

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1842
Series of 2014

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A BILL FOR AN ORDINANCE ADOPTING A NEW ARTICLE 18 OF CHAPTER 5 OF THE NORTHGLENN MUNICIPAL CODE REGARDING IMPLEMENTATION OF THE CITY'S TWO PERCENT (2%) MARIJUANA SALES TAX FOR THE PURPOSE OF CONSTRUCTION OF PUBLIC FACILITIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The Northglenn Municipal Code is amended by the addition thereto of a new Article 18 of Chapter 5 to read as follows:

ARTICLE 18
USE OF TWO PERCENT (2%) MARIJUANA SALES TAX USED EXCLUSIVELY
FOR THE CONSTRUCTION OF PUBLIC FACILITIES

Section 5-18-1. Purpose. It is the purpose of this Article to implement the two percent (2%) marijuana sales tax, commencing January 1, 2015, for the purpose of construction of public facilities as approved by the registered electors of the City of Northglenn. The revenues derived from the two percent (2%) marijuana sales tax are to be used solely for the construction of public facilities, which public facilities are more particularly described in this Article.

Section 5-18-2. 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 Northglenn, and any of the City Manager's designees.

(b) *Construction of public facilities* means and includes the property acquisition, design, engineering, and construction of public facilities as defined hereinbelow in a manner approved by the City Council.

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

(d) *Marijuana sales tax* means and includes the revenues received from the two percent (2%) marijuana sales tax as set forth in this Article 18 of Chapter 5.

(e) *Medical Marijuana* means marijuana that is grown and sold pursuant to Article 43.3 of Title 12 of the Colorado Revised Statutes, and includes seeds and immature plants.

(f) *Medical Marijuana Center* means an entity licensed by the Colorado Department of Revenue pursuant to section 14 of article XVIII of the Colorado Constitution and Article 43.3 of Title 12 of the Colorado Revised Statutes to sell marijuana and marijuana products, and licensed by the City of Northglenn to sell such products pursuant to Article 14 of Chapter 18 of the Northglenn Municipal Code.

(g) *Medical Marijuana Product or Medical Marijuana-Infused Product* means a product infused with Medical Marijuana that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures.

(h) *Public Facility* means and includes by way of example, but not by limitation, the Northglenn Recreation Center, the Northglenn City Hall, the Northglenn Police Department, and the Northglenn Senior Center, and may also include other municipal buildings and facilities of the City of Northglenn.

(i) *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.

(j) *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.

(k) *Retail Marijuana Store* means an entity licensed to purchase Retail Marijuana from a Retail Marijuana Cultivation Facility and to purchase Retail Marijuana Product 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 Northglenn to sell such products pursuant to Article 16 of Chapter 18 of the Northglenn Municipal Code.

Section 5-18-3. Two Percent (2%) Marijuana Sales Tax Imposed. There shall be a two percent (2%) marijuana sales tax imposed for the purpose of construction of public facilities 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 licensed by the City; and

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

Section 5-18-4. Marijuana Sales Tax Dedicated for Construction of Public Facilities. The revenue received from the two percent (2%) 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.

Section 5-18-5. Use of Revenues Received from the Two Percent (2%) Marijuana Sales Tax.

(a) Expenditures of the revenues received from the marijuana sales tax shall be used only for the construction of public facilities.

(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 for financing any of the activities and improvements set forth in subsection (a) of this Section 5-18-5.

Section 5-18-6. Incorporation by Reference of Provisions of the Northglenn Municipal Code. To the extent required to implement and enforce the provisions of this Article 18 of Chapter 5, the provisions of Articles 14 and 16 of Chapter 18 of the Northglenn Municipal Code and the applicable provisions of Chapter 5 are hereby incorporated herein. The powers and duties of the Director in implementing and enforcing the provisions of the Article 18 of Chapter 5 shall specifically be those set forth in Section 5-2-4 of the Northglenn Municipal Code.

Section 2. Effective Date. This Ordinance shall go into effect on January 1, 2015.

INTRODUCED, READ AND ORDERED POSTED this 24th day of November, 2014.


JOYCE DOWNING
Mayor

ATTEST:


JOHANNA SMALL, CMC
City Clerk

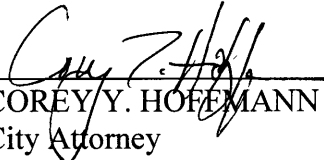
PASSED ON SECOND AND FINAL READING this ____ day of _____,
2014.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:



COREY Y. HOFFMANN
City Attorney