

ORDINANCE NO. 1-2010

AN ORDINANCE OF THE TOWN OF CRAWFORD, COLORADO, EXTENDING AND DECLARING A MORATORIUM ON THE GRANTING OF ANY LICENSE, PRIVILEGE, UTILITY TAP, OR OTHER PRIVILEGE TO ALLOW OR FACILITATE THE ESTABLISHMENT AND OPERATION OF BUSINESSES ENGAGED IN THE CULTIVATION AND SALE OF MEDICAL MARIJUANA INCLUDING MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS AND MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING, AND DECLARING AN EMERGENCY.

WHEREAS the Board of Trustees of the Town of Crawford desires to protect and preserve the health, safety, and welfare of its citizens through the implementation of comprehensive legislation regulating the location and operation of business engaged in the cultivation and sale of medical marijuana; and

WHEREAS, the Board of Trustees finds that the possession and sale of marijuana currently violates federal law, and that the proliferation of unregulated medical marijuana centers or dispensaries may have a correlation with criminal activity; and

WHEREAS, the Colorado Medical Marijuana Amendment (Section 14, Article XVIII, of the Colorado Constitution) does not provide constitutional protection for the production and sale of marijuana by retail businesses other than as care-givers for authorized medical marijuana patients as defined by the amendment; and

WHEREAS, the Colorado General Assembly has enacted into law House Bill 1284 establishing a regulatory scheme for the licensing and regulation of medical marijuana centers (sometimes commonly referred to as medical marijuana dispensaries), medical marijuana cultivation operations, and the manufacture of medical marijuana-infused products and expressly authorizing local governments to either prohibit the cultivation, manufacture, and sale of medical marijuana or to adopt reasonable regulations or other restrictions applicable to marijuana centers or dispensaries based on local government zoning, health, safety, and public welfare laws for the distribution of medical marijuana that are more restrictive than the state statute; and

WHEREAS, the Board of Trustees, by its adoption of Ordinance No. 2-2009 on or about December 9, 2009, which ordinance was ratified as an emergency measure by the Board of Trustees on or about December 16, 2009, imposed a moratorium upon the authorization of Town services or privileges, such as water and sewer taps, site development and sign permits, business and sales tax licenses and other municipal privileges, for medical marijuana dispensaries; and

WHEREAS, the Board of Trustees has determined that it is necessary and proper to continue the previous moratorium against medical marijuana dispensaries and to further extend the moratorium to preclude the review and authorization of such Town services and privileges for business activities identified in House Bill 1284 as medical marijuana centers, optional premises medical marijuana cultivation operations, and medical marijuana-infused products manufacturing, all in order to protect and preserve the health, safety, welfare, and economic well-being of the Town of Crawford and its citizenry while appropriate zoning, licensing, and other regulations for medical marijuana are developed and adopted.

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

Section 1. The moratorium upon the authorization of Town services or privileges, such as water and sewer taps, site development and sign permits, business and sales tax licenses, and other municipal privileges which may be necessary for, or facilitate, the operation of businesses commonly known as medical marijuana dispensaries is hereby extended to July 1, 2011, or until the occurrence of further action of the Board of Trustees ending or modifying this moratorium, whichever occurs first.

Section 2. The moratorium referred to in Section 1 is further hereby expressly determined to apply for the same period of time to preclude the authorization of such Town services, licenses, and privileges for business activities identified in House Bill 1284 as medical marijuana centers, optional premises medical marijuana cultivation operations, and medical marijuana-infused products manufacturing.

Section 3. During the moratorium period as extended by this ordinance in the preceding Section 1 of this ordinance, no applications for any such Town services or privileges pertaining to

the establishment and operation of medical marijuana centers (or dispensaries), optional premises medical marijuana cultivation operations, or medical marijuana-infused products manufacturing operations shall be accepted for review or approved by the Town of Crawford.

Section 4. The enumeration of specific activities which are subject to the moratorium established hereinabove shall not be construed to authorize, permit, or acknowledge the legality of any other activity related in any manner to the cultivation of marijuana for medical purposes, or otherwise, within the limits of the Town of Crawford.

Section 5. The provisions of this ordinance are declared to be severable, and if any provision, or the application thereof, to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

Section 6. The Board of Trustees finds and concludes that this moratorium ordinance is necessary for the immediate preservation of the peace, health, welfare, safety and economic well being of the Town of Crawford and that the prospect for the presence or proliferation of medical marijuana dispensaries in an unrestricted or unregulated environment within the Town constitutes an emergency.

APPROVED AND ADOPTED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN THREE-FOURTHS OF THE MEMBERS OF THE BOARD OF TRUSTEES OF THE TOWN OF CRAWFORD, COLORADO, THIS ___ DAY OF JUNE, 2010.

James Crook, Mayor

ATTEST:

Cathy M. Todoverto, Town Clerk

CERTIFICATION

The undersigned, Cathy M. Todoverto, as the Town Clerk of the Town of Crawford, Colorado, does hereby certify that the foregoing is a true and correct copy of Ordinance No. _____ adopted by the Board of Trustees of the Town of Crawford, Colorado, at a regular meeting held on June 2, 2010, and that the same was duly published according to law on June _____, 2010.

Dated this _____ day of _____, 2010.

Cathy M. Todoverto, Town Clerk

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Section 2. The moratorium referred to in Section 1 is further hereby expressly determined to apply for the same period of time to preclude the authorization of such Town services, licenses, and privileges for business services identified in House Bill 1284 as medical marijuana centers, optional premises medical marijuana cultivation operations, and medical marijuana-infused products manufacturing.

Section 3. During the moratorium period as provided by this ordinance in the preceding Section 1 of this ordinance, no applications for any such Town services or privileges pertaining to