

**STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK**

**COUNCIL BILL NUMBER: CB5**

**ORDINANCE NUMBER: 2018-5**

**TITLE: AN ORDINANCE ADOPTING A NEW ARTICLE XV OF CHAPTER 4 OF THE BLACK HAWK MUNICIPAL CODE REGARDING IMPLEMENTATION OF THE CITY'S FIVE PERCENT (5%) MARIJUANA SALES TAX FOR THE PURPOSE OF PROMOTING THE GENERAL PURPOSES OF THE CITY OF BLACK HAWK**

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

Section 1. The City of Black Hawk Municipal Code is amended by the addition thereto of a new Article XV of Chapter 4 to read as follows:

**ARTICLE XV**

**Five Percent (5%) Special Marijuana Sales Tax**

**Sec. 4-331. Purpose.**

It is the purpose of this Article to implement the five percent (5%) special marijuana sales tax previously approved by the registered electors of the City.

**Sec. 4-332. Definitions.**

The following terms used in this Article shall have the meanings set forth below:

(a) *City Manager* means and includes the City Manager of the City of Black Hawk, and any of the City Manager's designee.

(b) *Director* means the Director of Finance of the City of Black Hawk or such other person designated by the City in the enacting ordinance. Director shall also include such person's designee.

(c) *Marijuana sales tax* means and includes the revenues received from the five percent (5%) marijuana sales tax as set forth in this Article XV of Chapter 4.

(d) *Retail Marijuana* 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 marijuana concentrate. *Retail marijuana* does not include industrial hemp, nor does it include fiber produced from the stalks, oil, cake made from the seeds of the plant, sterilized seed of the plant that 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.

(e) *Retail Marijuana Products* means concentrated retail marijuana products and retail marijuana products that are comprised of retail marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

(f) *Retail Marijuana Store* means an entity licensed to purchase Retail Marijuana from a Retail Marijuana Cultivation Facility and to purchase Retail Marijuana Products from a Retail Marijuana Products Manufacturing Facility and to sell Retail Marijuana and Retail Marijuana Products to consumers pursuant to section 16 of article XVIII of the Colorado Constitution and Article 43.4 of Title 12 of the Colorado Revised Statutes, and licensed by the City of Black Hawk to sell such products pursuant to Article XVIII of Chapter 6 of the Black Hawk Municipal Code.

#### **Sec. 4-333. Five Percent (5%) Marijuana Sales Tax Imposed.**

There shall be a five percent (5%) marijuana sales tax imposed as more particularly described in this Article. Such marijuana sales tax shall be imposed in addition to the municipal sales tax on such sales, and shall be imposed on the following transactions:

(a) The sale of Medical Marijuana, Medical Marijuana Products, and Medical Marijuana Infused Products by any Medical Marijuana Center if ever licensed by the City; and

(b) The sale of Retail Marijuana, and Retail Marijuana Products by any Retail Marijuana Store licensed by the City.

#### **Sec. 4-334. Use of Marijuana Sales Tax.**

The revenue received from the five percent (5%) marijuana sales tax shall be separately accounted for in a manner determined necessary by the City Manager in order to implement and administer the provisions of this Article.

#### **Sec. 4-335. Use of Revenues from the Five Percent (5%) Marijuana Sales Tax.**

(a) Expenditures of the revenues received from the marijuana sales tax shall be used for the purpose of promoting the general purposes of the City of Black Hawk.

(b) The City may pledge revenues received from the marijuana sales tax and those anticipated to be collected to the retirement of the principal and interest of bonds issued by the City as the City Council determines appropriate.

**Sec. 4-336. Incorporation by Reference of Provisions of the Black Hawk Municipal Code.**

To the extent required to implement and enforce the provisions of this Article XV of Chapter 4, the provisions of Article XVIII of Chapter 6 of the Black Hawk Municipal Code and the applicable provisions of this Chapter 4 are hereby incorporated herein. The powers and duties of the Director in implementing and enforcing the provisions of this Article XV of Chapter 4 shall specifically be those set forth in Article IV of this Chapter 4 of the Black Hawk Municipal Code.

Section 2. Safety Clause. The Board of Aldermen 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 Board of Aldermen 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 25<sup>th</sup> day of April, 2018.

  
David D. Spellman, Mayor

ATTEST:

  
Melissa A. Greiner, CMC, City Clerk

