

ORDINANCE NO. 141

AN ORDINANCE BY THE BOARD OF TRUSTEES OF THE TOWN OF ARRIBA, LINCOLN COUNTY, COLORADO, TO EXTEND THE TERMINATION DATE OF ORDINANCE NO. 138 CONCERNING THE PROHIBITION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, AND RETAIL MARIJUANA STORES.

Whereas, the Board of Trustees of the Town of Arriba, hereinafter referred to as the "Board", did on September 8, 2014, pass Ordinance No. 138 which prohibited the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores within the incorporated boundaries of the Town of Arriba, hereinafter referred to as the "Town"; and

Whereas, the Board did provide in the Ordinance that the Ordinance would be effective up through October 15, 2017, unless sooner rescinded or amended; and

Whereas, the Board has since determined that it is in the best interests of the citizens of the Town that the Ordinance remain in effect, indefinitely, until such time as the Board may determine that the Ordinance should be further amended or no longer enforceable;

Whereas, the Board has determined that the provisions for Fines & Forfeitures in Ordinance No. 138 are insufficient to deter and prohibit violations of said Ordinance; and,

Whereas, the Board has determined that the provisions regarding Violation require clarification and expansion and the Town of Arriba should be able to seek Court intervention to stop violations,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ARRIBA, LINCOLN COUNTY, COLORADO:

SECTION I – EFFECTIVE DATE AMENDED.

Upon the adoption of this Ordinance, Ordinance No. 138 shall be amended to provide that the Ordinance shall remain in effect, indefinitely, until and unless amended or rescinded. This Ordinance shall take effect thirty days after publication of this Ordinance.

SECTION II – VIOLATION AMENDED

Upon adoption of this Ordinance, Ordinance No. 138 shall be amended to provide as follows:

"Violation.

- A. It shall be unlawful for any person to violate any provision of this ordinance.
- B. All violations of this ordinance shall be brought in the Arriba Municipal court.
- C. In addition to the other provisions of this section, the operation of any marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities or retail marijuana store, in violation of this Ordinance, any applicable code, any applicable administrative regulations may be enjoined by the town in an action brought in a court of competent jurisdiction.
- D. If any action is brought in a court of law by any person concerning the enforcement, interpretation, or construction of this chapter, the Town shall recover its reasonable attorney fees, expert witness fees, and court costs if it is the prevailing party.
- E. The remedies provided in this section are in addition to any other remedy provided by applicable law.”

SECTION III – DISPOSITION OF FINES AND FORFEITURES AMENDED

Upon adoption of this Ordinance, Ordinance No. 138 shall be amended to provide as follows:

“Disposition of Fines and Forfeitures. Unless otherwise provided by law, all fines and penalties, and the surcharge thereon, for the violation of this ordinance shall be paid into the treasure of the Town of Arriba. The fine for a first offense and for any subsequent offense shall be one thousand dollars (\$1000.00) per violation and each day shall be deemed a separate violation.”

Adopted and Approved this 8 day of February 2016.

Signed by Mayor Pro-Tem Troy McCue

(S E A L)

Attest:

Josie Hart
Town Clerk