

ORDINANCE NO. 12
Series of 2020

AN ORDINANCE OF THE TOWN OF CARBONDALE, COLORADO, REVISING ARTICLES 4 AND 5 OF CHAPTER 6 OF THE MUNICIPAL CODE REGARDING OFF-SITE DELIVERIES FROM LICENSED MEDICAL AND RETAIL MARIJUANA STORES AND OFF-PREMISES STORAGE FACILITIES AND TO PROHIBIT DELIVERIES INTO THE TOWN OF CARBONDALE FROM MEDICAL OR RETAIL MARIJUANA FACILITIES LOCATED IN OTHER JURISDICTIONS

WHEREAS, pursuant to Ordinance No. 11 Series of 2013 and Ordinance No. 7 Series of 2014, the Town licenses and regulates retail and medical marijuana establishments; and

WHEREAS, the Board of Trustees seeks to revise Articles 4 and 5 of Chapter 6 of the Town of Carbondale Municipal Code in order to more effectively regulate the licensing of medical and retail marijuana facilities, including to clarify the prohibitions on off-site deliveries from medical and retail marijuana stores and off-premises storage facilities within the Town of Carbondale and to prohibit deliveries into the Town of Carbondale from medical and retail marijuana businesses or establishments located in other jurisdictions; and

WHEREAS, the Board of Trustees finds, determines, and declares that it has the power to adopt this Ordinance pursuant to Article XX of the Colorado Constitution concerning municipal police powers and municipal authority to regulate businesses and the Home Rule Charter of the Town of Carbondale; and

WHEREAS, the Board of Trustees finds, determines, and declares that the annual license renewal requirements in Articles 4 and 5 of Chapter 6 of the Town of Carbondale Municipal Code intend to permit the Town to respond to evolving community needs by revising the licensing requirements, *see Ficarra v. Dep't of Regulatory Agencies*, 849 P.2d 6, 21–22 (Colo. 1993); and

WHEREAS, the Board of Trustees finds and determines that it is in the interest of the public health, safety, and welfare to adopt the code amendments set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO that the Town of Carbondale Municipal Code shall be amended as follows:

1. Subsection 6-4-60 of the Town of Carbondale Municipal Code regarding *medical* marijuana licensing requirements shall be amended by adding the language underlined to read as follows:

6-4-60. Unlawful acts.

It is unlawful for any person to:

...

- (4) Deliver medical marijuana or marijuana products from a medical marijuana business located outside of the Town's jurisdictional boundaries to any address at any location within the Town.
- (5) Deliver medical marijuana or marijuana products from any off-premises storage facility to any address at any location within the Town.

2. Subsection 6-4-90 of the Town of Carbondale Municipal Code regarding *medical* marijuana licensing requirements shall be amended by adding the language underlined to read as follows:

6-4-90. Medical marijuana center licensing requirements.

...

- (4) Off-site delivery of product by licensee prohibited. All sales and distribution of medical marijuana by a licensed medical marijuana store shall occur only upon the licensed premises, and the licensee shall be strictly prohibited from delivering medical marijuana to any person at any other location within or outside of the Town limits.

3. Sub-section 6-5-80 of the Town of Carbondale Municipal Code regarding *retail* marijuana licensing requirements shall be amended by adding the language underlined to read as follows:

6-5-80. Unlawful acts.

It is unlawful for any person to:

...

- (5) Deliver retail marijuana or marijuana products from a retail marijuana establishment located outside of the Town's jurisdictional boundaries to any address at any location within the Town.
- (6) Deliver retail marijuana or marijuana products from any off-premises storage facility to any address at any location within the Town.

4. Sub-section 6-5-120 of the Town of Carbondale Municipal Code regarding *retail* marijuana licensing requirements shall be amended by adding the language underlined to read as follows:

6-5-120. Retail marijuana store licensing requirements.

(3) Off-site delivery of product by licensee prohibited. All sales and distribution of retail marijuana by a licensed retail marijuana store shall occur only upon the licensed premises, and the licensee shall be strictly prohibited from delivering retail marijuana to any person at any other location within or outside of the Town limits.

5. If any other ordinance or parts of ordinances are in conflict with the standards set forth in this Ordinance, they are hereby repealed to the extent of such conflict only.


6. This Ordinance shall be effective upon posting and publication in accordance with the Carbondale Home Rule Charter.

INTRODUCED, READ AND PASSED THIS 22nd day of September, 2020.

TOWN OF CARBONDALE, COLORADO
a Colorado home rule municipal corporation,


Dan Richardson, Mayor

ATTEST:


Cathy Derby, Town Clerk

