

ORDINANCE NO.

NO. 13-03
Series of 2013

TITLE: A BILL FOR AN ORDINANCE AMENDING ARTICLE 4 OF CHAPTER 16 OF THE HUDSON MUNICIPAL CODE TO ADD A NEW SECTION 16-70 CONCERNING THE PROHIBITION OF MARIJUANA USES DESCRIBED IN ARTICLE XVIII, SECTION 16, OF THE COLORADO CONSTITUTION AND THE PROHIBITION OF MARIJUANA CLUBS

WHEREAS, Colorado voters approved an amendment to the State Constitution, Article XVIII, Section 16 of the Colorado Constitution that makes the personal use, possession and limited home growing of marijuana for adults twenty-one years of age or older legal under Colorado law;

WHEREAS, Article XVIII, Section 16 of the Colorado Constitution also requires the state to establish a system in which marijuana is regulated and taxed similarly to alcohol, to facilitate the retail sale and cultivation of marijuana;

WHEREAS, Article XVIII, Section 16 of the Colorado Constitution, however, contains a local option, similar to the local option for medical marijuana that authorizes the Board of Trustees to adopt an ordinance prohibiting the retail sale, cultivation, manufacturing and testing of marijuana within the corporate limits of the Town;

WHEREAS, the purpose of the amendment to Article 4 of Chapter 16 of the Hudson Municipal Code is to prohibit the use of property for a marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility or retail marijuana store in any zoning district in the Town, as authorized by Article XVIII, Section 16(5)(f) of the Colorado Constitution; and

WHEREAS, the purpose of the amendment to Article 4 of Chapter 16 of the Hudson Municipal Code is to prohibit the use of property as a gathering place for the consumption of marijuana and marijuana products in any zoning district of the Town zoned for non-residential uses.

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. Article 4 of Chapter 16 of the Hudson Municipal Code is hereby amended by the addition of a new Section 16-70 to read as follows:

Sec. 16-70. Marijuana establishments – prohibited.

- (a) The uses of property as a marijuana cultivation facility, marijuana product

manufacturing facility, marijuana testing facility or retail marijuana store are all uses prohibited in any zoning district in the Town.

(b) The use of property as a marijuana club is prohibited in any zoning district in the Town. For purposes of this section, the term "marijuana club" means an organization that allows members and their guests to consume marijuana or marijuana products on the premises in a non-residentially zoned area.

Section 2. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Hudson, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ IN FULL, AND ADOPTED this 6th day of March, 2013.

TOWN OF HUDSON, COLORADO


Neal Pontius, Mayor

ATTEST:

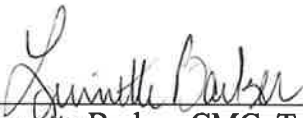

Linnette Barker, CMC, Town Clerk

PASSED ON SECOND AND FINAL READING this 20th day of March, 2013, AND ORDERED PUBLISHED ONCE IN FULL.

TOWN OF HUDSON, COLORADO


Neal Pontius, Mayor

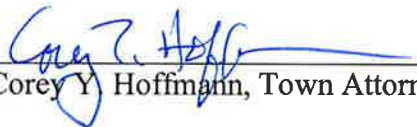
ATTEST:



Linnette Barker, CMC, Town Clerk



APPROVED AS TO FORM:



Corey Y. Hoffmann, Town Attorney