

ORDINANCE NO. 1043 (2015)

AN ORDINANCE OF THE CITY OF CRAIG, COLORADO AMENDING CHAPTER 9.30 OF THE CRAIG MUNICIPAL CODE ENTITLED "ALCOHOL AND DRUGS" BY ADDING CERTAIN PROVISIONS CONCERNING THE EXTRACTION OF MARIJUANA CONCENTRATE

RECITALS

WHEREAS, the possession of any quantity of marijuana concentrate has historically been treated as completely unlawful in Colorado, and for this reason state and city laws have never been necessary to address how and where marijuana concentrate may be extracted from marijuana plants; and

WHEREAS, the adoption of Amendment 20 adding Section 14 to Article XVIII of the Colorado Constitution, created an affirmative defense and a limited exception to state criminal laws for patients and primary caregivers who possess or produce a limited amount of marijuana concentrate for medical use to treat a debilitating medical condition; and

WHEREAS, Amendment 20 prohibits both patients and primary caregivers from acquiring or producing marijuana concentrates in a way that endangers the health or well-being of any person; and

WHEREAS, the adoption of Amendment 64 adding a new Section 16 to Article XVIII of the Colorado Constitution, allows persons over the age of 21 years in Colorado now to claim immunity from prosecution under state or city laws for possessing or processing marijuana concentrate in a quantity of one ounce or less for personal use or for distribution to others without compensation; and

WHEREAS, Amendment 64 provides that, in the interest of the health and public safety of our citizenry, marijuana sold in Colorado will be subject to additional regulations to ensure that consumers are protected; and

WHEREAS, both Amendment 20 and Amendment 64 are silent on the question of how and where marijuana concentrate may be processed or manufactured for medical or personal use; and

WHEREAS, this state of affairs has resulted in a gap in the law in terms of regulating the appropriate methods and locations where marijuana concentrate may be extracted from marijuana plants, which has led to numerous examples of persons using highly dangerous methods of extracting marijuana concentrate in inappropriate, unregulated settings, including residential locations; and

WHEREAS, the City of Craig previously adopted Ordinance 1030 (2013) which prohibits any person from operating a retail marijuana establishment including a retail products

manufacturing facility which produces marijuana concentrate on a commercial basis in the City; and

WHEREAS, the purpose of this ordinance is not to prohibit all forms of marijuana concentrate extraction by individuals for their own personal use, but to prohibit the more dangerous methods of extraction.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRAIG AS FOLLOWS:

Section 1. ADOPTION OF CRAIG MUNICIPAL CODE SECTION 9.30.041:

Section 9.30.041 shall be adopted to read in its entirety as follows:

9.30.041 Production of marijuana concentrate prohibited.

- A. It is unlawful for any person to process or manufacture marijuana concentrate anywhere in the city, using the application of heat combined with alcohol, ethanol, butane or any flammable liquid or flammable gas, and such person commits a Class A offense. *Flammable liquid or flammable gas* means a liquid or gas product that has a flash point below 100 degrees Fahrenheit.
- B. It shall be an affirmative defense if the person is operating a licensed medical marijuana-infused products manufacturing facility in compliance with all applicable state and city laws.

Section 2. EFFECTIVE DATE: This Ordinance shall take effect ten (10) days after passage and upon publication of such ordinance after passage.

Section 3. PUBLICATION BY SUMMARY: The City Council deems it appropriate to publish the title of this Ordinance, together with a summary of the Ordinance and with the statement that the text is available for public inspection and acquisition in the Office of the City Clerk.

Section 4. PUBLIC PURPOSE: The City Council of the City of Craig herewith finds and determines that this ordinance is necessary for the preservation of the public peace, health and safety. This Ordinance is enacted pursuant to the City's authority to act under its police power to protect and preserve the general welfare of the City and its citizens.

READ, APPROVED AND ORDERED PUBLISHED ON FIRST READING THIS 24th
DAY OF FEBRUARY, 2015 BY THE CITY COUNCIL OF THE CITY OF CRAIG,
COLORADO.

Terry Carwile
Terry Carwile, Mayor



ATTEST:

Kathy Larson, CMC
Kathy Larson, City Clerk

PASSED, APPROVED, AND ADOPTED ON SECOND READING THIS 10th DAY OF
MARCH, 2015 BY THE CITY COUNCIL OF THE CITY OF CRAIG,
COLORADO.

Terry Carwile
Terry Carwile, Mayor



ATTEST:

Kathy Larson, CMC
Kathy Larson, City Clerk