

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER LANGWORTHY
Ordinance No. 1546

Series 2014

TITLE: AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF APPLICATIONS FOR A LAND USE APPROVAL, PERMIT OR LICENSE FOR ANY MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER, RETAIL MARIJUANA PRODUCTS MANUFACTURER OR RETAIL MARIJUANA TESTING FACILITY AND DECLARING AN EMERGENCY

WHEREAS, the City of Wheat Ridge ("City") 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, pursuant to the authority granted by Section 14, Article XVIII of the Colorado Constitution and the Colorado Medical Marijuana Code, Article 43.3, Title 12, C.R.S., the Wheat Ridge City Council ("Council") previously adopted local regulations governing medical marijuana establishments; and

WHEREAS, pursuant to the authority granted by Section 16, Article XVIII of the Colorado Constitution and the Colorado Retail Marijuana Code, Article 43.4, Title 12, C.R.S., the Council previously adopted local regulations governing retail marijuana establishments; and

WHEREAS, pursuant to such local regulations, medical marijuana-infused products manufacturers, retail marijuana products manufacturers and retail marijuana testing facilities may locate within the City upon satisfaction of all state and local requirements applicable to each type of establishment, respectively; and

WHEREAS, based on its experience in administering the City's local regulations applicable to manufacturers and testing facilities, City staff has recommended that the Council evaluate the appropriateness of such regulations, particularly in regard to locational requirements, potential land use impacts and zoning issues generally; and

WHEREAS, the Council finds that such an evaluation is desirable and appropriate in order to ensure that manufacturers and testing facilities are located only in locations that are consistent with the intent and purpose of the City's comprehensive plans, land use code, compatible with surrounding uses and otherwise in furtherance of the public health, safety and welfare; and

WHEREAS, the Council further finds that it is necessary to impose a temporary moratorium on the submission, acceptance, processing, and approval of applications for

any land use approval, permit or license for medical marijuana-infused products manufacturers, retail marijuana products manufacturers and retail marijuana testing facilities while the Council conducts its review of current regulations governing the same in order to prevent the location of any such establishment that is contrary to the City's comprehensive plans, land use code, incompatible with surrounding uses or otherwise detrimental to the public health, safety and welfare; and

WHEREAS, the imposition of a ninety (90) day moratorium on the submission, acceptance, processing, and approval of all applications for City land use approvals, permits and licenses concerning the operation of medical marijuana-infused products manufacturers, retail marijuana products manufacturers and retail marijuana testing facilities is reasonable and will allow the Council to review, evaluate and amend, if needed, its regulations concerning the same.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Findings. The above and foregoing findings are hereby incorporated by this reference as specific findings and determinations of the Council.

Section 2. Temporary Moratorium. A temporary moratorium is hereby imposed on the submission, acceptance, processing, and approval of any application for a City land use approval, permit or license for any medical marijuana-infused products manufacturer, retail marijuana products manufacturer or retail marijuana testing facility. The City staff is directed to refuse to accept for filing, and not to further process or review any pending application for such establishments during the moratorium period.

Section 3. Exemption for Pending Applications. This ordinance shall not apply to the processing and final action by the City upon any application for a City land use approval, permit or license for any marijuana-infused products manufacturer or retail marijuana testing facility, which application has been received by the City prior to 5:00 p.m. on April 28, 2014. Such applications shall be processed and acted upon pursuant to the City regulations in effect as of the effective date of this ordinance.

Section 4. Duration. The moratorium imposed by this ordinance shall commence as of the date of adoption of this ordinance and shall expire on the ninety-first (91st) day thereafter.

Section 5. Staff to Investigate and Prepare Proposed Regulations. Before the expiration of the moratorium imposed by this ordinance, City staff shall review and analyze the City's existing regulations governing medical marijuana-infused products manufacturers, retail marijuana products manufacturers and retail marijuana testing facilities in relation to locational requirements, potential land use impacts and zoning issues generally. Staff is further directed to investigate and evaluate potential new City regulations concerning the same. This review, investigation and analysis shall be

presented to the Council for consideration. The Council declares that it will give due and timely consideration to those recommendations.

Section 6. 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 in order to prevent the future location of manufacturing and testing facilities in the City at locations that may be inconsistent with the intent and purpose of the City's comprehensive plans, land use code, incompatible with surrounding uses or otherwise detrimental to the public health, safety and welfare, while the Council undertakes an evaluation of the City's existing regulations concerning the same. The Council finds that the moratorium enacted hereby is reasonable in duration and does not work an undue hardship on current or future applicants that may be affected hereby. This ordinance shall be effective immediately upon its adoption.


INTRODUCED, READ, AND ADOPTED AS AN EMERGENCY MEASURE on first reading by a vote of 6 to 1 on this 28th day of April, 2014, and ordered published in full in a newspaper of general circulation in the City of Wheat Ridge within ten (10) days after passage, or as soon thereafter as possible.


SIGNED by the Mayor on this 28th day of April, 2014.




Joyce Jay, Mayor

ATTEST:


Janelle Shaver, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

Publication: May 1, 2014
Wheat Ridge Transcript
Effective Date: April 28, 2014