

**ORDINANCE NO. 2013-14**

**A ORDINANCE OF THE CITY OF FRUITA, COLORADO, SUBMITTING A BALLOT QUESTION TO THE REGISTERED ELECTORS OF THE CITY OF FRUITA, COLORADO, AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 1, 2014, CONCERNING WHETHER THE ESTABLISHMENT AND OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA TESTING FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES AND RETAIL MARIJUANA STORES SHALL BE PERMITTED IN THE CITY OF FRUITA, COLORADO.**

**WHEREAS**, on November 6, 2012, Colorado voters approved Amendment No. 64, now codified as Section 16 of Article XVIII of the Colorado Constitution; and

**WHEREAS**, pursuant to Section 16 of Article XVIII of the Colorado Constitution, a “locality”, defined to include a municipality, may “prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or through an initiated or referred measure”; and

**WHEREAS**, the Fruita City Council has enacted an ordinance prohibiting the operation of retail marijuana cultivation facilities, retail marijuana testing facilities, retail marijuana product manufacturing facilities and retail marijuana stores, but desires to let the registered voters of the City of Fruita ultimately determine whether such marijuana businesses should be permitted.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO:**

**Section 1.** The following Ballot Question shall be submitted to a vote of the registered electors of the City of Fruita at the regular municipal election to be held on April 1, 2014:

“Retail Marijuana Businesses Question:

Shall the establishment and operation of retail marijuana cultivation facilities, retail marijuana testing facilities, retail marijuana product manufacturing facilities and retail marijuana stores be permitted in the City of Fruita, Colorado subject to the requirements of the Colorado Retail Marijuana Code and regulations to be adopted by the City of Fruita?

Yes \_\_\_\_\_

No \_\_\_\_\_”

**Section 2.** All actions heretofore taken (not inconsistent with the provisions of this Ordinance) by the City and the officers thereof, directed towards the election and the objects and purposes herein stated are hereby ratified, approved, and confirmed.

**Section 3.** The officers and employees of the City are hereby authorized and directed to take all other actions necessary or appropriate to effectuate the provisions of this Ordinance.

**AMENDED AS SET OUT HEREIN, PASSED, AND ADOPTED THE FRUITA CITY COUNCIL, THIS \_\_\_\_  
DAY OF \_\_\_\_\_, 2013**

CITY OF FRUITA, COLORADO

ATTEST:

\_\_\_\_\_  
Margaret Sell, Town Clerk

By: \_\_\_\_\_  
Lori Buck, Mayor