

ORDINANCE NO. 304

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF ANY APPLICATION OF ANY KIND TO OPERATE ANY MARIJUANA ESTABLISHMENT AS AUTHORIZED BY AMENDMENT 64 TO THE COLORADO CONSTITUTION AND/OR TO THE OPERATION OF ANY KIND OF MARIJUANA ESTABLISHMENT WITHIN THE TOWN OF IGNACIO, COLORADO, EFFECTIVE IMMEDIATELY AND ENDING ON JULY 31, 2013.

WHEREAS, Amendment 64 to the Colorado Constitution authorizes the licensure and operation of certain Marijuana Establishments within the state; and

WHEREAS, the Colorado Department of Revenue is to issue regulations regarding the licensure and operation of Marijuana Establishments on or before July 1, 2013; and

WHEREAS, the Board of Trustees has not had an adequate opportunity to determine how to regulate or prohibit any Marijuana Establishments within the Town, and will not be able to assess those issues until the adoption of regulations by the Department of Revenue; and

WHEREAS, the sale, possession, manufacture, cultivation and other dispensation of marijuana for any purpose continues to be illegal under federal law; and

WHEREAS, the Town does not have any process to accept an application to operate an establishment of any kind under Amendment 64; and

WHEREAS, the Town Board desires to consider the legality of marijuana businesses under federal and state law; and,

WHEREAS, the Town Board desires to consider appropriate rules, regulations and restrictions or the prohibition of Marijuana Establishments and to adopt licensing and application requirements including a prohibition of marijuana businesses to ensure compatibility with the Town Land Use Code and the Municipal Code; and

WHEREAS, the Town Board desires to consider any implications to public health and safety from the location of Marijuana Establishments located in Ignacio.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO AS FOLLOWS:

The Town hereby imposes a temporary moratorium until July 31, 2013 on any person or entity submitting or otherwise making an application of any kind to operate a Marijuana Establishment of any kind as defined in Amendment 64 to the Colorado Constitution to the Town, and/or on the establishment of, licensure of or conducting of any business that is in any way related to any Marijuana Establishment within the Town.

Nothing contained herein shall in any way limit any further action by the Board of Trustees at any time on the subject of the operation and licensure of Marijuana Establishments in the Town, including but not limited to the prohibition of the operation of such facilities under the provisions of state or federal law.

The Board of Trustees finds that the imposition of this moratorium is necessary for the immediate preservation of the public peace, health and safety of the citizens of the Town and as such, the provisions of this Ordinance imposing a moratorium shall be effective immediately and shall end on July 31, 2013, unless otherwise amended or extended by further action of the Board of Trustees.

PASSED AND APPROVED this _____ day of _____, 2013.

MAYOR:

ATTEST:

Town Clerk