

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 722**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, AMENDING THE MEAD
MUNICIPAL CODE BY ADDING PROVISIONS ADDRESSING PERSONAL USE OF
MARIJUANA.**

WHEREAS, on November 6, 2012, the voters of the State of Colorado passed Amendment 64, which amended Article XVIII of the Colorado Constitution by the addition of a new Section 16 regarding the personal use and regulation of marijuana; and

WHEREAS, Amendment 64 allows the possession, use, display, purchase or transportation of marijuana accessories or one ounce or less of marijuana; and

WHEREAS, Amendment 64 allows possessing, growing, processing or transporting no more than six marijuana plants, with three or fewer being mature, flowering plants, and possession of the marijuana produced by the plants on the premises where the plants were grown, provided that the growing takes place in an enclosed, locked space, is not conducted openly or publicly, and is not made available for sale; and

WHEREAS, Amendment 64, at Section 16, 5(f), allows local governments to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance; and

WHEREAS, despite the adoption of Amendment 64, marijuana is still a controlled substance under Colorado and federal law; and

WHEREAS, the Mead Board of Trustees has previously passed legislation prohibiting medical marijuana dispensaries and medical marijuana cultivation operations within the Town of Mead; and

WHEREAS, the Mead Board of Trustees desires to also prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores in the Town.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MEAD, WELD COUNTY, COLORADO THAT:

Section 1: Chapter 6 of the Mead Municipal Code is hereby amended with the addition of an Article VI, to read as follows:

**ARTICLE VI
Marijuana Enterprises-Personal Use**

Sec. 6-6-10. Intent, Authority

It is the intent of this Article to prohibit certain land uses related to marijuana for personal use in the Town, and in furtherance of its intent, the Board of Trustees finds as follows:

(a) Article XVIII, §16 of the Colorado Constitution specifically authorizes a municipality "to prohibit the operation of marijuana cultivation facilities, marijuana

product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance”;

(b) Based on consideration of Article XVIII, §16 of the Colorado Constitution, and the potential secondary effects of the cultivation and dispensing of marijuana for personal use, and the retail sale, distribution, and manufacturing of marijuana for personal use, such land uses have an adverse effect on the health, safety and welfare of the Town of Mead and its inhabitants.

(c) The Town's authority to adopt this Article is found in Article XVIII, §16 of the Colorado Constitution, C.R.S. §31-23-101 (municipal zoning powers); C.R.S. §31-15-103, §31-15-401 (municipal police powers); C.R.S. §31-15-501 (municipal authority to regulate businesses).

Sec. 6-6-20. Definitions.

Unless otherwise specified or the context otherwise requires, for purposes of this Article any terms used herein shall have the same meanings as provided in Article XVIII, §16 of the Colorado Constitution. These definitions include, but are not limited to the following:

(a) “Marijuana” or “marihuana” means all parts of the plant of the genus *cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marihuana concentrate. “Marijuana” or “marihuana” does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

(b) “Marijuana cultivation facility” means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

(c) “Marijuana establishment” means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, a retail marijuana store, or a private club or organization that allows members and guests to consume marijuana or marijuana products on the premises in a commercially zoned area.

(d) “Marijuana product manufacturing facility” means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

(e) “Marijuana products” means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

(f) "Marijuana testing facility" means an entity licensed to analyze and certify the safety and potency of marijuana.

(g) "Medical marijuana center" means an entity licensed by a state agency to sell marijuana and marijuana products pursuant to Section 6-2-130 of this article and the Colorado Medical Marijuana Code.

(h) "Retail marijuana store" means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

Sec. 6-6-30. Commercial uses prohibited.

(a) It is unlawful for any person to operate, cause to be operated or permit to be operated a marijuana cultivation facility, marijuana establishment, marijuana product manufacturing facility, marijuana testing facility, or retail marijuana store within the Town, or otherwise engage in any transaction involving marijuana in contravention of this Article or Section 10-6-30 of this Code, including a private club or organization that allows members and guests to consume marijuana or marijuana products on the premises of any commercially zoned parcel within the Town.

(b) Nothing in this section shall be construed to affect any privilege or protection afforded caregivers and their wards under the Colorado Medical Marijuana Code.

Sec. 6-6-40. Marijuana by product disposal.

It is unlawful for any person to dispose of marijuana, marijuana products, or any element, byproduct, or waste thereof in a manner that has a deleterious effect on the health and safety of the community, including but not limited to any impact on ground water, potable water sources, animal feed or water sources, and common air spaces. For purposes of this section, subject elements, byproducts, and waste shall include but are not limited to plant stalks, seeds, and roots; leaves, resin, oil, grist, wax, or fibrous plant matter of any kind; treated water or water drained from growing plants or used in preparing plants or marijuana products; smoke, fumes, and aerosols.

Section. 2 Chapter 10, Article 6, Section 30. (Possession of marijuana) of the Mead Municipal Code shall be repealed in its entirety and reenacted to read as follows:

Sec. 10-6-30. Possession of marijuana.

(a) It is unlawful for any person to possess marijuana in any amount or manner inconsistent with state law or Article XVIII, §16 of the Colorado Constitution.

(b) Private use.

(1) It is unlawful to grow marijuana for personal use anywhere in the Town other than in an enclosed, locked space which is not open or public. "Enclosed" shall mean having a roof and all sides closed to the weather with walls, windows or doors.

(2) No person other than the person growing for his or her personal use shall have access to the locked space where the marijuana is grown.

(3) Any person growing marijuana for personal use shall comply with all land use regulations of the Town, the 2006 International Building Code, or any subsequent building code adopted by and enforced by the Town, and all applicable provisions of the Mead Municipal Code.

(4) It is unlawful for any person who grows marijuana for his or her own personal use, to make such marijuana available for sale in any manner.

(5) It is unlawful for any person who lawfully grows marijuana for his or her own consumption to provide any such marijuana to any person under the age of 21 years.

(6) Nothing in this Section or Code shall permit the consumption of marijuana that is conducted openly and publicly or in a manner that endangers others.

(7) This section is designated a non-criminal violation. Penalties set forth at Section 10-1-60 may be imposed by the municipal court upon conviction.

Section. 3 **Effective Date.** This ordinance shall be published and become effective as provided by law.


Section. 4 **Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

Section. 5 **Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

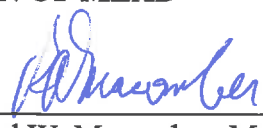
Section. 6 **Certification.** The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED
THIS 11 day of FEBRUARY, 2013.

ATTEST:

By 
Linda Blackston, CMC, Town Clerk

TOWN OF MEAD

By 
Richard W. Macomber, Mayor

