

## ORDINANCE NO. 4722

### AN ORDINANCE AMENDING ORDINANCE NO. 4599 AND SECTION 21.04.010 OF THE MUNICIPAL CODE TO ALLOW MARIJUANA TESTING FACILITIES IN THE CITY OF GRAND JUNCTION

#### RECITALS:

The Grand Junction Municipal Code regulates a variety of businesses and land uses that occur and/or are proposed to occur within the City. On September 4, 2013 the 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 within the City. Ordinance No. 4599 was codified as Title 5, Article 15 Section 010 *et. seq.* of the Grand Junction Municipal Code (GJMC).

In late 2015 the City, Mesa County and Colorado Mesa University, by, with and through the efforts of the Grand Junction Economic Partnership (GJEP), were successful in establishing the *Colorado Jumpstart* ("*Jumpstart*") business development grant program. The *Jumpstart* endeavor was the result of the introduction and passage of legislation which was supported by many local leaders and enterprises including Representative Willett and Senator Scott, the publisher of the *Daily Sentinel* Mr. Jay Seaton, CMU President Foster and Grand Junction Area Chamber of Commerce CEO Schwenke and her Board. In January of 2016 the State of Colorado awarded the first *Jumpstart* incentives to the Grand Junction community/the businesses that had applied for incentives here. Because of the benefits of *Jumpstart* four businesses have been selected for the program and have committed to invest in Grand Junction, bringing new jobs and the economic gains associated with those jobs and the capital investment that will be necessary for those jobs.

One of the *Jumpstart* companies will be developing a laboratory and deploying its advanced analytical processes for genetic research and its ability to mark/trace chemical properties of agricultural products; if successful in securing a contract with the State of Colorado, one of the products to be tested by the company would be marijuana.

The use table of the Zoning and Development Code (Section 21.04.010) establishes the appropriate zone districts for land uses. The general use category of "Industrial Services, Contractors and Trade Shops, Oil and Gas Support Operations without hazardous materials" includes research and development laboratories. To clarify that marijuana testing facilities would be included in that general use category, a specific line-item principal use category is proposed as "Research, Testing & Laboratory Facilities—Indoors (including marijuana testing facilities)" as allowed in B-2 (downtown business), C-1 (light commercial), C-2 (general commercial), MU (mixed use), BP

(business park mixed use), IO (industrial/office park), I-1 (light industrial) and I-2 (general industrial) zone districts.

While the City Council acknowledges that marijuana is controversial, whether for medical or recreation use, and that the policies related to its sale and use are difficult and complex, the Council, having duly and fully considered an amendment to Ordinance No. 4599 to allow marijuana testing facilities, does hereby endorse the following amendment to the GJMC to allow, authorize and provide the opportunity for marijuana testing and testing facility(ies) to locate and conduct business within the City.

As part of its consideration of and determination of support for the amendment, the City Council notes that the Colorado legislature in both the 2015 and 2016 sessions approved marijuana testing facility legislation (SB 15-196 and HB 16-1064) with both bills becoming law. To the extent applicable, necessary or required the City Council adopts by reference the processes, standards and requirements of C.R.S. 12-43.3-301, 12-43.4-405 and the regulations promulgated by Colorado regulatory agencies having jurisdiction, including but not limited to the Colorado Department of Health and Public Environment, on, over, or pertaining to marijuana testing and the authorization, regulation and/or licensing of the same.

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

Title 5 of the Grand Junction Municipal Code is amended as follows.

Title 5, Article 15 GJMC

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 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

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facility, a retail marijuana store and/or to conduct any business as either a primary, incidental or occasional activity or any other 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.

Pursuant to the prohibition set forth above any application for a license to operate a marijuana facility, establishment or commercial operation *except a marijuana testing facility*, shall be deemed denied upon the date of filing the same with the City. Applications for licenses may be filed with the finance department. *An application for a marijuana testing facility may be filed with the Community Development Division.*

*If an application for a marijuana testing facility is granted by the City, the facility shall conduct its operations in accordance with the processes, standards and requirements of C.R.S. 12-43.3-301, 12-43.4-405 and the regulations promulgated by Colorado regulatory agencies having jurisdiction, including but not limited to the Colorado Department of Health and Public Environment, on over or pertaining to marijuana testing and the authorization of/licensing of the same. Furthermore, as determined necessary or required the City Manager, in consultation with the City Attorney may issue administrative regulations pertaining to the licensure of a marijuana testing facility in accordance with GJMC 2.12.010. Those regulations may include but not be limited to the payment of fees; the licensee shall be obligated to pay any and all applicable state and local fees and charges and comply with all applicable law.*

#### 5.15.015 Severability

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.

All other provisions of Title 5 of the Grand Junction Municipal Code shall remain in full force and effect.

SECTION 21.04.010(d) of the Grand Junction Municipal Code shall be amended as follows:

(d) Prohibited Uses. A blank space indicates the listed use is not allowed within the District, unless otherwise expressly allowed by another provision of this Code.

Marijuana related business, whether retail, commercial, industrial or agricultural, *except marijuana testing facility(ies)* are prohibited in all zone districts in accordance with Title

5, Article 15, GJMC. Marijuana testing facility(ies) is(are) allowed in the zone districts shown.

Marijuana testing facilities shall be categorized as/under the "industrial services, contractors and trade shops, oil and gas support operations without hazardous materials" category of the use zone matrix as "research, testing & laboratory facilities – indoors (including marijuana testing facilities" as allowed uses in B-2, C-1, C-2, MU, BP, IO, I-1 and I-2 zone districts.

Key: A = Allowed; C = Conditional; Blank Cell = Not Permitted																									
USE CATEGORY	PRINCIPAL USE	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2	MX-	Std.	
INDUSTRIAL	Indoor Operations and Storage														C	A	A		A		A	A	A		
	Indoor Operations and Outdoor Storage (Including Heavy Vehicles)																A			C	A	A	A		See GJMC 21.03.090 (h)
	Outdoor Storage And Operations																A				A	A	A		21.04.040 (h)
	Research, Testing & Laboratory Facilities—Indoors (includes Marijuana Testing Facilities)														A	A	A		A	A	A	A	A		See Title 5, Article 15 GJMC

21.04.010 Use Table under the "retail sales and service" category, the table shall be footnoted to refer to Title 5, Article 15 GJMC.

All other provisions of section 21.04.010 and 21.04.014 shall remain in full force and effect.

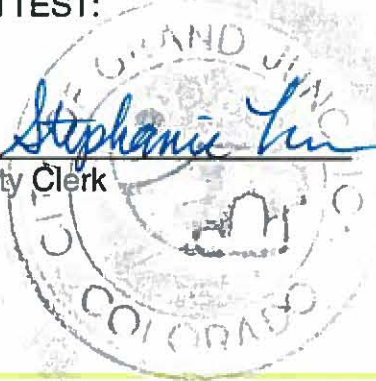
INTRODUCED ON FIRST READING AND ORDERED PUBLISHED in pamphlet form this 5<sup>th</sup> day of October, 2016.

PASSED, ADOPTED, and ordered published in pamphlet form this 19<sup>th</sup> day of October, 2016.

*Stephanie Lu*  
 Mayor and President of the Council

ATTEST:

*Stephanie Lu*  
 City Clerk






I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4722 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 5<sup>th</sup> day of October, 2016 and that 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 19<sup>th</sup> day of October, 2016, at which Ordinance No. 4722 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 21<sup>st</sup> day of October, 2016.

  
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Stephanie Tuin, MMC  
City Clerk

Published: October 7, 2016  
Published: October 21, 2016  
Effective: November 20, 2016

