

ORDINANCE NO. 2010-26

A BILL

FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF AURORA, COLORADO AT THE SPECIAL MUNICIPAL ELECTION OF NOVEMBER 2, 2010, A QUESTION OF WHETHER THE OPERATION AND LICENSING OF MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS, AND MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURERS SHALL BE PROHIBITED IN THE CITY OF AURORA, COLORADO.

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 Aurora City Council, pursuant to its Police Power as provided for in the City Charter and ordinances, and in Article XX of the Colorado Constitution, adopted Ordinance No. 2009-57, which declared a six month moratorium on the issuance of licenses or permits of any nature whatsoever relating to the cultivation, possession, dispensing, or sale of medical marijuana; and

WHEREAS, since that time, the Colorado General Assembly adopted House Bill 10-1284 which authorizes a municipality to adopt and enforce an ordinance licensing, regulating, or prohibiting the cultivation or sale of medical marijuana, CRS 12-43.3-103(2); and

WHEREAS, House Bill 10-1284 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 prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers’ licenses; and

WHEREAS, the City Council wishes to take advantage of the local option provided for in House Bill 10-1284, by presenting to the registered electorate of the City of Aurora at the regular municipal election on November 2, 2010, the question of whether 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 CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

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

“MEDICAL MARIJUANA QUESTION

SHALL THE OPERATION AND LICENSING OF MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS, AND MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURERS BE PROHIBITED IN THE CITY OF AURORA, COLORADO?

YES ____ NO ____”

Section 2. Contingent upon the affirmative vote of the registered electors of the City with regard to the ballot question submitted by this ordinance, immediately after the certification of such vote, Chapter 86 of the City Code of the City of Aurora, Colorado shall be amended by adding Article VIII which article reads as follows:

ARTICLE VII. MEDICAL MARIJUANA

SEC. 86-751. BUSINESSES AND LICENSES PROHIBITED

IT SHALL BE UNLAWFUL FOR ANY PERSON TO ENGAGE IN, OR BE LICENSED FOR, ANY OF THE FOLLOWING BUSINESSES WITHIN THE CITY:

- (A) MEDICAL MARIJUANA CENTER, AS DEFINED BY SECTION 12-43.3-104(8), C.R.S. AND DESCRIBED IN SECTION 12-43.3-402 C.R.S.;**
- (B) OPTIONAL PREMISES CULTIVATION OPERATION, AS DEFINED BY SECTION 12-43.3-104(12), C.R.S. AND DESCRIBED IN SECTION 12-43.3-403 C.R.S.; OR**
- (C) MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER, AS DEFINED BY SECTION 12-43.3-104(10), C.R.S. AND DESCRIBED IN SECTION 12-43.3-404 C.R.S.**

Section 3. The provisions of this ordinance and the question authorized to be submitted hereby are 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.

Section 4. All ordinances or parts of ordinances of the City of Aurora, Colorado, in conflict herewith are expressly repealed.

Section 5. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this ordinance shall be by reference, utilizing the ordinance title.

INTRODUCED, READ AND ORDERED PUBLISHED this 12th day of
July, 2010.

PASSED AND ORDERED PUBLISHED BY REFERENCE this _____ day of
_____, 2010.

EDWARD J. TAUER, Mayor

ATTEST:

DEBRA JOHNSON, City Clerk

APPROVED AS TO FORM: _____