

ORDINANCE 540 SERIES 2019

AN EMERGENCY ORDINANCE PROHIBITING THE CONSIDERATION AND ISSUANCE OF LOCAL APPROVAL FOR MEDICAL MARIJUANA CENTERS, INFUSED PRODUCTS AND CULTIVATION OPERATION, AND/OR RETAIL MARIJUANA, RETAIL SALES, CULTIVATION, TESTING FACILITIES SUNSETING DECEMBER 31, 2020

WHEREAS, The State of Colorado has previously enacted legislation and rules and regulations regarding Retail Marijuana Establishments and regarding the licensure and regulation of Medical Marijuana Centers; and,

WHEREAS, State legislation, rules and regulations regarding retail and medical marijuana have been enacted; and,

WHEREAS, the town of Dolores previously enacted Ordinance 526 which declared a prohibition on the issuance of local licenses or local approval of State licenses for Medical marijuana Centers, infused products and cultivation operation and/or retail marijuana, retail sales, cultivation, testing facilities and marijuana products manufacturing facilities.

WHEREAS Ordinance 526 sunsets December 31, 2019 in less than 22 days;

WHEREAS Colo. Rev. Stat. § 44-10-104 and section 16 (5)(f) of article XVIII the Colorado Constitution permit a majority of trustees to enact an Ordinance prohibiting the issuance of local licenses or local approval of State licenses for Medical marijuana Centers, infused products and cultivation operation and/or retail marijuana, retail sales, cultivation, testing facilities and marijuana products manufacturing facilities.

WHEREAS the Trustees of the town of Dolores recently tied in a vote to refer the issue of marijuana sales to the voters of the Town of Dolores and likewise tied in a vote to extend moratorium beyond December 31, 2019. However, in light of additional information and upon further consideration of the issue, the Trustees wish to extend the temporary moratorium.

WHEREAS, the town of Dolores has limited resources at this time to enable it to adequately regulate medical and retail marijuana commercial operation, the current Land Use Code is inadequate to regulate the location of such businesses, and no regulatory framework is in place, and

WHEREAS, adoption of this ordinance as an emergency measure is necessary in order that the ordinance will take immediate effect and preclude the operation of medical and retail marijuana establishments of any kind in the Town of Dolores in violation of the provision of Amendment 64 and applicable law; and

WHEREAS, the Town of Dolores Board of Trustees finds it necessary to the public health, safety, and welfare to adopt this emergency ordinance imposing a moratorium on the operation of medical and retail marijuana establishments of any kind pending further study and

possible adoption of ordinances and regulations relating to the operation and licensing of marijuana establishments by the Board of Trustees.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF DOLORES BOARD OF TRUSTEES OF DOLORES, COLORADO**

Section 1. During the effective term of this emergency ordinance no person shall operate a medical or retail marijuana, cultivation operations, or infused products establishment of any kind, as defined in Amendment 64, Article 10, Title 44 of the Colorado Revised Statutes and other applicable Colorado law and regulation, within the limits of the Town of Dolores. No town of Dolores personnel shall accept or process an application for sales tax license, land use approval, building permit, or any other license or permit relation to the operation of a marijuana establishment of any kind.

Section 2. All ordinances heretofore passed and adopted by the Town of Dolores Board of Trustees are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith including the section on Medical marijuana under Schedule of Use Regulations founder under ARTICLE III, SECTION C(1) of the Land Use Code.

Section 3. This ordinance shall take effect immediately upon passage, and shall terminate on December 31, 2020, unless otherwise earlier terminated or extended by further ordinance or resolution of the Board of Trustees. The Town of Dolores Board of Trustees hereby find, determines and declares this ordinance is necessary for immediate preservation of the health, safety and welfare of its citizens.

APPROVED AND AUTHORIZED FOR SIGNATURE by the Mayor of the Town of Dolores, Dolores, Colorado in a public meeting on December 9, 2019.

DOLORES BOARD OF TRUSTEES:

By: *Chris White*



Attest:

By: *Heely*