

ORDINANCE NO. 2025-2

THE BOARD OF TRUSTEES OF THE TOWN OF PEETZ, COLORADO

AN ORDINANCE REPEALING THE BOARD OF TRUSTEES OF THE TOWN OF PEETZ, COLORADO ORDINANCE 2013-1 SOLELY ON ITS PROHIBITION OF RETAIL MARIJUANA STORES WITHIN THE INCORPORATED BOUNDARIES OF THE TOWN OF PEETZ, STATE OF COLORADO AND RESTATING AND REAFFIRMING ORDINANCE 2013- 1 EXCEPT AS REPELASED HEREIN

WHEREAS, the Board of Trustees (“Board”), as the governing body of the Town of Peetz, Colorado, has the authority to exercise legislative and corporate powers for the incorporated areas of the Town of Peetz pursuant to C.R.S. § 31-4-301(1), and to adopt ordinances pursuant to C.R.S. § 31-15-103 which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of the Town of Peetz and the inhabitants thereof;

WHEREAS, the Board of Trustees, as the governing body of the Town of Peetz, Colorado, properly passed Ordinance 2013-1 on August 12, 2013 and it became effective on November 11, 2013;

WHEREAS, since Ordinance 2013-1 became effective, it has been determined that the Town’s ban on retail marijuana stores is no longer in the best interests of the Town and rather continuing this ban would negatively affect the Town’s ability to promote the prosperity of the Town;

WHEREAS, “Retail Marijuana Store” is defined as follows:

“RETAIL MARIJUANA STORE” MEANS AN ENTITY LICENSED TO PURCHASE MARIJUANA FROM MARIJUANA CULTIVATION FACILITIES AND MARIJUANA AND MARIJUANA PRODUCTS FROM MARIJUANA PRODUCT MANUFACTURING FACILITIES AND TO SELL MARIJUANA AND MARIJUANA PRODUCTS TO CONSUMERS.

WHEREAS, the Town has conducted several Town meetings to determine if, beyond the ability to help promote the Town’s property that allowing retail marijuana stores within the Town’s limits will provide, there was community support for such repeal of Ordinance 2013-1 for the limited purposes of allowing retail marijuana stores within the incorporated boundaries of the Town; and

WHEREAS, the response in the Town meetings was generally positive and met with approval the repeal of 2013-1 for the limited purposes of allowing retail marijuana stores within the incorporated boundaries of the Town.

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

The Town of Peetz, Colorado Ordinance 2013-1 is hereby REPEALED solely in relation to the prior prohibition on retail marijuana stores within the incorporated boundaries of the Town of Peetz, State of Colorado.

FURTHER, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PEETZ, COLORADO AS FOLLOWS:

The Town of Peetz, Colorado Ordinance 2013-1 except as repealed as stated above is hereby restated and reaffirmed.

FURTHER, BE IT ORDAINED BY THE BOARD OF TRUSTESS OF THE TOWN OF PEETZ, COLORADO THAT ORDINANCE 2013-01 SHALL READ IN ITS ENTITTY AS FOLLOWS:

ORDINANCE NO. 2013-1

**THE BOARD OF TRUSTEES OF THE TOWN OF
PEETZ, COLORADO**

**AN ORDINANCE PROHIBITING 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 PEETZ,
STATE OF COLORADO**

WHEREAS, the Board of Trustees (“Board”), as the governing body of the Town of Peetz, Colorado, has the authority to exercise legislative and corporate powers for the incorporated areas of the Town of Peetz pursuant to C.R.S. § 31-4-301(1), and to adopt ordinances pursuant to C.R.S. § 31-15-103 which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of the Town of Peetz and the inhabitants thereof; and

WHEREAS, the Board of Trustees, as the governing body of the Town of Peetz, Colorado, has the power to provide for enforcement of ordinances adopted by it by a fine of not more than one thousand dollars (\$1000.00) pursuant to C.R.S. § 31-16-101.

WHEREAS, On November 6, 2012, the voters of Colorado approved the adoption of Amendment 64, *Personal Use and Regulation of Marijuana*; and

WHEREAS, Amendment 64 became effective upon the official declaration of the vote thereon by proclamation of the Governor, pursuant to Section 1(4) of Article V, of The Colorado Constitution; and

WHEREAS, Amendment 64 created a new Section 16 to Article XVIII of the Colorado Constitution; and

WHEREAS, Amendment 64 defines a “Locality” in part in section 2(e) of Section 16 to include a Municipal government; and

WHEREAS, PART 5(f) of Section 16 provides as follows:

(f) A LOCALITY MAY ENACT ORDINANCES OR REGULATIONS, NOT IN CONFLICT WITH THIS SECTION OR WITH REGULATIONS OR LEGISLATION ENACTED PURSUANT TO THIS SECTION, GOVERNING THE TIME, PLACE, MANNER, AND NUMBER OF MARIJUANA ESTABLISHMENT OPERATIONS; ESTABLISHING PROCEDURES FOR THE ISSUANCE, SUSPENSION, AND REVOCATION OF A LICENSE ISSUED BY THE LOCALITY IN ACCORDANCE WITH PARAGRAPH (h) OR (i), SUCH PROCEDURES TO BE SUBJECT TO ALL REQUIREMENTS OF ARTICLE 4 OF TITLE 25 OF THE COLORADO ADMINISTRATIVE PROCEDURE ACT OR ANY SUCCESSOR PROVISION; ESTABLISHING A SCHEDULE OF ANNUAL OPERATING, LICENSING, AND APPLICATION FEES FOR MARIJUANA ESTABLISHMENTS, PROVIDED, THE APPLICATION FEE SHALL ONLY BE DUE IF AN APPLICATION IS SUBMITTED TO A LOCALITY IN ACCORDANCE WITH PARAGRAPH (i) AND A LICENSING FEE SHALL ONLY BE DUE IF A LICENSE IS ISSUED BY A LOCALITY IN ACCORDANCE WITH PARAGRAPH (h) OR (i); AND ESTABLISHING CIVIL PENALTIES FOR VIOLATION OF AN ORDINANCE OR REGULATION GOVERNING THE TIME, PLACE, AND MANNER OF A MARIJUANA ESTABLISHMENT THAT MAY OPERATE IN SUCH LOCALITY. A LOCALITY MAY PROHIBIT THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, OR RETAIL MARIJUANA STORES THROUGH THE ENACTMENT OF AN ORDINANCE OR THROUGH AN INITIATED OR REFERRED MEASURE; PROVIDED, ANY INITIATED OR REFERRED MEASURE TO PROHIBIT THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, OR ~~RETAIL MARIJUANA STORES~~ MUST APPEAR ON A GENERAL ELECTION BALLOT DURING AN EVEN NUMBERED YEAR (emphasis added); and

WHEREAS, at the November 6, 2012 election, approximately 60% of voters in the Peetz, Colorado area voted against Amendment 64; and

WHEREAS, Amendment 64 conflicts with federal law, as the possession, cultivation, sale, and use of marijuana remains illegal under federal criminal statutes; and

WHEREAS, the Board of Trustees of the Town of Peetz, Colorado finds that the licensing and operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities and ~~Retail Marijuana Stores~~ provided for in Amendment 64, by making marijuana more readily available in the community and facilitating the recreational use of marijuana, presents a threat to the safety, health, prosperity, morals, order, convenience, and comfort of the inhabitants of Peetz, Colorado.

WHEREAS, consistent with the authority granted to Municipalities in Amendment 64, the Board of Trustees desires to adopt this Ordinance prohibiting the operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities and ~~Retail Marijuana Stores~~ within the incorporated areas of the Town of Peetz, Colorado.

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

Purpose. The purpose of this Ordinance is to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of the Town of Peetz, Colorado and the inhabitants thereof by prohibiting the operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities and ~~Retail Marijuana Stores~~ in the incorporated areas of the Town of Peetz.

Marijuana Establishments Prohibited. The licensing and operation of a Marijuana Cultivation Facility, Marijuana Product Manufacturing Facility, Marijuana Testing Facility or ~~Retail Marijuana Store~~ is hereby prohibited in the incorporated areas of the Town of Peetz, Colorado.

Definitions. Unless otherwise specified or the context otherwise requires, any terms used herein shall have the same meaning as provided in Article XVIII, Section 16 of the Colorado Constitution. These definitions include, but are not limited to the following:

- 1) "MARIJUANA" OR "MARIHUANA" MEANS ALL PARTS OF THE PLANT OF THE GENUS CANNABIS WHETHER GROWING OR NOT, THE SEEDS THEREOF, THE RESIN EXTRACTED FROM ANY PART OF THE PLANT, AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE PLANT, ITS SEEDS, OR ITS RESIN, INCLUDING MARIHUANA CONCENTRATE. "MARIJUANA" OR "MARIHUANA" DOES NOT INCLUDE INDUSTRIAL HEMP, NOR DOES IT INCLUDE FIBER PRODUCED FROM THE STALKS, OIL, OR CAKE MADE FROM THE SEEDS OF THE PLANT, STERILIZED SEED OF THE PLANT WHICH IS INCAPABLE OF GERMINATION, OR THE WEIGHT OF ANY OTHER INGREDIENT COMBINED WITH MARIJUANA TO PREPARE TOPICAL OR ORAL ADMINISTRATIONS, FOOD, DRINK, OR OTHER PRODUCT.
- 2) "MARIJUANA CULTIVATION FACILITY" MEANS AN ENTITY LICENSED TO CULTIVATE, PREPARE, AND PACKAGE MARIJUANA AND SELL MARIJUANA TO RETAIL MARIJUANA STORES, TO MARIJUANA PRODUCT MANUFACTURING FACILITIES, AND TO OTHER MARIJUANA CULTIVATION FACILITIES, BUT NOT TO CONSUMERS.
- 3) "MARIJUANA ESTABLISHMENT" MEANS A MARIJUANA CULTIVATION FACILITY, A MARIJUANA TESTING FACILITY, A MARIJUANA PRODUCT MANUFACTURING FACILITY, OR A RETAIL MARIJUANA STORE.
- 4) "MARIJUANA PRODUCT MANUFACTURING FACILITY" MEANS AN ENTITY LICENSED TO PURCHASE MARIJUANA; MANUFACTURE, PREPARE, AND PACKAGE MARIJUANA PRODUCTS; AND SELL MARIJUANA AND MARIJUANA PRODUCTS TO OTHER MARIJUANA PRODUCT MANUFACTURING FACILITIES AND TO RETAIL MARIJUANA STORES, BUT NOT TO CONSUMERS.
- 5) "MARIJUANA PRODUCTS" MEANS CONCENTRATED MARIJUANA PRODUCTS AND MARIJUANA PRODUCTS THAT ARE COMPRISED OF MARIJUANA AND OTHER INGREDIENTS AND ARE INTENDED FOR USE OR CONSUMPTION, SUCH AS, BUT NOT LIMITED TO, EDIBLE PRODUCTS, OINTMENTS, AND TINCTURES.
- 6) "MARIJUANA TESTING FACILITY" MEANS AN ENTITY LICENSED TO ANALYZE AND CERTIFY THE SAFETY AND POTENCY OF MARIJUANA.
- 7) ~~"RETAIL MARIJUANA STORE" MEANS AN ENTITY LICENSED TO PURCHASE MARIJUANA FROM MARIJUANA CULTIVATION FACILITIES AND MARIJUANA AND MARIJUANA PRODUCTS FROM MARIJUANA~~

~~PRODUCT MANUFACTURING FACILITIES AND TO SELL MARIJUANA
AND MARIJUANA PRODUCTS TO CONSUMERS.~~

Enforcement. This Ordinance shall be enforced by the Logan County Sheriff.

Violation. It shall be unlawful for any person to violate any provision of this Ordinance.

Disposition of Fines and Forfeitures. Unless otherwise provided by law, all fines and penalties for the violation of this Ordinance shall be paid into the treasury of the Town of Peetz, Colorado. The fine for a first offense and for any subsequent offense shall be one thousand dollars (\$1,000.00) per violation and each day shall be deemed a separate violation.

Additional Remedies. The remedies provided in this Ordinance shall be cumulative and in addition to any other remedies which may be available to the Town of Peetz and its governing body. Nothing contained herein shall be construed to preclude the Board from seeking such other remedies in addition to, or in lieu of, the legal remedies granted herein.

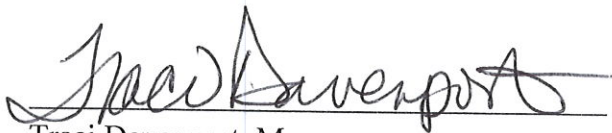
Scope. This Ordinance shall apply within the incorporated territory of the Town of Peetz, Colorado. This Ordinance shall in no way limit application and enforcement of any statutes of the State of Colorado or the United States of America, but shall be in addition thereto.

Severability. If any part or parts of this Ordinance are for any reason held to be invalid, such provision shall not affect the validity of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof, irrespective of the fact that any one part or parts be declared invalid.

Repeal. All ordinances and/or resolutions or parts of ordinances and/or resolutions inconsistent with 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 effective date of this ordinance.

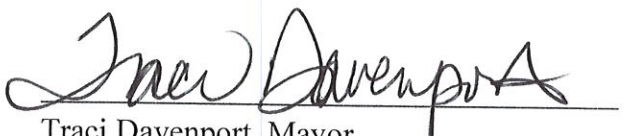
Safety Clause. The Board hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of the inhabitants of the Town of Peetz, Colorado.

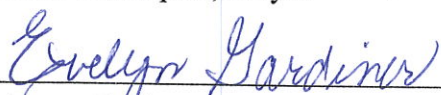
Read and approved on First Reading at the Regular Town Board of Trustees Meeting on August 11, 2025.


Traci Davenport, Mayor


Attest: Evelyn Gardiner, Clerk

Read and approved on Second Reading at the Regular Town Board of Trustees Meeting on September 8, 2025.


Traci Davenport, Mayor


Attest: Evelyn Gardiner, Clerk



EFFECTIVE DATE

This Ordinance to repeal Ordinance 2013-1 for the limited purposes of now allowing retail marijuana stores within the incorporated boundaries of the Town shall take effect and be in force thirty (30) days after its publication as provided in C.R.S. §31-16-105.