

TOWN OF NEDERLAND, COLORADO

ORDINANCE NUMBER 727

AN ORDINANCE AMENDING SUBSECTION 6-286(6) OF THE NEDERLAND MUNICIPAL CODE CONCERNING THE MAXIMUM AMOUNT OF MARIJUANA THAT MAY BE SOLD TO A NONRESIDENT OF THE STATE OF COLORADO

WHEREAS, the Town of Nederland, Colorado (“Town”) is a statutory municipality, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, at the November 2012 general election, the voters of the State of Colorado adopted Amendment 64 to the Colorado Constitution which authorizes the use, possession, growth, transport and transfer of marijuana in limited amounts and under limited circumstances, and further authorizes the conduct of business to cultivate, produce, test and sell marijuana and marijuana products; and

WHEREAS, after the adoption of said Amendment 64, the state legislature adopted the Colorado Retail Marijuana Code, Article 43.4, Title 12, C.R.S. which, among other things, authorizes certain local government regulation of retail marijuana businesses and renders it unlawful for a person licensed to sell retail marijuana or retail marijuana products to sell more than a quarter of an ounce of retail marijuana and no more than a quarter of an ounce equivalent of a retail marijuana product during a single transaction to a nonresident of the state; and

WHEREAS, as authorized by Amendment 64 and the Colorado Retail Marijuana Code, the Town Board of Trustees (“Board”) adopted local regulations applicable to retail marijuana businesses, codified as Article XI of Chapter 6 of the Nederland Municipal Code (“Code”); and

WHEREAS, Subsection 6-286(6) of said Article XI renders it unlawful within the Town to sell to a nonresident of the state marijuana or marijuana products that exceed one (1) gram or one serving (edibles) per purchase, per consumer; and

WHEREAS, a quarter of an ounce is the *approximate* equivalent of seven (7) grams; and

WHEREAS, the Board now finds that it is desirable to amend Code Subsection 6-286(6) to permit licensed marijuana establishments in Town to sell up to the maximum amount allowed by state law to nonresidents of the state.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Nederland, Colorado, that:

Section 1. Subsection (6) of Section 6-286 of the Nederland Municipal Code, concerning unlawful acts under Article XI of Chapter 6 of the Code, is hereby amended as follows:

(6) It shall be unlawful to sell more than a quarter of an ounce of marijuana or more than a quarter of an ounce equivalent of marijuana products during a single transaction to a non-colorado resident of the state of Colorado ~~marijuana or marijuana products that~~

~~exceed one (1) gram or one serving (edibles) per purchase, per consumer;~~

Section 2. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 3. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

INTRODUCED, ADOPTED AND ORDERED PUBLISHED THIS 4th DAY OF FEBRUARY, 2014.

TOWN OF NEDERLAND, COLORADO



Joe Gierlach, Mayor

ATTEST:



Michele Martin, Town Clerk

APPROVED AS TO FORM:



Carmen Beery, Town Attorney

