

5.05 Marijuana

5.05.010 Definitions. The following words, terms and phrases, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise:

(A) “Medical marijuana center,” “medical marijuana-infused products manufacturer,” and “optional premises cultivation operation” shall have the same meanings as set forth in the Colorado Medical Marijuana Code, Article 43.3, C.R.S., as the same may, from time to time, be amended.

(B) “Patient” and “primary caregiver” shall have the same meanings as set forth in Article XVIII, Section 14(1) of the Colorado Constitution.

5.05.020 Findings. The Town Council makes the following findings:

(A) The Colorado Medical Marijuana Code, C.R.S. Section 12-43.3-101, *et seq.*, clarifies Colorado law regarding the scope and extent of Article XVIII, Section 14 of the Colorado Constitution.

(B) This ordinance is necessary to protect and is enacted in furtherance of the public health, safety and welfare of the Town.

(C) This Chapter is intended to apply and shall apply to all property, businesses, and business enterprises operating within the Town, whether stationary, mobile or virtual.

5.05.030 Uses prohibited. It is unlawful for any person to operate, cause to be operated or permit to be operated a medical marijuana center, an optional premises cultivation operation, or a medical marijuana-infused products manufacturing facility in the Town. It shall not be defense to this charge that the unlawful use occurred under the name of corporation or other entity, in which case the owners, officers, agents and employees may be held responsible under this section.

5.05.040 Prohibited land use. The use of any property within the town shall be prohibited land use within the Town, and shall not be adequate grounds for consideration under Title 19 of this Code as a permitted use, temporary use or grounds for approval of an application for a variance.

5.05.050 Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

5.05.060 Penalty; Nuisance Declared.

(A) It is unlawful for any person to violate any of the provisions of this Chapter. Any such violation is hereby designated a criminal offense, and any person found guilty of violating any of the provisions of this Chapter shall, upon conviction thereof, be punished by a fine of up to \$1,000 or imprisonment of up to 90 days. Each day that a violation of any of the provisions of this Chapter continues to exist shall be deemed a separate and distinct violation.

(B) The conduct of any activity or business in violation of this Chapter is hereby declared to be a public nuisance, which may be abated pursuant to the provisions for the abatement of nuisance provided for in Title 4 entitled Public Nuisances of the Rangely Municipal Code.

Section 2. Severance Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance.

