

**TOWN OF MOFFAT, COLORADO**  
**ORDINANCE NO. 2018-10**  
**Potch LLC Annexation**  
**AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE**  
**APPLICATION FOR ANY ESTABLISHMENT OF ANY NEW BUSINESS**  
**THAT CULTIVATES OR MANUFACTURES RETAIL MARIJUANA OR**  
**MARIJUANA PRODUCTS**

WHEREAS, on October 4, 2016 and January 3, 2017, the Board of Trustees of the Town of Moffat created a limited exception from criminal liability under Colorado law for the cultivation, manufacture, testing and sale of marijuana and marijuana products under a system of licensed establishments regulated by State and local governments; and

WHEREAS, the Board of Trustees of the Town of Moffat has adopted enabling legislation for Amendment 64 and directed the Governor and Department of Revenue to issue regulations not inconsistent therewith; and

WHEREAS, Amendment 64 and the enabling legislation states that all local governments must have an ordinance adopted by October 1, 2013 that either opt outs, allows, or places a moratorium on the sale of marijuana, marijuana cultivation for retail purposes, and/or the manufacturing of marijuana products; and

WHEREAS, the State of Colorado has established laws and regulations governing medical and retail marijuana pursuant to the Colorado Retail Marijuana Code, sections 12-43.4-101 *et seq.*, C.R.S. ("Retail Code") and the Colorado Medical Marijuana Code, sections 12-43.3-101 *et seq.*, C.R.S. ("Medical Code"), as well as the rules promulgated thereunder pursuant to 1 CCR 212-1 and CCR 212-2.

WHEREAS, the Board of Trustees has decided to enact a moratorium until the State of Colorado provides clearer guidance, and the Town is able to enact its own regulations regarding cultivation of marijuana;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MOFFAT, COLORADO, THAT:

Section 1. Moratorium. A temporary moratorium (the "Moratorium") is hereby imposed on the establishment of any business that cultivates, manufactures, tests or sells marijuana or marijuana products.

Section 2. Moratorium Term. The Moratorium shall commence on the effective date of this ordinance and continue in full force and effect until December 31, 2018, or until the Board of Trustees decides to opt out or enact an ordinance that governs the cultivation, manufacturing, testing or selling of marijuana or marijuana products whichever occurs first (the "Term").

Section 3. Number and Type of Establishments. The Town of Moffat will permit up to ten retail marijuana cultivation operations within the town limits.

Section 4. Enforcement. Any person engaging in any activity not in compliance with the Moratorium may be enjoined by the Town from engaging in such activity and shall be fined an amount not to exceed \$300.00 a day for each offense or by imprisonment not to exceed 90 days, or both. Each day shall constitute a separate offense. Nothing contained herein shall limit the Town from seeking

any other remedies that may be available at law and in equity. Any person who violates this ordinance shall pay all of the Town's costs and reasonable attorneys' fees incurred in any civil action to assure compliance with this Ordinance. All remedies shall be cumulative and may be concurrently pursued.

This Ordinance, 2018-10.

FIRST READ on this 3<sup>rd</sup> day of April, 2018.

SECOND READING and ADOPTED on this 1<sup>st</sup> day of May, 2018.

THE TOWN BOARD HEREBY FINDS, DETERMINES AND DECLARES THAT HAVING A MORATORIUM IS AN EMERGENCY, BECAUSE APPLICATIONS FOR RETAIL MARIJUANA MAY COMMENCE ON MAY 1<sup>st</sup>, 2018. THEREFORE THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON PASSAGE

TOWN OF MOFFAT, COLORADO

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By: Patricia Reigel, Mayor

ATTEST:

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Sarah Van Horn, Town Clerk

## **CERTIFICATION**

I hereby certify that the above Ordinance was introduced, read in full, on April 3, 2018 and then approved and adopted at the regular meeting of the Board of Trustees of the Town of Moffat, Colorado on May 1<sup>st</sup>, 2018, and published by posting at the following locations: Moffat Post Office, Moffat Town Hall and the Mirage Coffee Shop on March 27<sup>th</sup> and April 24<sup>th</sup>, 2018.

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Sarah Van Horn, Town Clerk