

AN EMERGENCY ORDINANCE IMPOSING A MORATORIUM ON THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES OR RETAIL MARIJUANA STORES, WITHIN THE INCORPORATED BOUNDARIES OF THE TOWN OF ARRIBA, COUNTY OF LINCOLN, STATE OF COLORADO.

WHEREAS, the Town of Arriba, hereinafter referred to as the "Town", by and through its Board of Trustees, hereinafter referred to as the "Board", has the authority to exercise certain municipal powers for the incorporated Town, pursuant to Colorado Revised Statutes, Title 31, Article 15, as well as other statutory authority; and

WHEREAS, on November 6, 2012, the voters of Colorado approved the adoption of Amendment 64, Personal Use and Regulation of Marijuana; and

WHEREAS, said Amendment 64 became effective on December 10, 2012, upon the proclamation of the Governor, pursuant to Section 1(4) of Article V, of the Colorado Constitution; 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 license issued by the Department of Revenue and / or a local government and does not require the Department of Revenue or local governments to being processing license applications until October 1, 2013; and

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

WHEREAS, the Board of Trustees of the Town of Arriba has determined that there remains much unknown as to the licensing process, the potential benefit or detriment of allowing marijuana facilities to be located within the Town, the desires of the inhabitants, and other relevant questions; and

WHEREAS, the 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 within the Town of Arriba, Colorado, in violation of the provisions of Amendment 64; and

WHEREAS, the Board 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 Town; and / or pending a determination whether the operation of marijuana facilities should be prohibited, whether by ordinance or an initiated or referred measure;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ARRIBA, LINCOLN COUNTY, COLORADO;

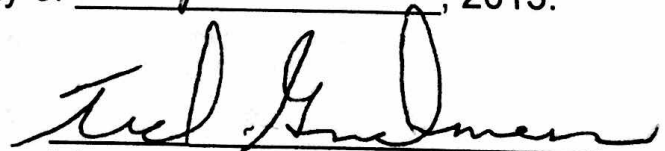
Section 1. During the effective term of this emergency ordinance no person shall operate a marijuana establishment, as defined in Amendment 64, within the corporate limits of the Town of Arriba. No Town employee, agent, or officer, shall accept or process an application for a sales tax license, land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

Section 2. All ordinances heretofore passed and adopted by the Board of Trustees are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

Section 3. This ordinance shall take effect immediately upon passage, as provided by state statute and shall be published immediately after passage. This ordinance shall be effective up through October 15, 2014, unless sooner rescinded or amended.

Section 4. The Board hereby finds, determines and declares that this ordinance is necessary for the immediate preservation of the public peace, health, and safety.

Adopted and Approved this 28th day of September, 2013.


Mayor


Town Clerk

