

TOWN OF GRAND LAKE, COLORADO

ORDINANCE NO. 11-2022

**AN ORDINANCE APPROVING BALLOT QUESTIONS TO BE
SUBMITTED TO THE VOTERS OF THE TOWN OF GRAND LAKE,
COLORADO RELATED TO PERMITTING THE SALE OF RETAIL
MARIJUANA FOR THE NOVEMBER 8, 2022 MUNICIPAL ELECTION**

WHEREAS, on November 6, 2012 the voters of the State of Colorado approved Amendment 64 adding Section 16 to Article XVIII of the Colorado Constitution a limited exemption from criminal liability under Colorado law for people 21 and over to possess and cultivate marijuana for recreational use, and to establish the licensing and regulation of marijuana establishments in a manner similar to alcohol as described in Amendment 64; and

WHEREAS, the Grand Lake Board of Trustees (the “Board of Trustees”) subsequently passed Chapters 7 and 11 of Article 5 of the Grand Lake Municipal Code, prohibiting the application for and the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores pursuant to the authority granted by Article XVIII, Section 16 of the Colorado Constitution, and

WHEREAS, in response to requests from the public the Board of Trustees has determined that a question should be placed on the ballot at its November 8, 2022 regular municipal election, asking the voters of the Town whether they want to permit such marijuana facilities.

**NOW THEREFORE BE IT ORDAINED BY THE TOWN BOARD OF
TRUSTEES OF THE TOWN OF GRAND LAKE, COLORADO AS FOLLOWS:**

1. The Town Board of Trustees hereby approves the form of and refers the following ballot question for submission to the registered electors to appear on the Town of Grand Lake Municipal Election, November 8, 2022:

RETAIL MARIJUANA STORES

**SHALL THE TOWN OF GRAND LAKE, COLORADO ALLOW THE
OPERATION OF MARIJUANA BUSINESSES IN THE TOWN AND
AMEND THE MUNICIPAL CODE BY THE ADDITION OF NEW
SECTIONS PERMITTING, SUBJECT TO REGULATIONS TO BE
ADOPTED BY ORDINANCES OF THE TOWN, CERTAIN
ACTIVITIES RELATING TO MARIJUANA, AND BY SO DOING
REPEAL THE ARTICLE 5 OF CHAPTER 7 AND ARTICLE 11 OF
CHAPTER 7, OR OTHER SECTION OF THE GRAND LAKE**

MUNICIPAL CODE, TO THE EXTENT THEY ARE INCONSISTENT WITH SUCH AUTHORIZATION, ALLOWANCE OF SUCH OPERATION BEING SUBJECT TO AND EXPRESSLY CONTINGENT UPON VOTER APPROVAL OF THE MEASURE ON THE NOVEMBER 8, 2022 TOWN OF GRAND LAKE BALLOT AUTHORIZING ADDITIONAL TAXATION OF MARIJUANA BUSINESSES IN GRAND LAKE, AND CONTINGENT AND ONLY EFFECTIVE UPON ENACTMENT OF APPROPRIATE REGULATIONS BY THE GRAND LAKE BOARD OF TRUSTEES?

YES _____

NO _____

2. The Town Board of Trustees hereby approves the form of and refers the following ballot question for submission to the registered electors to appear on the Town of Grand Lake Municipal Election, November 8, 2022:

RETAIL MARIJUANA SALES TAX

SHALL THE TOWN OF GRAND LAKE TAXES BE INCREASED BY \$150,000.00 ANNUALLY (FIRST FULL FISCAL YEAR INCREASE) AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED IN SUCH FIRST FISCAL YEAR AND ANNUALLY THEREAFTER BY THE IMPOSITION OF AN ADDITIONAL SALES TAX OF 15% ON THE SALE OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS WITH THE RATE OF SUCH TAX BEING ALLOWED TO BE DECREASED OR INCREASED WITHOUT FURTHER VOTER APPROVAL SO LONG AS THE RATE OF THE TAX DOES NOT EXCEED 15% COMMENCING ON JANUARY 1, 2023, AND SHALL ALL REVENUES DERIVED FROM SUCH TAX BE COLLECTED, RETAINED AND EXPENDED EXCLUSIVELY FOR THE GENERAL FUND UP TO 50% OF THE COLLECTED TAX AND ATTAINABLE HOUSING UP TO 50% OF THE COLLECTED TAX, AS A VOTER APPROVED REVENUE CHANGE NOTWITHSTANDING ANY RESTRICTIONS UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

YES _____

NO _____

3. The Town Board of Trustees hereby approves the form and refers the following ballot question for submission to the registered electors and to appear on the Town of Grand Lake Municipal Election, November 8, 2022:

MEDICINAL MARIJUANA SALES TAX

SHALL THE TOWN OF GRAND LAKE TAXES BE INCREASED BY \$150,000.00 ANNUALLY (FIRST FULL FISCAL YEAR INCREASE) AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED IN SUCH FIRST FISCAL YEAR AND ANNUALLY THEREAFTER BY THE IMPOSITION OF AN ADDITIONAL SALES TAX OF 15% ON THE SALE OF MEDICINAL MARIJUANA AND RETAIL MEDICINAL PRODUCTS WITH THE RATE OF SUCH TAX BEING ALLOWED TO BE DECREASED OR INCREASED WITHOUT FURTHER VOTER APPROVAL SO LONG AS THE RATE OF THE TAX DOES NOT EXCEED 15% COMMENCING ON JANUARY 1, 2023, AND SHALL ALL REVENUES DERIVED FROM SUCH TAX BE COLLECTED, RETAINED AND EXPENDED EXCLUSIVELY FOR THE GENERAL FUND UP TO 50% OF THE COLLECTED TAX AND ATTAINABLE HOUSING UP TO 50% OF THE COLLECTED TAX, AS A VOTER APPROVED REVENUE CHANGE NOTWITHSTANDING ANY RESTRICTIONS UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

YES _____

NO _____

4. For purposes of C.R.S. § 31-11-111, this Ordinance shall serve to set the title and context for the ballot questions set forth herein and the ballot title for each such question shall be the text of the questions themselves.
5. The Town Clerk is authorized to correct typographical errors and omissions and to cause to be entered into any blanks of the ballot question the appropriate ballot question number or letter upon designation of the ballot number or letter by the appropriate election official.
6. The Mayor, the Town Attorney, and the Town Clerk are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Ordinance including the taking of all reasonable and necessary action to cause such approved form of ballot questions to be printed and placed on the ballot for the Grand Lake Municipal Election, November 8, 2022.
7. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
8. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances

inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

**INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE
TOWN BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE AND
SIGNED THIS 8th DAY OF AUGUST 2022.**

Votes Approving: _____
Votes Opposed: _____
Absent: _____
Abstained: _____

ATTEST:

TOWN OF GRAND LAKE, COLORADO

**Alayna Carrell
Town Clerk**

By: _____
Steve Kudron, Mayor