Town of Silver Plume

Ordinance No. 344 (2020-01)

AN ORDINANCE AMENDING ORDINANCE NO. 335 PROVIDING FOR THE REGULATION AND OPERATION OF RETAIL AND DUAL RETAIL AND MEDICAL MARIJUANA STORES WITHIN THE BOUNDARIES OF THE TOWN

WHEREAS, on July 14, 2014, the Town adopted Ordinance No. 335, an Ordinance Providing for the Regulation and Operation of Retail and Dual Retail and Medical Marijuana Stores Within the Boundaries of the Town and Repealing Portions of Town of Silver Plume Ordinance No. 331, Which Declared A Twelve-Month Moratorium on the Operation of Certain Marijuana-Related Businesses, Including Retail Marijuana Stores within the Municipal Boundaries of the Town of Silver Plume and Extending and Making the Moratorium Permanent with respect to All Other Types of Marijuana Businesses or Facilities.

WHEREAS, the Town Board has determined that certain amendments are necessary to clarify and update various provisions of Ordinance No. 335.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVER PLUME, COLORADO,

Section 1. Amendments to Ordinance No. 335. Ordinance No. 335 is hereby amended as follows:

1.1 Section 9. Retail Marijuana Stores is amended to read as follows:

1.1.a. Section 9(A) is revised to read as follows:

(A) A licensed retail marijuana store may sell retail marijuana or retail marijuana products to persons twenty-one (21) years of age or older in the following quantities:

(1) Up to one (1) ounce of retail marijuana or its equivalent in retail marijuana products during a single sales transaction to a ~~Colorado resident~~ person.

(2) Section 9(A)(2) is deleted in its entirety.

1.1.b. Section 9(B) is deleted in its entirety.

1.1.c. Section 9(E) is renumbered and amended to read as follows:

~~(E)~~(D) Retail marijuana store licensees are prohibited from selling ~~or soliciting orders for~~ retail marijuana or retail marijuana products over the internet.

1.2 Sec. 12. Persons prohibited as licensees and employees is amended to read as follows:

1.2.a. Sec. 12(A) is deleted in its entirety and replaced with the following:

(A) The criteria for determination of those persons who are not eligible to receive a retail marijuana license shall be as provided by the Colorado Marijuana Code and any rules and regulations promulgated thereunder as the same may be amended from time to time.

1.2.b. Sec. 12(B) is deleted in its entirety and replaced with the following:

(B) No licensee shall employ any person to perform work functions directly related to the possession, cultivation, dispensing, selling, serving or delivering of marijuana for a licensed retail marijuana business who does not hold a valid Employee License issued by the State Licensing Authority.

1.3 Sec. 18. Change in manager; change in financial interest is amended to read as follows:

1.3.a. Sec. 18(B) is deleted in its entirety and replaced with the following:

(B) Each licensee shall report in writing to the local licensing authority any transfer or change of beneficial ownership of 10% or more in the retail marijuana business within forty-five (45) days after any such transfer or change.

1.3.b. Sec. 18(C) is deleted in its entirety.

1.4 Sec. 19. Transfer of ownership; change of location is amended to read as follows:

Transfer of ownership of any license shall be governed by the standards and procedures set forth in the Colorado Marijuana Code and any rules and regulations promulgated thereunder as the same may be amended from time to time. For a ~~transfer of ownership or~~ change of location, a license holder shall apply to the state and local licensing authority on forms provided by the state licensing authority. The local licensing authority may hold a hearing on the application for a ~~transfer of ownership or~~ change of location, but such hearing shall not be held until a notice of such hearing has been posted on the licensed retail marijuana store premises for a period of at least ten (10) days prior to such hearing, and the applicant has been provided at least ten (10) days prior notice of such hearing.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. Safety. This Ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

Section 4. Compatibility with Other Ordinances. All ordinances, resolutions, by-laws, and regulations of the Town of Silver Plume that are in conflict with this Ordinance are hereby repealed to the extent of the inconsistency. This repeal shall not be construed to revive any ordinance, resolution, by-law or regulation or part thereof heretofore repealed.

INTRODUCED AND READ ON THE 13th DAY OF January, 2020.

ADOPTED ON THIS 27th DAY OF January, 2020.

Signature:

TOWN OF SILVER PLUME SEAL COLORADO

Leonard Berenato, Mayor

Attest:

Tammy A. Sanford, Town Clerk