

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB8

ORDINANCE NUMBER: 2019-8

TITLE: AN ORDINANCE REPEALING AND REENACTING SECTION 6-563 OF THE BLACK HAWK MUNICIPAL CODE REGARDING THE LOCATION AND NUMBER OF RETAIL MARIJUANA STORES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. Section 6-563 of the City of Black Hawk Municipal Code is hereby repealed and reenacted to read as follows:

Sec. 6-563. Location criteria; limitation on number of retail marijuana stores.

Prior to the issuance of a license for a retail marijuana store, the local licensing authority shall determine whether the proposed location of the retail marijuana store complies with the requirements of this Section. Failure to comply with the requirements of this Section shall preclude issuance of a license.

(a) No retail marijuana store shall be located except within that one-block portion of the History Appreciation Recreation Destination (HARD) District identified by the street addresses of 211 Gregory Street, 221 Gregory Street, 231 Gregory Street, and 241 Gregory Street.

(b) Each retail marijuana store shall be operated from a permanent location. No retail marijuana store shall be permitted to operate from a moveable, mobile or transitory location.

(c) The suitability of a location for a retail marijuana store shall be determined at the time of the issuance of the first license for such business. The fact that changes in the neighborhood that occur after the issuance of the first license might render the site unsuitable for a retail marijuana store under this Section shall not be grounds to suspend, revoke or refuse to renew the license for such business so long as the license for the business remains in effect.

(d) In addition to the location limitations set forth herein, no new retail marijuana store application shall be accepted for filing in the event one (1) retail marijuana store is already licensed as of the date of the proposed new application.

Section 2. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

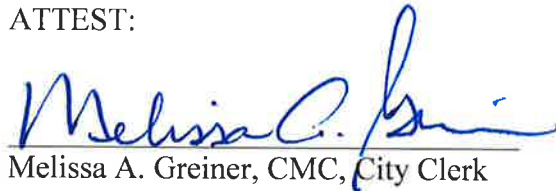
Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 13th day of March, 2019.


David D. Spellman, Mayor

ATTEST:


Melissa A. Greiner, CMC, City Clerk

