

ORDINANCE NO. 1954

INTRODUCED BY: AMADOR, BENSON, BULLOCK, CARSON, DOUGLAS, ELLIOTT, FORD, MCELDFOWNEY, TETER

**AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF ANY RECREATIONAL MARIJUANA RELATED BUSINESSES**

WHEREAS, the City of Commerce City adopted licensing and zoning regulations pertaining to medical marijuana facilities; and

WHEREAS, the City has received two applications for conditional use permits for the operation of medical marijuana facilities which applications shall be unaffected by this ordinance; and

WHEREAS, on November 6, 2012, Colorado voters passed Amendment 64 which provides for persons 21 years of age or older to legally consume and possess one ounce or less of marijuana without a doctor's recommendation ("recreational marijuana") and for retail sales of this recreational marijuana to be taxed and licensed similar to alcohol; and

WHEREAS, medical and recreational marijuana possession and use remain illegal under federal law and it is unknown at present what the federal government might do in response to the passage of Amendment 64; and

WHEREAS, Amendment 64 requires the Colorado Department of Revenue to create and issue licensing regulations for recreational marijuana businesses by July 1, 2013; and

WHEREAS, Amendment 64 allows local governments to regulate or prohibit recreational marijuana businesses; and

WHEREAS, a City-wide moratorium on the establishment of any recreational marijuana business will provide the City with an opportunity to review and consider the Department of Revenue's licensing regulations, the federal government's response to Amendment 64, if any, and the impact on the community related to the use of recreational marijuana.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

**SECTION 1.** An 18-month moratorium (through September 25, 2014) is hereby imposed upon the establishment of any business related to recreational marijuana including, without limitation, the sale, consumption, cultivation or production of recreational marijuana or products made with recreational marijuana.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED  
THIS 15<sup>th</sup> DAY OF APRIL, 2013.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED  
THIS 6<sup>th</sup> DAY OF MAY, 2013.

CITY OF COMMERCE CITY, COLORADO

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Sean Ford, Mayor

ATTEST:

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Laura J. Bauer, CMC, City Clerk