

ORDINANCE NO. 38B

An Ordinance Declaring a Moratorium on the Review of Applications for Dispensaries of Medical Marijuana Within the Town Of Stratton, Colorado Pending Adoption of Appropriate Zoning Regulations and Declaring an Emergency.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF STRATTON, COLORADO:

WHEREAS, the Board of Trustees of the Town of Stratton, Colorado desires to protect and preserve the health, safety, and welfare of its citizens through the implementation of a comprehensive ordinance regulating medical marijuana and medical marijuana dispensaries; and

WHEREAS, the Board finds that the possession and sale of marijuana violates federal law; the proliferation of unregulated medical marijuana dispensaries may have a correlation with criminal activity; and that the Colorado Medical Marijuana Amendment, statutes, and regulations are silent on the issue of dispensaries; and

WHEREAS, the Board of Trustees finds that currently there are no medical marijuana dispensaries seeking application for Town services such as water taps, site development, sign permits, or liquor licenses; and

WHEREAS, the Board of Trustees hereby determines that it is necessary to impose a temporary moratorium on the application review of medical marijuana dispensaries to protect and preserve the health, safety, welfare, and economic well-being of the Town and its citizens and to review the Town's ordinances and zoning regulations and, if necessary, develop appropriate ordinances and zoning regulations for medical marijuana use and medical marijuana dispensaries.

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., January 15, 2010, to 12:00 a.m., January 15, 2011, 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. No applications pertaining to medical marijuana or medical marijuana dispensaries, including, 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 shall be accepted for review by the Town of Stratton during the moratorium period set forth above.

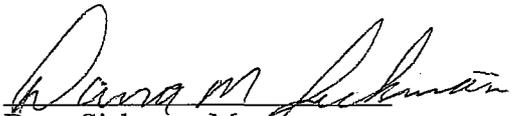
Section 3: Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or

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.

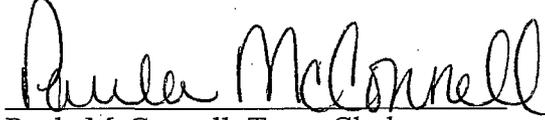
Section 4: Immediate Effect. The Board of Trustees finds, determines, and declares that this Ordinance is necessary to the immediate preservation of the public peace, health, and safety in the Town of Stratton, Colorado. Therefore, this Ordinance shall take effect upon adoption.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 14th day of January, 2010.

[SEAL]


Dana Siekman, Mayor

ATTEST:


Paula McConnell, Town Clerk



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2010