

CITY OF WHEAT RIDGE, COLORADO  
INTRODUCED BY COUNCIL MEMBER WOODEN  
Ordinance No. 1554

Series 2014

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

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, pursuant to such local regulations, medical marijuana establishments and retail marijuana establishments may be located only at certain locations within the City and are subject to certain operational conditions; and

WHEREAS, the Council has heard an increased level of concern expressed by the public about the appropriateness of the City's regulations concerning retail and medical marijuana establishments, including but not limited to the permissible locations and size of such establishments; and

WHEREAS, as the City's experience with medical and retail marijuana establishments gets longer, the Council finds that it is appropriate to periodically evaluate the City's marijuana regulations and their appropriateness as City conditions change, particularly in response to expressed citizen concerns; and

WHEREAS, the Council finds that such an evaluation is desirable and appropriate in order to ensure that retail and medical marijuana establishments are located only in locations that are consistent with the intent and purpose of the City's comprehensive plans and land use code and are located and operated in a manner that

is compatible with surrounding uses and otherwise in furtherance of the public health, safety and welfare; and

WHEREAS, the Council further finds that it is necessary to impose a temporary moratorium on the submission, acceptance, processing, and approval of applications for any land use approval, permit or license for medical marijuana establishments and retail marijuana establishments while the Council conducts its review of current regulations governing the same in order to prevent the location of any such establishment that is contrary to the City's comprehensive plans, land use code, incompatible with surrounding uses or otherwise detrimental to the public health, safety and welfare; and

WHEREAS, the imposition of a ninety (90) day moratorium on the submission, acceptance, processing, and approval of all applications for City land use approvals, permits and licenses concerning the operation of medical marijuana establishments and retail marijuana establishments is reasonable and will allow the Council to review, evaluate and amend, if needed, its regulations concerning the same.

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 any application for a City land use approval, permit or license 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 application for such establishments during the moratorium period.

Section 3. Duration. The moratorium imposed by this ordinance shall commence as of the date of adoption of this ordinance and shall expire on the ninety-first (91<sup>st</sup>) 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 has been 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 as of the effective date of this ordinance.

Section 5. Staff to Investigate and Prepare Proposed Regulations. Before the expiration of the moratorium imposed by this ordinance, City staff shall 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. Emergency Declared; Effective Date. Pursuant to Section 5.13 of the Wheat Ridge Home Rule Charter, the City Council hereby finds, determines and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public property, health, welfare, peace or safety in order to prevent the future location of medical marijuana establishments and retail marijuana establishments in the City at locations that may be inconsistent with the intent and purpose of the City's comprehensive plans, land use code, incompatible with surrounding uses or otherwise detrimental to the public health, safety and welfare, while the Council undertakes an evaluation of the City's existing regulations concerning the same. The Council finds that the moratorium enacted hereby is reasonable in duration and does not work an undue hardship on current or future applicants that may be affected hereby. This ordinance shall be effective immediately upon its adoption.

INTRODUCED, READ, AND ADOPTED AS AN EMERGENCY MEASURE on first reading by a vote of 7 two 0 on this 18<sup>th</sup> day of August, 2014, and ordered published in full in a newspaper of general circulation in the City of Wheat Ridge within ten (10) days after passage, or as soon thereafter as possible.

SIGNED by the Mayor on this 18th day of August, 2014.

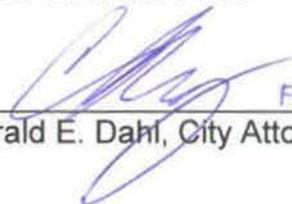
  
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Joyce Jay, Mayor

ATTEST:

  
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Janelle Shaver, City Clerk



Approved as to Form

  
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Gerald E. Dahl, City Attorney

Publication: August 21, 2014  
Wheat Ridge Transcript  
Effective Date: August 28, 2014