

ORDINANCE NO. 56B

**AN EMERGENCY ORDINANCE IMPOSING A MORATORIUM ON THE
OPERATION OF MARIJUANA ESTABLISHMENTS PURSUANT TO AMENDMENT
64**

WHEREAS, the voters of the State of Colorado on November 6, 2012 approved a ballot initiative known as Amendment 64, which amends the Colorado State Constitution to authorize the operation of marijuana establishments, which are defined as marijuana cultivation facilities, marijuana product manufacturing facilities, and retail marijuana stores notwithstanding contrary provisions of Colorado statute, whether criminal or civil; and

WHEREAS, Amendment 64 requires the Department of Revenue to adopt regulations governing the operation of marijuana establishments no later than July 2013; requires local governments to adopt regulations identifying the entity within the local government responsible for processing license applications for marijuana establishments no later than October 1, 2013; authorizes local governments to adopt licensing procedures and regulations governing certain aspects of the operations of marijuana facilities; and authorizes local governments to prohibit the operation of marijuana establishments by adoption of an ordinance or through an initiated or referred measure; and

WHEREAS, Amendment 64 permits the operation of marijuana establishments only pursuant to licenses issued by the Department of Revenue and/or a local government, and does not require the Department of Revenue or local governments to begin processing license applications until October 1, 2013; and

WHEREAS, marijuana establishments may not operate lawfully until the adoption of licensing regulations;

WHEREAS, the moratorium imposed by this emergency ordinance is intended to prevent the operation of marijuana establishments prior to the adoption of the regulatory framework contemplated by Amendment 64; to ensure that prospective operators and owners of marijuana establishments are able to make business and investment decisions with sufficient knowledge of local regulations or prohibition can be enforced in a fair and equitable manner; and

WHEREAS, adoption of this ordinance as an emergency measure is necessary in order that the ordinance will take immediate effect and preclude the operation of marijuana establishments in the Town of Stratton in violation of the provisions of Amendment 64; and

WHEREAS, the Town of Stratton Board of Trustees finds it necessary to the public health, safety, and welfare to adopt this emergency ordinance imposing a moratorium on the operation of marijuana establishments pending adoption by the Department of Revenue of licensing regulations relating to the operation and licensing of marijuana establishments by the Board of Trustees; and/or pending a determination whether by ordinance or an initiated or referred measure.

NOW, THEREFORE, THE FOLLOWING ORDINANCE IS ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF STRATTON, COLORADO, SUBJECT TO THE CONSTITUTION AND THE STATUTES OF THE STATE OF COLORADO.

Section 1: Moratorium Time Period. A moratorium period is hereby declared from 12:00 a.m., June 27, 2013, to 12:00 a.m., June 26, 2014, or until further action of the Board of Trustees ending or modifying this Moratorium, whichever occurs first. Such further action may be taken by resolution or ordinance of the Board of Trustees, as the Board deems appropriate.

Section 2. Moratorium Restrictions. During the effective term of this emergency ordinance no person shall operate a marijuana establishment, as defined in Amendment 64, in the limits of the Town of Stratton. No Town of Stratton personnel shall accept or process an application for a but not limited to, water taps, sales and use tax, amendments to the official zoning map of the Town of Stratton, site development, liquor license, sign permit, or building permit, or any other license or permit relation to the operation of a marijuana establishment.

Section 3: Conflicting Ordinances. All ordinances heretofore passed and adopted by the Town of Stratton Board of Trustees are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith. This ordinance shall not be interpreted to repeal or to apply in any way the Town of Stratton ordinances regarding the prohibition of medical marijuana centers, medical marijuana cultivation facilities, or medical marijuana infused products manufacturers pursuant to HB 10-1284.

Section 4: Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance that 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 5: Immediate Effect. The Board of Trustees finds, determines, and declares that this Ordinance is necessary to the immediate preservation of the public peace, health, and safety in the Town of Stratton, Colorado. Therefore, this Ordinance shall take effect upon adoption.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 27th day of June, 2013.

[SEAL]

Richard C. Mann
Richard Mann, Mayor

ATTEST:

Maxine A. Rogers
Maxine A. Rogers, Town Clerk



STATE OF COLORADO)
COUNTY OF KIT CARSON)ss.
TOWN OF STRATTON)

CLERK'S CERTIFICATE

I, Maxine A. Rogers, the official Town Clerk of the Town of Stratton, do by these presents say that the foregoing Ordinance No. 56 B was passed and adopted by a three-quarters majority of the Board of Trustees of the Town of Stratton on the 27th day of June, 2013, and that the above-entitled Ordinance is true, correct and fully copy of the Ordinance as shown in the records of the Town of Stratton, Colorado.

Dated this 28th day of June, 2013.

Maxine A. Rogers
Maxine A. Rogers, Town Clerk