

Memorandum

To: City Council
From: Keith Robinson
Date: April 16, 2015
Subject: Chapter 5.10, Municipal Ordinances
Pertaining to Marijuana



As Council is aware work on Municipal Ordinances pertaining to taxation, licensing and the technical codes has been progressing with public meetings, staff discussion and updates to council. Discussions have progressed to the point that we can start looking at the enforcement piece through local ordinances in comparison to state statute. The Gunnison Police Department will be enforcing Colorado State Statute as it applies to all marijuana usage, sales, possession, licensing, etc. The purpose of this discussion is to identify and discuss violations that would be appropriate for enforcement under Municipal Ordinance through Municipal Court as opposed to County Court.

As with other municipal ordinances there is overlap between Municipal and State laws giving officers a range of charges to apply based on the situation. Typically we have limited Municipal Ordinances to violations which would be lower level misdemeanors, petty offenses and traffic offenses under Colorado State Statute. In the states adopting of the marijuana laws they gave a lot more flexibility to local government to set their own laws.

The following list is intended to provide Council an overview of the types of violations being considered for revision or inclusion in Municipal Ordinance:

1. Existing ordinance:
 - a. 5.10.182 Transfer, sale and purchase of marijuana – Revise
 1. Retitle to reference unlicensed individuals
 2. Repeal section A.
 - b. 5.10.103 Personal cultivation of marijuana – Revise
 1. Address allowances pertinent to medical marijuana
 2. Address communal grows
 3. Define restrictions on odor
2. Proposed ordinances:
 - a. Unlawful Acts Related to Commercial Establishments
 1. Transaction to or by persons under 21
 2. Transactions to or by persons not possessing medical marijuana cards
 3. Sale or purchase of more than 1 ounce to a Colorado resident or more than .5 ounces to a non-Colorado resident

4. Presenting false identifications for purchase
 5. Conducted business between the hours of 8PM and 8 AM
 6. Transaction to a person visibly intoxicated
 7. Employed persons not licensed as vendors
 8. Allowing consumption/use on licensed premise
 9. Define restrictions on odor
 10. Define restrictions on waste
- b. Business Records available for inspection by law enforcement during reasonable hours
 - c. Manufacturing of concentrates by individuals.

This list is not all inclusive at this point as I am working to review state statutes and other sources for ideas and information. Should council have concerns on areas to address please contact me. Ordinances as drafted will be reviewed by staff and presented to Council.