

ORDINANCE NO. 5
(Series 2009)

AN ORDINANCE OF THE TOWN OF LAKE CITY, COLORADO, DECLARING A MORATORIUM ON THE ISSUANCE OR GRANTING OF ANY LICENSE, PRIVILEGE, UTILITY TAP, OR OTHER PRIVILEGE TO ALLOW OR FACILITATE THE ESTABLISHMENT AND OPERATION OF DISPENSARIES OF MEDICAL MARIJUANA WITHIN THE TOWN OF LAKE CITY, COLORADO, PENDING ADOPTION OF APPROPRIATE REGULATIONS FOR THE LICENSING AND CONTROL OF SUCH ACTIVITIES, AND DECLARING AN EMERGENCY.

WHEREAS the Board of Trustees of the Town of Lake City 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 medical marijuana dispensaries; and

WHEREAS, the Trustees find that the possession and sale of marijuana currently violates federal law, and that the proliferation of unregulated medical marijuana dispensaries may have a correlation with criminal activity, and that the Colorado Medical Marijuana Amendment, and related statutes and regulations, are silent on the issue of regulating dispensaries of medically prescribed marijuana; and

WHEREAS, the Trustees find that one medical marijuana dispensary is presently operating in the Town of Lake City; and

WHEREAS, the Trustees hereby determine that it is necessary to impose a temporary moratorium on the review and authorization of Town services or privileges, such as water and sewer taps, site development and sign permits, business and sales tax licenses etc., for medical marijuana dispensaries in order to protect and preserve the health, safety, welfare, and economic well-being of the Town of Lake City and its citizenry while appropriate zoning, licensing and other regulations are considered and developed.

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

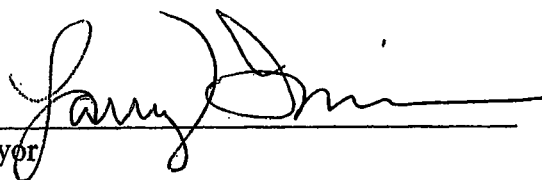
Section 1. A moratorium period is hereby declared from the effective date of this Ordinance through and including June 30, 2010, or until the occurrence of further action of the Board of Trustees ending or modifying this moratorium, whichever occurs first.

Section 2. During the moratorium period specified in the preceding Section 1 of this ordinance, no applications pertaining to the establishment and operation of medical marijuana dispensaries shall be accepted for review by the Town of Lake City, Colorado, said applications being deemed to include those for water or sewer taps, sales and use tax licenses, business operation licenses, sign permits or building and development permits.

Section 3. 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 4. 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 Lake City 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.

INTRODUCED, READ AND ADOPTED by majority vote of the Board of Trustees of the Town of Lake City, Colorado, this 30th day of December, 2009.



Mayor

ATTEST:



Town Clerk