

**TOWN OF MOFFAT, COLORADO
ORDINANCE NO. 2021-1**

AN EMERGENCY ORDINANCE DESIGNATING THE OFFICE OF THE TOWN CLERK AS THE LOCAL LICENSING AUTHORITY WITH RESPECT TO REGULATED MARIJUANA BUSINESS WITHIN THE TOWN OF MOFFAT, COLORADO AND MORATORIUM ON THE ISSUANCE OF LICENSURE BY THE TOWN OF MOFFAT FOR SIXTY DAYS

WHEREAS, the Board of Trustees of the Town of Moffat, Colorado, previously established itself, by ordinance, as the Local Licensing Authority with respect to Marijuana Businesses in the Town of Moffat Ordinances 2020-03 (Section 1) and 2019-11(Section 1); *and*

WHEREAS, State Law defines "Regulated Marijuana Business" as Medical Marijuana Businesses and Retail Marijuana Businesses.

WHEREAS, State Law prohibits persons who hold marijuana licenses (hereinafter "badged persons") to be members of the licensing authority (C.R.S. §44-10-307(1)(i); *and*

WHEREAS, the Town lacks a sufficient number of qualified residents to comprise a full Board of Trustees and the current vacancies on the Board threaten to impede the conduction of lawful Town business; *and*

WHEREAS, there are members of the community who would like to serve on the Board of Trustees but are currently prohibited from serving under State Law as they are "badged;" *and*

WHEREAS, the Board of Trustees wishes to retain policy-making authority with respect to marijuana operations but to delegate administrative authority for implementation and enforcement of licensing requirements to the Office of the Town Clerk, so that badged persons within the community of Moffat may have the opportunity to serve as members of the Board of Trustees without violating State Law; *and*

WHEREAS, the Board further wishes to empower the Office of the Town Clerk with the authority to delegate the aforementioned administrative authority and function to the Office of the Town Attorney, in its discretion and as practicable.

NOW THEREFORE BE IT ORDAINED by the Board of Trustees of the Town of Moffat, Colorado:

Section 1. Ordinance 2020-03 (Section 1) which states, "The Board of Trustees is hereby designated to act as the local licensing authority for the Town in regards to retail, medical, cultivations, and marijuana infused products marijuana establishments," and Ordinance 2019-11 (Section 1) which states, "The Board of Trustees is hereby designated to act as the local licensing authority for the town in regard to retail marijuana establishments" are hereby repealed and replaced with the following:

Local Licensing Authority: The Board of Trustees of the Town of Moffat hereby designates the Office of the Town Clerk of Moffat as the Local Licensing Authority for the Town with respect to Regulated Marijuana Businesses within Town limits. The Office of the Town Clerk is authorized to retain such authority as provided herein or delegate same to the Office of the City Attorney in its discretion.

Section 2. Ordinance 2020-03 (Section 2(b)) which states, "It shall be unlawful for any person to operate any marijuana grow or establishment in the town without a license duly issued therefore by the Board of Trustees under this Ordinance and compliance with any and all applicable town laws," and Ordinance 2019-17 (AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE APPLICATION FOR ANY ESTABLISHMENT OF ANY NEW BUSINESS THAT CULTIVATES OR MANUFACTURES COMMERCIAL RECREATIONAL OR MEDICINAL MARIJUANA OR MARIJUANA PRODUCTS) are hereby repealed and replaced with the following:

Moratorium: The Board of Trustees of the Town of Moffat hereby imposes a *moratorium* on the processing and approval of new or renewed marijuana licenses within Town limits for sixty (60) days from the date of this Ordinance to allow the Board further revision of existing marijuana ordinances and resolutions in order to comport with the requirements of State law. Any existing marijuana license that will be up for renewal within this timeframe shall be administratively continued for sixty (60) days beyond its expiration date. Any *moratorium* hereunder shall have no effect on the legal operation of any marijuana establishment within the Town limits provided such establishment maintains a license in good standing with the State of Colorado Department of Revenue's Marijuana Enforcement Division ("MED"). Nothing in this section shall prohibit enforcement of current town laws should the MED revoke or suspend a marijuana license within town limits during said moratorium.

Section 3. Ordinance 2020-03 (Section 4(c)) and Ordinance 2019-11 (Section 4(c)) which states, "Applicants shall pay the following non-refundable fees, in addition to any fees payable to the State: modify the licensed premises or otherwise amend, change or alter an existing license: \$250," are hereby repealed.

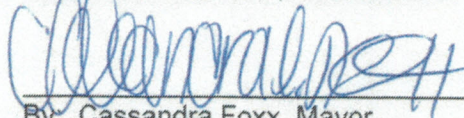
Section 4. Recording and Authentication. This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and City Clerk, recorded in the Town Book of Ordinances kept for that purpose, and published according to law.

Section 5. Publication and Effective Date. This ordinance shall take effect immediately following final passage and shall be published thereafter.

Section 6. Declaration of Public Interest. This ordinance is necessary to preserve the peace, health, safety welfare, and to serve the best interests of the citizens of the Town of Moffat, Colorado.

FIRST READ and ADOPTED on this 12th day of January, 2021.

TOWN OF MOFFAT, COLORADO



By: Cassandra Foxx, Mayor

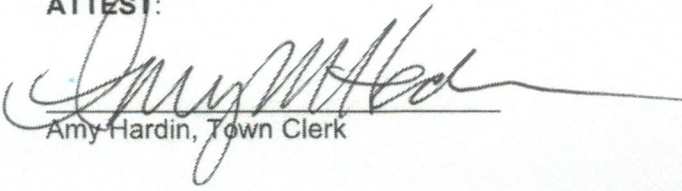
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Trish Gilbert
Saguache County Cler

ATTEST:



Amy Hardin, Town Clerk

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