

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER LANGWORTHY
Council Bill No. 31
Ordinance No. 1457

Series 2009

TITLE: AN ORDINANCE EXTENDING THE MORATORIUM ENACTED BY SECTION 2 OF ORDINANCE 1453, SERIES 2009 ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF ANY APPLICATION FOR A CITY OF WHEAT RIDGE PERMIT OR LICENSE RELATED TO THE OPERATION OF A BUSINESS OR COOPERATIVE THAT SELLS OR CULTIVATES MEDICAL MARIJUANA PURSUANT TO THE AUTHORITY GRANTED BY ARTICLE XVIII, SECTION 14 OF THE COLORADO CONSTITUTION

WHEREAS, on September 14, 2009 City Council for the City of Wheat Ridge, Colorado ("the Council") adopted Ordinance 1453, Series 2009, which Ordinance enacted a ninety (90) day moratorium on the submission, acceptance, processing, and approval of all applications for City permits and licenses relating to the operation of businesses or cooperatives that sell or cultivate marijuana in accordance with Article XVIII, Section 14 of the Colorado Constitution ("Medical Marijuana Dispensaries"); and

WHEREAS, the moratorium will expire on December 13, 2009; and

WHEREAS, one purpose of the moratorium was to provide the City staff and City Council with sufficient time to investigate, develop, and if appropriate, adopt and implement regulations with respect to Medical Marijuana Dispensaries; and

WHEREAS, City Council has been made aware that state officials are considering how to appropriately regulate or limit the operation of Medical Marijuana Dispensaries on a state-wide basis; and

WHEREAS, such regulation will likely impact any regulations adopted by the City concerning Medical Marijuana Dispensaries; and

WHEREAS, extending the moratorium enacted by Ordinance 1453 for an additional ninety (90) days from its original expiration will allow City staff and City Council additional time to investigate the City's ability to regulate Medical Marijuana Dispensaries, and to develop and implement any appropriate regulations consistent with state law; and

WHEREAS, proprietors of Medical Marijuana Dispensaries will not be unduly prejudiced by the imposition of such moratorium.

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

Section 1. Findings and Intent. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the City Council of the City of Wheat Ridge.

Section 2. Extension of Moratorium on Applications For Permits and Licenses Related to Businesses That Cultivate and/or Sell Medical Marijuana. Upon the adoption of this Ordinance, the moratorium imposed in Section 2 of Ordinance 1453, Series 2009 shall be extended ninety (90) days from its original expiration, to expire on March 13, 2010. The City staff is directed to continue refusing to accept for filing, and not to process or review, any new applications for Medical Marijuana Dispensaries during the moratorium period.

Section 3. Authority. The City Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401, C.R.S. (concerning municipal police powers); (v) Section 31-15-501, C.R.S. (concerning municipal power to regulate businesses); (vi) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (vii) the powers contained in the City of Wheat Ridge, Colorado Home Rule Charter (the "Charter").

Section 4. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 5. Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances, parts of ordinances or codes adopted thereby in conflict with the provisions of this ordinance or the code or ordinance adopted hereby are hereby repealed.

Section 6. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided in Section 5.11 of the Charter.

Section 7.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 7-1 on this 26th day of October, 2009, ordered published in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for Monday, November 23, 2009, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

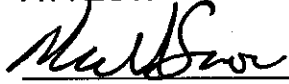
READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 1, this 23rd day of November, 2009.

SIGNED by the Mayor on this 24th day of November, 2009.



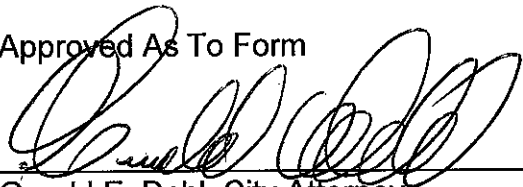
Jerry DiTullio, Mayor

ATTEST:



Michael Snow, City Clerk

Approved As To Form



Gerald E. Dahl, City Attorney

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www.ci.wheatridge.co.us

Effective Date: December 11, 2009