Town of Silver Plume

ORDINANCE NO. 331

AN ORDINANCE DECLARING A TEMPORARY MORATORIUM ON THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, OR RETAIL MARIJUANA STORES WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF SILVER PLUME PURSUANT TO THE AUTHORITY GRANTED BY ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION; DIRECTING THE PROMPT INVESTIGATION OF THE CITY'S REGULATORY AUTHORITY OVER SUCH BUSINESSES; AND DECLARING THE INTENTION OF THE BOARD OF TRUSTEES TO CONSIDER THE ADOPTION OF APPROPRIATE TOWN REGULATIONS WITH RESPECT TO SUCH BUSINESSES OR PROHIBITION THEREOF; AND DECLARING AN EMERGENCY.

WHEREAS, the Town of Silver Plume (the "Town") is a home rule municipal corporation created and organized pursuant to Article 20 of the Colorado Constitution and the Home Rule Charter of the Town of Silver Plume; and

WHEREAS, pursuant to Article 20 of the Colorado Constitution and Sections 31-15-401 and 31-23-301 of the Colorado Revised Statutes, the Town has broad authority to exercise its police powers to protect the health, safety, and welfare of the community and its citizens; and

WHEREAS, pursuant to Section 31-23-301, C.R.S., such police powers include the power to regulate the location and use of land within the community for trade, industry, or other purposes; and

WHEREAS, on November 6, 2012 the voters of the State of Colorado approved Amendment 64, which adds a new Section 16 to Article XVIII of the Colorado Constitution and creates a limited exception from criminal liability under Colorado law (as opposed to federal law) for the operation of marijuana cultivation facilities, marijuana manufacturing facilities, marijuana testing facilities or retail marijuana stores (referred to collectively herein as "marijuana establishments"), unless prohibited by a local government, and to operate in a system of licensed establishments regulated by state and local governments; and

WHEREAS, the Colorado Department of Revenue Marijuana Enforcement Division has adopted licensing regulations implementing Section 16 of Article XVIII of the Colorado Constitution; and

WHEREAS, the Board of Trustees of the Town of Silver Plume (the "Board of Trustees") finds that implementation and enforcement of local regulations for marijuana establishments by the Town is not feasible at this time due to the Town's limited resources and staff; and

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

WHEREAS, the Board of Trustees desires to protect the health, safety, welfare and economic well-being of the Town and its citizens either through prohibiting marijuana establishments within the municipal boundaries of the Town or regulating marijuana establishments through comprehensive local regulations pursuant to Section 16 of Article XVIII of the Colorado Constitution, and the related provisions; and

WHEREAS, the Board of Trustees hereby determines that it is necessary to impose a temporary moratorium on the submission, acceptance, processing and approval of all applications for Town permits and licenses relating to marijuana establishments within the municipal boundaries of the Town to allow the Town to investigate the Town's desire and ability to regulate marijuana establishments and to develop and implement regulations, or to prohibit marijuana establishments; and

WHEREAS, the Board of Trustees hereby determines that a twelve month moratorium is a moratorium of reasonable length of time for the Town to properly investigate and, if appropriate, adopt and implement any regulations with respect to marijuana establishments, or prohibit them; and

WHEREAS, the Board of Trustees finds that currently there are no persons or entities seeking application for Town services such as water taps, site development, sign permits, licenses, or other permits or authorizations in connection with marijuana establishments.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVER PLUME, COLORADO:

Section 1: **Twelve-month Moratorium Imposed.** Upon the adoption of this Ordinance a twelve-month moratorium is imposed upon the submission, acceptance, processing and approval of all applications for permits and licenses related to the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores within the municipal boundaries of the Town of Silver Plume, including but not limited to applications for water taps, sales and use tax, amendments to the official zoning map of the Town of Silver Plume, site development, liquor license, sign permit, or building permit.

Section 2: **Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

DATED: September _____, 2013
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Jodi Candlin
Town Clerk