

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER STITES
Council Bill No. 06
Ordinance No. 1533
Series 2013

TITLE: AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF APPLICATIONS FOR A PERMIT OR LICENSE FOR ANY MARIJUANA ESTABLISHMENT OR MARIJUANA CLUB AND DECLARING AN EMERGENCY

WHEREAS, the City of Wheat Ridge is a home rule municipality operating under a charter adopted pursuant to Article XX of the Colorado Constitution and vested with the authority by that article and the Colorado Revised Statutes to adopt ordinances for the regulation of land use and the protection of the public health, safety and welfare; and

WHEREAS, on November 6, 2012, the voters of the State of Colorado approved Amendment 64 to the Colorado Constitution ("Amendment 64") regarding the personal use and regulation of marijuana; and

WHEREAS, Amendment 64 permits persons twenty-one years of age or older to possess, use, display, purchase and distribute without remuneration one ounce or less of marijuana, and to grow, process and transport marijuana plants; and

WHEREAS, Amendment 64 also contemplates the retail production and sale of marijuana ("marijuana establishments"), and establishes a time schedule under which such establishments may be established and regulated by the state and/or local governments; and

WHEREAS, the Colorado General Assembly will likely adopt statutes to implement the provisions in Amendment 64 and address related matters during the 2013 legislative session; and

WHEREAS, state regulation of marijuana establishments is also dependent upon the Colorado Department of Revenue adopting regulations for such establishments prior to July 1, 2013; and

WHEREAS, if the Colorado Department of Revenue fails to adopt regulations by July 1, 2013 or fails to begin accepting applications for marijuana establishments by October 1, 2013, local governments may establish their own regulations for the same, including restrictions on the time, place, manner and number of such establishments; and

WHEREAS, Amendment 64 permits local governments to prohibit marijuana establishments at any time by ordinance, or by election on and after November 4, 2014; and

WHEREAS, relying on the authority in Amendment 64 for individual adult consumption of one ounce or less of marijuana, establishments ("marijuana clubs") have been created in other municipalities for the purpose of allowing members or guests to consume marijuana or marijuana products on site; and

WHEREAS, the City Council has been made aware that staff has received inquiries from persons that are interested in opening and operating such clubs in the City; and

WHEREAS, if marijuana establishments or marijuana clubs were allowed to be established and operate in the City without appropriate regulation, they may be located in areas or under conditions that would conflict with the City's land use code, and may be inconsistent with surrounding uses or otherwise be detrimental to the public health, safety and welfare; and

WHEREAS, the imposition of a moratorium to and through November 1, 2013, on the submission, acceptance, processing, and approval of all applications for City permits and licenses concerning the operation of marijuana establishments or marijuana clubs is reasonable and will allow the City to develop appropriate policies and, if needed, regulations concerning the same.

THE COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO, ORDAINS:

Section 1. Findings. The foregoing findings are incorporated herein by reference.

Section 2. Temporary Moratorium. A moratorium is hereby imposed on the submission, acceptance, processing, and approval of any application for a City permit or license to operate a marijuana establishment or marijuana club under any basis, including Article XVIII Section 16 of the Colorado Constitution or any provision of the Wheat Ridge City Code of Laws. The City staff is directed to refuse to accept for filing, and not to process or review any application for such establishments or clubs during the moratorium period.

Section 3. Duration. The moratorium imposed by this ordinance shall commence as of the date of adoption of this ordinance, and shall expire ninety (90) days thereafter as permitted by Charter Section 5.15, unless sooner extended or repealed.

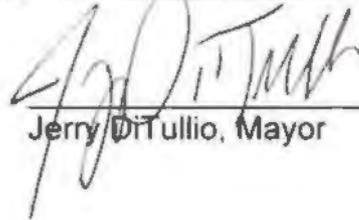
Section 4. Staff to Investigate and Prepare Proposed Regulations. Before the expiration of the moratorium imposed by this ordinance, City staff shall investigate, review and analyze potential new City regulations for marijuana establishments, marijuana clubs, and/or the prohibition thereof. Such investigation, review and analysis

shall be submitted to the City Council for consideration. The City Council declares that it will give due and timely consideration to those recommendations.

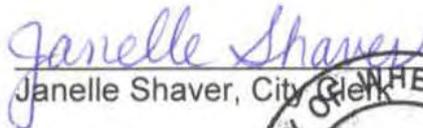
Emergency Declared; Effective Date. Pursuant to Section 5.13 of the Wheat Ridge Home Rule Charter, the City Council hereby finds, determines and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public property, health, welfare, peace or safety for the following reasons: to prevent the establishment of marijuana establishments or marijuana clubs before the City has had a reasonable opportunity to review and analyze potential new City regulations for the same. Failure to immediately impose this moratorium may allow for the establishment of such establishments or clubs in a manner that would be inconsistent with the City's zoning code, and which would negatively impact the City and the health, safety and welfare of its citizens. This ordinance shall be effective immediately upon its adoption.

INTRODUCED, READ, AND ADOPTED and ordered published by a vote of 5 to 0 on this 11th day of March, 2013.

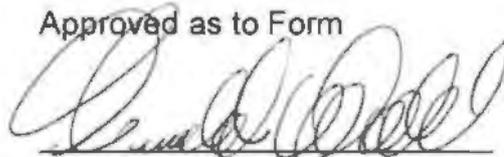
SIGNED by the Mayor on this 11th day of March, 2013.


Jerry DiTullio, Mayor

ATTEST:


Janelle Shaver, City Clerk



Approved as to Form

Gerald E. Dahl, City Attorney

Approved on single reading as an emergency ordinance pursuant to Section 5.13 of the Charter on March 11, 2013

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