

RESOLUTION NO. 16-193

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

REFERRING AND SETTING THE TITLE OF AN INITIATED BALLOT QUESTION FOR THE
NOVEMBER 2016 GENERAL ELECTION SEEKING TO PROHIBIT THE OPERATION OF
RETAIL MARIJUANA TESTING FACILITIES, RETAIL MARIJUANA CULTIVATION
FACILITIES, RETAIL MARIJUANA PRODUCT MANUFACTURING FACILITIES, AND
RETAIL MARIJUANA STORES

WHEREAS, Article XVIII, Section 16(5)(f) of the Colorado Constitution authorizes citizens to bring an initiated measure to prohibit the operation of one or more classes of licensed retail marijuana establishments at the county level; and

WHEREAS, C.R.S. § 30-11-103.5 directs citizens and county governments to apply the default municipal initiative procedures in Title 31, Article 11, C.R.S. when a county-level initiated measure is otherwise authorized; and

WHEREAS, citizens of Pueblo County collected signatures to initiate an ordinance that would prohibit the operation of all retail marijuana testing facilities, retail marijuana cultivation facilities, retail marijuana product manufacturing facilities, and retail marijuana stores within unincorporated Pueblo County; and

WHEREAS, the petition representatives submitted signed petitions to the Pueblo County Clerk and Recorder, who issued a final determination of petition sufficiency on July 26, 2016, confirming that the petition representatives had collected a sufficient number of valid signatures to place the measure on the November 2016 ballot; and

WHEREAS, under the default initiative procedures imposed through C.R.S. § 30-11-103.5, this Board is now charged with setting the title for the petition representatives' initiated measure and with referring the measure to the voters of Pueblo County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that:

I. **BALLOT QUESTION TITLE**

For the proposed ordinance attached to this Resolution as Exhibit A, the Board sets the ballot question as follows:

Ballot Question _____

SHALL THE PUEBLO COUNTY CODE BE AMENDED BY ORDINANCE TO PROHIBIT ALL LICENSED RETAIL (RECREATIONAL) MARIJUANA ESTABLISHMENTS IN ALL AREAS UNDER THE LICENSING JURISDICTION OF PUEBLO COUNTY, BY REQUIRING ALL EXISTING RETAIL MARIJUANA TESTING FACILITIES, RETAIL MARIJUANA CULTIVATION FACILITIES, RETAIL MARIJUANA PRODUCT MANUFACTURING FACILITIES, AND RETAIL MARIJUANA STORES TO CLOSE BY OCTOBER 31, 2017 AND BY IMMEDIATELY PROHIBITING PUEBLO COUNTY FROM APPROVING ALL NEW LICENSES FOR THESE FACILITIES?

RESOLUTION NO. 16-193 (CONTINUED)

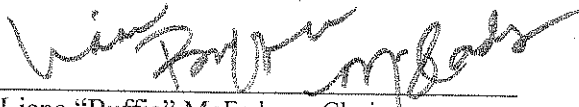
II. Referral

Pursuant to the provisions of C.R.S. § 31-11-104(1), the Board hereby refers to the voters of Pueblo County, Colorado, the attached proposed ordinance to be considered at the November 2016 General Election to appear on the ballot in the form set forth in Section I of this Resolution and that staff is directed and authorized to perform any and all acts consistent with the intent of this Resolution.

PASSED AND ADOPTED this 15th day of August, 2016, in Pueblo County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

By:


Liane "Buffie" McFadyen, Chair

ATTEST:

By:

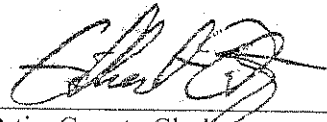

Gilbert Ortiz, County Clerk

EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 5.12 OF THE PUEBLO COUNTY CODE BY
THE ADDITION OF A NEW SUBSECTION

BE IT ORDAINED BY THE PEOPLE OF PUEBLO COUNTY that:

The Pueblo County Code is hereby amended by the addition of two new subsections to Section 5.12.140 to read as follows:

5.12.140 Unlawful Acts: License Violations and Enforcement

S. Notwithstanding any other provision of law, it is unlawful and a violation of this Chapter to license or operate a retail marijuana cultivation facility, a retail marijuana product manufacturing facility, a retail marijuana testing facility, or a retail marijuana store within Pueblo County effective on the earliest date allowed by law.

T. Notwithstanding any other provision of law, all existing retail marijuana cultivation facilities, retail marijuana product manufacturing facilities, retail marijuana testing facilities, and retail marijuana stores operating within Pueblo County on November 7, 2016, may continue to operate, provided their licenses are renewed and retained in accordance with this Chapter, until October 31, 2017, on which date all such existing marijuana establishments shall be permanently closed.