

CITY OF ENGLEWOOD

**NOTICE OF APPROVAL
OF A BILL FOR AN ORDINANCE**

On the 17th day of December 2018, the City Council of the City of Englewood, Colorado, approved on first reading the following Council Bill:

**BY AUTHORITY
COUNCIL BILL NO. 48
INTRODUCED BY
COUNCIL MEMBER WINK**

A BILL FOR AN ORDINANCE
AMENDING TITLE 2, CHAPTER 6,
SECTION 1, TITLE 5, AND
ESTABLISHING CHAPTER 3F, TO
PROVIDE FOR RETAIL CULTIVATION
OF MARIJUANA, ALL WITHIN THE
CITY OF ENGLEWOOD, COLORADO.

Copies of the aforesaid council bill are available for public inspection in the office of the City Clerk, City of Englewood, Civic Center, 1000 Englewood Parkway, Englewood, Colorado 80110 or it can be found at <http://www.engagewoodco.gov>, Government, Legal/Public Notices.

Published: December 19, 2018
Official Website of the
City of Englewood, Colorado



COUNCIL COMMUNICATION

TO: Mayor and Council
FROM: Jackie McKinnon
DEPARTMENT: City Clerk's Office
DATE: December 17, 2018
SUBJECT: CB 48 - Retail Cultivation Ordinance

DESCRIPTION:

CB 48 - Retail Cultivation Ordinance

RECOMMENDATION:

Staff recommends City Council approve Council Bill #48 to amend the Englewood Municipal Code to allow retail marijuana cultivation within the City.

PREVIOUS COUNCIL ACTION:

On November 5, 2013, the citizens of the City of Englewood defeated referred question #2B which would have prohibited the sale, cultivation, and manufacture of recreational marijuana within the City.

On November 8, 2016, the citizens of the City of Englewood approved ballot question #302 to permit the regulation and licensing of retail marijuana stores. Part of ballot question #302 provided that only currently licensed medical marijuana centers could apply to convert to a retail facility, or operate as both a retail and medical facility, until January 1, 2019. After that date an entity without an existing medical marijuana facility license may apply to become a retail marijuana store. Also included within initiative #302 was the language set forth in E.M.C. 2-6-1(C) which specifically allows for medical marijuana cultivation but makes no provision either permitting or prohibiting retail marijuana cultivation.

On March 6, 2017, the City Council approved Ordinance #8, Series of 2017, which modified E.M.C. 7-6D-12(C) to allow for retail marijuana stores within the City, and prohibiting any other type of recreational or retail marijuana establishment.

Currently, E.M.C. 2-6-1(C) limits the issuance of licenses associated with the cultivation or sale of marijuana to:

1. A Medical Marijuana Center License;
2. A Medical Marijuana Optional Premises Cultivation Operation License;
3. A Medical Marijuana-Infused Products Manufacturer License;
4. A Retail Marijuana Store License.

On July 23, 2018 retail cultivation was discussed by the City Council at a Study Session. At the conclusion of the Study Session a consensus vote directed staff to develop an ordinance allowing for retail cultivation within the City.

SUMMARY:

Currently two medical marijuana cultivation facilities are licensed to operate within the City. A new retail marijuana cultivation license would allow existing medical cultivation operations to grow both medical and retail marijuana.

The proposed licensing limitations associated with a retail marijuana cultivation operation are as follows: Existing medical marijuana cultivation facilities could apply for a multi-use license, allowing for medical and retail cultivation.

Marijuana cultivation operations shall not exceed five thousand (5,000) square feet.

ANALYSIS:

City Council has received requests from Nature's Kiss for amendments to the City's Code allowing for retail marijuana cultivation within the City of Englewood in addition to its current medical marijuana cultivation facilities.

FINANCIAL IMPLICATIONS:

A licensing and application fee will be charged for the retail cultivation license.

License Fee: \$1,000.00

Application Fee: \$1,000.00

ATTACHMENTS:

Council Bill #48

Letter from Nature's Kiss to City Council

Official Abstract of Votes Cast November 5, 2013

Official Abstract of Votes Cast 2016

Ordinance No. 17 Series of 2013

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2018

COUNCIL BILL NO. 48
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE AMENDING TITLE 2, CHAPTER 6, SECTION 1, TITLE 5, AND ESTABLISHING CHAPTER 3F, TO PROVIDE FOR RETAIL CULTIVATION OF MARIJUANA, ALL WITHIN THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, Article XVIII, Section 16(5)(f) of the Constitution of the State of Colorado provides that a locality may enact ordinances or regulations, not in conflict with the Constitution or State law, regarding marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores; governing the time, place, manner and number of retail marijuana establishment operations; and establishing procedures for the issuance, suspension, and revocation of a license issued by the locality;

WHEREAS, the City of Englewood is a home rule City, established in accordance with Article XX of the Constitution of the State of Colorado, and through Section 30 of its home Rule Charter, endows its City Council with all municipal legislative powers as conferred by general law, and the authority to delegate those powers to Boards and Commissions by ordinance;

WHEREAS, the City of Englewood is a “locality” as defined by Article XVIII, Section 16(5)(f) of the Constitution of the State of Colorado;

WHEREAS, the Local Liquor, Medical and Retail Marijuana Licensing Authority has been established as a Board or Commission within Title 2, Chapter 6 of the Englewood Municipal Code;

WHEREAS, no action *permitting* retail marijuana cultivation facilities has been approved within the City of Englewood through the enactment of an ordinance or through an initiated or referred measure;

WHEREAS, no action *prohibiting* retail marijuana cultivation facilities has been approved within the City of Englewood through the enactment of an initiated or referred measure;

WHEREAS, on November 5, 2013, in Referred Question No. 2B, when asked to provide an advisory opinion, the voters of the City of Englewood rejected banning retail marijuana activities, specifically including retail marijuana cultivation;

WHEREAS, on November 8, 2016, in Ballot Question No. 301, the voters of the City of Englewood rejected banning retail marijuana activities, specifically including retail marijuana cultivation; and

WHEREAS, on November 8, 2016, in Ballot Issue No. 300, the voters of the City of Englewood, passed an initiated ordinance providing for the distribution and sale of retail marijuana within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. Title 2, Chapter 6, Section 1 shall be amended as follows:

2-6-1: Licensing Authority Established.

- A. There is hereby established a Local Licensing Authority, which shall have and is vested with the authority to grant or refuse licenses for the sale at retail of malt, vinous or spirituous liquors and fermented malt beverages, as provided by law, to suspend or revoke such licenses for cause in the manner provided by law. Such authority shall have all the powers of the Local Licensing Authority as set forth in Articles 3, 4, and 5, of Title 44, C.R.S. 2018~~Articles 46, 47 and 48 of Title 12, C.R.S. 1973.~~

See Title 5, Chapter 3, Article A of this Municipal Code for the organization, powers, functions and duties of the Local Licensing Authority.

- B. There is hereby established a Local Licensing Authority to issue only the following Medical and Retail Marijuana Licenses upon payment of a fee and compliance with all Local Licensing requirements to be determined by the Local Licensing Authority as set forth in Article 43.3 11 and 43.4 12 ~~of Title 42~~ 44 C.R.S.:
1. A Medical Marijuana Center License;
 2. A Medical Marijuana Optional Premises Cultivation Operation License;
 3. A Medical Marijuana—Infused Products Manufacturer License;
 4. A Retail Marijuana Store License;
 5. A Retail Marijuana Cultivation Facility License.

Section 2. Title 5, Chapter 3F, shall be established as follows:

5-3F-1: Retail Marijuana Cultivation Established.

- A. The Englewood City Council hereby declares that this Chapter shall be deemed an exercise of the police powers of the City for the protection of the economic and social welfare and the health, peace, and morals of the people of the City.
- B. The City further declares that it is unlawful to cultivate Retail Marijuana, except in compliance with the terms, conditions, limitations, and restrictions in Section 16 of Article XVIII of the State Constitution and/or the terms, conditions, limitations, Article 44 of Title 12 C.R.S., and all applicable provisions of the Englewood Municipal Code.

5-3F-2: Powers and Duties of the Local Licensing Authority.

- A. The Local Licensing Authority, as established in Title 2, Chapter 6, Section 1, shall grant or refuse local licenses for the cultivation of Retail Marijuana as provided by all applicable State and local law; suspend, fine, restrict, or revoke such licenses upon a violation of law or a rule promulgated pursuant to this Title; and may impose any penalty authorized by this Title or

any rule promulgated pursuant to this Title. The Local Licensing Authority may take action with respect to a registration or a license pursuant to this Title, and in accordance with the procedures established pursuant to this Title.

- B. Pursuant to Section 30 of the Englewood Home Rule Charter, the authority to establish rules and regulations for the proper control of the cultivation of Retail Marijuana is vested in the Local Licensing Authority. The Local Licensing Authority shall promulgate such rules and make such special rulings and findings as necessary for the proper regulation and control of the cultivation of Retail Marijuana cultivation and for the enforcement of this Chapter.
- C. The Local Licensing Authority shall adopt and enforce regulations for retail marijuana cultivation that are at least as restrictive as the provisions of Article 12 of Title 44 C.R.S., including 44-12-403, and any rule promulgated pursuant to that article, all in conformance with the provisions set forth within this Chapter.
- D. In addition to all other standards applicable to the issuance of licenses under this Code, the following additional standards for the issuance of Retail Marijuana Cultivation Operation consistent with the intent of Article 44 of Title 12 C.R.S. and this Code are adopted as follows:
 1. Distance restrictions between premises in or out of City limits for which Local Licenses are issued:
 - (a) If the building in which Retail Marijuana is to be cultivated is located within two thousand feet (2,000') of a school, an alcohol or drug treatment facility, or the principal campus of a college, university, seminary, or a residential child care facility or within two thousand five hundred feet (2,500') of an existing licensed Retail or Medical Marijuana Center, Retail or Medical Marijuana-Infused Products Manufacturer or Retail or Medical Marijuana Optional Premises Cultivation Operation. The provisions of this Section shall not affect the renewal or re-issuance of a license once granted or apply to licensed premises located or to be located on land owned by a municipality; nor shall the provisions of the Section apply to existing licensed premises on land owned by the State, or apply to a license in effect and actively doing business before said principal campus was constructed.
 - (b) The distances referred to in this Title are to be computed by direct measurement from the nearest property line of the land used for a school or campus to the nearest portion of the building in which Retail Marijuana is to be cultivated using a route of direct pedestrian access.
 - (c) After April 20, 2015, Marijuana Licensed Premises shall be limited to the following locations but shall otherwise be exempt from the distance limitations of this Chapter:
 - 4695 South Windermere Street, Units A & B
 - 4332 South Broadway
 - 11 West Hampden Avenue, Suite 102
 - 5005 South Federal Boulevard
 2. Reasonable restrictions on the size of an applicant's Licensed Premises.

- (a) All Retail Marijuana Cultivation Operations shall not exceed five thousand (5,000) square feet.
- 3. Any other requirements necessary to ensure the control of the premises and the ease of enforcement of the terms and conditions of the License.
 - (a) Any cultivation or manufacture of Retail Marijuana within a Multi-Tenant building shall have a heating, ventilation and air conditioning system separate from the rest of the building.
- E. The provisions of Title 5, Article 3E shall be applicable to interpreting this Article 3F.
- F. Definitions not provided within Title 5, Article 3E, shall be as provided in Title 7, Article 6D, Section 12-2.
- G. Enforcement of this Chapter shall be in conformance with E.M.C. Title 1, Chapter 4, “General Penalty” provisions.

5-3F-3: Licensing Fees.

All licensing and application fees shall be established by the City Council by regular Resolution and set forth within the City’s Fee and Rate Schedule, or adopted by inclusion within the City’s Fee and Rate Schedule as approved by Resolution. In 2019 such licensing and application fees shall be equal in amount to those fees as established for the cultivation of medical marijuana. On or after January 1, 2020, such fees shall be as provided by law and established in accordance with this section.

Section 3. Notice of general provisions and findings applicable to interpretation and application of this Ordinance:

Applicability of Title 1, Chapter 2, Saving Clause. The provisions of E.M.C. Title 1, Chapter 2, Saving Clause apply to interpretation and application of this Ordinance, unless otherwise set forth above, including, but not limited to, the provisions regarding severability, inconsistent ordinances or code provisions, effect of repeal or modification, and legislation not affected by repeal.

Enforcement. E.M.C. Title 1, Chapter 4, “General Penalty” provisions mandate that except as otherwise provided within specific Titles, Chapters, or Sections of the Englewood Municipal Code, the violation of any provisions of the Code, or of any secondary code adopted therein, shall be punished by a fine not exceeding two thousand six hundred and fifty dollars (\$2,650.00) or imprisonment for a term not exceeding three hundred sixty (360) days or by both such fine and imprisonment.

Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, 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 City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Introduced, read in full, and passed on first reading on the 17th day of December, 2018.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 20th day of December, 2018.

Published as a Bill for an Ordinance on the City's official website beginning on the 19th day of December, 2018 for thirty (30) days.

Linda Olson, Mayor

ATTEST:

Stephanie Carlile, City Clerk

I, Stephanie Carlile, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 17th day of December, 2018.

Stephanie Carlile

Dear Council Member Sierra,

Thank you for taking a moment to read this email. My name is Edmond Bartel. I am a manager at Nature's Kiss here in Englewood. I am writing you and the other city council members today to ask for your assistance in amending Englewood's ordinance to permit existing Medical Marijuana Optional Cultivation Operations to grow cannabis for the regulated retail marijuana sector. We would like to request an amendment that will not adversely affect any Englewood businesses, residents or visitors and ultimately does nothing to substantially change our operations except for the licenses we receive from the state and city as well as the color of the seed to sale tracking tag on our plants.

Currently, Nature's Kiss' operations are vertically integrated on our medical side, meaning the medical cultivation facility at 4332 S Broadway in Englewood supplies our medical store at 4332 S. Broadway. For retail or adult-use sales, Nature's Kiss buys retail marijuana from other licensed retail cultivation facilities throughout Colorado and packages it for sale here at our licensed retail store location.

Every plant in every licensed grow in Colorado is tagged with a seed to sale METRC RFID tag. Medical marijuana plants wear yellow RFID tags and retail marijuana plants are tagged blue. From the moment each plant is rooted and placed in a growing medium, that plant tag remains with the plant its entire life. Once it is harvested, that plant tag is replaced with a package tag that ties the new package of marijuana to the plant(s) it came from. This tag ensures that wherever this marijuana ends up; may it be in a jar to be sold, or at a marijuana infused products processor to be made into concentrate or edibles, the same exact package is tracked all the way to the point of sale. As for the life of a retail marijuana plant, it has an identical process. The only difference is the color of the plant tag.

Nature's Kiss would embrace the opportunity to join the majority of co-located cultivation facilities in the metropolitan area and grow retail plants with blue tags, alongside the yellow medically tagged plants currently being cultivated in our licensed facility at 4332 S Broadway. **This is not a request to physically expand, modify, or operate our licensed premises in a substantially different manner.** Instead, this change would allow us to hire additional employees and obtain a state and local license for medical and retail co-location within the confines of our existing licensed premises. The cost to the city associated with any addition licensing can be recovered with additional fees required during the co-located retail cultivation facility the licensing process.

We would like you to consider raising this issue during a future City Council meeting. We believe that such a change will provide positive benefits for the City of Englewood and will not substantially change any enforcement or oversight requirements. Furthermore, it will allow us to increase local hiring and create parity with other facilities in the region that are permitted to co-locate. Nature's Kiss would be more than happy to participate in any study sessions, activities or expenditures necessary to make this process as easy as it can be for anyone involved. We look forward to hearing from you, answering any questions you may have, and continuing to contribute and support this great City.

Sincerely,

--Edmond Bartel

Manager at Nature's Kiss

Nature's Kiss

303-484-9327

4332 S Broadway

Englewood, Colorado

Statement and Certificate of Determination of an Election held in Englewood, Colorado, on Tuesday the 5th day of November 19 2013

| NAMES OF CANDIDATES OR PROPOSITIONS | OFFICE VOTED FOR | NUMBERS OF WARDS AND PRECINCTS AND VOTES CAST IN EACH | | | | | | | | | | | | | | | | Total No. of Votes Cast |
|--|------------------|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|-------------------------|
| | | A.V. PCT. | | | | | | | | | | | | | | | | |
| <p align="center">OFFICIAL ABSTRACT OF VOTES CAST IN THE CITY OF ENGLEWOOD, COLORADO COORDINATED ELECTION NOVEMBER 5, 2013</p> <p><u>Office of Council Member DISTRICT 2 (Vote for one) Four-year term</u></p> <p>Rita Russell 687 Linda Olson 759</p> <p><u>Office of Council Member DISTRICT 4 (Vote for one) Four-year term</u></p> <p>Rick Gillit 1425</p> <p><u>Office of Council Member AT-LARGE (Vote for one) Four-year term</u></p> <p>Scott Gorsky 2745 Steven R. Yates 3324</p> <p><u>Office of MUNICIPAL JUDGE (Vote for one) Four-year term</u></p> <p>Vincent R. Alencio 5182</p> | | <p align="center">Referred Question No. 2B</p> <p>Shall the Englewood Municipal Code of the City of Englewood, Colorado ban the retail sale of recreational marijuana, ban recreational marijuana cultivation facilities, ban recreational marijuana manufacturing facilities, and ban recreational marijuana testing facilities; while not restricting personal use and growth of marijuana as allowed under the Colorado Constitution, nor shall it affect Englewood's currently licensed medical marijuana businesses, primary care-givers, patients and Code provisions relating thereto?</p> <p align="center">3593 Yes 3882 No</p> <p align="center">Initiative Question No. 300</p> <p>Shall the Englewood Municipal Code of the City of Englewood, Colorado be amended to include official designation of Park property within the City of Englewood in order to protect the people of Englewood and their right to vote on the sale of Park property by: dedicate as "Park" any property identified on 2006 Englewood Parks and Recreation Master Plan as a Park including but not limited to: Baker, Berde, Bates-Logan, Bellview, Centennial, Clarkson, Cushing, Depot, Duncan, Emerson, Hosanna, Jason, Miller Fields, Romans and Potolo?</p> <p align="center">6366 Yes 972 No</p> | | | | | | | | | | | | | | | | |

State of Colorado)
) ss
County of Arapahoe)

I, the undersigned, do hereby certify the preceding Official Election Results of the City of Englewood, Colorado portion of the Coordinated Election held on November 5, 2013, for the election of three (3) Council Members, the Municipal Judge, one Council Referred Question and one Citizen Initiated Ballot Question on the 22nd day of November, 2013.

Attest: Kerry Bush
Kerry Bush, Deputy City Clerk

Loucrishia A. Ellis
Loucrishia A. Ellis, City Clerk

STATE OF COLORADO,) ss. We, the undersigned, Canvassers of the Election returns of and Election held in said City of Englewood in the State of Colorado. County of Arapahoe on Tuesday the 5th day of November A. D. 2013, for the election of Three (3) Council Members one (1) Municipal Judge, One (1) Referred Ballot Question and One (1) Citizen Initiated Ballot Question do hereby certify that the above and foregoing is a true and correct abstract of the votes cast at said election as shown by the abstract for the several voting precincts in the City of Englewood, Colorado

WITNESS our hands and seals this 10th day of DECEMBER A. D. 2013

Attest: Kerry Bush Deputy City Clerk

Loucrishia A. Ellis City Clerk

TOTAL # OF REGISTERED VOTERS 11/5/13: 20,700
(BALLOTS WERE SENT TO ACTIVE + INACTIVE VOTERS)
OF ELECTORS VOTING IN 11/5/13 ELECTION: 7,417 - 37%

OFFICIAL
ABSTRACT OF VOTES CAST
IN THE CITY OF ENGLEWOOD, COLORADO COORDINATED ELECTION
NOVEMBER 8, 2016

Referred
Ballot Issue No. 2B

SHALL CITY OF ENGLEWOOD TAXES BE INCREASED BY \$512,500 ANNUALLY IN THE FIRST FULL FISCAL YEAR AND BY SUCH AMOUNTS AS ARE RAISED ANNUALLY THERE AFTER BY IMPOSING AN ADDITIONAL SALES TAX OF 3.5% ON THE SALE OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS, WITH THE TAX REVENUES BEING USED TO FUND ANY LAWFUL GOVERNMENTAL PURPOSE DETERMINED BY THE CITY COUNCIL, WITH THE RATE OF THE TAX BEING ALLOWED TO BE INCREASED OR DECREASED WITHOUT FURTHER VOTER APPROVAL SO LONG AS THE RATE OF TAXATION DOES NOT EXCEED 15%, AND THE RESULTING TAX REVENUE BEING ALLOWED TO BE COLLECTED AND SPENT NOTWITHSTANDING ANY LIMITATIONS PROVIDED BY LAW?

YES 7,376

NO 8,646

Referred
Ballot Issue No. 2C

SHALL THE CITY OF ENGLEWOOD DEBT BE INCREASED \$27 MILLION, WITH A REPAYMENT COST OF UP TO \$47.9 MILLION, AND SHALL THE CITY TAXES BE INCREASED BY UP TO \$2.2 MILLION ANNUALLY FOR THE PURPOSE OF PROTECTING CRIME VICTIMS, POLICE OFFICERS AND THE COMMUNITY BY FINANCING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF LAND, IF NECESSARY, AND RELATED CAPITAL IMPROVEMENTS FOR USE AS A NEW ENGLEWOOD POLICE DEPARTMENT HEADQUARTERS BUILDING INCLUDING:

- PROVIDING MODERN FACILITIES FOR OUR POLICE TO PRESERVE RECORDS AND DNA EVIDENCE FROM COLD CASE FILES TO MEET NATIONAL CERTIFICATION STANDARDS;
- PROVIDING SUFFICIENT SECURED AREAS SO VICTIMS WHO GIVE THEIR STATEMENTS ABOUT A CRIME ARE NOT IN CLOSE PROXIMITY TO THOSE ARRESTED FOR COMMITTING THE CRIME;
- REPLACING THE CURRENT POLICE STATION WITH A FACILITY THAT ALLOWS FOR MODERN INTERNET, MODERN COMPUTERS, LOCKER ROOMS AND TRAINING EQUIPMENT FOR UP-TO-DATE POLICING NEEDS; AND
- PROVIDING ENGLEWOOD POLICE ADDITIONAL TOOLS, SUCH AS MORE HOLDING CELLS THAT THEY NEED TO MORE SAFELY HANDLE THOSE ARRESTED FOR SUSPECTED CRIMINAL ACTIVITY AND PROTECT THE PUBLIC SAFETY, AND SECURED PARKING TO PROTECT OFFICERS AND THEIR FAMILIES;

AND TO THE EXTENT FUNDS ARE AVAILABLE ADDRESSING OTHER SAFETY SERVICES NEEDS, BY THE ISSUANCE AND PAYMENT OF GENERAL OBLIGATION BONDS WHICH SHALL BEAR INTEREST, MATURE, BE SUBJECT TO REDEMPTION, WITH OR WITHOUT PREMIUM, AND BE ISSUED AT SUCH TIME, AT SUCH PRICE (AT ABOVE OR BELOW PAR) AND IN SUCH MANNER AND CONTAINING SUCH TERMS, NOT INCONSISTENT WITH THIS BALLOT ISSUE, AS THE CITY COUNCIL MAY DETERMINE; SHALL AD VALOREM PROPERTY TAXES BE LEVIED WITHOUT LIMIT AS TO THE MILL RATE TO GENERATE AN AMOUNT SUFFICIENT IN EACH YEAR TO PAY THE PRINCIPAL OF, PREMIUM IF ANY, AND INTEREST ON SUCH DEBT AND SHALL ANY INVESTMENT EARNINGS FROM THE PROCEEDS OF SUCH BONDS CONSTITUTE A VOTER-APPROVED REVENUE CHANGE?

YES 9,267

NO 6,700

Initiated
Ballot Issue No. 300

SHALL THE CITY OF ENGLEWOOD IMPOSE AN ADDITIONAL SALES TAX OF 3.5% THAT MAY BE RAISED UP TO 15% ON THE SALE OF RETAIL MARIJUANA IN ENGLEWOOD; PROVIDED THE TAX SHALL NOT BE RAISED ABOVE 3.5% ON OR BEFORE JANUARY 1, 2018, AND CANNOT BE RAISED BY MORE THAN 1.5% PER YEAR, WITH THE TAX REVENUES BEING COLLECTED AND USED TO FUND LOCAL LAW ENFORCEMENT, EDUCATIONAL PROGRAMS DESIGNATED BY THE CITY AND OTHER GENERAL OPERATING EXPENSES OF THE CITY OF ENGLEWOOD?

YES 9,067

NO 7,047

Initiated
Ballot Question No. 301

A "yes" vote for this Initiative will prohibit the retail sale, commercial cultivation and manufacture of Recreational Marijuana within the City Limits of Englewood. A "no" vote indicates the voter does not want to prohibit the retail sale, commercial cultivation and manufacture of Recreational Marijuana within the City Limits of Englewood.

In support of Amendment 64 (Section 5, "Regulation of Marijuana," Part 9F*) as passed by Colorado voters in 2012, should the citizens of the City of Englewood, Colorado exercise their right and prohibit the sale of Marijuana for recreational use as well prohibit Marijuana cultivation and manufacturing facilities within City Limits? This in no way affects the personal use of Marijuana according to said Amendment.

*Amendment 64, SECTION 5, Regulation of Marijuana, "Part 9F": "A LOCALITY MAY PROHIBIT THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, OR RETAIL MARIJUANA STORES THROUGH THE ENACTMENT OF AN RESOLUTION OR THROUGH AN INITIATED OR REFERRED MEASURE."

YES 5,996

NO 10,167

Initiated
Ballot Question No. 302

Shall the City of Englewood Municipal Code be amended to permit for the regulation and licensing of Retail Marijuana stores, subject to the conditions and limitations set forth in the Initiative Petition?

YES 9,965

NO 5,812

BY AUTHORITY

ORDINANCE NO. 17
SERIES OF 2013

COUNCIL BILL NO. 9
INTRODUCED BY COUNCIL
MEMBER WOODWARD/GILLIT

AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF ENGLEWOOD AT THE NEXT SCHEDULED MUNICIPAL ELECTION OF NOVEMBER 5, 2013, AN ADVISORY QUESTION TO BAN THE RETAIL SALE OF RECREATIONAL MARIJUANA, BAN RECREATIONAL MARIJUANA CULTIVATION FACILITIES, BAN RECREATIONAL MARIJUANA MANUFACTURING FACILITIES, AND BAN RECREATIONAL MARIJUANA TESTING FACILITIES.

WHEREAS, the City of Englewood (“City”) is a home-rule municipality organized and existing under the provisions of the Colorado Constitution Article XX; and

WHEREAS, pursuant to the Constitution, and as further authorized by State statutes, including, but not limited to C.R.S. Section 31-15-401, the City has broad authority to exercise its police powers to promote and protect the health, safety, and welfare of the community and its residents; and

WHEREAS, such police powers include the power to regulate the nature and type of businesses allowed within such community; and

WHEREAS, the voters of Colorado approved Amendment 64 at the 2012 General Election, which will be codified as Section 16 of Article 18 of the Colorado Constitution, authorizing the use, display, purchase, transport, and transfer of one ounce or less of recreational marijuana by a person 21 of age or older; and

WHEREAS, Amendment 64 allows local governments to ban recreational marijuana retail stores, cultivation facilities, product manufacturing facilities and testing facilities; and

WHEREAS, the ban will not restrict personal use of marijuana as allowed under the Colorado Constitution, nor shall it affect Englewood’s currently licensed medical marijuana businesses, primary care-givers, patients, and Code provisions relating thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. There is hereby submitted to the registered electors of the City of Englewood at the next scheduled municipal election on November 5, 2013 an advisory question, to read as follows:

Question No.

Shall the Englewood Municipal Code of the City of Englewood, Colorado ban the retail sale of recreational marijuana, ban recreational marijuana cultivation facilities, ban recreational marijuana manufacturing facilities, and ban recreational marijuana testing facilities; while not restricting personal use and growth of marijuana as allowed under the Colorado Constitution, nor shall it affect Englewood's currently licensed medical marijuana businesses, primary care-givers, patients, and Code provisions relating thereto?

_____ Yes _____ No

Section 2. Each elector voting at said election and desirous of voting shall indicate his/her choice by depressing the appropriate counter of the voting machine or by the appropriate marking upon paper ballots where used.

Section 3. The proper officials of the City of Englewood shall give notice of said next scheduled municipal election, such notice shall be published in the manner and for the length of time required by law, and the ballots cast at such election shall be canvassed and the result ascertained, determined, and certified as required by law.

Section 4. Only if the question is approved by the registered electors of the City of Englewood shall the Englewood Municipal Code be amended.

Section 5. If any section, paragraph, clause, or other portion of this Ordinance is for any reason held to be invalid or unenforceable, the invalidity or unenforceability shall not affect any of the remaining portions of this Ordinance.

Introduced, read in full, and passed on first reading on the 15th day of April, 2013.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 19th day of April, 2013.

Published as a Bill for an Ordinance on the City's official website beginning on the 17th day of April, 2013 for thirty (30) days.

Read on second reading and amended on May 6, 2013.

Published as amended by title in the City's official newspaper on the 10th day of May, 2013.

Published as amended on the City's official website beginning on the 8th day of May, 2013 for thirty (30) days.

Read by title and passed as amended on final reading on the 20th day of May, 2013.

Published by title as amended in the City's official newspaper as Ordinance No. ____, Series of 2013, on the 24th day of May, 2013.

Published by title as amended on the City's official website beginning on the 22nd day of May, 2013 for thirty (30) days.

Randy P. Penn, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the amended Ordinance passed on final reading and published by title as Ordinance No. ____, Series of 2013.

Loucrishia A. Ellis