, the New Castle Town Council finds, determines and concludes that it has a legitimate public purpose in banning all types of marijuana-related businesses in order to protect the health, safety, welfare and quality of life for the citizens of the Town, and that a total ban should be enacted rather than allowing such businesses within the Town.

NOW, THEREFORE, BE IT RESOLVED 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. Retail Marijuana Establishments Prohibited.

Section 5.28.020 of the municipal code is hereby amended as follows:

5.28.020 Retail marijuana establishments prohibited.

It is unlawful for any person to operate, cause to be operated, or permit to be operated, any retail marijuana establishment within the town, and such uses are hereby prohibited in any location with the town, or within any area hereinafter annexed to the town

3. Repeal of Sections 2, 3 and 4 of Ordinance 2013-6. Upon the effective date of this Ordinance 2014-2, the provisions of Sections 2, 3, and 4 of Ordinance 2013-6, which imposed a moratorium and directed town staff to take certain actions through August 1, 2014, shall be moot and shall therefore be considered repealed as of such time. All other provisions of Ordinance 2013-6 shall remain in effect.

INTRODUCED on June 17, 2014, 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 1, 2014, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

Attest:

By: _____
Bob Gordon, Mayor

Melody Harrison, Town Clerk