ORDINANCE NO. 10, Series 2011 INTRODUCED BY: PETE d'ORONZIO

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO ENACTING CHAPTER 56 OF THE CODE OF ORDINANCES OF LAFAYETTE REGARDING MEDICAL MARIJUANA REGULATION AND BUSINESS LICENSING

WHEREAS, on November 7, 2000, the voters of the State of Colorado approved Section 14 of Article XVIII of the Colorado Constitution, which authorized the use of medical marijuana for the treatment of debilitating medical conditions under a patient/primary caregiver scenario; which authorized either party to grow medical marijuana under specified conditions; and

WHEREAS, Section 14 of Article XVIII of the Colorado Constitution established a limited exception from criminal liability under state law for persons with debilitating medical conditions who may benefit from the use of medical marijuana and who obtain and use medical marijuana in accordance with the requirements of Section 14 of Article XVIII of the Colorado Constitution; and

WHEREAS, although the use, sale, possession, and transportation of medical marijuana remains unlawful under federal law, the United States Attorney General's Office announced it would not seek prosecution of those whose medical marijuana activities were in compliance with an applicable state law; and

WHEREAS, such action by the United States Attorney General combined with the ambiguities of Section 14 of Article XVIII of the Colorado Constitution resulted in a rapid increase of both medical marijuana businesses and the number of primary caregivers and patients; and

WHEREAS, the absence of uniform rules and regulations resulted in confusion and concern among state and local officials who sought to control and regulate the use, sale, cultivation, production, and transportation of medical marijuana to ensure that such activities remained in compliance with Section 14 of Article XVIII of the Colorado Constitution; and

WHEREAS, to address such concerns the state legislature enacted SB10-109, which regulates the physician-patient relationship, and HB10-1284, which enacts the Colorado Medical Marijuana Code ("Medical Marijuana Code"), Article 43.3, Colorado Revised Statutes, whose purpose is to regulate the sale, manufacture, cultivation, use and transportation of medical marijuana; and

WHEREAS, the Medical Marijuana Code establishes a dual state and local licensing system which creates three classifications of licenses, which include medical marijuana centers, medical marijuana infused product manufacturers and optional premises cultivation operations; and

WHEREAS, to provide clarification of the Medical Marijuana Code and address other areas of concern the state legislature is currently considering HB11-1043; and

WHEREAS, as authorized by the Medical Marijuana Code, the State Licensing Authority of the Colorado Department of Revenue, Medical Marijuana Enforcement Division has promulgated rules and regulations to implement and interpret the Medical Marijuana Code, which have yet to be formally adopted; and

WHEREAS, the Medical Marijuana Code recognizes the authority of the City to exercise its homerule powers regarding the regulation of medical marijuana establishments, which includes the power

to prohibit such establishments, adopt land use, and/or public health and safety rules and regulations that are more restrictive than those enacted by the state; and

WHEREAS, City Council desires to permit medical marijuana centers, medical marijuana infusedproduct manufacturers and optional premises cultivation operations, to operate within the City on the condition that such establishments conduct business in compliance with all applicable state and local laws, rules and regulations; and

WHEREAS, City Council finds that medical marijuana centers are retail uses and that optional premises grow operations, infused product manufacturers and associated warehouses are industrial uses, which are appropriately subject to distance restrictions which protect the public's health, safety and welfare while also permitting the City to plan for future growth and development and ensure its economic vitality; and

WHEREAS, City Council finds that all of the regulations set forth herein are reasonable health, safety and general welfare measures enacted in accordance with the City's home-rule powers granted it by Article XX, Section 6 of the Colorado Constitution and as authorized by the Medical Marijuana Code, its Rules and Regulations, and all other applicable statutes, rules and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AS FOLLOWS:

<u>Section 1</u>. Medical Marijuana Licensing Regulations, Chapter 56 of the Code of Ordinances is enacted to provide, as follows:

56-233 Legislative Intent.

- (a) The intent of this chapter is to acknowledge and protect the rights of patients and primary caregivers, pursuant to Article XVIII Section 14 of the Colorado Constitution, implement and enforce the Colorado Medical Marijuana Code, Article 43.3, Colorado Revised Statute (C.R.S.) and its Rules and Regulations while also protecting the public's health, safety and welfare; and curtailing the unlawful possession, sale, use, manufacture, distribution or transportation of marijuana, by:
 - (1) requiring that medical marijuana businesses be operated in a manner that minimizes potential health and safety risks and mitigates the negative impacts that a medical marijuana business might have on surrounding properties and persons;
 - (2) regulating the conduct of persons owning, operating and using medical marijuana business facilities in order to protect the public health, safety and welfare; and
 - (3) regulating the location, and operations of medical marijuana businesses; and
 - (4) regulating the location of primary caregiver operations.
- (b) Nothing in this chapter is intended to promote or condone the distribution, sale, use, cultivation, possession, manufacture or transportation of marijuana in violation of any applicable law.

56-234. Definitions.

(a) The following words and phrases shall mean as follows unless the context clearly indicates otherwise.

Colorado Medical Marijuana Code, ("Medical Marijuana Code") shall mean Section 1, Title 12, Article 43.3 Colorado Revised Statutes, and its Rules and Regulations as shall be amended from time to time.

Good cause, for the purpose of denying, refusing to renew, suspending or revoking a license or exercising other discretionary authority granted the local licensing authority shall mean:

- (1) The applicant or licensee has violated, does not meet, or has failed to comply with any of the terms, requirements, conditions, or provisions of this chapter, the Medical Marijuana Code, its Rules and Regulations or with any applicable state or local law, rule or regulation;
- (2) The local licensing authority has determined that the applicant or licensee's character, record or reputation is not satisfactory after consideration of factors which include but are not limited to the following:
 - i. The applicant or licensee has knowingly submitted false applications, made willful misrepresentations and/or knowingly committed fraudulent acts;
 - ii. The applicant or licensee has a criminal history of crimes of moral turpitude. By way of example, crimes of moral turpitude shall include but not be limited to, murder, burglary, robbery, arson, kidnapping, sexual assault, illegal drugs or narcotics convictions:
 - iii. The applicant or licensee has had any previous medical marijuana license denied, or revoked as a result of violations of law, rule or regulation or a finding of bad moral character by any licensing authority;
 - iv. The applicant or licensee has been found to be currently delinquent in the payment of any state or local taxes, and record of such tax delinquency has been filed in a court having jurisdiction, or has been made a public record by some other lawful means;
 - v. The applicant or licensee has an established pattern of multiple statutory violations which resulted in the revocation or denial of any other professional license, leading to the finding of bad moral character by any licensing authority.
 - vi. When making a determination as to character, record and reputation the licensing authority shall also consider evidence of rehabilitation. Such evidence may include, but not be limited to, evidence of no criminal record information, educational achievements, financial solvency, community standing, lack of additional arrests or convictions, or the lack of parole or probation violations since the date of last conviction.
- (3) The applicant or licensee has failed to comply with any special terms or conditions of a license, including those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any renewal or suspension proceedings held subsequent to the date of issuance of the license; or
- (4) The licensed premise has been operated in a manner that adversely affects the public health, welfare or safety of the immediate neighborhood in which the licensed establishment is located. Evidence to support such a finding can include, without limitation, a continuing pattern of disorderly conduct, or a continuing pattern of drug-related criminal conduct within the establishment.

"Medical Marijuana" means marijuana that is grown and sold pursuant to this chapter and the Medical Marijuana Code for a purpose authorized by Section 14 of Article XVIII of the State Constitution.

"Medical Marijuana Business" means a licensed Medical Marijuana Center, Medical Marijuana Infused Product Manufacturer and Optional Premises Cultivation Operation.

"Medical Marijuana Center" means a person licensed by both the state and city to operate a business that sells medical marijuana to registered patients, primary caregivers, licensed medical marijuana centers and medical marijuana infused product manufacturers.

"Medical Marijuana Infused Product Manufacturer" means a person licensed by both the state and city to operate a business that produces medical marijuana infused products for sale to medical marijuana centers.

"Optional Premises Cultivation Operation" means the premises specified by a medical marijuana center licensee to be used to cultivate medical marijuana for a purpose authorized by the Colorado Medical Marijuana Code and Section 14 of Article XVIII of the State Constitution.

Possess or possession means having physical control of an object, or control of the premises in which an object is located, or having the power and intent to control an object, without regard to whether the one in possession has ownership of the object. Possession may be held by more than one person at a time. Use of the object is not required for possession.

"School" means a public, kindergarten or school through twelfth grade (K - 12), college, or university.

(b) In addition to the definitions set forth herein, the terms used in this chapter shall have the meaning ascribed to them in Section 14 of Article XVIII of the Colorado Constitution and the Colorado Medical Marijuana Code, except that the terms "dwelling unit" and "hospital" shall mean as defined in Section 26-8-1 of the Code of Ordinances.

56-235. License Required.

- (a) It shall be unlawful for any person to operate a medical marijuana business without obtaining a license to operate such business in accordance with the requirements of this chapter.
- (b) The license requirement set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state or local law, rule or regulations, including, by way of example, the Medical Marijuana Code and its Rules and Regulations a retail sales and use tax license, and any applicable zoning or building permit.
- (c) The issuance of any license pursuant to this chapter does not create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the production, sale, distribution or possession of marijuana.
- (d) A medical marijuana business license is not transferable or assignable to any other location, business or person.

56-236. Application.

- (a) Any person seeking a license or renewal of a license issued pursuant to this chapter shall submit an application to the city clerk on forms provided by the city. The application shall include the following information.
 - (1) Name and address of the owner or owners of the medical marijuana business in whose name the license is proposed to be issued, and for each such person identification in the form of one of the following:
 - i. An identification card issued in accordance with Section 42-2-302, C.R.S.;
 - ii. A valid state driver's license;
 - iii. A valid driver's license containing a picture if issued by another state;
 - iv. A military identification card;
 - v. A valid passport; or
 - vi. An alien registration card.
- (b) If the owner is a corporation, the name and address of any officer or director of the corporation and of any person holding outstanding capital stock of the corporation.
- (c) If the owner is a partnership, association or company, the name and address of any person holding interest therein and the managing members. If the managing member is an entity rather than an individual, the same disclosure shall be required for each entity with an ownership interest until a managing member that is a natural person is identified.
- (d) If the owner is not a natural person, the organization documents for all entities identified in the application, identification of the natural person that is authorized to speak for the entity and contact information for that person.
- (e) Name and address of:
 - (1) Any business managers of the medical marijuana business, if the business manager is proposed to be someone other than the owner.
 - (2) All financiers of the medical marijuana business.
- (f) A statement of whether or not any of the named owners, members, business managers, financiers, or persons named on the application have been:
 - (1) Denied an application for a medical marijuana business license pursuant to this chapter any other local licensing authority, the state or any similar state or local licensing agency, or had such a license suspended or revoked.
 - (2) Convicted of a crime, other than a traffic offense, or completed any portion of a sentence due to a criminal conviction.
 - (3) Convicted of driving or operating other machinery under the influence of alcohol, drugs or medication, driving while impaired or driving with excessive alcohol content in violation of Section 42-4-1301, C.R.S., or any comparable law, or a misdemeanor related to abuse of alcohol or a controlled substance.
- (g) Proof of ownership or legal possession of the licensed premises for a medical marijuana business for the term of the proposed license.
- (h) Proof of Insurance of worker's compensation insurance and public liability insurance in the minimum amounts of \$150,000 for any injury to one person in any single occurrence and \$600,000 for any injury to two or more persons in any such occurrence.
- (i) A mechanical ventilation plan that specifically describes the equipment and operational procedures to be employed to ensure that the business meets the operational requirements of section 56-240 (b) of this Code. An area map, drawn to scale, indicating, within a radius of one thousand feet (1,000) from the nearest portion of the footprint of the proposed medical marijuana business, to the nearest property line of the land uses or roadway rights—of-way boundary of the property subject to the location restrictions set forth herein in section 56-239.

- (j) Fingerprints and personal histories as may be specified on forms provided by the city clerk. This requirement shall apply to all owners, business managers, and financiers employed by or under contract to provide services to the medical marijuana business, directly or as a member, partner or officer of a corporation, partnership, association or company.
- (k) All applications must include all documents and information required by the Medical Marijuana Code and its Rules and Regulations and any information that the city deems reasonably necessary for the investigation and review of the application.
- (l) Upon receipt of an application, the city clerk shall circulate the application to all affected departments of the city to determine whether the application is in full compliance with all state and local laws, rules and regulations. The city clerk, upon review of all applicable information, shall submit a report including all applicable documents to be submitted to the local licensing authority.
- (m)In the event the criminal history of an owner, member, business manager, or financier or other person named on the application contains information regarding conviction of a crime or previous denial or revocation of a medical marijuana or professional license, that person may include with the license application any information regarding such conviction, denial or revocation. Such information may include, but is not limited to, evidence of rehabilitation, character references and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the date of the application.
- (n) Any application or renewal for a medical marijuana business license shall, as applicable, include payment of a nonrefundable application or renewal fee and payment of an annual license fee. If a license is not granted the license fee is refundable in full. All such fees shall be set by resolution of city council.

56-237. Local Licensing Authority.

The city administrator shall serve as the local licensing authority and exercise all powers granted such authority by the Medical Marijuana Code, its Rules and Regulations, and as set forth in this chapter. The local licensing authority shall be responsible for all local duties and responsibilities regarding the issuance, renewal, suspension, revocation, transfer of ownership and change of location of a medical marijuana center, optional premises cultivation facility, and medical marijuana infused product manufacturer.

56-238. Issuance of License; Duration, Renewal.

- (a) Each license shall show the name of the licensee, the physical address for which the license is issued, and the type of facility or business for which it is issued. The license shall be displayed continuously in a conspicuous location at the physical address indicated on the license.
- (b) Each license issued pursuant to this chapter shall be valid for one (1) year from the date of issuance and may be renewed only as provided in this chapter. All renewals of a license shall be for no more than one (1) year. An application for the renewal of an existing license shall be made to the city clerk not less than forty-five (45) days prior to the date of expiration of the license. No application for renewal shall be accepted by the city clerk after such date except as provided in the Medical Marijuana Code. The timely filing of a renewal application shall extend the current license until a decision made on the renewal.

56-239. Location, Size Restrictions/Prohibitions.

- (a) Medical marijuana centers are permitted only in commercial zoning districts; however, no medical marijuana center may be located within:
 - (1) 500 feet of the right-of-way of Public Road north of South Boulder Road; or
 - (2) 500 feet of the right-of-way of East Simpson Street, east of Public Road to 500-501 East Simpson Street; or
 - (3) 500 feet of the right-of-way of 120th Street and 119th Street, north of Emma Street to Highway 7; or
 - (4) 800 feet of the right-of-way of Highway 287 and Highway 7; or
 - (5) 500 feet of any Lafayette residential subdivision, residentially zoned property, property with residential as a principal use; or
 - (6) 500 feet of any licensed commercial daycare; or
 - (7) 1000 feet of any medical marijuana center; or
 - (8) 1000 feet of any school or hospital.
- (b) Medical marijuana infused product manufacturers and optional premises cultivation operations are permitted only in the industrial zoning district; however, no such uses may be located within:
 - (1) 500 feet of a licensed commercial daycare; or
 - (2) 800 feet of the right-of-way of Highway 287; or
 - (3) 1000 feet of any school or hospital; and
 - (4) there may be no more than five (5) total physical locations containing licensed infused product manufacturers or optional premises cultivation operations within the industrial zoning district.
- (c) The distances set forth in this section are to be computed by direct measurement from the nearest property line or right-of-way boundary of the land uses set forth herein to the nearest portion of the footprint of the medical marijuana business.
- (d) The distance restrictions set forth in this section shall not affect the renewal of a license once granted or apply to a license in effect and actively doing business before the construction of, or the opening of, a residential subdivision, residentially zoned property, property with residential as a principal use, licensed commercial daycare, school or hospital.
- (e) The retail floor space of a medical marijuana center shall not exceed 3000 square feet.
- (f) No primary caregiver may cultivate more than twelve (12) marijuana plants within a single dwelling unit, or on the premise thereof, within any zone district. No individual holder of a valid state medical marijuana registry identification card may cultivate more than six (6) marijuana plants within a single dwelling unit, or on the premise thereof, within any zone district. However, where more than one card holder resides within a single dwelling unit, such persons may cultivate a maximum of twelve (12) marijuana plants within the dwelling unit, or on the premise thereof. It shall be an affirmative defense to any violation of this subsection that a physician certified that cultivation of a specified number of marijuana plants greater than six is medically necessary to address the card holder's debilitating medical condition. Additionally, no primary caregiver or holder of a valid state medical marijuana registry identification card may cultivate medical marijuana outside of any building or structure.
- (g) Any primary caregiver acting as a home occupation shall conduct such business in accordance with the requirements of section 26-14-9 Home Occupations, of the Code.

56-240. Medical Marijuana Business Operation Requirements.

- (a) No person under eighteen years of age shall be on the licensed premises, unless the person is accompanied by a parent or guardian in possession of a valid state medical marijuana registry card for such minor.
- (b) A medical marijuana business located in a multi-tenant building shall be ventilated properly to filter the odor from marijuana so that the odor cannot be detected by a person with a normal sense of smell within any other business located within the multi-tenant building or at the exterior of the multi-tenant building. A medical marijuana business located in a single-tenant building shall be ventilated properly to filter the odor from marijuana so that the odor cannot be detected by a person with a normal sense of smell at the exterior of any other businesses located on the property. If no other businesses are located on the same property then the odor shall not be detected beyond the property line.
- (c) A medical marijuana business shall report sales and taxable transactions and file sales and use tax reports to the city monthly.
- (d) Each licensee shall post and keep at all times visible to the public, in a conspicuous place on the premises, a sign to be furnished by the city clerk's office, which sign shall be in the following form: "WARNING: LAFAYETTE POLICE DEPARTMENT MUST BE NOTIFIED IMMEDIATELY OF ALL UNLAWFUL ACTS AND DISTURBANCES IN THIS ESTABLISHMENT." Licensees shall immediately report to the police department any unlawful or disorderly act, conduct or disturbance committed on the premises.

56-241. Signage.

All signage for a medical marijuana business shall comply with all applicable provisions of the Code. In addition, no signage shall use the word "marijuana" or "cannabis" or any other word, phrase, or symbol commonly understood to refer to marijuana unless such word, phrase, or symbol is immediately preceded by the word "medical" in type and font that is at least as readily discernible as all other words, phrases or symbols. Such signage must clearly indicate that the products and services are offered only for medical marijuana uses permitted by law.

56-242. Inspections/Records.

- (a) In acceptance of a medical marijuana business license, the licensee acknowledges a duty to keep all records required by this chapter and all other applicable state or local laws, rules and regulations, and to disclose all such information to the city upon its request. All such records shall be open for inspection at all times during regular business hours by the city or its authorized representatives.
- (b) The city may require an audit to be made of such books and records on such occasions as it may consider necessary. Such audit may be made by an auditor to be selected by the city that shall likewise have access to all books and records of such licensee. The expense of any audit determined necessary by the city shall be paid by the licensee.
- (c) Acceptance of the medical marijuana business license from the city constitutes consent by the licensee, owners, managers and employees to permit the city and its authorized representatives to conduct routine inspection of the licensed medical marijuana business to ensure compliance with this chapter or any other applicable state of local law, rule or regulation.

56-243. Unlawful Acts.

- (a) Except as otherwise provided in this chapter, or by state law it is unlawful for any person licensed to sell medical marijuana pursuant to this chapter to:
 - (1) To violate any provision of this chapter or any condition of approval regarding the operation of a medical marijuana business.
 - (2) To consume, use, smoke or ingest marijuana within a medical marijuana business.
 - (3) To provide public premises, or any portion thereof, for the purpose of consumption of medical marijuana in any form.
 - (4) To sell medical marijuana to a person not licensed pursuant to this chapter or to a person not able to produce a valid patient registry identification card.
 - (5) To offer for sale or solicit an order for medical marijuana in person except within the licensed premises.
 - (6) To have in possession or upon the licensed premises any medical marijuana, the sale of which is not permitted by the licensee;
 - (7) To buy medical marijuana from a person not licensed to sell as provided by state or local law.
 - (8) To sell medical marijuana except in the permanent location specifically designated in the license.
 - (9) To have on the licensed premises any medical marijuana or marijuana paraphernalia that shows evidence of the medical marijuana having been consumed or partially consumed.
 - (10) To sell, serve, or distribute medical marijuana at any time other than between the hours of 8:00 a.m. and 7:00 p.m. Monday through Sunday.

56-244. No City Liability/Indemnification.

- (a) By accepting a license issued pursuant to this chapter, the licensee waives and releases the city, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of medical marijuana business owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.
- (b) By accepting a license issued pursuant to this chapter, the licensee, jointly and severally, if more than one, agree to indemnify, defend, and hold harmless the city, its officers, elected officials, employees, attorneys, agents, insurers, and self insurance pool, against all liability, claims, and demands, on account of any injury, loss, or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the operation of the medical marijuana business that is the subject of the license.

56-245. City, State or Federal Prohibition.

A medical marijuana license is a revocable privilege, and no holder hereof shall be deemed to have acquired any property interest therein. If the city or state prohibits the sale, production, possession or other distribution of marijuana through medical marijuana businesses, or if a court of competent jurisdiction determines that the federal government's prohibition of the sale, production, possession or other distribution through medical marijuana businesses supersedes

state law, any license issued pursuant to this chapter shall be deemed to be immediately revoked by operation of law, with no ground for appeal, or other redress on behalf of the licensee.

56-246. City Administrator Rules and Regulations.

The city administrator may adopt rules and regulations that the city administrator determines are reasonably necessary to implement and administer the requirements of this chapter.

- <u>Section 2</u>. The City shall not issue any licenses for medical marijuana businesses until after the effective date of the Colorado Medical Marijuana Enforcement Division, Rules and Regulations.
- Section 3. Medical marijuana businesses which were lawfully operating prior to the initial adoption of the City's medical marijuana moratorium and which are in compliance with the state's July 1, 2010 locally "established" deadline, August 1, 2010 application deadline and September 1, 2010 70% certification requirement and which businesses must relocate upon adoption of this ordinance in order to remain in operation shall, on the condition that such businesses' pending state license is not withdrawn or denied, be allowed, to the extent permitted by law, to operate at its current location until the sooner of, December 31, 2011, or until such business is lawfully permitted to operate at another location within the city. Nothing herein shall be deemed a waiver of the City's police powers regarding regulation of the existing medical marijuana businesses.
- Section 5. Ordinance No.17 Series 2010, which extended the effective period of Ordinance No.8, Series 2010 until July 1, 2011 regarding the moratorium on the submission, acceptance, processing and issuance of any application for any permit, license, plan, approval related to the operation of any business that acquires, possesses, cultivates, manufactures, produces, uses, sells, distributes, dispenses or transports medical marijuana is repealed in its entirety upon the effective date of this ordinance. (Ordinance No.10, Series 2011)
- <u>Section 6</u>. 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 City Council 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 unconstitutional or invalid.

<u>Section 7</u>. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 8. The repeal or modification of any provision of the Code of Ordinances of Lafayette, Colorado by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

<u>Section 9</u>. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

<u>Section 10</u>. Violations of this ordinance shall be punishable in accordance with Section 1.10 of the Municipal Code of the City of Lafayette, Colorado.

<u>Section 11</u>. This ordinance shall become effective upon the latter of the 10th day following enactment, or the day following final publication of the ordinance.

INTRODUCED AND PASSED ON FIRST READING THE 15th DAY OF MARCH, 2011.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THE $5^{\mathrm{TH}}\,$ DAY OF APRIL, 2011.

CITY OF LAFAYETTE COLORADO

Frank Phillips, Mayor

ATTEST:

APPROVED AS TO FORM:

Susan Koster, CMC

City Clerk

Management Attorney