

TOWN OF HOTCHKISS, COLORADO
ORDINANCE NO. 2025-03

**AN ORDINANCE OF THE TOWN OF HOTCHKISS, COLORADO AMENDING THE
HOTCHKISS MUNICIPAL CODE CHAPTER CONCERNING THE ADVERTISING OF
MEDICAL AND RETAIL MARIJUANA STORES WITHIN THE TOWN**

WHEREAS, Section 14 of Article XVIII of the Colorado Constitution, also commonly known as Amendment 20 of 2000, authorizes the medical use of marijuana.

WHEREAS, Section 16 of Article XVIII of the Colorado Constitution, also commonly known as Amendment 64 of 2012, authorizes a system of state licensing for businesses engaging in the cultivation, testing, manufacturing and retail sale of marijuana.

WHEREAS, pursuant to C.R.S. 44-10-311(1)(d) the Town of Hotchkiss, via adopted ordinance has the ability to vary the distance restrictions imposed by C.R.S. 44-10-311(1)(a).

WHEREAS, on August 14, 2025, the Board of Trustees adopted Ordinance No. 2025-01, setting the distance restrictions imposed by C.R.S. 44-10-311(1)(a) to two hundred and fifty feet.

WHEREAS, at the public hearing held on August 14, 2025, there was public opposition to the Town lessening the setback, with concerns raised regarding the advertising of marijuana.

WHEREAS, pursuant to the Town's inherent police powers, the Town has the authority to regulate matters pertaining to the health, safety and welfare of its citizens.

WHEREAS, in an effort to meet community concerns regarding the advertising of retail and medical marijuana shops within the Town, the Board of Trustees wishes to pass this Ordinance updating the Town's marijuana code.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF
THE TOWN OF HOTCHKISS, as follows:**

Section 1. Amendment. Chapter VI of the Hotchkiss Municipal Code is hereby amended to add a new Article 2, Section 10 Subsection H amended to read as follows:

- I. Advertisements. Retail and Medical Marijuana Store signage shall meet the Town of Hotchkiss Municipal Sign Code, Ordinance No. 2014-03. No off premises sign for Retail and Medical Marijuana Stores shall use the word "marijuana," or display or use photographs or other representations of marijuana plants.

Section 2. Severability.

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other

provisions of this Ordinance which can be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are declared to be severable.

Section 3. Repeal of Prior Ordinances.

All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Ordinance Effect.

Existing ordinances or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and any and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed; provided, however, that the repeal of any ordinance or parts of ordinances of the Town shall not revive any other section of any ordinance or ordinances hereto before repealed or superseded, and further provided that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 5. Emergency.

In accordance with C.R.S. § 31-16-105, the Board of Trustees hereby determines that this Ordinance is necessary for the immediate preservation of the public peace, health or safety. As an emergency ordinance, this Ordinance shall take effect upon adoption, shall be authenticated and shall be numbered and recorded in the official records of the Town as required by C.R.S. § 31-16-105.

INTRODUCED AND ADOPTED by the Board of Trustees of the Town of Hotchkiss, Colorado, as an emergency measure, to become effective upon adoption this 9th day of October, 2025.

TOWN OF HOTCHKISS

By: 
JIM WINGFIELD, Mayor Pro Tem
Patricia Medina

ATTEST:


GINGER REDDEN, Town Clerk