

**FAILED**

**COUNCIL BILL NO. 5615**

**ORDINANCE NO. 2515**

**ORDINANCE**

**AN ORDINANCE OF THE CITY OF MANITOU SPRINGS, COLORADO, AMENDING SECTION 5.91.180 OF THE MANITOU SPRINGS MUNICIPAL CODE CONCERNING THE HOURS OF OPERATION OF RETAIL MARIJUANA STORES**

**WHEREAS**, Rule 308 of the Permanent Rules Related to the Colorado Retail Marijuana Code, September 9, 2013, provides that retail marijuana stores may only operate between 8:00 a.m. and midnight; provided that local authorities may impose stricter limitations on permissible hours of operation;

**WHEREAS**, the City Council desires to extend the permissible hours of operation of retail marijuana stores in the City from 8:00 a.m. to 7:00 to 8:00 a.m. to 9:00 p.m.; and

**WHEREAS**, this extended closing time will help alleviate traffic and overcrowding at stores, and will limit loss of business to other retail stores in other jurisdictions that are open later.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:**

**Section 1:** Section 5.91.180 of the Manitou Springs Municipal Code is hereby amended to read as follows:

A retail marijuana store may open no earlier than 8:00 a.m. and shall close no later than 9:00 p.m. the same day. A retail marijuana business may be open seven days a week. There shall be no hourly restrictions on retail marijuana testing facilities.

**Section 2:** 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.

**Section 3:** The repeal or modification of any provision of Manitou Springs Municipal Code 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.

**Section 4:** This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.