

Chapter 4 MEDICAL MARIJUANA

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4-4-1: Definitions

“Medical marijuana”

means marijuana that is grown and sold for a purpose authorized by Section 14 of Article XVIII of the Colorado Constitution. (Ord. 4-2010, eff. 1-6-2011)

*“Medical marijuana center”,
“optional premises cultivation
operation”, and “medical
marijuana-infused products
manufacturer”*

have the meanings as provided in the Colorado Marijuana Code, C.R.S. 12-43.3 (Ord. 4-2010, eff. 1-6-2011)

*“Patient” and
“primary caregiver”*

have the meanings as provided in Sections 14(1)(c) and 14(1)(f) of Article XVIII of the Colorado Constitution. (Ord. 4-2010, eff. 1-6-2011)

4-4-2: Prohibition

It is unlawful for any person to operate, cause to be operated, or permit to be operated a medical marijuana center, optional premises cultivation operation, or a medical marijuana infused-products manufacturing facility within the Town, and all such uses are prohibited in any location within the Town or within any area hereinafter annexed to the Town. (Ord. 4-2010, eff. 1-6-2011)

4-4-3: Patients and Primary Caregivers

Nothing in the foregoing Section 4-4-2 shall be construed to prohibit, regulate or otherwise impair the use of medical marijuana by patients as provided by Article XVIII of the Colorado Constitution or the provision of medical marijuana by a primary caregiver to a patient

in accordance with Article XVIII of the Colorado Constitution, the Colorado Medical Marijuana Code, C.R.S. 25-1.5-106, and rules and regulations promulgated thereunder, as the same laws, and rules and regulations promulgated thereunder, may be amended from time to time. (Ord. 4-2010, eff. 1-6-2011)

4-4-4: Penalty

A violation of the provisions of this Chapter 4 of Title 4 shall be punishable as follows: (Ord. 4-2010, eff. 1-6-2011)

- A.¹ By a fine of not more than three hundred dollars (\$300.00). (Ord. 4-2010, eff. 1-6-2011, Ord. 3-2015, eff. 6-13-2015)
- B. Each and every day a violation of the provisions of this Chapter 4 is committed, exists or continues shall be deemed a separate offense; (Ord. 4-2010, eff. 1-6-2011)
- C. The Town is specifically authorized to seek an injunction, abatement, restitution or any other remedy necessary to prevent, enjoin, abate, or remove the violation; and (Ord. 4-2010, eff. 1-6-2011)
- D. Any remedies provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law or in equity. (Ord. 4-2010, eff. 1-6-2011)

4-4-5: Safety Clause

The Town Board of Trustees hereby finds, determines, and declares that the ordinance adding this Chapter 4 to Title 4 of the Municipal Code is promulgated under the general police power of the Town of Westcliffe, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained. (Ord. 4-2010, eff. 1-6-2011)

4-4-6: Severability

If any clause, sentence, paragraph, or part of this Chapter 4 of Title 4 of the Municipal Code is adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall only invalidate that part or portion so determined. All other provisions shall be deemed severed or severable and shall continue in full force and effect. (Ord. 4-2010, eff. 1-6-2011)

¹ Title 4, Chapter 4, Section 4, Subsection 4 is repealed and reenacted. (Ord. 3-2015, 6-13-2015)

4-4-7: Effective Date

This ordinance shall become effective thirty (30) days after publication by title following final passage by the Board of Trustees. (Ord. 4-2010, eff. 1-6-2011)

4-4-8: Moratorium Repealed

The moratorium previously imposed regarding the operation of medical marijuana businesses is hereby repealed on the effective date of this ordinance. (Ord. 4-2010, eff. 1-6-2011)