

RESOLUTION 2017-079
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUBMITTING A CITY-INITIATED ORDINANCE DEALING WITH MEDICAL
MARIJUANA BUSINESSES TO A VOTE OF THE REGISTERED ELECTORS OF THE
CITY AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 7, 2017,
IN CONJUNCTION WITH THE LARIMER COUNTY COORDINATED ELECTION

WHEREAS, on November 6, 2012, the registered electors of the City approved a citizen-initiated measure that became Chapter 15, Article XVI, of the City Code which strictly regulates, controls and permits a limited number of State-authorized medical marijuana businesses within the City of Fort Collins; and

WHEREAS, pursuant to City Charter, Article X, Section 4, a citizen-initiated measure submitted to the registered electors of the City by the City Council, and adopted by electoral vote, cannot be repealed or amended except by a subsequent electoral vote; and

WHEREAS, Section 15-491 (b) of the City Code authorizes the City Council to lessen any restriction in the provisions related to medical marijuana, but does not specifically allow for modifications to the provisions in order to stay current with new or additional state law provisions; and

WHEREAS, the state marijuana laws, rules and regulations are ever-evolving; and

WHEREAS, staff recommends that the City Council submit an initiated ordinance to the registered electors to add a new subsection to Chapter 15, Article XVI, Section 15-491 to permit the City Council to make amendments or additions to the City Code that are not contrary to and do not eliminate any of the 2012 citizen-initiated provisions except as provided in Sec. 15-491(b), and that are current with the state laws, rules and regulations; and

WHEREAS, Article X, Section 6 of the City Charter requires that the City Council conduct a public hearing and adopt a resolution in order to set a ballot title and submission clause for an initiative or referendum measure; and

WHEREAS, the ballot title for the measure must identify the measure as either a city-initiated or citizen-initiated measure; and

WHEREAS, the submission clause must be brief, must not conflict with those selected for any petition previously filed for the same election and must unambiguously state the principle of the provision sought to be added.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby submitted to the registered electors of the City at the special municipal election to be held on Tuesday, November 7, 2017, the following proposed City-initiated ordinance:

ORDINANCE NO. 117, 2017
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING A NEW SUBSECTION TO CHAPTER 15, ARTICLE XVI, SECTION 15-491, OF THE CODE OF THE CITY OF FORT COLLINS PERMITTING THE CITY COUNCIL TO MAKE AMENDMENTS OR ADDITIONS TO ARTICLE XVI OF CHAPTER 15 OF THE CITY CODE IN ORDER TO STAY CURRENT WITH THE COLORADO MEDICAL MARIJUANA CODE, RULES AND REGULATIONS

WHEREAS, the State of Colorado's medical marijuana laws, rules and regulations are ever-evolving; and

WHEREAS, it is the intent and desire of the citizens of the City of Fort Collins, in an effort to keep up with the ever-evolving state medical marijuana laws, rules and regulations, that a new Subsection (c) be added to Chapter 15, Article XVI, Section 15-491 of the City Code that would permit the City Council of the City of Fort Collins to make amendments or additions to Article XVI in order to stay current with the state laws, rules and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT COLLINS, COLORADO, that a new Subsection (c) is added to Section 15-491 of Article XVI of the Code of the City of Fort Collins which reads in its entirety as follows:

- (a) The City Manager is authorized to promulgate such rules and regulations as are necessary to effectuate the implementation, administration and enforcement of this Article.
- (b) The City Council shall be permitted to lessen any restriction contained in this Article.
- (c) The City Council, if it desires, shall be permitted to make amendments or additions to this Article in order to stay current with applicable state laws, rules and regulations, so long as such amendments or additions are not contrary to and do not eliminate any of the 2012 citizen-initiated provisions, except as provided in Sec. 15-491(b).

Section 3. That the foregoing proposed City-initiated ordinance is hereby submitted to the registered electors of the City at said special municipal election to be held on November 7, 2017, in substantially the following form:

CITY-INITIATED PROPOSED ORDINANCE

Shall the proposed Ordinance amending Section 15-491 of the Code of the City of Fort Collins be adopted, so as to allow the City Council, if it desires, to adopt amendments to or add provisions in Chapter 15, Article XVI of the City Code pertaining to Medical Marijuana Businesses in order to stay current with

applicable state laws, rules and regulations, so long as such amendments or additions are not contrary to and do not eliminate any of the 2012 citizen-initiated provisions, except as provided in Sec. 15-491(b)?

_____ YES/FOR
_____ NO/AGAINST

Passed and adopted at an adjourned meeting of the Council of the City of Fort Collins this 22nd day of August, A.D. 2017.



Mayor

ATTEST:



Interim City Clerk

