

## RESOLUTION NO. 07-13

### **A RESOLUTION CONCERNING AMENDMENT 64 AND LAND USE APPLICATIONS IN THE CITY OF GRAND JUNCTION AND DIRECTING THE CITY MANAGER RELATIVE TO LAND USE APPROVALS AND SALES TAX LICENSES FOR MARIJUANA FACILITIES IN THE CITY**

#### Recitals.

A stated goal of the City Council is to make Grand Junction the most livable community west of the Rockies by 2025. While the Council acknowledges the rights of those members of the community that are clearly conferred by the recent passage by Colorado voters of Amendment 64, (which amended Article XVIII of the Colorado Constitution by the addition of a new section 16 regarding the personal use and regulation of marijuana) the City Council further acknowledges that the use and possession of marijuana is illegal under federal law and that much of Amendment 64 and the implementation thereof is not clear and unless and until the legislative and regulatory processes are complete that the passage of Amendment 64 confers no rights for businesses and/or commercial operations involving marijuana.

NOW, THEREFORE BE IT RESOLVED THAT:

The City Council hereby directs the City Manager and the City Attorney to monitor and evaluate any and all bill(s) brought to the legislature and/or administrative actions regarding marijuana and to advise the City Council of the State's action.

Consistent with the City's authority and obligation to promote the health, safety and general welfare of the citizens and residents of the City, the City Council does hereby direct the City Manager to not accept any land use or development application(s) or issue any permits for use or development of any land, business, activity or action that is a marijuana facility and/or a marijuana operation or reasonably may be construed as the same or any form of the same. Furthermore, the City Manager shall by and through all reasonable means available to him, including but not limited to utilization of the Grand Junction Police Department, investigate and as necessary or required refer to the City Attorney for prosecution any and all persons and/or entities that engage in or attempt to engage in the growth, sale, trade and/or consumption of marijuana in any manner that is, as stated in Amendment 64, conducted openly and publicly or in any manner that endangers others. The Council is specifically concerned about the assembly of persons for the collective consumption of marijuana and seeks to prevent the same according to applicable law.

The City Manager shall issue no sales tax licenses for any use, business or activity that is known as, functions as or may reasonably be construed as a marijuana facility or operation.

The policies stated in this resolution shall apply to any person or entity applying to function, to do business as or hold itself out as a marijuana facility, business, or operation of any sort in the City of Grand Junction. The policies shall equally apply to any person or entity regardless of zoning and/or compliance with other applicable City regulation(s) including but not limited to home occupation.

By its terms Amendment 64 requires the State to develop and adopt laws, regulations and processes to “fill the gaps” in the current body of law concerning marijuana. The City Council will reconsider the policies declared in this resolution following completion of the State’s legislative and regulatory actions.

The resolution is reasonable and proper because there are no applications pending at this time and by and through this resolution the City Council does make clear to the community its intentions, expectations and understandings relative to Amendment 64 and marijuana related businesses and land uses.

**The foregoing constitutes the policy of the City Council and that the same shall continue with full force and effect until modified by subsequent action of the City Council.**

ADOPTED this 6<sup>th</sup> day of February, 2013.



Bill Pitts  
President of the Council

Attest:



Stephanie Tuin  
City Clerk

