

PALMER LAKE, COLORADO

ORDINANCE NO. 1 OF 2010

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF ANY APPLICATION FOR A TOWN OF PALMER LAKE PERMIT OR LICENSE RELATED TO THE OPERATION OF A BUSINESS THAT SELLS AND/OR CULTIVATES MEDICAL MARIJUANA PURSUANT TO THE AUTHORITY GRANTED BY ARTICLE 18, SECTION 14 OF THE COLORADO CONSTITUTION; DIRECTING THE PROMPT INVESTIGATION OF THE TOWN'S REGULATORY AUTHORITY OVER SUCH BUSINESSES; DECLARING THE INTENTION OF THE TOWN BOARD TO CONSIDER THE ADOPTION OF APPROPRIATE TOWN REGULATIONS WITH RESPECT TO SUCH BUSINESSES IF PERMITTED BY LAW; AND DECLARING AN EMERGENCY

WHEREAS, in the November 2000 general election, the voters of the State of Colorado adopted Amendment 20 to the Colorado Constitution ("Article XVIII Section 14") which authorizes and limits the sale of medical marijuana for use in the treatment of debilitating medical conditions; and

WHEREAS, the Town Board has been made aware that staff has received inquiries from persons that are interested in opening and operating businesses that would offer medical marijuana for sale or cultivation; and

WHEREAS, the Town has no current land use or business regulation governing the operation of businesses or cooperatives that offer medical marijuana for sale and/or distribution ("Medical Marijuana Dispensaries") or for the cultivation of medical marijuana; and

WHEREAS, the imposition of a ninety (90) day moratorium on the submission, acceptance, processing, and approval of all applications for Town permits and licenses relating to the operation of Medical Marijuana Dispensaries and medical marijuana cultivation will allow the Town staff and the Town Board to investigate the Town's ability to regulate such businesses, and to develop and implement any appropriate regulations; and

WHEREAS, a ninety day (90) moratorium is a reasonable length of time and no longer than necessary for the Town to properly investigate, develop, and, if appropriate, adopt and implement any regulations with respect to Medical Marijuana Dispensaries and medical marijuana cultivation; and

WHEREAS, proprietors of Medical Marijuana Dispensaries and medical marijuana cultivation will not be unduly prejudiced by the imposition of such moratorium.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF PALMER LAKE, COLORADO, AS FOLLOWS:

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

Section 2. Imposition of Temporary Moratorium on Applications For Permits and Licenses Related to Businesses That Sell Medical Marijuana or Cultivate Medical Marijuana. Upon the adoption of this Ordinance, a moratorium is imposed upon the submission, acceptance, processing, and approval of all applications for permits and licenses by the Town of Palmer Lake related to a Medical Marijuana Dispensary or cultivation of medical marijuana. Town staff and the Town of Palmer Lake Planning Commission are directed to refuse to accept for filing, and not to process or review, any such new applications for such businesses during the moratorium period.

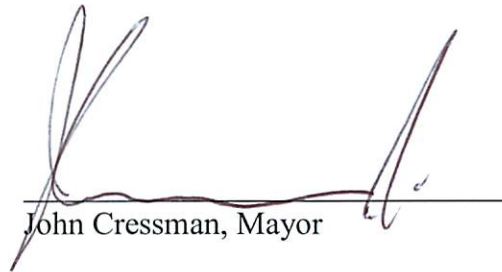
Section 3. Staff To Investigate and Prepare Proposed Regulations. Before the expiration of the moratorium imposed by this Ordinance, the Town staff, working with the Town Attorney, shall prepare appropriate regulations for Medical Marijuana for consideration by the Town Board.

Section 4. Police Power Finding. The Town 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 of Palmer Lake and the inhabitants thereof.

Section 5. Authority. The Town 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) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401, C.R.S. (concerning municipal police powers); and (v) Section 31-15-501 (concerning municipal power to regulate businesses).

Section 6. Emergency declared; Effective date; Expiration. Pursuant to C.R.S. § 31-16-105, the Board finds, determines and declares that passage of this Ordinance is necessary for the immediate preservation of the public health and safety in order to prevent a person from filing an application for a Town permit or license relating to the operation of a Medical Marijuana Dispensary or cultivation of medical marijuana until the Town has had a reasonable opportunity to determine: (i) the extent of the Town's regulatory authority over such businesses; and (ii) what regulations, if any, should be imposed by the Town upon such businesses. Failure to immediately impose the moratorium provided for in this Ordinance will potentially allow acquisition of certain rights with respect to Medical Marijuana Dispensaries or medical marijuana cultivation before the Town has had the reasonable opportunity to consider appropriate regulations therefor. The Town Board further determines that the adoption of this Ordinance as an emergency ordinance is in the best interest of the citizens of the Town of Palmer Lake. This Ordinance shall be effective upon adoption. The moratorium imposed by this Ordinance shall commence as of the date of the adoption of this Ordinance, and shall expire ninety (90) days thereafter, unless repealed prior to that date.

MOVED, SECONDED AND ADOPTED BY THE AFFIRMATIVE VOTE OF THREE-FOURTHS OF THE MEMBERS OF THE TOWN BOARD THIS 21st DAY OF JANUARY, 2010.



John Cressman, Mayor

ATTESTED AND CERTIFIED:



Della Gray, Town Clerk

Approved on single reading as an emergency ordinance pursuant to C.R.S. § 31-16-105 on January 21, 2010.

Published on February 6, 2010.