



**TOWN OF LARKSPUR
ORDINANCE NO. 3.106**

AN ORDINANCE AMENDING ORDINANCE 3.43 OF THE TOWN OF LARKSPUR (LARKSPUR'S ZONING ORDINANCE) TO PROHIBIT MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS, AND MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURERS IN ALL ZONING DISTRICTS WITHIN THE TOWN OF LARKSPUR

WHEREAS, the Town of Larkspur has previously adopted zoning regulations pursuant to Sections 31-23-301, et seq., Colorado Revised Statutes, and such regulations are contained in the Town's Zoning Ordinance, Ordinance 3.43; and

WHEREAS, uses that are permitted within all the various zoning districts within the Town of Larkspur are set forth in the list contained in Ordinance 3.43, Article II, Section 1.6 of the Larkspur Zoning Ordinance; and

WHEREAS, in a November 2000 general election, the voters of the State of Colorado adopted Amendment 20 to the Colorado Constitution ("Article XVIII, Section 14") which authorizes and limits the sale of medical marijuana for use in the treatment of debilitating medical conditions; and

WHEREAS, since that time, the Colorado General Assembly adopted House Bill 10-1284 which authorized a municipality to adopt and enforce an ordinance licensing, regulating, or prohibiting the cultivation or sale of medical marijuana, C.R.S. 12-43.3-103(2); and

WHEREAS, House Bill 10-1284 further authorizes a municipality by either a majority of registered electors of the municipality voting at a regular or special election or a majority of the members of the governing board for the municipality to vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers; and

WHEREAS, the Town Council presented to the registered electorate of the Town of Larkspur at a special municipal election on January 25, 2011, the question of whether to prohibit medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers, and

WHEREAS, at the special election, the registered electorate of the Town of Larkspur voted to prohibit medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers within the Town of Larkspur.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LARKSPUR, COLORADO, IN ORDER TO IMPLEMENT THE OUTCOME OF THE SPECIAL ELECTION HELD JANUARY 25, 2011, AS FOLLOWS:

1. Ordinance 3.43 is hereby amended by the addition of Section 1.7 to Article II providing as follows:
1.7 Uses Prohibited in All Districts
A. As a result of the special election held January 25, 2011, medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers are prohibited in all zone districts within the Town of Larkspur.]
2. No other provisions of Ordinance 3.43 shall be changed as a result of the adoption of this Ordinance.
3. 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 Council 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.
4. 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.

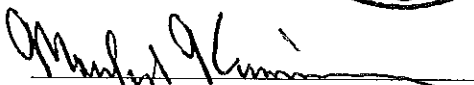
INTRODUCED, PASSED AND ADOPTED A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF LARKSPUR AND SIGNED THIS 3rd DAY OF FEBRUARY, 2011.

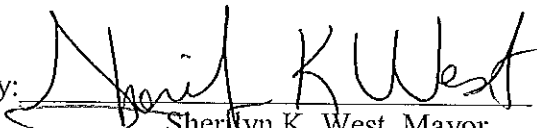


Votes Approving:	<u>4</u>
Votes Opposed:	<u>0</u>
Absent:	<u>3</u>
Abstained:	<u>0</u>

ATTEST:

**TOWN COUNCIL OF THE
TOWN OF LARKSPUR, COLORADO**


Manfred Krimmer
Town Clerk/Manager

By: 
Sherilyn K. West, Mayor