

**TOWN OF SILT
ORDINANCE NO. 11
SERIES OF 2020**

AN ORDINANCE EXTENDING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF ANY APPLICATION FOR A TOWN OF SILT PERMIT OR LICENSE RELATED TO A MEDICAL MARIJUANA DISPENSARY OR A RETAIL MARIJUANA DISPENSARY PURSUANT TO THE AUTHORITY GRANTED BY ARTICLE XVIII, SECTION 14 AND ARTICLE XVIII, SECTION 16, RESPECTIVELY, OF THE COLORADO CONSTITUTION; DECLARING THE INTENTION OF THE TOWN BOARD TO CONSIDER THE ADOPTION OF APPROPRIATE TOWN REGULATIONS WITH RESPECT TO SUCH BUSINESSES; AND DECLARING AN EMERGENCY

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;

WHEREAS, in the November 2012 general election, the voters of the State of Colorado adopted Amendment 64 to the Colorado Constitution (“Article XVIII Section 16”), which authorizes and limits the sale of retail marijuana; and

WHEREAS, the Town Board is concerned that there would be a proliferation of marijuana dispensaries in the Town, under the current land use code regulating and governing the licensing of these businesses; and

WHEREAS, the Town Board of Trustees passed Ordinance No. 1, Series of 2020 that enacted a moratorium for a period of one hundred and eighty (180) day on the submission, acceptance, processing, and approval of all applications for Town permits and licenses related to the operation of Medical Marijuana Dispensaries and Retail Marijuana Dispensaries

WHEREAS, the Town continues to examine and study the current regulations, zoning criteria, and zone districts, to determine whether such regulations should be amended further; and

WHEREAS, an extension of the moratorium for an additional one hundred and eighty (180) day period 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 Retail Marijuana Dispensaries; and

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

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILT, COLORADO, THE FOLLOWING:

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

Section 2. Imposition of Temporary Moratorium on Applications for New Permits and Licenses Related to Businesses That Sell Medical Marijuana and Retail Marijuana. Upon the adoption of this Ordinance, the moratorium adopted by Ordinance No. 1 of Series 2020 is extended and applies to the submission, acceptance, processing, and approval of all applications for permits and licenses by the Town of Silt, related to a new Medical Marijuana Dispensary or a new Retail Marijuana Dispensary. The Town staff is directed to refuse to accept for filing, and not to process or review, any such applications for new businesses during the moratorium period.

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

Section 4. Police Power Finding. The Town Board 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 Silt and the inhabitants thereof.

Section 5. Authority. The Town Board 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; (vii) the powers contained in the Town of Silt, Colorado Home Rule Charter (the "Charter"); and the authority granted to local governments to regulate the sale of medical marijuana and retail marijuana pursuant to Article XVIII, Sections 14 and 16 of the Colorado Constitution.

Section 6. Effective Date; Expiration. Pursuant to Section 1-6, 1-7, and 1-8 of the Charter, the Board finds, determines and declares that passage of this Ordinance is necessary for the preservation of the public peace, health and safety in order to prevent a person from filing an application for a Town permit or license relating to the operation of a new Medical Marijuana Dispensary or a new Retail Marijuana Dispensary until the Town has had a reasonable opportunity to determine: (i) if current codes are adequate to meet the needs of the Town; and (ii) what regulations, if any, should be imposed by the Town upon such businesses. Failure to impose the moratorium provided for in this Ordinance will potentially allow acquisition of certain rights with respect to new Medical Marijuana Dispensaries and new Retail Marijuana Dispensaries before the Town has had the reasonable opportunity to consider appropriate regulations thereof. The Town Board further determines that the adoption of this Ordinance as a regular ordinance is in the best interest of the citizens of the Town of Silt. This Ordinance shall be effective upon adoption. The moratorium imposed by this Ordinance shall commence as of the date of the adoption of this Ordinance, and shall expire one hundred and eighty (180) days thereafter, unless repealed prior to that date.

INTRODUCED, READ, PASSED, AND APPROVED ON FIRST READING this 26th day of May, 2020.

PASSED, APPROVED ON SECOND READING, following a continued public hearing, **ADOPTED AND ORDERED PUBLISHED**, this 8th day of June 2020.



TOWN OF SILT, COLORADO
Keith B Richel

Mayor Keith B. Richel

ATTEST:

Sheila M. McIntyre

Town Clerk Sheila M. McIntyre, CMC