

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 89, SERIES 2010**

AN ORDINANCE CONTINUING THE IMPOSITION OF THE TEMPORARY MORATORIUM ON THE SUBMISSION ACCEPTANCE, PROCESSING, AND APPROVAL OF ANY APPLICATION FOR A TOWN OF TIMNATH PERMIT OR LICENSE RELATED TO A MEDICAL MARIJUANA DISPENSARY PURSUANT TO THE AUTHORITY GRANTED BY ARTICLE 18, SECTION 14 OF THE COLORADO CONSTITUTION; DIRECTING THE PROMPT INVESTIGATION OF THE TOWN'S REGULATORY AUTHORITY OVER SUCH BUSINESSES; DECLARING THE INTENTION OF THE TOWN COUNCIL TO CONSIDER THE ADOPTION OF APPROPRIATE TOWN REGULATIONS WITH RESPECT TO SUCH BUSINESSES IF PERMITTED BY LAW

WHEREAS, in the November 2000 general election, the voters of the State of Colorado adopted Amendment 20 to the Colorado Constitution ("Article XVIII Section 14") which authorizes and limits the sale of medical marijuana for use in the treatment of debilitating medical conditions; and

WHEREAS, the Town Council has been made aware that there appears to be a proliferation of businesses wishing to cultivate medical marijuana and/or provide it to those who qualify under state law; and

WHEREAS, the Town has no current land use or business regulation governing the operation of businesses or cooperatives that cultivate and/or offer medical marijuana for sale and/or distribution ("Medical Marijuana Dispensaries"); and

WHEREAS, on September 16, 2009, the Town Council adopted Ordinance No. 78, Series 2009, imposing a temporary moratorium on the submission, acceptance, processing, and approval of all applications for Town permits and licenses relating to the operation of Medical Marijuana Dispensaries in order to allow the Town staff and the Town Council to investigate the Town's ability to regulate such businesses, and to develop and implement any appropriate regulations; and

WHEREAS, since that time, Town staff has been required to focus on a number of unexpected issues, including the construction accident that resulted in an explosion at a local church, as well as the project to rewrite the Town's land use code, which is now expected to be completed sometime over the next one hundred and eighty (180) days; and

WHEREAS, the Town is also engaged in the process of hiring a full time Town Attorney, who the Town would like to review and provide input into this process, and it is expected that a new Town Attorney will be retained sometime in the next three months; and

WHEREAS, extending the imposition for an additional one hundred and eighty (180) day moratorium on the submission, acceptance, processing, and approval of all applications for Town permits and licenses relating to the operation of Medical Marijuana Dispensaries will allow the Town staff and the Town Council to further investigate the Town's ability to regulate such businesses, and to develop and implement any appropriate regulations, and do so with the input of a new Town Attorney after completion and in conjunction with the Town's revised land use code; and

**RECEPTION#: 20100012554, 03/05/2010 at
10:21:49 AM,
1 OF 3, R \$16.00 TD Pgs: 0
Scott Doyle, Larimer County, CO**

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Please Return to:
Town of Timnath
4800 Goodman Street
Timnath, CO 80547

WHEREAS, continuing the one hundred and eighty (180) day moratorium is a reasonable length of time and no longer than necessary for the Town to properly investigate, develop, and, if appropriate, adopt and implement any regulations with respect to Medical Marijuana Dispensaries; and

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

NOW THEREFORE, THE COUNCIL OF THE TOWN OF TIMNATH, COLORADO, ORDAINS:

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

Section 2. Imposition of Temporary Moratorium on Applications For Permits and Licenses Related to Businesses That Sell Medical Marijuana. Upon the adoption of this Ordinance a moratorium is imposed upon the submission, acceptance, processing, and approval of all applications for permits and licenses by the Town of Timnath related to a Medical Marijuana Dispensary. The Town staff is directed to refuse to accept for filing, and not to process or review, any such new applications for such businesses during the moratorium period.

Section 3. Staff To Investigate and Prepare Proposed Regulations. Before the expiration of the continued moratorium imposed by this Ordinance the Town staff, working with the Town Attorney, shall prepare appropriate regulations for Medical Marijuana for consideration by the Town Council

Section 4. Police Power Finding. The Town Council hereby finds, determines, and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Timnath and the inhabitants thereof.

Section 5. Authority. The Town 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 (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 Town of Timnath, Colorado Home Rule Charter (the "Charter").

Section 6. Effective Date. This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON FEBRUARY 3, 2010, AND SET FOR PUBLIC HEARING AND SECOND READING AT 7:00 P.M. ON FEBRUARY 17, 2010 AT THE TIMNATH TOWN HALL, 4100 MAIN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 17TH DAY OF FEBRUARY, 2010.

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MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON FEBRUARY 17, 2010.

TOWN OF TIMNATH, COLORADO



Donna Benson, Mayor

ATTEST:

By: 

Milissa McGuire, Town Clerk

