

ORDINANCE NO. 2527

INTRODUCED BY: ALLEN-THOMAS, CHACON, DOUGLAS, FORD, HURST,
HUSEMAN, KIM, MADERA, NOBLE

AN ORDINANCE ENACTING A TWELVE-MONTH MORATORIUM ON NEW RETAIL AND MEDICAL MARIJUANA STORE LICENSES IN WARDS I AND II IN THE CITY OF COMMERCE CITY

WHEREAS, following the legalization of medical marijuana in Colorado, the City Council authorized the licensing and operation of medical marijuana businesses by passage of Ordinance 1894 on June 18, 2012;

WHEREAS, following the legalization of recreational marijuana in Colorado, the City Council enacted a moratorium on the licensing and operation of recreational marijuana businesses by passage of Ordinance 1954 on May 6, 2013;

WHEREAS, the moratorium on recreational marijuana licensing was extended by passage of Ordinance 2011 on July 7, 2014;

WHEREAS, the moratorium on recreational marijuana licensing was repealed by passage of Ordinance 2055 on June 1, 2015;

WHEREAS, the City Council authorized the licensing and operation of recreational marijuana businesses by passage of Ordinance 2050 on June 1, 2015;

WHEREAS, currently the City has 42 medical and recreational marijuana licenses that are active or in process and 40 of the 42 license are located within Wards I and II of the City;

WHEREAS, retail marijuana and medical marijuana stores are highly visible to the public and are disproportionately concentrated in Wards I and II of the City; and

WHEREAS, the City Council wishes to ensure the equitable distribution of marijuana stores throughout the City, study the potential effects of new or increased set-backs for marijuana businesses in the Land Development Code, and prevent unnecessary exposure of the City's youth to marijuana businesses;

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

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be necessary for the preservation of the public health, safety, and welfare and is found to be in the public interest.

SECTION 2. Add New Section 8-2500. A new Division V entitled "Moratorium" and a new Section 8-2500 entitled "Moratorium on retail and medical marijuana stores licenses; Sunset" is added to the Commerce City Municipal Code to read as set forth in Exhibit A to this Ordinance.

SECTION 3. Inconsistencies; Conflicts. Except as specifically modified herein, the provisions of the Commerce City Revised Municipal Code shall remain unchanged and in full force and effect. All ordinances and provisions of the Commerce City Revised Municipal Code, or portions thereof, inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

SECTION 4. Effect on Existing Licenses and Applications; Savings. Nothing in this ordinance shall be construed to modify the current appointment of the Marijuana Licensing Authority or to reduce or modify the authority or prior actions and orders of the Marijuana Licensing Authority, except as specifically provided.

SECTION 5. Effective Date. This ordinance shall be effective five (5) days after both final posting and publication have been accomplished as provided in section 5.6 of the City Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED
THIS 12TH DAY OF JUNE 2023.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 17TH DAY OF JULY 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

EXHIBIT A TO ORDINANCE 2527

BEGIN

COMMERCE CITY REVISED MUNICIPAL CODE
ARTICLE II. - MARIJUANA BUSINESSES
DIVISION 5. - MORATORIUM

Sec 8 – 2500 – Moratorium on retail and medical marijuana store licenses; Sunset.

- (a) *Moratorium on new marijuana store licenses.* The city shall not accept any license application for a new retail marijuana or medical marijuana store to be located in Ward I or II after August 1, 2023.
- (b) *Existing applications.* All license applications for retail marijuana or medical marijuana stores submitted to the city prior to August 1, 2023 shall be reviewed by the Authority and licenses shall be granted, granted with conditions, or denied in accordance with the Marijuana Code.
- (c) *Moratorium sunset.* Subsection (a) of this section 8-2500 shall be repealed effective July 31, 2024.