

ORDINANCE 1212, SERIES 2012

AN EMERGENCY ORDINANCE IMPOSING A MORATORIUM ON THE OPERATION OF MARIJUANA ESTABLISHMENTS PURSUANT TO AMENDMENT 64.

WHEREAS, the voters of the State of Colorado on November 6, 2012 approved a ballot initiative known as Amendment 64, which amends the Colorado State Constitution to authorize the operation of marijuana establishments, which are defined as marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores notwithstanding contrary provisions of Colorado statute, whether criminal or civil; and

WHEREAS, Amendment 64 requires the Department of Revenue to adopt regulations governing the operation of marijuana establishments no later than July 2013; requires local governments to adopt regulations identifying the entity within the local government responsible for processing license applications for marijuana establishments no later than October 1, 2013; authorizes local governments to adopt licensing procedures and regulations governing certain aspects of the operation of marijuana facilities; and authorizes local governments to prohibit the operation of marijuana establishments by adoption of an ordinance or through an initiated or referred measure; and

WHEREAS, Amendment 64 permits the operation of marijuana establishments only pursuant to licenses issued by the Department of Revenue and/or a local government, and does not require the Department of Revenue or local governments to begin processing license applications until October 1, 2013; and

WHEREAS, marijuana establishments may not operate lawfully until the adoption of licensing regulations;

WHEREAS, the moratorium imposed by this emergency ordinance is intended to prevent the operation of marijuana establishments prior to the adoption of the regulatory framework contemplated by Amendment 64; to ensure that prospective operators and owners of marijuana establishments are able to make business and investment decisions with sufficient knowledge of local regulations or prohibition can be enforced in a fair and equitable manner; 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 marijuana establishments in the Town of Norwood in violation of the provisions of Amendment 64; and

WHEREAS, the Town of Norwood 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 marijuana establishments pending adoption by the Department of Revenue of licensing regulations and the issuance of licenses pursuant to Amendment 64; adoption of regulations relating to the operation and licensing of marijuana establishments by the Board of Trustees; and/or pending a determination whether by ordinance or an initiated or referred measure.

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

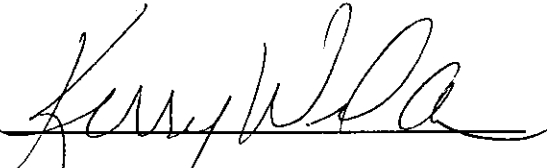
Section 1. During the effective term of this emergency ordinance no person shall operate a marijuana establishment, as defined in Amendment 64, in the limits of the Town of Norwood. No Town of Norwood personnel shall accept or process an application for a sales tax license, land use approval, building permit, or any other license or permit relation to the operation of a marijuana establishment.

Section 2. All ordinances heretofore passed and adopted by the Town of Norwood Board of Trustees are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith. This ordinance shall not be interpreted to repeal or to apply in any way the town of Norwood ordinances regarding the operation of medical marijuana centers, medical marijuana cultivation facilities, or medical marijuana infused products manufacturers pursuant to HB 10-1284.

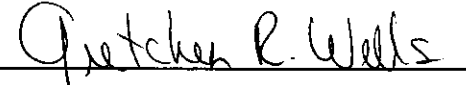
This ordinance shall take effect immediately upon passage, and shall terminate on October 1, 2013, unless otherwise earlier terminated or extended by further ordinance or resolution of the Board of Trustees. The Town of Norwood Board of Trustees hereby finds, determines and declares this ordinance is necessary for the immediate preservation of the health, safety and welfare of its citizens.

APPROVED AND AUTHORIZED FOR SIGNATURE by the Mayor of the Town of Norwood, Norwood, Colorado in a public meeting on December 12, 2012.

NORWOOD BOARD OF TRUSTEES:

By: 
Kerry A. Welch, Mayor

ATTEST:

By: 
Gretchen R. Wells, Town Clerk