

TOWN OF LAKE CITY, COLORADO
ORDINANCE NO. 3 2013

**AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM REGARDING
THE ESTABLISHMENT OF ANY RETAIL MARIJUANA FACILITY**

WHEREAS, on November 6, 2012, Colorado voters passed Amendment 64 which provides for persons 21 years of age or older to legally consume or possess one ounce or less of marijuana without a doctor's recommendation, and for retail marijuana sales to be taxed and licensed; and

WHEREAS, the Colorado Legislature passed House Bill 13-1317 addressing the state level regulations of retail marijuana; and

WHEREAS, marijuana possession and use remain contrary to federal law; it is unknown at present as to what the federal government may do in response to the passage of Amendment 64 and House Bill 13-1317; and

WHEREAS, the Colorado Department of Revenue issued emergency regulations for retail marijuana stores on July 1, 2013; and

WHEREAS, Amendment 64 and House Bill 13-1317 allow for possible future prohibition or regulation of retail marijuana businesses by the Town.

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

SECTION 1. INCORPORATION OF RECITALS

The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Board of Trustees.

SECTION 2. MORATORIUM

1. Upon the adoption of this Ordinance, a temporary moratorium is hereby imposed on the establishment of retail marijuana establishment, (as defined by House Bill 13-1317) within the Town of Lake City during the term of this moratorium. The term of this moratorium shall be from the effective date of this Ordinance to December 4, 2014. This moratorium is intended to allow time for the following: resolution of any challenges to Amendment 64; determination by the Board of Trustees whether to develop local regulations pertaining to retail marijuana zoning, cultivation, distribution, sale and/or consumption, ban retail marijuana

establishments, and, or place a question regarding retail marijuana establishments on the ballot during the general election in November 2014.

2. The duration of the moratorium imposed by this Ordinance is reasonable in length, extending one month after the general election in November 2014 during which the Town may submit a question to the electors of the Town of Lake City regarding retail marijuana establishments. This moratorium may be shortened or extended by the Board of Trustees in its discretion should it find good cause to do so.
3. The Board of Trustees further determines that the adoption of this Ordinance is in the best interests and necessary to protect the health, safety and welfare of the citizens of the Town of Lake City.
4. The Town also hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to, the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S., Section 31-15-401, C.R.S. (concerning municipal police powers), and Section 31-15-501 (concerning municipal power to regulate businesses); Amendment 64 and House Bill 13-1317.

INTRODUCED AND APPROVED by the Board of Trustees of the Town of Lake City, Colorado on this 21st day of August, 2013.

TOWN OF LAKE CITY, COLORADO

By Bruce Vierheller
Bruce Vierheller, Mayor

CERTIFICATE OF ATTESTATION

I, Cindy Nelson, Town Clerk, hereby certify that Ordinance No. 2013-3, was introduced and adopted by the Board of Trustees of the Town of Lake City at the regular meeting on the 21st day of August, 2013. Said Ordinance was published in the (newspaper name), as required by law.

Cindy Nelson
Cindy Nelson, Town Clerk