

**TOWN OF PIERCE
ORDINANCE NO. 2020-1**

AN ORDINANCE OF THE TOWN OF PIERCE, COLORADO, SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF PIERCE, COLORADO, AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 7, 2020, AN ADVISORY QUESTION WHETHER THE TOWN OF PIERCE SHOULD PERMIT AND REGULATE RETAIL AND/OR MEDICAL MARIJUANA DISPENSARIES WITHIN THE TOWN OF PIERCE, COLORADO.

WHEREAS, the Town of Pierce is a statutory municipal corporation duly organized and operating as a home-rule town under the Constitution and laws of the State of Colorado;

WHEREAS, in 2000, the voters of the State of Colorado approved Amendment 20 to the Colorado Constitution to permit the possession and use of medical marijuana;

WHEREAS, in 2012, the voters of the State of Colorado approved Amendment 64 to the Colorado Constitution to permit the personal use of marijuana for adults 21 years of age and over;

WHEREAS, Section 12-43.4-101 et seq. of the Colorado Revised Statutes sets forth a system of local and state regulation of retail marijuana;

WHEREAS, the Town of Pierce does not currently license any marijuana business within the Town of Pierce;

WHEREAS, the Board of Trustees of the Town of Pierce finds that it is appropriate to propose to the qualified electors of the Town of Pierce at the regular municipal election to be held on Tuesday, April 7, 2020, the question whether to permit and license medical marijuana establishments, retail marijuana establishments, or both.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES
OF THE TOWN OF PIERCE, COLORADO:**

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the Board of Trustees of the Town of Pierce.

2. Submission to Voters. The purpose of this Ordinance is to submit to the electors of the Town of Pierce an advisory ballot question regarding the potential future licensing of retail and/or medical marijuana stores for the final sale of medical and/or retail marijuana and retail and/or medical marijuana products in the Town.

3. Publication of Ballot Form. The Town clerk shall cause a notice of election for the following ballot questions to be published as part of the municipal election publication in substantially the following form and add the questions to the Town's 2020 Regular Municipal Election Ballot:

Question 1: RETAIL MARIJUANA

SHALL THE ESTABLISHMENT AND OPERATION OF RETAIL MARIJUANA CULTIVATION FACILITIES, RETAIL MARIJUANA PRODUCT MANUFACTURING FACILITIES, RETAIL MARIJUANA TESTING FACILITIES AND RETAIL MARIJUANA STORES (COLLECTIVELY CALLED "RETAIL MARIJUANA ESTABLISHMENTS") BE PERMITTED IN THE TOWN OF PIERCE, COLORADO, SUBJECT TO THE REQUIREMENTS OF THE COLORADO RETAIL MARIJUANA CODE AND ORDINANCES TO BE ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF PIERCE, AND THAT NO RETAIL MARIJUANA ESTABLISHMENT SHALL BE ALLOWED WITHIN 200 FEET OF RESIDENTIAL ZONES, WITHIN 200 FEET OF TOWN PARKS AND TOWN-OWNED REAL PROPERTY, WITHIN 1000 FEET OF ANY SCHOOL, OR WITHIN 500 FEET OF LICENSED DAYCARE FACILITIES, AND THAT THERE SHALL BE NO MORE THAN TWO ESTABLISHMENTS WITHIN THE TOWN AT ANY GIVEN TIME?

YES _____

NO _____

Question 2: MEDICAL MARIJUANA

SHALL THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA CULTIVATION FACILITIES, MEDICAL MARIJUANA PRODUCT MANUFACTURING FACILITIES, MEDICAL MARIJUANA TESTING FACILITIES AND MEDICAL MARIJUANA STORES (COLLECTIVELY CALLED "MEDICAL MARIJUANA ESTABLISHMENTS") BE PERMITTED IN THE TOWN OF PIERCE, COLORADO, SUBJECT TO THE REQUIREMENTS OF THE COLORADO MEDICAL MARIJUANA CODE AND ORDINANCES TO BE ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF PIERCE, AND THAT NO MEDICAL MARIJUANA ESTABLISHMENT SHALL BE ALLOWED WITHIN 200 FEET OF RESIDENTIAL ZONES, WITHIN 200 FEET OF TOWN PARKS AND TOWN-OWNED REAL PROPERTY, WITHIN 1000 FEET OF ANY SCHOOL, OR WITHIN 500 FEET OF LICENSED DAYCARE FACILITIES, AND THAT THERE SHALL BE NO MORE THAN TWO ESTABLISHMENTS WITHIN THE TOWN AT ANY GIVEN TIME?

YES _____

NO _____

4. Challenges to Ballot Title and Content. For the purposes of C.R.S. §1-11-203.5, this Ordinance shall serve to set the title and content of the ballot question set forth herein and the ballot title for such ballot question shall be the text of the ballot question itself. Any petition to contest the form or content of the ballot title must be filed with the District Court in and for Weld County and a copy served on the Town Clerk within five days after the date of publication of this Ordinance.

5. Conduct of Election. The officers and employees of the Town are hereby authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this Ordinance.

6. Effect of Election Results. If a majority of the votes cast on the ballot question submitted at the election shall be in favor of the ballot question, the Board of Trustees shall take such action, by ordinance, to amend the Pierce Municipal Code as may be necessary.

7. Severability. Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof. The Board of Trustees declares that it would have passed this Ordinance and each part thereof irrespective of the fact that any one part be declared invalid.

8. Effective Date. Except as otherwise specifically provided herein, the provisions enacted by this Ordinance shall become effective thirty (30) days after publication as provided by law.

READ, PASSED, ADOPTED, SIGNED AND APPROVED this 13th day of January, 2020.

TOWN OF PIERCE

By: Nansi Crom
Nansi Crom, Mayor

ATTEST:

By: Tina Duran
Tina Duran, Town Clerk
(SEAL)