



**Background Paper for Proposed Resolution**

**COUNCIL MEETING DATE:** July 25, 2016

**TO:** President Steven G. Nawrocki and Members of City Council

**CC:** Sam Azad, City Manager

**VIA:** Gina Dutcher, City Clerk

**FROM:** Daniel C. Kogovsek, City Attorney, Law Department

**SUBJECT:** A RESOLUTION SUBMITTING TO THE ELIGIBLE ELECTORS OF THE CITY OF PUEBLO, COLORADO AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, A BALLOT QUESTION TO AMEND CHAPTER 11 OF TITLE XI OF THE PUEBLO MUNICIPAL CODE BY THE ADDITION OF A NEW SECTION AND THE ADOPTION OF ORDINANCE NO. 9009 PROHIBITING NEW RETAIL MARIJUANA ESTABLISHMENTS AND CEASING THE OPERATION OF ALL CURRENTLY LICENSED RETAIL MARIJUANA ESTABLISHMENTS BY OCTOBER 31, 2017

**SUMMARY:**

Attached is a proposed Resolution referring the prohibition of licensing and operation of retail marijuana establishments in the City of Pueblo to the voters of the City of Pueblo at the November 8, 2016 Special Municipal Election.

**PREVIOUS COUNCIL ACTION:** None.

**BACKGROUND**

Petition representatives Dan Oldenburg and George White, have collected sufficient signatures under Section 18-1 and 18-2 of the City Charter to qualify this ballot question as an Initiative to be submitted to the voters of the City of Pueblo.

The City Clerk issued a Certification on July 14, 2016 validating the Initiated Petition for Ordinance No. 9009 by determining that the number of signatures on said Petition to be Sufficient under the City Charter.

**FINANCIAL IMPLICATIONS:** None.

**BOARD/COMMISSION RECOMMENDATION:** Not Applicable.

**STAKEHOLDER PROCESS:**

Petition Representatives have submitted the Proposed Ordinance to the City Council as an Initiative under the City Charter.

**ALTERNATIVES:**

Pursuant to the City Charter, City Council is required to either adopt Ordinance 9009 within thirty days without alterations or refer the proposed ordinance to the registered electors of the City of Pueblo at a regular or special Municipal Election to be held not less than sixty (60) days nor more than one hundred fifty (150) days after the final determination of petition sufficiency by the City Clerk.

**RECOMMENDATION:**

Approve the Resolution.

**Attachments: City Clerk's Certification and Statement of Sufficiency  
Proposed Resolution No. 9009**

RESOLUTION NO. 13472

A RESOLUTION SUBMITTING TO THE ELIGIBLE ELECTORS OF THE CITY OF PUEBLO, COLORADO AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, A BALLOT QUESTION TO AMEND CHAPTER 11 OF TITLE XI OF THE PUEBLO MUNICIPAL CODE BY THE ADDITION OF A NEW SECTION AND THE ADOPTION OF ORDINANCE NO. 9009 PROHIBITING NEW RETAIL MARIJUANA ESTABLISHMENTS AND CEASING THE OPERATION OF ALL CURRENTLY LICENSED RETAIL MARIJUANA ESTABLISHMENTS BY OCTOBER 31, 2017

BE IT RESOLVED BY THE CITY COUNCIL OF PUEBLO, that:

SECTION 1.

The question of adopting Ordinance No. 9009, prohibiting the licensing and operation of new retail marijuana establishments, and ceasing the operation of all currently licensed retail marijuana establishments by October 31, 2017, shall be submitted to a vote of the eligible electors of the City at the City's special municipal election to be held on November 8, 2016. The ballot question (submission clause and title) therefore shall be as follows:

Question No. 300 (Prohibition of Marijuana Establishments)

SHALL CHAPTER 11 OF TITLE XI OF THE PUEBLO MUNICIPAL CODE BE AMENDED BY THE ADDITION OF A NEW SECTION AND THE ADOPTION OF ORDINANCE NO. 9009 PROHIBITING NEW RETAIL MARIJUANA ESTABLISHMENTS AND CEASING THE OPERATION OF ALL CURRENTLY LICENSED RETAIL MARIJUANA ESTABLISHMENTS BY OCTOBER 31, 2017?

YES \_\_\_\_\_  
NO \_\_\_\_\_

The text of Ordinance No. 9009 is as follows:

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF PUEBLO, that (brackets indicate matter being deleted; underscoring indicates new matter being added):

The Pueblo Municipal Code is hereby amended by the addition of a new section to Chapter 11 of Title XI to read as follows:

**Section 11-11-604 Unlawful acts. Licensing and operating of retail marijuana establishments**

**(1) Definitions, as used in this Section:**

- a. **“MARIJUANA” means marijuana or marihuana as defined in Art. XVIII, Section 16(2)(f), Colo. Const.**
- b. **“MARIJUANA ESTABLISHMENT” means retail marijuana establishment as defined in Art. XVIII, Section 16(2)(i), Colo. Const.**

**(2) Notwithstanding any other provision of law, it shall be unlawful and a violation of this Chapter to license or operate a new retail marijuana establishment within city limits on or after this Ordinance goes into effect.**

**(3) Notwithstanding any other provision of law, all existing retail marijuana establishments operating within city limits 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 retail marijuana establishments shall be permanently closed.**

SECTION 2:

This Ordinance shall become effective upon a majority vote in favor thereof by the registered electors of the City voting thereon at the Special Municipal Election to be held on Tuesday, November 8, 2016.

SECTION 3.

The City Council does hereby find, determine, and declare that the ballot title set forth in Section 1 hereof fairly expresses the true meaning and intent of the proposed Ordinance.

SECTION 4.

The City Clerk shall (a) at least ten (10) days prior to the November 8, 2016 Special Municipal Election publish a Notice of Election upon the proposed Ordinance, which notice shall contain the full text of the proposed Ordinance, and (b) certify the Ballot Title to the Pueblo County Clerk and Recorder by no later than sixty days before the November 8, 2016 election as provided in Section 1-5-203(3), C.R.S. To minimize publication expenses, the notice required to be published by this section may be combined with any other notice published concerning such Special Municipal Election.

SECTION 5.

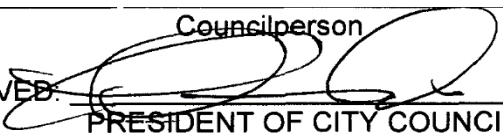
The officers and staff of the City are directed and authorized to perform any and all acts consistent with the intent of this Ordinance to effectuate the policies and procedures described herein.

SECTION 6.

This Resolution shall become effective upon final passage and approval.

INTRODUCED July 25, 2016

BY: Ed Brown  
Councilperson

APPROVED:   
PRESIDENT OF CITY COUNCIL

ATTESTED BY:   
CITY CLERK