



ORDINANCE NO. 2013-06

AN EMERGENCY ORDINANCE EXTENDING A MORATORIUM 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.

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, on September 23, 2013, the Town Board adopted Ordinance 2013-03, An Emergency Ordinance Establishing a Moratorium on the Permitting and/or Licensing of Recreational Marijuana Businesses; and

WHEREAS, a Citizen Referendum Petition containing sufficient signatures has been received by the Town Clerk; and

WHEREAS, a Referendum Petition containing sufficient signatures suspends an adopted ordinance from taking effect, and compels the Town Board to either repeal the subject ordinance, or to refer the matter to a regular or special election not less than sixty (60) nor more than one hundred fifty (150) days from the Clerk's determination of petition sufficiency; and

WHEREAS, the moratorium established via Emergency Ordinance 2013-03 expires on December 31, 2013, thereby leaving the Town with neither a regulatory framework for, nor a prohibition of, commercial recreational marijuana activities.

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 Retail Marijuana Establishments. 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 Retail Marijuana Establishments, 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



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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 on April 1, 2014 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 16th day of December, 2013.

Brian Carlson, Acting Clerk-Treasurer

Christine M. Tookey, Mayor