

TOWN OF RICO
ORDINANCE NO. 2014-2

AN ORDINANCE OF THE TOWN OF RICO, COLORADO EXTENDING THE MORATORIUM PROHIBITING ALL MARIJUANA ESTABLISHMENTS WITHIN THE TOWN OF RICO UNTIL JANUARY 15, 2015 TO ALLOW THE CITIZENS OF RICO THE OPPORTUNITY TO VOTE ON THE ISSUE OF LEGALIZING MARIJUANA ESTABLISHMENTS AT THE UPCOMING NOVEMBER 2014 GENERAL ELECTION AND TO FURTHER ALLOW THE TOWN ADEQUATE TIME TO IMPLEMENT A REGULATORY SCHEME IF MARIJUANA ESTABLISHMENTS ARE SO LEGALIZED BY THE ELECTORATE

WHEREAS, on November 6, 2012 the voters of the State of Colorado approved Amendment 64. Amendment 64 added Section 16 of Article XVIII to the Colorado Constitution, and created a limited exception from criminal liability under Colorado law for the cultivating, manufacturing, and testing of marijuana or marijuana products and retail stores selling marijuana or marijuana products, unless prohibited by a local government;

WHEREAS, Amendment 64 allows local governments to adopt licensing procedures and regulations governing certain aspects of the operation of marijuana establishments. The Amendment further allows for local governments to prohibit the operation of marijuana establishments by the adoption of an ordinance or by an initiated or referred measure placed before the qualified voters of the Town of Rico;

WHEREAS, the Board of Trustees of the Town of Rico has determined that it will place the issue of prohibiting or allowing the operation of marijuana establishments within the Town to a vote of the electorate in Rico's upcoming general election in November 2014;

WHEREAS, until the general election, the Board of Trustees believes that the current moratorium on the operation of marijuana establishments should be extended until January 15, 2015, so that Rico voters have the opportunity to decide the best option for the Town;

WHEREAS, the Board further declares that it would be in Rico's best interest to regulate marijuana establishments at the local level if the voters determine to allow such establishments. Therefore, additional time is needed beyond the November 2014 election to establish a local regulatory framework for such establishments, including permitting fees, zoning standards and other important issues;

WHEREAS, this ordinance to extend the existing moratorium is enacted by emergency measure in order that this extension will take immediate effect and will preclude the operation of marijuana establishments until such time as Rico voters may decide this important issue at the upcoming general election.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO AS FOLLOWS:

Section 1. The existing moratorium on all marijuana establishments within the Town of Rico is hereby extended until January 15, 2015 to allow for the referral of a question to the voters of the Town of Rico at the general election in November 2014 of whether to allow or prohibit such establishments, and to further allow additional time for the Town to establish a local regulatory framework for these establishments should they be so authorized by the electorate.

Section 2. During the period this Ordinance remains in effect, Town staff shall monitor the State's regulatory efforts and research the applicable legal and land use issues connected to the regulation of marijuana establishments and shall eventually propose a regulatory scheme to the Board of Trustees for review, to include the establishment of a local permitting fee and possibly a local tax to be included in the November ballot issues. Such research may include referral of draft regulations to the Planning Commission for review of any proposed zoning changes, consistent with the Rico Land Use Code and Master Plan.

Section 3. Severability. If any part, section, subsection, clause, phrase or other portion of this Ordinance is invalidated for any reason, by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Declaration of an Emergency. The Board of Trustees further declares an Emergency in order to protect the health, safety and welfare of the Town's citizens and to allow for an immediate extension of the Town's existing moratorium on marijuana establishments.

Section 5. Effective/Expiration Dates. This Ordinance shall become effective upon adoption. This Ordinance may be repealed by the Board of Trustees but shall otherwise remain in effect until its expiration date of January 15, 2015.

READ, PASSED AND ADOPTED BY THE RICO BOARD OF TRUSTEES AS AN EMERGENCY ORDINANCE THIS 21st DAY OF MAY, 2014.



Gregg Anderson,
Mayor

ATTEST: 
Linda Yellowman, Town Clerk