



Town of Silverton

ORDINANCE NO. 2013-01

AN EMERGENCY ORDINANCE IMPOSING A TEMPORARY MORATORIUM OF ONE HUNDRED EIGHTY (180) DAYS ON THE PROCESSING AND APPROVAL OF ANY APPLICATION FOR A PERMIT OR LICENSE RELATED TO THE OPERATION OF A BUSINESS THAT SELLS OR PRODUCES RECREATIONAL MARIJUANA PURSUANT TO THE AUTHORITY GRANTED BY AMENDMENT 64 TO THE COLORADO CONSTITUTION; DIRECTING THE PROMPT INVESTIGATION OF THE TOWN'S REGULATORY AUTHORITY OVER SUCH BUSINESSES; AND SETTING DETAILS IN REGARD THERETO.

WHEREAS, the Town of Silverton, in the County of San Juan and State of Colorado (the "Town"), is a statutory authority duly existing under the Constitution and laws of the State of Colorado and its Municipal Code; and

WHEREAS, the members of the Town Board of Trustees (the "Board") have been duly elected and qualified; and

WHEREAS, in the November 2012 general election, the voters of the State of Colorado adopted Amendment 64 to the Colorado Constitution, which authorizes and limits the sale of marijuana for recreational use; and

WHEREAS, the Board is aware that staff has received inquiries from persons who are interested in opening and operating businesses and cooperatives that would offer marijuana for sale or distribution, including the cultivation of marijuana; and

WHEREAS, the Town has no current land use or business regulations explicitly permitting the operation of such business, which are distinguishable from medical marijuana businesses permitted and regulated pursuant to Chapter 10, Article 5 and Chapter 7, Articles 5 and 2 of the Silverton Municipal Code; and

WHEREAS, the Board is aware of impending state legislation that will be considered by the Colorado Legislature during its 2013 legislative session, and that any such legislation may impact the Town's regulatory authority over the sale of recreational marijuana within the jurisdictional limits of the Town; and

WHEREAS, the imposition of a moratorium on the processing and approval of applications for Town permits and licenses relating to the operation of recreational marijuana businesses will allow Town staff, the Town Attorney and the Town Board to investigate the Town's regulatory authority over the sale of recreational marijuana; and

WHEREAS, the Board has determined that one hundred eighty (180) days is a reasonable length of time for the Town to properly investigate the Town's regulatory authority over recreational marijuana-related businesses and consider any state legislation that passes out of the current legislative session; and

WHEREAS, the Board hereby determines that would-be proprietors of recreational marijuana-related businesses will not be unduly prejudiced by the imposition of such a temporary moratorium.

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, COLORADO that:

Section 1. Findings and Intent. The foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Board.

Section 2. Temporary Moratorium. Upon the adoption of this Ordinance, a moratorium is immediately imposed upon the processing and approval by the Town of applications for permits and licenses related to recreational marijuana-related businesses. Town staff is directed to decline to process, review or approve any such applications during the moratorium period.

Section 3. Investigation and Evaluation. During the moratorium, Town staff, working with the Town Attorney, shall investigate and evaluate the regulatory authority of the Town over recreational marijuana-related businesses, including the impact of applicable court rulings and the proposed state and federal legislation, and determine whether the Town should allow such operations within its boundaries, and if so, what regulations should govern the same.

Section 4. Police Power Finding. The Board hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town and the inhabitants thereof.

Section 5. Authority. The Board hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to: (i) the Local Government Land Use Control Enabling

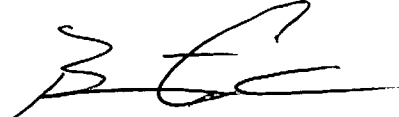
Act, Article 20 of Title 29 C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iii) C.R.S. § 31-15-103, C.R.S. (concerning municipal police powers); (iv) C.R.S. §

31-15-401 (concerning municipal police powers); (iv) C.R.S. § 31-15-501 (concerning municipal power to regulate businesses); and (v) the powers contained in the Town of Silverton Municipal Code.

Section 6. Effective Date; Expiration. As per Town of Silverton Municipal Code Section 2-16-5, the moratorium imposed by this Ordinance shall take effect immediately upon its passage by an affirmative vote of three-fourths (3/4) of the members of the Town Board because the Town Board hereby finds this Ordinance to be a case of special emergency and the immediate effectiveness of this Ordinance is necessary for the preservation of the public peace, health, and safety of the Town and the inhabitants thereof. This ordinance shall expire one hundred eighty (180) days after its effective date, unless repealed prior to that date or extended, if necessary, as determined by the Town Board.

Section 7. Severance Clause. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Board hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

INTRODUCED ADOPTED AND ORDERED PUBLISHED ONCE IN FULL on this 25th day of March, 2013.



Brian Carlson, Clerk-Treasurer



Christine M. Tookey, Mayor