

**TOWN OF RICO ORDINANCE**

**NO.2018-01**

**AN ORDINANCE OF THE TOWN OF RICO, COLORADO, AMENDING RICO BUDGET ORDINANCE NO. 2017-02 TO REFLECT ADDITIONAL REVENUES AND EXPENDITURES**

**WHEREAS**, the Rico Town Charter, Article VI, sec. 6.7, states that the Rico Board of Trustees may make additional appropriations by Ordinance during the fiscal year to amend the Town's 2017 Budget as previously adopted by Ordinance No. 2017-3, for unanticipated expenditures or receipt of additional revenues. The purpose of this amended budget ordinance is to reconcile and amend the 2017 budget for increased expenditures and their corresponding revenues;

**WHEREAS**, the Town of Rico's **General Fund** budget lines that support a transfer or expenditure line have been increased. The result was an additional increase in funding to make unforeseen but necessary improvements to the Rico Town Hall. Expenditure estimates have also been increased to account for costs associated with said improvements. Town of Rico's **General Fund** has incurred an increase in expenses of **\$69,566.01** funded through reserves in the **General Fund**.

**WHEREAS**, the Town of Rico's **Water Fund** budget lines that support a transfer or expenditure line have been increased. The result was an additional increase in funding to make unforeseen but necessary improvements to the Town of Rico Water system including the replacement of 425 lineal feet of water line in Argentine Street from King Street to Mountain Fuel and long over due tank inspection and repairs. Expenditure estimates have also been increased to account for costs associated with said improvements. Town of Rico's **Water Fund** has incurred an increase in expenses of **\$28,330.01** funded through reserves in the **Water Fund**.

**WHEREAS**, the Town of Rico's **Street Fund** budget lines that support a transfer or expenditure line have been increased. The result was an additional increase in funding for the rental of snow removal equipment necessary to deal with the excessive amount of snow Rico received during the winter of 2017. Expenditure estimates have also been increased to account for costs associated with said improvements. Town of Rico's **Street Fund** has incurred an increase in expenses **\$30,740.65** funded through a grant from the Rico Center for **\$30,728.65**.

**WHEREAS**, the Town of Rico Board of Trustees declares that it is in the best interest of the Town's citizens and necessary for the health, safety and welfare of the Town to amend the 2017 annual budget to reflect the above described changes in revenues and expenses.

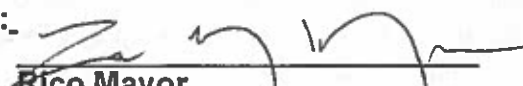
**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO AS FOLLOWS:**

**SECTION 2.** The amendments set forth herein in no way effect the taxes levied as set forth in the 2017 Budget, Ordinance No. 2017-2.

**SECTION 3.** This Ordinance shall take effect immediately upon final adoption.

**ORDINANCE INTRODUCED, READ, APPROVED AND ADOPTED ON THE 17th DAY OF January 2018.**

**ORDINANCE READ, APPROVED AND ADOPTED BY FINAL READING THIS 14th DAY OF FEBRUARY 2018.**

By:   
\_\_\_\_\_  
**Rico Mayor**

Attest:   
\_\_\_\_\_  
**Rico Town Clerk**

**TOWN OF RICO  
ORDINANCE NO. 2018-02**

**AN ORDINANCE OF THE TOWN OF RICO, CONCERNING THE ABILITY TO IMPLEMENT WATER RESTRICTIONS AND SET FORTH PENALTIES FOR NON-COMPLIANCE**

WHEREAS, the water supply for the Town of Rico is a precious, valuable and critical resource;

WHEREAS, the Town has seen periods of drought that significantly impact the local water supply, threatening the health, safety and welfare of the Town of Rico and its inhabitants;

WHEREAS, pursuant to the Rico Home Rule Charter §10.3, the Town has the power to buy, exchange, lease, sell, own, control and otherwise deal in water rights;

WHEREAS, the interests of the Town and its inhabitants are best served by a plan ensuring continued availability and delivery of water at all times, including times of drought, environmental and, or, other man-made conditions;

WHEREAS, the Town of Rico recognizes the need to enforce and ensure the efficacy of such restrictions by penalizing noncompliance therewith to better protect its water resources; and

WHEREAS, the Board of Trustees has the authority to declare an emergency ordinance, if necessary, for the immediate preservation of the public peace, health or safety of the citizens pursuant to Rico Home Rule Charter §3.6, as amended.

THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS, as follows:

- A. Water Shortage.** A water shortage may be declared when one (1) or more of the following circumstances exist:
1. When the Town of Rico's total water treatment capacity, as determined by the Town Manager utilizing the total combined treated water available from the Town's well and such other potable water supply systems as may be developed, and potable water consumption are approaching or at:
    - a. eighty percent (80%) for voluntary conservation;

- b. ninety percent (90%) for mandatory conservation; or
  - c. the Town Manager otherwise determines that the Town's raw water supply or water treatment system is insufficient to satisfy the daily water use demands for the applicable time period.
2. When the Town is unable to treat sufficient water to maintain its treated water storage tanks located above the Town of Rico or any other raw or treated water storage reservoirs developed by the Town, at their maximum capacity.
  3. When an emergency condition arises, such as a mechanical breakdown or reduced treatment capacity due to high stream turbidity, insufficient raw water supply or fire flow requirements.
  4. When any or all of the above is anticipated to occur in the near future and it is determined that immediate imposition of conservation measures is necessary to ensure adequate time for public awareness and education to ensure the level of compliance required.
  5. When implementation of water conservation measures is required by reason of any water court decree or stipulation.
- B. Declaration of Shortage.** The Town Manager or the Rico Board of Trustees, as the case may be, shall determine if a water shortage exists, whether to implement voluntary or mandatory conservation measures and which of the measures identified below to implement. If so determined, the Town Manager, shall make or cause to be made public announcements in the news media that voluntary or mandatory conservation measures are in effect and shall include a description of the conservation measure or measures to be implemented.
- C. Conservation Measures.** The Town Manager or Board of Trustees may impose any one (1) or more of the following as voluntary or mandatory conservation measures in the event of a water shortage. The listing below is not in order or preference, nor is imposition of one (1) a condition precedent to imposition of any following measures:
1. Persons will be urged to conserve water in every possible way in their homes and businesses.
  2. Persons will be urged to avoid sprinkling their lawns and watering gardens, shrubs, trees or plants unless needed to avoid damage or loss and, at any rate, not more than every second day

for not more than thirty (30) minutes within a twenty four (24) hour period.

3. Washing of public or private sidewalks, streets, driveways, parking areas, patios or other paved areas with municipal treated water shall be prohibited.
4. Power washing of structures with municipal treated water shall be prohibited.
5. Filling, refilling or replacement of water in hot tubs or landscape water features with municipal treated water shall be prohibited; provided, however, that the Town Manager may permit filling of hot tubs or water features to make up for losses through evaporation or use.
6. Installation of new public or private landscaping shall be prohibited. In the event that landscaping is required as a condition of development approval, the requirements will toll during the period of imposition of conservation measures but eventual installation will continue to be secured by any required bonding.
7. Service of water to restaurant patrons shall be prohibited unless requested by the patron.
8. Noncommercial washing of cars or other motor vehicles, trailers or boats with municipal treated water shall be prohibited, except by bucket.
9. Use of municipal treated water for commercial car washes shall be prohibited.
10. Use of municipal treated water for irrigation for any public or private lawns, gardens, trees, shrubs, plants, municipal or school fields, or similar grass areas shall be prohibited except for a period not to exceed thirty (30) minutes, between the hours of 9:00 p.m. to 9:00 a.m., and only on days designated by the Town Manager.
  - a. Pursuant to this subsection 10, the Town Manager shall establish a schedule for irrigation that may be determined by any method he or she deems appropriate, including the establishment of zones within the area receiving municipal water service.

- b. The restrictions in this subsection shall not apply to any person engaged in the business of growing or selling plants of any kind, with respect to water for such plants only.
- D. The Board of Trustees may, in the event of a water shortage, impose by ordinance the following conservation measures:
  1. A prohibition against any new connections to the municipal water system; including pending site-specific development plans on the date of the adoption of the ordinance imposing this restriction pursuant to Rico Land Use Code 110.6. For purposes of these restrictions, pending site-specific development plans means any applications for development that requires new or additional water taps.
  2. Prior to and as a condition of implementing, the Trustees shall find and determine:
    - a. the water shortage is of such severity or possible duration that imposition of the water conservation measures described in section C, above, are inadequate and immediate imposition of the water conservation measures described in this section is required for the preservation of public peace, health or safety.
    - b. The facts underlying such a determination shall be specified in the ordinance imposing the measures.
- E. **Applicability.** The water conservation measures shall apply to all users and properties served by the municipal water system.
- F. **Duration.** Any voluntary or mandatory conservation measure imposed, and the duration thereof, shall be reasonably calculated to address the identified water shortage.
- G. **Termination.** Voluntary or mandatory conservation measures may be reduced or terminated upon the announcement of the Town Manager (or Board of Trustees with respect to measures imposed by the Board of Trustees) when the water shortage requiring such measures has abated.
- H. **Violations.** Whenever a violation of a mandatory water conservation measure is observed, or whenever probable cause exists to believe a violation of a mandatory water conservation measure has occurred, a written Notice shall be posted in a conspicuous place on the property

where the violation occurs or occurred. Said Notice shall be deemed valid if:

- a. it shall be personally served upon the owner or occupant or placed in the U.S. mail, postage prepaid and addressed to the owner or occupant, according to the last known address given by the resident to the City;
- b. it describes the violation including the provision of this ordinance believed to have been violated;
- c. an order that the violation be abated, corrected or cured immediately or within such time as specified in the notice.
- d. the law enforcement official serving the occupant or owner shall complete an affidavit of service that contains a description of the documents served, the individual the information was served on, the date, time and location, if available, the information was served, and in what manner the information was served.
- e. the Town Marshal of Rico shall have the power to issue warning notices or a summons and complaint to any person in violation of this Chapter.

**I. Penalties.** The following penalties shall apply to any violation of this ordinance:


- a. for a first offense: a penalty of five hundred dollars (\$500.00);
- b. for a second or subsequent offense: a penalty of one thousand dollars (\$1,000.00);
- c. if an order issued pursuant to section H is not complied with as specified in written notice, water service to the property upon which the violation occurred or is occurring may be disconnected.
- d. in the event water service to the property in violation is disconnected, and in addition to any fine or penalty authorized under this section I, a fee of one hundred dollars (\$100.00) shall be paid for the reconnection of any water service if a violation is found to have occurred.

2. The remedies provided for herein are cumulative. Any penalties or fees due and unpaid hereunder shall be a lien upon the property.
3. An owner or occupant of a residence or commercial establishment may be held responsible for a violation of this ordinance regardless of any agreement between the property owner and a third party. If the identity of the owner or occupant is not known, the entity responsible for payment of the water services for the subject property shall be held responsible for any penalties assessed pursuant to this section. Violations of this ordinance occurring at different locations but involving the same individual, regardless of whether that individual is an owner or occupant, shall not alter or waive the graduated penalties of this ordinance.
4. Any person aggrieved by a water service disconnection pursuant to this section, may seek a hearing before the Board of Trustees by requesting the same within five (5) days of the service disconnect or issuance of the fine. Such request shall be submitted to the office of the Town Manager in writing.


INTRODUCED, READ, APPROVED AS INTRODUCED, AND ORDERED PUBLISHED on first reading by Town of Rico Board of Trustees this 16th day of May, 2018.

READ, APPROVED AND ADOPTED BY FINAL READING by Town of Rico Board of Trustees this 20th day of June, 2018

TOWN OF RICO, COLORADO

  
Zach McManus, Mayor

ATTEST:

  
Linda Yellowman, Town Clerk



**TOWN OF RICO  
ORDINANCE NO. 2018-03**

**AN ORDINANCE OF THE TOWN OF RICO, REPEALING AND REPLACING ORDINANCE NO. 2014-06, BEING THE LICENSING AND PERMITTING OF RETAIL MARIJUANA ESTABLISHMENTS**

WHEREAS, the Town of Rico voters approved the permitting of Retail Marijuana Establishments as defined under C.R.S. 12-43.3 103(17) on November 4, 2014;

WHEREAS, the Board of Trustees previously passed Ordinance 2011-02 which prohibits Medical Marijuana as defined under C.R.S. 12-43.3-104(11) and the repeal and replacement of Ordinance 2014-06 herein does not affect Ordinance 2011-02;

WHEREAS, the Board of Trustees previously passed Ordinance 2014-06, authorizing the licensing and regulation of Retail Marijuana Establishments, as defined under C.R.S. 12-43.4-103(17)

WHEREAS, the previous Ordinance 2014-06 prohibited Retail Marijuana Establishments from being located within 1000' of any school or church which limited the possible location of a retail marijuana establishment within the town limits;

WHEREAS, the Board of Trustees desires to reduce the distance within which a retail marijuana establishment can be located within any school or church from 1000' to 300' to allow a retail marijuana establishment to open in the Town of Rico; and

WHEREAS, the Board of Trustees desires to correct some grammatical errors in the previous Ordinance 2014-06 and to add some additional license application requirements when an applicant applies for a license or special use permit to operate a Retail Marijuana Store as defined under C.R.S. 44-12-103(28).

THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS, as follows:

Ordinance 2014-06 is hereby repealed and replaced with the following:

**Section 1. Authority.**

This Ordinance is authorized pursuant to Article XVIII, Section 16, of the Colorado Constitution and the Colorado Retail Marijuana Code, C.R.S. 12-43.4-101, et seq. which authorizes the licensing and regulation of Retail Marijuana

Establishments, as defined under C.R.S. 12-43.4-103(17), as amended, and affords local governments the option to determine whether or not to allow retail marijuana businesses within their respective jurisdictions and to adopt licensing requirements that are supplemental to or more restrictive than the requirements set forth in state law.

## **Section 2. Colorado Retail Marijuana Code Compliance.**

All Retail Marijuana Establishments in the Town of Rico shall be in compliance with the Colorado Retail Marijuana Code, C.R.S. 12-43.4-101, *et seq* as amended and no Retail Marijuana Establishment shall be operated in the Town of Rico except as permitted and licensed by the State of Colorado and the Town of Rico.

## **Section 3. License Required for Operation of Retail Marijuana Establishments.**

It shall be unlawful for any person to establish or operate a Retail Marijuana Establishment in the Town of Rico without having first obtained a license from the local licensing authority. Such license shall be kept current at all times, and the failure to maintain a current license shall constitute a violation of this Ordinance.

## **Section 4. Licensing Authority.**

The Board of Trustees shall act as the licensing authority for review and approval of all licenses for Retail Marijuana Establishments. The Town Manager shall act as support staff to the Licensing Authority and accept and process all applications for Retail Marijuana Establishments, and shall collect fees, draft and maintain such applications, forms, and administrative materials as may be required for operation of this Ordinance.

## **Section 5. Requirements of Applications, Modifications and Renewals**

(A) A person seeking a license or renewal of a license issued pursuant to this Ordinance shall submit an application the local licensing authority on forms provided by the Staff. At the time of application, each applicant shall pay a non-refundable license fee to the Town in an amount to be determined by the Town by separate Resolution to defray the costs incurred by the Town including, but not limited to, processing the license, administration, inspection and enforcement of Retail Marijuana Establishments.

(B) A copy of the application and all supporting documentation provided to the State of Colorado for licensing under state law and regulations shall be made available to the Town, upon its request.

(C) The information provided with the application shall include, but is not limited to:

(1) a complete application and the application fee as set forth in the appropriate fee schedule;

(2) the name, address, and date of birth of the applicant or of each of the partners, officers, directors, or managers if the applicant is a corporation, limited liability company, partnership, joint venture, or other business entity;

(3) a copy of the driver's license of each applicant or partner, officer, director or manager if the applicant is a corporation, limited liability company, partnership, joint venture, or other business entity, or such other evidence of lawful presence and residency, if applicable;

(4) a complete set of fingerprints of the applicant or of each of the partners, officers, directors or managers, if the applicant is a corporation, limited liability company, partnership, joint venture, or other business entity, unless a request is made and approved to use previously submitted fingerprints on file be used;

(5) such other information as the Local Licensing Authority or the Staff on its behalf may require in order to determine whether a local license should be granted;

(6) financial information regarding loans and investors necessary to determine whether all persons with a financial interest in the retail marijuana establishment have been included as owners pursuant to Colorado statute and regulations; and

(7) information and such documentation as Staff may reasonably require demonstrating the availability of an adequate water supply for both irrigation and domestic uses during the term of the license and shall confirm such information and demonstrate continued availability of an adequate water supply as part of any renewal application. Hauled water may not be used as a source of water and shall not be considered an adequate water supply except as an emergency, temporary supply.

(D) The local licensing authority shall direct the Town of Rico Marshall to conduct a criminal history background check pursuant to C.R.S. 12-43.4-307 to determine whether the applicant, or the partners, officers, directors, or managers if the applicant is a corporation, limited liability company, partnership, joint venture, or other business entity are qualified to hold a local license based upon the criteria and prohibitions set forth in C.R.S. 12-43.4-306.

(E) Each application must be verified by the oath or affirmation of the applicant, or the person submitting the application on behalf of the applicant if the applicant is a corporation, limited liability company, partnership, joint venture, or other business entity.

(F) Any misrepresentation, omission, or falsehood of material information provided and verified in the application may be grounds for immediate denial of the application or revocation of a license. Material information includes, but is not necessarily limited to: the name of the applicant, and any partners, officers, directors or managers if the applicant is a corporation, limited liability company,

partnership, joint venture, or other business entity; the residency of the applicant or any partner, officer, director, or manager if the applicant is a corporation, limited liability company, partnership, joint venture, or other business entity; information regarding land ownership of a marijuana cultivation facility; omission of existing agreements or contracts for change in ownership of the entity, or ownership of the land on which a marijuana cultivation facility is proposed; financial interests or financing; and criminal history.

(G) Modifications of a license during the term of the license may be made by submitting an application identifying the modifications requested in the locally issued license. Minor modifications of premises approved by the State including internal premises changes or other minor modifications not increasing the overall size of the facility will be reviewed by Staff. Major modifications will be considered by the Local Licensing Authority and approved or denied in the discretion of the Local Licensing Authority. Modifications include substantial alterations to the facility, ownership, or other terms and conditions, as provided under state law and regulations. Modifications will also include any change in the lease or ownership of the property on which a facility is located. Any proposed modification that includes expansion of a greenhouse or other related facilities by more than 10% of the licensed square footage shall require on-site posting and notice to adjacent property owners.

(H) The Local Licensing Authority will consider all requests for transfer of a local license to a new person, or business entity upon the submittal by a licensee and proposed transferee of an application for transfer the license, after submitting the application to transfer, the fee and providing the license has been put to use and the Retail Marijuana Establishment is in operation and open for business. Any change in ownership, including restructuring of an existing business entity to include additional members, partners, shareholders or any financial arrangement that includes a financial interest in the entity, including a share of profits, future ownership rights or promise of future ownership rights, requires approval of the Local Licensing Authority. The application shall include documentation that a transfer of ownership application has been submitted to the State and is in process, or, documentation showing that the State has approved or conditionally approved, the transfer of the corresponding state license or permit to the proposed transferee. The application shall include the information provided for a new license, including a complete set of fingerprints for all persons, partners, members, officers, and managers. The Local Licensing Authority may request such additional investigation or information as it deems necessary to make an informed decision and may approve or deny the application for transfer in its discretion, and upon such terms and conditions as may be approved by the Local Licensing Authority and agreed to by the proposed transferee.

## **Section 6. Cultivation Facilities.**

(A) Licensed Marijuana Cultivation Facilities, defined under Colorado Constitution, Article XVIII, Section 16(2)(h), may propagate, cultivate, harvest, prepare, cure, package and label retail marijuana, whether in concentrated form or otherwise, and sell retail marijuana that they have cultivated to a person licensed by the State of Colorado to operate a Retail Marijuana Store, production facility, testing facility, or other cultivation facility. Licensed Marijuana Cultivation Facilities are prohibited from selling retail marijuana to any consumer.

(B) Marijuana Cultivation Facilities may be located anywhere in the Town of Rico where agriculture, including greenhouses, may be conducted, either by right or by a special use permit. All cultivation activities shall occur within an enclosed space and shall be subject to all security requirements imposed by this Ordinance and by state law and regulations.

(C) Marijuana Cultivation Facilities shall be subject to all provisions of the Town of Rico Land Use Code applicable to agricultural uses and facilities.

(D) Operators of Marijuana Cultivation Facilities shall use best practices to conserve water in cultivation operations and shall avoid the use of treated water from a domestic water provider for irrigation purposes.

(E) Internal lighting used during night-time hours (from sunset to sunrise) shall not be visible to adjacent properties. Exterior lighting shall be consistent with the Town of Rico Land Use Code.

#### **Section 7. Retail Marijuana Stores.**

(A) Retail marijuana stores and facilities may be located within the Town of Rico in any location where retail or commercial operations are permitted under the Town of Rico Land Use Code or pursuant to an approved special use permit. All applicable provisions of the Land Use Code shall apply, including requirements for a special use permit for retail or commercial uses in pertinent zoning districts.

(B) No Retail Marijuana Establishment shall be located within 300' of any school or church.

(C) Signage and advertising shall be permitted as provided in the Land Use Code and pursuant to state law and regulations, but in the event of a conflict between state law and the Land Use Code, the more stringent requirement shall apply.

(D) In any Retail Marijuana Store in which edibles are sold to consumers, a sign shall be prominently and conspicuously displayed to inform consumers that the edible products have not been inspected by a local public health agency.

(E) There shall be posted in a conspicuous location in each Retail Marijuana Store a legible sign with the following warning:

"The use of marijuana or marijuana products may impair a person's ability to drive a motor vehicle or operate machinery. It is illegal under state law to drive a motor vehicle or operate machinery when under the influence of, or impaired by, marijuana.

"Possession and distribution of marijuana Is a violation of federal law.

"No one under the age of twenty-one (21) years is permitted on the premises."

### **Section 8. Retail Marijuana Products Manufacturers.**

(A) Retail Marijuana Product Manufacturing Facilities, including production of edibles, may be located within the Town of Rico at any location where food production or manufacturing is permitted by the Town of Rico Land Use Code as a use by right, or pursuant to an approved special use permit.

(B) Licensed Retail Marijuana Products Manufacturers may manufacture, prepare, package and label retail marijuana products, whether in concentrated form or that are comprised of marijuana and other ingredients intended for use or consumption. Licensed retail marijuana products manufacturers may sell retail marijuana products of its own manufacture to persons holding a retail marijuana store license from the State of Colorado, or to other licensed retail marijuana products manufacturers. Licensed Retail Marijuana Products Manufacturers are prohibited from selling retail marijuana or retail marijuana products to any consumer.

(C) Licensed Retail Marijuana Products Manufacturers are prohibited from manufacturing, preparing, packaging or labeling marijuana products in a location that is operated as a retail food establishment or as a wholesale food facility.

(D) All packaging shall include a notice that the contents have not been inspected by the county public health agency.

### **Section 9. Retail Marijuana Tasting Facilities.**

(A) Retail Marijuana Testing Facilities may be located within the Town of Rico at any location where agricultural, commercial or industrial uses are permitted by the Town of Rico Land Use Code as a use by right, or pursuant to an approved special use permit.

(B) Licensed Retail Marijuana Testing Facilities may accept samples of retail marijuana or retail marijuana products from retail marijuana establishments for testing and research purposes only.

(C) Licensed Retail Marijuana Testing Facilities are permitted to develop retail marijuana products; however, they may not engage in the manufacturing of retail marijuana. Licensed Retail Marijuana Testing Facilities are further prohibited from selling, distributing or transferring retail marijuana or retail marijuana products.

(D) A person who has a financial interest in a Retail Marijuana Testing Facilities is prohibited from holding a financial interest in a medical marijuana business licensed pursuant to the Colorado Medical Marijuana Code, or a financial Interest in any other retail marijuana establishment.

#### **Section 10. Dual Licenses.**

Any person who has been licensed by the State of Colorado for multiple licenses to engage in multiple operations or for multiple facilities may apply for such dual operations in the Town of Rico County to the extent that such operations are otherwise permitted by this Ordinance and the Land Use Code.

#### **Section 11. Continuing Compliance Documentation.**

Any person licensed for any Retail Marijuana Establishment in the Town of Rico shall demonstrate continued compliance with all state licenses, laws and regulations. Licensees shall provide the Town of Rico with copies of all documents updating information, agents, employees, operations, violations, enforcement actions, or other administrative matters sent to or received from the State of Colorado licensing and enforcement agencies.

#### **Section 12. Issuance of License, Duration, Renewal, License Limitations.**

(A) A maximum of three (3) Retail Marijuana Establishment licenses shall be issued by the Local Licensing Authority. The Local Licensing Authority may, by resolution, increase or decrease the number of licenses allowed. An application for renewal of an existing retail marijuana establishment license shall receive a preference over an application for a new retail marijuana establishment license, if the existing business has substantially met all of the requirements of this Ordinance and the Colorado Retail Marijuana Code during the previous license term and is in good standing. If a new retail marijuana store license or a new retail marijuana cultivation license becomes available for issuance after the issuance of the initial licenses, the Town Clerk shall publish a notice stating when the Town will accept applications for such licenses. Any applications received before or after the period described in such notice will be considered null, void and of no effect

(B) Upon issuance of a license, the Town shall provide the licensee with one (1) original of such license for each establishment or facility to be operated by the

licensee in the Town. This original license shall be displayed in a location visible to the public or to enforcement officials. The license shall include the name and address of the licensee, the type of facility permitted, and the address of the facility at which it is to be displayed.

(C) Each license issued pursuant to this Ordinance shall be valid for one (1) year from the date of issuance and may be renewed only as provided by this Ordinance. A renewal application shall be filed not less than sixty (60) days prior to expiration and not more than ninety (90) days from expiration. The timely filing of a renewal application shall extend the current license until a decision is made on the renewal. An untimely application may be accepted upon the payment of a late application fee of \$500 to expedite processing, and such application shall serve to extend the license until a decision is made on the renewal.

(D) Notwithstanding any state law to the contrary, a licensee whose license has expired and for which an application for renewal has not been received prior to the expiration date, shall be deemed to have forfeited its license under this Ordinance. The Town shall not accept a renewal application after the expiration of the license. A licensee whose license expires shall not cultivate, harvest, process, manufacture, produce, or sell retail marijuana or retail marijuana products until a new license has been obtained.

(E) At the sole discretion of the licensing authority, a renewal license may be issued for a period in excess of one (1) year, depending upon the compliance history of the licensee, and such other factors as the licensing authority in its sole discretion may determine are relevant.

### **Section 13. Authority to Impose Conditions on License, or to Deny License.**

The local licensing authority shall have the authority to impose such reasonable terms and conditions on a license or to deny a license or renewal of a license as may be necessary to protect the public health, safety and welfare of the people of the Town of Rico, and to obtain compliance with the requirements of this Ordinance and applicable law.

### **Section 14. Annual Operations Fee.**

Upon issuance of a license or a renewal of a license, the Licensee shall pay to the Town a fee in an amount to be determined by the Board of Trustees by separate Resolution to be sufficient to cover the annual costs of inspections and for the purpose of determining compliance with the provisions of this Ordinance and any other applicable state or local laws or regulations.

### **Section 15. Signage and Advertising.**



All signage and advertising for a Retail Marijuana Establishments shall be in compliance with state laws and regulations, as well as the Town of Rico County Land Use Code, and any applicable special use permit.

#### **Section 16. Security.**

All security measures shall be in compliance with state law and regulations, and shall include security surveillance cameras, robbery and burglary alarms, a locking safe affixed to the premises, exterior lighting, and deadbolt locks on all exterior doors. Law enforcement officials may inspect the premises at any time to ensure appropriate security measures are in use, and to ensure compliance with state laws and regulations.

#### **Section 17. Visibility of Activities, Odor and Control of Emissions.**

(A) All activities of Retail Marijuana Establishments, including without limitation, cultivation, growing, processing, displaying, selling, storage and packaging, shall be conducted indoors. For purposes of this Ordinance, greenhouse cultivation shall be deemed to occur indoors.

(B) No devices, contrivances, instruments, and paraphernalia for inhaling or otherwise consuming marijuana shall be displayed or kept in a manner so as to be visible from outside the licensed premises.

(C) No licensee shall operate in a manner that causes a nuisance. A licensee shall take appropriate measures and use best efforts to prevent smoke, odors, debris, fluids, and other substances from exiting a retail marijuana facility, and shall be responsible for immediate and full clean-up and correction of any condition creating a nuisance. A licensee shall properly dispose of all materials, items, and other substances in a safe, sanitary and secure manner in accordance with applicable laws and regulations,

#### **Section 18. Sales and Business Licenses Required.**

At all times while a license is in effect, the licensee shall possess all required state and local sales tax and/or business licenses

#### **Section 19. Sales and Property Taxes.**

Each licensee shall collect and remit all applicable sales, taxes, shall remit applicable real and personal property taxes, and shall remit any applicable excise tax, license fee or annual operations fee.

#### **Section 20. Book and Records.**

All books and records required to be maintained by the State of Colorado shall also be subject to inspection by the Town during regular business hours.

### **Section 21. Nonrenewal, Suspension or Revocation of License.**

The local licensing authority may, after notice and hearing, suspend, revoke or refuse to renew a license for good cause, including suspension or revocation of the licensee's state license, or violation of this Ordinance. The local licensing authority is authorized to adopt rules and procedures governing the conduct of such hearings.

### **Section 22. Violations and Penalties.**

In addition to the possible denial, revocation or nonrenewal of a license under the provisions of this Ordinance, any person, including, but not limited to, any licensee, manager or employee of a retail marijuana facility or any customer of such business, who violates any provision of this Ordinance shall be subject to the following penalties:

(A) It shall be a petty offense for any person to violate any provision of this Ordinance. Any person convicted of having violated any provision of this Ordinance may be punished as prescribed by state law.

(B) The operation of a retail marijuana facility or establishment without a valid license issued pursuant to this Ordinance may be enjoined by the Town in an action brought in a court of competent jurisdiction and may be otherwise prosecuted under state or federal law.

(C) The operation of a Retail Marijuana Establishment without a valid license issued pursuant to this Ordinance shall be specifically deemed to be a public nuisance.

### **Section 23. No Town of Rico Liability; Indemnification.**

By accepting a license issued pursuant to this Ordinance, the licensee waives and releases the Town of Rico, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages, or liabilities of any kind that result from the arrest or prosecution or retail marijuana facility or establishment owners, operators, employees, clients, or customers for a violation of state or federal laws, rules or regulations. All licensees, jointly and severally in the case of more than one, agree to indemnify, defend and hold harmless the Town, its officers, elected officials, employees, attorney and agents. insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including without limitations, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other kind whatsoever arising out of or in any manner connected with the operation of the retail marijuana facility or establishment that is the subject or the license.

### **Section 24. No Waiver of Governmental Immunity.**

In adopting this Ordinance, the Board of Trustees is relying on, and does not waive or intend to waive, by any provision of this Ordinance, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, C.R.S. 24-10-101, *et seq.*, as amended from time to time, or any other limitations right, immunity, or protection otherwise available to the Town, its officers or its employees.

#### **Section 25. Other Laws Remain Applicable.**

To the extent the State of Colorado has adopted or adopts in the future any additional or more stringent law or regulations governing the sale or distribution of retail marijuana products, the additional or more stringent law or regulations shall control the establishment or operation of any such facility or establishment in the Town of Rico. Compliance with any applicable state law or regulations shall be deemed an additional requirement for Issuance or denial of any license under this Ordinance, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

In the event that the State of Colorado prohibits the sale or other cultivation, production or distribution of marijuana, any license issued hereunder shall be deemed immediately revoked by operation of law, with no grounds for hearing, appeal or other redress on behalf of the licensee.

The issuance of any license pursuant to this Ordinance shall not be deemed to create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the cultivation, possession, sale, production, distribution, or use or marijuana.

To the extent that any other court of competent jurisdiction or agency of the United States acts to enforce federal laws and regulations or otherwise determines that the issuance of a license, possession, distribution, cultivation, production, sale, distribution or use of marijuana in the State of Colorado is an illegal activity subject to enforcement, the Board of Trustees reserves the right to immediately repeal or amend this Ordinance, and/or to revoke or suspend as a matter of law any and all licenses issued pursuant to this Ordinance.

#### **Section 26. Effective Date.**

Pursuant to C.R.S. 31-16-106 and Section 3.5 of the Charter of the Town of Rico, this Ordinance shall be published in full following its initial introduction and reading and published by title only following final adoption by the Board of Trustees, with a statement indicating the effective date of the Ordinance, and that the full text of the Ordinance is available at the office of the Town Clerk.

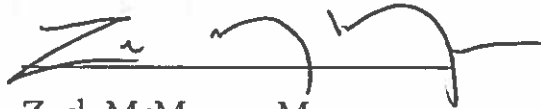
**Section 27. Interpretation.**

This Ordinance shall be so interpreted and construed as to effectuate its general purpose. Section headings of the Ordinance shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

INTRODUCED, READ, APPROVED AS INTRODUCED, AND ORDERED PUBLISHED on first reading by Town of Rico Board of Trustees this 16th day of May, 2018.

READ, APPROVED AND ADOPTED BY FINAL READING by Town of Rico Board of Trustees this 20th day of June, 2018

TOWN OF RICO, COLORADO



Zach McManus, Mayor

ATTEST:



Linda Yellowman, Town Clerk

**TOWN OF RICO  
ORDINANCE NO. 2018-04**

**AN EMERGENCY ORDINANCE OF THE TOWN OF RICO, COLORADO,  
ADOPTING FIRE RESTRICTIONS AND SETTING FORTH PENALTIES  
FOR ANY VIOLATIONS**

**WHEREAS**, the Town of Rico has the power and authority to limit control and limit fires, including but not limited to the prohibition, banning, restriction or other regulation thereof pursuant to C.R.S. 31-15-401, et seq., as amended, and Section 14.6 of the Town's Home Rule Charter;

**WHEREAS**, the Bureau of Land Management (BLM) has implemented Stage II Fire Restrictions, Stage 3 Fire Restrictions are in place in the San Juan National Forest, and the U.S. Forest Service-Grand Mesa, Uncompahgre and Gunnison National Forests (Forest Service) have implemented Stage I Fire Restrictions for the areas in and around the Town of Rico, and

**WHEREAS**, the Town of Rico has implemented Stage II Fire Restrictions by Ordinance No. 2018, on June 20, 2018;

**WHEREAS**, in order to deter any violation of the Fire Restrictions and mitigate any potential man-made fire risk, the Town adopts the penalties as outlined herein, pursuant to Section 5.1(b) of the Charter;

**WHEREAS**, the Trustees have determined this ordinance is necessary to the immediate preservation of the public peace, health and safety of the Town's citizens.

**THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS:**

1. All open fires within the Town of Rico, or on property owned by the Town, are prohibited, including charcoal fires, except as permitted under the Stage II Fire Restrictions.
2. Whenever an open fire ban or fire restriction(s) are imposed within Town Limits, or on property owned by the Town, pursuant to C.R.S. 31-15-401 et seq., as amended, or Section 14.6 of Rico's Home Rule Charter, any violation of the restrictions or ban is prohibited.
3. Any person who knowingly violates a fire restriction or open fire ban, once implemented, shall be punishable by a fine of not more than two thousand six hundred and fifty dollars, or by imprisonment of not more than one year, or by both such fine and imprisonment, pursuant to C.R.S. 31-16-101, as amended, and Section 5.1(b) of the Town's Home Rule Charter.




4. This emergency ordinance shall be effective upon passage, pursuant to Section 3.6 of Rico's Home Rule Charter.

INTRODUCED, READ, APPROVED AS INTRODUCED, AND ORDERED PUBLISHED on first reading by the Board of Trustees of the Town of Rico this 20th day of June, 2018.

TOWN OF RICO, COLORADO

  
Zach McManus, Mayor

ATTEST:

  
Linda Yellowman, Town Clerk

