

## **SUBJECT**

Items Relating to a Citizen-Initiated Ordinance to Prohibit the Operation of Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-infused Product Manufacturing Within the City of Fort Collins Corporate Limits.

- A. Presentation of a Petition for a Citizen-Initiated Ordinance that Would Prohibit the Operation of Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-infused Product Manufacturing Within the City of Fort Collins Corporate Limits. (No Action Needed)
- B. First Reading of Ordinance No. 110, 2011, an Initiated Ordinance to Prohibit the Operation of Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-infused Product Manufacturing Within the City of Fort Collins Corporate Limits. (Option 1)

### **OR**

Resolution 2011-070 Submitting a Proposed Citizen-Initiated Ordinance to Prohibit the Operation of Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-infused Product Manufacturing Within the City of Fort Collins Corporate Limits at a Special Municipal Election to Be Held on November 1, 2011, In Conjunction with the Larimer County Coordinated Election. (Option 2)

## **EXECUTIVE SUMMARY**

---

The City Clerk's Office received an initiative petition on July 19, 2011, which has been determined to contain a sufficient number of signatures to place an initiated measure before the registered electors of the City at a special election. Pursuant to the City Charter, upon presentation of an initiative petition certified as sufficient by the City Clerk, the Council must either (1) adopt the proposed ordinance without alteration within 30 days (Option 1); or (2) submit such proposed measure, in the form petitioned for, to the registered electors of the city (Option 2). If the Council chooses to submit the proposed measure to the voters, Resolution 2011-070 would submit the measure and establish the ballot language for the measure.

## **BACKGROUND / DISCUSSION**

---

The City Clerk's Office has certified a sufficient number of signatures on an initiative petition received on July 19, 2011. Under Article X of the City Charter, 4,214 signatures of registered electors (at least 15% of the total ballots cast in the last regular City election) are required to place an initiative on a special election ballot. Upon presentation of an initiative petition certified as to sufficiency by the City Clerk, the Council must either adopt the proposed ordinance without alteration or submit the proposed measure in the form petitioned for, to the registered electors of the city. In anticipation of receiving this petition, a special election has been called for November 1, 2011, in conjunction with the Larimer County Coordinated Election.

The purpose of the initiated measure is to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused product manufacturing within the City of Fort Collins corporate limits. The text of the proposed ordinance is as follows:

AN INITIATED ORDINANCE TO PROHIBIT THE OPERATION OF MEDICAL  
MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS, AND  
MEDICAL MARIJUANA-INFUSED PRODUCT MANUFACTURING WITHIN THE CITY  
OF FORT COLLINS CORPORATE LIMITS

WHEREAS, on November 7, 2000, the voters of the state of Colorado approved Amendment 20, which added § 14 to Article XVIII of the Colorado Constitution and created a limited exception from criminal liability under Colorado law (as opposed to Federal law) for seriously ill persons who are in need of marijuana for specified purposes and who obtain and use medicinal marijuana under the limited, specified circumstances described in Amendment 20; and

WHEREAS, Amendment 20 contains specific definitions for the terms “Patient”, “Physician” and “Primary Care-giver” and confers specific protections upon and exemptions from criminal prosecution to persons who meet the requirements of each such defined term provided that all the provisions of Amendment 20 are complied with; and

WHEREAS the citizens of the City of Fort Collins recognize the protection for the medical use of marijuana by persons diagnosed with debilitating medical conditions afforded by Article XVIII, Section 14 of the Colorado Constitution, and desire to affirm the ability of such patients and their primary caregivers to otherwise be afforded the protections of Article XVIII, Section 14 of the Colorado Constitution and C.R.S. §25-1.5-106, as the same may be amended from time to time; and

WHEREAS, the Colorado Legislature during the 2010 legislative session considered House Bill 10-1284 and adopted legislation which in pertinent part added a new Article 43.3 to Title 12 of the Colorado Revised Statutes, to be known as the Colorado Medical Marijuana Code; and

WHEREAS, the Colorado Medical Marijuana Code clarifies Colorado law regarding the scope and extent of Amendment 20 to the Colorado Constitution (“Article XVIII, Section 14”), and at the same time regulates the retail sale, distribution, cultivation and dispensing of medical marijuana known as a “Medical Marijuana Center,” and further authorizes licensing mechanisms known as an “Optional Premises Cultivation Operation” and a “Medical Marijuana-Infused Products Manufacturers’ License,” and furthermore defines the following:

- A) Medical Marijuana Center. As used within this Code, a Medical Marijuana Center is given the identical meaning as that defined in Colorado Revised Statute § 12-43.3-104(8).
- B) Optional Premises Cultivation Operation. As used within this Code, an Optional Premises Cultivation Operation is given the identical meaning as that defined in Colorado Revised Statute § 12-43.3-104(12).
- C) Medical Marijuana-Infused Products Manufacturer. As used within this Code, a Medical Marijuana Infused Products Manufacturer is given the identical meaning as that defined in Colorado Revised Statute § 12-43.3-104(10).

WHEREAS, § 12-43.3-106, C.R.S., provides that the Colorado Medical Marijuana Code shall have statewide effect unless a municipality, county, city, or city and county, by either a majority of the registered electors of the municipality, county, city, or city and county voting at a regular election or special election called in accordance with the "Colorado Municipal Election Code of 1965", Article 10 of Title 31, C.R.S., or the “Uniform Election Code of 1992”, Articles 1 to 13 of Title 1, C.R.S., as applicable, or a majority of the members of the governing board for the municipality, county, city, or city and county, vote to prohibit the operation of Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-Infused Products Manufacturers' Licenses; and

WHEREAS, C.R.S. § 12-43.3-310 of the Colorado Medical Marijuana Code further specifically authorizes a municipality in part “to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers’ licenses ... based on local government zoning, health, safety, and public welfare laws for the distribution of medical marijuana that are more restrictive than this article;” and

WHEREAS, there are citizens of the City of Fort Collins, who protest and object to the operation of Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-Infused Products Manufacturers' Licenses within the City of Fort Collins' Corporate limits; and

WHEREAS, Section 1(9), Article V, of the Constitution of Colorado provide that the initiative powers are reserved to the registered electors of every city, town, and municipality as to all local, special, and municipal legislation of every character in and for their respective municipalities; and

WHEREAS, Article 11, Title 31, of the Colorado Revised Statutes sets forth the procedures for exercising the initiative power reserved for municipal electors; and

WHEREAS, it is the intent and desire of the citizens of the City of Fort Collins that the City Council of the City of Fort Collins, Colorado, adopt this Initiated Ordinance in the form presented herein to prohibit the operation of Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-Infused Product Manufacturing within the City of Fort Collins Corporate Limits or, if the within Initiated Ordinance is not adopted by the City Council in the form presented herein, that the within Initiated Ordinance be referred in the form presented herein to the registered electors of the municipality at a regular or special election to be scheduled as provided by law.

If any provision or provisions of this initiated ordinance shall be held to be invalid, illegal, unenforceable or in conflict with the law, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT COLLINS, COLORADO:

**Section 1.** Pursuant to Article 43.3 of Title 12 of the Colorado Revised Statutes, the City of Fort Collins hereby prohibits the operation of Medical Marijuana Centers, Optional Premises Cultivation Operations and Medical Marijuana Infused Products Manufacturing, effective ten (10) days following publication of the within Ordinance as provided in Section 4.9 (B) of the Home Rule Charter of the City of Fort Collins. With respect to any such Centers, Operations, facilities or businesses of any kind in operation upon such effective date, each and every such Center, Operation, facility and business shall cease operations within ninety (90) days of said date.

**Section 2.** Should the City Council refer this Initiated Ordinance to the registered electors of the City at a regular or special municipal election, this Initiated Ordinance shall take effect immediately upon certification by the designated election official that a majority of registered electors voted in favor of this Initiated Ordinance at such regular or special election. In such event, each and every Medical Marijuana Centers, Optional Premises Cultivation Operations and Medical Marijuana Infused Products Manufacturing in operation on such effective date shall cease operations within ninety (90) days of the effective date specified in this Section 2.

## **STAFF RECOMMENDATION**

---

Staff recommends Council choose either Option 1 (adoption of the Ordinance without alternation) or Option 2 (submitting the proposed measure to the voters).

## **ATTACHMENTS**

---

1. Petition certification

STATE OF COLORADO        )  
  )  
COUNTY OF LARIMER        ) SS.  
  )  
CITY OF FORT COLLINS        )

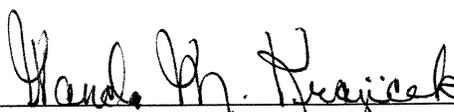
## PETITION CERTIFICATION

I, Wanda M. Krajicek, duly appointed and authorized City Clerk of the City of Fort Collins, Colorado do hereby certify that a petition received from Jean Troxell on Tuesday, July 19, 2011, requesting that Council place an initiated ordinance on the ballot at a special City election occurring on November 1, 2011, has been determined to contain **more than 4,214** signatures of registered voters who live within the Fort Collins city limits, and the petition is determined to be sufficient to require placement of the measure on a regular municipal election ballot.

Said ordinance pertains to prohibiting the establishment, operation or licensing of Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-Infused Product Manufacturing within the City of Fort Collins.

Dated at Fort Collins, Colorado this 22nd day of July, A.D. 2011.



  
\_\_\_\_\_  
Wanda Krajicek, City Clerk

## OPTION 1

### ORDINANCE NO. 110, 2011 OF THE COUNCIL OF THE CITY OF FORT COLLINS

#### AN INITIATED ORDINANCE TO PROHIBIT THE OPERATION OF MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS, AND MEDICAL MARIJUANA-INFUSED PRODUCT MANUFACTURING WITHIN THE CITY OF FORT COLLINS CORPORATE LIMITS

WHEREAS, on November 7, 2000, the voters of the state of Colorado approved Amendment 20, which added § 14 to Article XVIII of the Colorado Constitution and created a limited exception from criminal liability under Colorado law (as opposed to Federal law) for seriously ill persons who are in need of marijuana for specified purposes and who obtain and use medicinal marijuana under the limited, specified circumstances described in Amendment 20; and

WHEREAS, Amendment 20 contains specific definitions for the terms “Patient”, “Physician” and “Primary Care-giver” and confers specific protections upon and exemptions from criminal prosecution to persons who meet the requirements of each such defined term provided that all the provisions of Amendment 20 are complied with; and

WHEREAS the citizens of the City of Fort Collins recognize the protection for the medical use of marijuana by persons diagnosed with debilitating medical conditions afforded by Article XVIII, Section 14 of the Colorado Constitution, and desire to affirm the ability of such patients and their primary caregivers to otherwise be afforded the protections of Article XVIII, Section 14 of the Colorado Constitution and C.R.S. §25-1.5-106, as the same may be amended from time to time; and

WHEREAS, the Colorado Legislature during the 2010 legislative session considered House Bill 10-1284 and adopted legislation which in pertinent part added a new Article 43.3 to Title 12 of the Colorado Revised Statutes, to be known as the Colorado Medical Marijuana Code; and

WHEREAS, the Colorado Medical Marijuana Code clarifies Colorado law regarding the scope and extent of Amendment 20 to the Colorado Constitution (“Article XVIII, Section 14”), and at the same time regulates the retail sale, distribution, cultivation and dispensing of medical marijuana known as a “Medical Marijuana Center,” and further authorizes licensing mechanisms known as an “Optional Premises Cultivation Operation” and a “Medical Marijuana-Infused Products Manufacturers’ License,” and furthermore defines the following:

- A) Medical Marijuana Center. As used within this Code, a Medical Marijuana Center is given the identical meaning as that defined in Colorado Revised Statute § 12-43.3-104(8).
- B) Optional Premises Cultivation Operation. As used within this Code, an Optional Premises Cultivation Operation is given the identical meaning as that defined in Colorado Revised Statute § 12-43.3-104(12).

- C) Medical Marijuana-Infused Products Manufacturer. As used within this Code, a Medical Marijuana Infused Products Manufacturer is given the identical meaning as that defined in Colorado Revised Statute § 12-43.3-104(10).

WHEREAS, § 12-43.3-106, C.R.S., provides that the Colorado Medical Marijuana Code shall have statewide effect unless a municipality, county, city, or city and county, by either a majority of the registered electors of the municipality, county, city, or city and county voting at a regular election or special election called in accordance with the "Colorado Municipal Election Code of 1965", Article 10 of Title 31, C.R.S., or the "Uniform Election Code of 1992", Articles 1 to 13 of Title 1, C.R.S., as applicable, or a majority of the members of the governing board for the municipality, county, city, or city and county, vote to prohibit the operation of Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-Infused Products Manufacturers' Licenses; and

WHEREAS, C.R.S. § 12-43.3-310 of the Colorado Medical Marijuana Code further specifically authorizes a municipality in part "to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses ... based on local government zoning, health, safety, and public welfare laws for the distribution of medical marijuana that are more restrictive than this article;" and

WHEREAS, there are citizens of the City of Fort Collins, who protest and object to the operation of Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-Infused Products Manufacturers' Licenses within the City of Fort Collins's Corporate limits; and

WHEREAS, Section 1(9), Article V, of the Constitution of Colorado provide that the initiative powers are reserved to the registered electors of every city, town, and municipality as to all local, special, and municipal legislation of every character in and for their respective municipalities; and

WHEREAS, Article 11, Title 31, of the Colorado Revised Statutes sets forth the procedures for exercising the initiative power reserved for municipal electors; and

WHEREAS, it is the intent and desire of the citizens of the City of Fort Collins that the City Council of the City of Fort Collins, Colorado, adopt this Initiated Ordinance in the form presented herein to prohibit the operation of Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-Infused Product Manufacturing within the City of Fort Collins Corporate Limits or, if the within Initiated Ordinance is not adopted by the City Council in the form presented herein, that the within Initiated Ordinance be referred in the form presented herein to the registered electors of the municipality at a regular or special election to be scheduled as provided by law.

If any provision or provisions of this initiated ordinance shall be held to be invalid, illegal, unenforceable or in conflict with the law, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT COLLINS, COLORADO:

**Section 1.** Pursuant to Article 43.3 of Title 12 of the Colorado Revised Statutes, the City of Fort Collins hereby prohibits the operation of Medical Marijuana Centers, Optional Premises Cultivation Operations and Medical Marijuana Infused Products Manufacturing, effective ten (10) days following publication of the within Ordinance as provided in Section 4.9 (B) of the Home Rule Charter of the City of Fort Collins. With respect to any such Centers, Operations, facilities or businesses of any kind in operation upon such effective date, each and every such Center, Operation, facility and business shall cease operations within ninety (90) days of said date.

**Section 2.** Should the City Council refer this Initiated Ordinance to the registered electors of the City at a regular or special municipal election, this Initiated Ordinance shall take effect immediately upon certification by the designated election official that a majority of registered electors voted in favor of this Initiated Ordinance at such regular or special election. In such event, each and every Medical Marijuana Centers, Optional Premises Cultivation Operations and Medical Marijuana Infused Products Manufacturing in operation on such effective date shall cease operations within ninety (90) days of the effective date specified in this Section 2.

Introduced, considered favorably on first reading, and ordered published this 16th day of August, A.D. 2011, and to be presented for final passage on the 6th day of September, A.D. 2011.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading on the 6th day of September, A.D. 2011.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## OPTION 2

RESOLUTION 2011-070  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
SUBMITTING A CITIZEN-INITIATED ORDINANCE  
TO PROHIBIT THE OPERATION OF MEDICAL MARIJUANA CENTERS,  
OPTIONAL PREMISES CULTIVATION OPERATIONS, AND  
MEDICAL MARIJUANA-INFUSED PRODUCT MANUFACTURING  
WITHIN THE CITY OF FORT COLLINS CORPORATE LIMITS AT A  
SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 1, 2011,  
IN CONJUNCTION WITH THE LARIMER COUNTY COORDINATED ELECTION

WHEREAS, under Article X, Section 1 of the City Charter, the registered electors of the City have the power to propose a measure to the City Council, and if the City Council fails to adopt a measure so proposed, then to adopt or reject such ordinance or resolution at the polls; and

WHEREAS, an initiative petition to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused product manufacturing within the City of Fort Collins corporate limits has been submitted to the City, and the City Clerk has certified said petition as sufficient for submission of the initiated ordinance to a vote of the people at a special municipal election; and

WHEREAS, the City Clerk has presented said petition to the City Council as provided in Article X, Section 5(f)(4) of the City Charter; and

WHEREAS, under Article X, Section 1(e) of the City Charter, upon presentation of an initiative petition certified as to sufficiency by the City Clerk, the City Council must either adopt the citizen-initiated ordinance without alteration within thirty (30) days or submit said citizen-initiated ordinance in the form petitioned for, to the registered electors of the City; and

WHEREAS, under Article X, Section 6 of the City Charter, upon ordering an election on any initiative or referendum measure, the Council shall, after public hearing, adopt by resolution a ballot title and submission clause for the 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 there is hereby submitted to the registered electors of the City at a special municipal election to be held in conjunction with the Larimer County Coordinated Election on Tuesday, November 1, 2011, the following proposed citizen-initiated ordinance:

AN INITIATED ORDINANCE TO PROHIBIT THE OPERATION OF MEDICAL  
MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS, AND  
MEDICAL MARIJUANA-INFUSED PRODUCT MANUFACTURING WITHIN THE CITY  
OF FORT COLLINS CORPORATE LIMITS

WHEREAS, on November 7, 2000, the voters of the state of Colorado approved Amendment 20, which added § 14 to Article XVIII of the Colorado Constitution and created a limited exception from criminal liability under Colorado law (as opposed to Federal law) for seriously ill persons who are in need of marijuana for specified purposes and who obtain and use medicinal marijuana under the limited, specified circumstances described in Amendment 20; and

WHEREAS, Amendment 20 contains specific definitions for the terms “Patient”, “Physician” and “Primary Care-giver” and confers specific protections upon and exemptions from criminal prosecution to persons who meet the requirements of each such defined term provided that all the provisions of Amendment 20 are complied with; and

WHEREAS the citizens of the City of Fort Collins recognize the protection for the medical use of marijuana by persons diagnosed with debilitating medical conditions afforded by Article XVIII, Section 14 of the Colorado Constitution, and desire to affirm the ability of such patients and their primary caregivers to otherwise be afforded the protections of Article XVIII, Section 14 of the Colorado Constitution and C.R.S. §25-1.5-106, as the same may be amended from time to time; and

WHEREAS, the Colorado Legislature during the 2010 legislative session considered House Bill 10-1284 and adopted legislation which in pertinent part added a new Article 43.3 to Title 12 of the Colorado Revised Statutes, to be known as the Colorado Medical Marijuana Code; and

WHEREAS, the Colorado Medical Marijuana Code clarifies Colorado law regarding the scope and extent of Amendment 20 to the Colorado Constitution (“Article XVIII, Section 14”), and at the same time regulates the retail sale, distribution, cultivation and dispensing of medical marijuana known as a “Medical Marijuana Center,” and further authorizes licensing mechanisms known as an “Optional Premises Cultivation Operation” and a “Medical Marijuana-Infused Products Manufacturers’ License,” and furthermore defines the following:

- A) Medical Marijuana Center. As used within this Code, a Medical Marijuana Center is given the identical meaning as that defined in Colorado Revised Statute § 12-43.3-104(8).
- B) Optional Premises Cultivation Operation. As used within this Code, an Optional Premises Cultivation Operation is given the identical meaning as that defined in Colorado Revised Statute § 12-43.3-104(12).
- C) Medical Marijuana-Infused Products Manufacturer. As used within this Code, a Medical Marijuana Infused Products Manufacturer is given the identical meaning as that defined in Colorado Revised Statute § 12-43.3-104(10).

WHEREAS, § 12-43.3-106, C.R.S., provides that the Colorado Medical Marijuana Code shall have statewide effect unless a municipality, county, city, or city and county, by either a majority of the registered electors of the municipality, county, city, or city and county voting at a regular election or special election called in accordance with the "Colorado Municipal Election Code of 1965", Article 10 of Title 31, C.R.S., or the “Uniform Election Code of 1992”, Articles 1 to 13 of Title 1, C.R.S., as applicable, or a majority of the members of the governing board for the municipality, county, city, or city and county, vote to prohibit the operation of Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-Infused Products Manufacturers’ Licenses; and

WHEREAS, C.R.S. § 12-43.3-310 of the Colorado Medical Marijuana Code further specifically authorizes a municipality in part “to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers’ licenses ... based on local government zoning, health, safety, and public welfare laws for the

distribution of medical marijuana that are more restrictive than this article;” and

WHEREAS, there are citizens of the City of Fort Collins, who protest and object to the operation of Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-Infused Products Manufacturers’ Licenses within the City of Fort Collin’s Corporate limits; and

WHEREAS, Section 1(9), Article V, of the Constitution of Colorado provide that the initiative powers are reserved to the registered electors of every city, town, and municipality as to all local, special, and municipal legislation of every character in and for their respective municipalities; and

WHEREAS, Article 11, Title 31, of the Colorado Revised Statutes sets forth the procedures for exercising the initiative power reserved for municipal electors; and

WHEREAS, it is the intent and desire of the citizens of the City of Fort Collins that the City Council of the City of Fort Collins, Colorado, adopt this Initiated Ordinance in the form presented herein to prohibit the operation of Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-Infused Product Manufacturing within the City of Fort Collins Corporate Limits or, if the within Initiated Ordinance is not adopted by the City Council in the form presented herein, that the within Initiated Ordinance be referred in the form presented herein to the registered electors of the municipality at a regular or special election to be scheduled as provided by law.

If any provision or provisions of this initiated ordinance shall be held to be invalid, illegal, unenforceable or in conflict with the law, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT COLLINS, COLORADO:

**Section 1.** Pursuant to Article 43.3 of Title 12 of the Colorado Revised Statutes, the City of Fort Collins hereby prohibits the operation of Medical Marijuana Centers, Optional Premises Cultivation Operations and Medical Marijuana Infused Products Manufacturing, effective ten (10) days following publication of the within Ordinance as provided in Section 4.9 (B) of the Home Rule Charter of the City of Fort Collins. With respect to any such Centers, Operations, facilities or businesses of any kind in operation upon such effective date, each and every such Center, Operation, facility and business shall cease operations within ninety (90) days of said date.

**Section 2.** Should the City Council refer this Initiated Ordinance to the registered electors of the City at a regular or special municipal election, this Initiated Ordinance shall take effect immediately upon certification by the designated election official that a majority of registered electors voted in favor of this Initiated Ordinance at such regular or special election. In such event, each and every Medical Marijuana Centers, Optional Premises Cultivation Operations and Medical Marijuana Infused Products Manufacturing in operation on such effective date shall cease operations within ninety (90) days of the effective date specified in this Section 2.

Section 2. That the foregoing proposed citizen-initiated ordinance is hereby submitted to the registered electors of the City at said regular municipal election in substantially the following form:

#### PROPOSED CITIZEN-INITIATED ORDINANCE

An ordinance prohibiting medical marijuana centers, optional premises cultivation operations, and medical marijuana infused products manufacturers from operating within the City limits, effective ninety (90) days after the date that the City Clerk certifies that a majority of registered electors in the City have voted in favor of this

ordinance.

FOR THE ORDINANCE \_\_\_\_\_

AGAINST THE ORDINANCE \_\_\_\_\_

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 16th day of August, A.D. 2011.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk