

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 5117

AN ORDINANCE AMENDING ORDINANCE NO. 4599 AND SECTION 5.15.010 *ET. SEQ.*, OF THE GRAND JUNCTION MUNICIPAL CODE TO ALLOW MARIJUANA BUSINESSES IN THE CITY OF GRAND JUNCTION

RECITALS:

At the April 5, 2011, City election the electorate voted in favor of prohibiting the operation of medical marijuana businesses and the amendment of the Grand Junction Municipal Code by adding a section that prohibited marijuana (referred to as Measure A) in the City.

On November 6, 2012, Amendment 64 was passed by the voters, amending Article 18 of the Colorado Constitution by adding Section 16 which allowed retail marijuana stores and made it legal for anyone 21 years or older to buy cannabis at such stores. In addition, Amendment 64 allowed anyone over 21 years of age to legally possess and consume up to one ounce of marijuana. Amendment 64 did not change the Federal law; it remains illegal under Federal law to produce and/or distribute marijuana.

On February 6, 2013, City Council approved Resolution 07-13 adopting marijuana policies for the City and restrictions for persons or entities from applying to function, do business, or hold itself out as a marijuana facility, business, or operation of any sort in the City limits. Later that same year, City Council adopted Ordinance No. 4599 which prohibited the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores. Ordinance No. 4599 also amended Sections in Title 5, Article 15 of the Grand Junction Municipal Code that prohibited certain uses relating to marijuana.

On January 20, 2021, the City Council approved Resolution 09-21, the adoption of which referred a ballot question to the regular municipal election on April 6, 2021, to repeal Measure A contingent on and subject to voter approval of taxation of marijuana businesses. A majority of the votes cast at the election were in favor of repealing the moratorium on marijuana businesses and in favor of taxation of marijuana businesses.

On April 6, 2022, the City Council approved Ordinance No. 5064 which among other things allowed for certain cannabis businesses, subject to regulations adopted by the City, to operate within the City. Pursuant to Ordinance No. 5064 the City has been reviewing applications for the licensing and operation of regulated cannabis businesses. Because of the adoption of Ordinance No. 5064, Ordinance No. 4599 needs to be amended to allow the location and regulation of certain marijuana businesses in a manner that is consistent with Ordinance No. 5064 and other applicable statutory and constitutional standards.

This ordinance amends Ordinance No. 4599, and its codification in the Grand Junction Municipal Code (GJMC) at 5.15.010 *et. seq.*, subject to the provisions of Ordinance No. 5064, to operate regulated cannabis businesses in the City. Regulated cannabis businesses may include retail and/or co-located retail and medical cannabis businesses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

Title 5 of the Grand Junction Municipal Code, in relevant part, is amended as follows. Additions are shown in **bold** typeface. Deletions are shown in ~~strikethrough~~ typeface. All other provisions of Title 5 of the Grand Junction Municipal Code shall remain in full force and effect.

5.15.010 Marijuana

*Under the authority granted in Article XVIII, Section 16 of the Colorado Constitution (Amendment 64) and the Charter of the City of Grand Junction this ordinance is adopted by the City Council to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, ~~retail marijuana stores~~ and all business and land uses **that are not authorized by Ordinance No. 5064 codified as GJMC 5.13.010 et. seq.** ~~related to marijuana in the City~~ and in furtherance of its stated intent, the City Council makes the following findings.*

5.15.012 Applicability and effective date

This Article shall apply to all property and persons within the City of Grand Junction.

*It shall be unlawful and a violation under this Chapter for a person to establish, operate, cause or permit to be operated, or continue to operate within the City and within any area annexed to the City after the effective date of this ordinance, a marijuana cultivation facility, ~~a marijuana establishment~~, a marijuana product manufacturing facility, ~~a retail marijuana store~~ and/or to conduct any **marijuana cultivation and/or manufacturing** business as either a primary, incidental or occasional activity or any other **similar** operation ~~involving the sale of and/or the offer to sell marijuana and/or the establishment of a land use, home occupation, business or commercial activity concerning marijuana~~ **cultivation and/or manufacturing**.*

A regulated cannabis businesses may be established, operate, cause or be permitted to be operated, or continue to operate within the City and within any area annexed to the City so long as the business has fully and faithfully complied with GJMC 5.13.010 et. seq. and all other applicable law. A regulated cannabis business includes retail and/or co-located retail and medical cannabis businesses.

This ordinance is necessary to protect the public health, safety, and welfare of the residents of the City. If any provision of this ordinance is found to be unconstitutional or illegal, such finding shall only invalidate that part or portion found to violate the law. All other provisions shall be deemed severed or severable and shall continue in full force and effect.

INTRODUCED ON FIRST READING AND ORDERED PUBLISHED in pamphlet form this 7th day of December 2022.

PASSED, ADOPTED, and ordered published in pamphlet form this 21st day of December 2022.



Anna M. Stout
President of the City Council

ATTEST:



Janet Harrell
Deputy City Clerk



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 5117 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 7th day of December 2022 and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 21st day of December 2022, at which Ordinance No. 5117 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 28th day of December 2022.



Deputy City Clerk

Published: December 9, 2022
Published: December 23, 2022
Effective: January 22, 2023

