

**ORDINANCE NO. 09-11**

**AN ORDINANCE OF THE TOWN OF RIDGWAY AMENDING TOWN ZONING REGULATIONS TO DECLARE A MORATORIUM ON MEDICAL MARIJUANA DISPENSERIES; AND DECLARING AN EMERGENCY**

WHEREAS, On November 7, 2000, the voters of the State of Colorado approved Amendment 20. Amendment 20 added § 14 of Article 18 to the Colorado Constitution, and created a limited exception from criminal liability under Colorado law (as opposed to federal law) for seriously ill persons who are in need of marijuana for specified medical purposes and who obtain and use medical marijuana under the limited, specified circumstances described in Amendment 20; and

WHEREAS, the intent of Amendment 20 was to enable certain specified persons who comply with the registration provisions of the law to legally obtain, possess, cultivate, grow, use and distribute marijuana without fear of criminal prosecution under Colorado (as opposed to federal) law; and

WHEREAS, The Town council is aware of a recent dramatic expansion in the establishment of so called medical marijuana dispensaries in various areas of the state ("MMDS") on the theory that they are "primary care givers" as defined in said Amendment 20, the validity of which has not been resolved by the courts; and

WHEREAS, there are currently no lawful medical marijuana dispensaries in the Town;

WHEREAS, during the period of the moratorium, Town staff and the Town Attorney shall consult with other jurisdictions, regarding issues relating to the establishment and operation of medical marijuana dispensaries ("MMDS"); and

WHEREAS, the Town currently has no regulations or procedures addressing the establishment or operation of MMDS nor any specific guidelines to control such dispensaries; and

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO, as follows:**

**SECTION 1**

A new Subsection 7-3-13(J) is added to the Ridgway Municipal Code as follows:

7-3-13(J) Medical Marijuana Dispensaries

No Medical Marijuana Dispensary shall be considered a "use by right", an "accessory use", a "conditional use", or a "lawful nonconforming use" in any zoning district of the Town of Ridgway.

**SECTION 2: Moratorium and review.**

This ordinance shall be considered in the nature of a moratorium until such time as the interplay between federal and state law, and various provisions of Amendment 20 and the application thereof to Town ordinances has been clarified sufficiently to allow the adoption of more permanent regulations. The Town staff and Attorney are directed to provide periodic reports and recommendation to Town Council as events unfold.

Section 3. Severability

If any provision of this Ordinance or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 4. Emergency declared: The Council finds; determines and declares that passage of this Ordinance is necessary for the immediate preservation of the public peace, health and safety in order to prevent the establishment of a Medical Marijuana Dispensary until the Town has had a reasonable opportunity to determine: (i) the extent of the Town's regulatory authority over such businesses; and (ii) what regulations, if any, should be imposed by the Town upon such businesses, and (iii) the interplay of state and federal law and various provisions of said Amendment 20 have been clarified. Failure to immediately impose the moratorium provided for in this Ordinance will potentially allow acquisition of certain rights with respect to Medical Marijuana Dispensaries before the Town has had the reasonable opportunity to consider appropriate regulations thereof. This Ordinance shall be effective upon adoption. The moratorium imposed by this Ordinance shall commence as of the date of the adoption of this Ordinance, and shall be in effect until further action by the Council or a period of one year whichever occurs first.

INTRODUCED, READ, AND ADOPTED by a 6-0 vote of the Ridgway Town Council the 14th day of October, 2009 and published by title thereafter.

TOWN OF RIDGWAY, COLORADO

By \_\_\_\_\_  
Pat Willis, Mayor

ATTEST:

\_\_\_\_\_  
Pam Kraft, MMC, Town Clerk

CERTIFICATE OF TOWN CLERK

The foregoing Ordinance was adopted as an emergency measure at a meeting of the Ridgway Town Council held on October 14, 2009 and published by title thereafter.

(SEAL)

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Pam Kraft, MMC  
Town Clerk