



MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator

DATE: January 20, 2022

RE: Draft Ordinance Adding a New Article 6 of Chapter 6 Regarding Marijuana Delivery Within the Town

DISCUSSION:

Attached for Board discussion is a draft Ordinance to add a new Article 6 to Chapter 6 of the Foxfield Municipal Code regarding Marijuana delivery within the Town of Foxfield.

Under a law passed in 2019, and effective January 1, 2020, if the Town would like to allow medical and recreational marijuana businesses to deliver their products to customers in the Town, the best practice is to enact an Ordinance specifically allowing such practice. If the Town does allow it, we will receive the sales tax paid on deliveries within the Town.

As discussed at the last meeting, The State of Colorado has Revised Statutes regarding both medical marijuana delivery (C.R.S. § 44-10-501(11)), and retail marijuana delivery (C.R.S. § 44-10-601(13)). In addition, the Marijuana Enforcement Division (MED) has adopted rules regarding delivery.

This Ordinance simply is to allow the service within the Town. The State would collect any sales tax as with any other business. The Clerk will set up the permitting process and renewing the permits will be no more difficult than annual renewal of business licenses.

Below is feedback received from other Cities that have adopted Ordinances to allow Marijuana delivery.

CITY OF AURORA: "Our sense is that the delivery is not as popular as some thought and probably not a substantial factor. Given Aurora's size, we probably have impacts from

deliveries in and deliveries out that may be having more of a net effect on the revenues. We have issued 22 permits, mostly to Aurora stores. So, most of them did get the delivery permit.”

CENTRAL CITY: “Yes we passed to allow delivery for medical marijuana only and no takers. Not surprising since we only have one with a medical license here.”

ATTACHMENT:

Exhibit A: Draft Ordinance 2022-01

Trustee Bill No.
Series of 2022
Town of Foxfield

Introduced by

**A BILL FOR AN ORDINANCE ADDING A NEW ARTICLE 6 OF CHAPTER 6
REGARDING MARIJUANA DELIVERY WITHIN THE TOWN**

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF
FOXFIELD, COLORADO:

Section 1. The Town of Foxfield Municipal Code is amended by the addition thereto of a
new Article 6 of Chapter 6 to read as follows:

ARTICLE 6

Marijuana Delivery

Sec. 6-6-10. Delivery of Medical Marijuana.

(a) The Board of Trustees hereby authorizes the Town Clerk to
administratively approve the issuance of a medical marijuana delivery permit to
any licensed medical marijuana business. The permitting procedure shall comply
with C.R.S. § 44-10-501(11).

(b) All deliveries made within the Town shall comply with C.R.S. § 44-
10-501(11) and 1 CCR 212-3.

(c) All medical marijuana and medical marijuana infused products
delivered to an address within the Town are subject to Town sales tax.

Sec. 6-6-20. Delivery of Retail Marijuana.

(a) The Board of Trustees hereby authorizes the Town Clerk to
administratively approve the issuance of a retail marijuana delivery permit to any
licensed retail marijuana store and licensed retail marijuana transporter. The
permitting procedure shall comply with C.R.S. § 44-10-601(13).

(b) All deliveries made within the Town shall comply with C.R.S. § 44-
10-601(13) and 1 CCR 212-3.

(c) All retail marijuana and retail marijuana infused products delivered
to an address within the Town are subject to Town sales tax.

Section 2. The Town Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police powers of the Town of Foxfield, 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.

Section 3. 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. This ordinance shall become effective thirty (30) days after final publication.

Adopted as Ordinance No. 02 Series of 2022, by the Board of Trustees of Foxfield, Colorado, and signed and approved by its Mayor or presiding officers this ____ day of _____, 2022.

Lisa Jones, Mayor

ATTEST:

Julie St-Pierre, Town Clerk

Town Seal

Corey Y. Hoffmann, Town Attorney
(Approved as to Form)