

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER WOODEN
Council Bill No. 14-2014
Ordinance No. 1560

Series 2014

**TITLE: AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE
SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF
APPLICATIONS AND REQUESTS FOR A PERMIT, LICENSE, LAND USE
APPROVAL OR OTHER APPROVAL FOR ANY MEDICAL MARIJUANA
ESTABLISHMENT OR RETAIL MARIJUANA ESTABLISHMENT**

WHEREAS, the City of Wheat Ridge ("City") is a home rule municipality operating under a charter adopted pursuant to Article XX of the Colorado Constitution and vested with the authority by that article and the Colorado Revised Statutes to adopt ordinances for the regulation of land use and the protection of the public health, safety and welfare; and

WHEREAS, pursuant to the authority granted by Section 14, Article XVIII of the Colorado Constitution and the Colorado Medical Marijuana Code, Article 43.3, Title 12, C.R.S., the Wheat Ridge City Council ("Council") previously adopted local regulations governing medical marijuana establishments; and

WHEREAS, pursuant to the authority granted by Section 16, Article XVIII of the Colorado Constitution and the Colorado Retail Marijuana Code, Article 43.4, Title 12, C.R.S., the Council previously adopted local regulations governing retail marijuana establishments; and

WHEREAS, by City of Wheat Ridge Ordinance No. 1554, on August 18, 2014, the Council adopted a temporary moratorium on certain City approvals necessary to establish and operate marijuana establishments in the City for the purposes of permitting the Council to study and evaluate existing local regulations; and

WHEREAS, for the reasons stated in said Ordinance No. 1554, which Council finds to continue to exist as of the effective date of this Ordinance, the Council desires to impose an additional moratorium on City approvals related to marijuana businesses, as further set forth herein, to commence upon the expiration of the moratorium imposed by Ordinance No. 1554 and expire one hundred and twenty-one (121) days thereafter; and

WHEREAS, the imposition of an additional one hundred and twenty (120) day moratorium on the submission, acceptance, processing, and approval of all applications and requests for a City permit, license, land use approval or other approval is reasonable in time and scope and would not work an unnecessary hardship upon or unreasonably prejudice any party.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Findings. The above and foregoing findings are hereby incorporated by this reference as specific findings and determinations of the Council.

Section 2. Temporary Moratorium. A temporary moratorium is hereby imposed on the submission, acceptance, processing, and approval of all applications and requests for a City permit, license, land use approval or other approval for any medical marijuana establishment or retail marijuana establishment, as both terms are defined by Chapter 11 of the Wheat Ridge Code of Laws ("Code"). The City staff is directed to refuse to accept for filing, and not to further process or review any pending applications or requests for such establishments during the moratorium period.

Section 3. Duration. The moratorium imposed by this ordinance shall commence on November 17, 2014 and shall expire on the one hundred and twenty-first (121st) day thereafter.

Section 4. Exemption for Pending Applications. This ordinance shall not apply to the processing and final action by the City upon any application for a City land use approval, permit or license for any medical marijuana establishment or retail marijuana establishment, which application was received by the City prior to 5:00 p.m. on August 18, 2014. Such applications shall be processed and acted upon pursuant to the City regulations in effect on the date of their respective submittals.

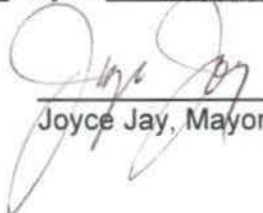
Section 5. Staff to Investigate and Prepare Proposed Regulations. Before the expiration of the moratorium imposed by this ordinance, City staff shall continue to review and analyze the City's existing regulations governing medical marijuana establishments and retail marijuana establishments, as directed by the Council, and present any proposed amendments thereto to the Council. The Council declares that it will give due and timely consideration to any such recommended changes to the Code.

Section 6. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 13th day of October, 2014, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for October 27, 2014, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

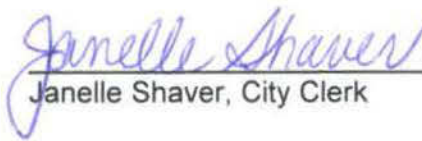
READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0, this 27th day of October, 2014.

SIGNED by the Mayor on this 27th day of October, 2014.

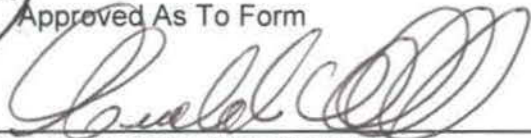


Joyce Jay, Mayor

ATTEST:


Janelle Shaver, City Clerk



Approved As To Form

Gerald E. Dahl, City Attorney

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Wheat Ridge Transcript
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