

**TOWN OF MOFFAT, COLORADO  
ORDINANCE NO. 001-10-2013**

**AN ORDINANCE IMPOSING A TEMPORARY  
MORATORIUM ON THE APPLICATION FOR ANY  
ESTABLISHMENT OF ANY NEW BUSINESS THAT  
CULTIVATES, MANUFACTURES OR SELLS  
RECREATIONAL MARIJUANA OR MARIJUANA  
PRODUCTS**

WHEREAS, on November 6, 2012, the voters of the State of Colorado approved Amendment 64 which added Section 16 of Article XVIII to the Colorado Constitution and created a limited exception from criminal liability under Colorado law for the cultivation, manufacture, testing and sale of marijuana and marijuana products under a system of licensed establishments regulated by State and local governments; and

WHEREAS, the Colorado General Assembly has adopted enabling legislation for Amendment 64 and directed the Governor and Department of Revenue to issue regulations not inconsistent therewith; and

WHEREAS, Amendment 64 and the enabling legislation states that all local governments must have an ordinance adopted by October 1, 2013 that either opt outs, allows, or places a moratorium on the sale of marijuana, marijuana cultivation for retail purposes, and/or the manufacturing of marijuana products; and

WHEREAS, the Board of Trustees has decided to enact a moratorium until the State of Colorado provides clearer guidance, and the Town is able to enact its own regulations regarding retail marijuana sales.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MOFFAT, COLORADO, THAT:

Section 1. Moratorium. A temporary moratorium (the "Moratorium") is hereby imposed on the establishment of any business that cultivates, manufactures, tests or sells recreational marijuana or recreational marijuana products.

Section 2. Moratorium Term. The Moratorium shall commence on the effective date of this ordinance and continue in full force and effect until February 1, 2014, or until the Board of Trustees decides to opt out or enact an ordinance that governs the cultivation, manufacturing, testing or selling of recreational marijuana or recreational marijuana products whichever occurs first (the "Term").

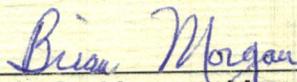
Section 3. Enforcement. Any person engaging in any activity not in compliance with the Moratorium may be enjoined by the Town from engaging in such activity and shall be fined an amount not to exceed \$300.00 a day for each offense or by imprisonment not to exceed 90 days, or both. Each day shall constitute a separate offense. Nothing contained herein shall limit the Town from seeking any other remedies that may be available at law and in equity. Any person who violates this ordinance shall pay all of the Town's costs and reasonable attorneys' fees incurred in any civil action to assure compliance with this Ordinance. All remedies shall be cumulative and may be concurrently pursued.

FIRST READ on this 1<sup>st</sup> day of October, 2013.

SECOND READING and ADOPTED on this 5th day of November, 2013.

THE TOWN BOARD HEREBY FINDS, DETERMINES AND DECLARES THAT HAVING A MORATORIUM IS AN EMERGENCY, BECAUSE APPLICATIONS FOR RETAIL MARIJUANA MAY COMMENCE ON OCTOBER 1, 2013. THEREFORE THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON PASSAGE.

TOWN OF MOFFAT, COLORADO

  
By: Brian Morgan, Mayor

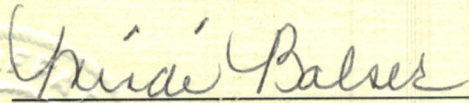
ATTEST:

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Mindi Baiser, Town Clerk

## CERTIFICATION

I hereby certify that the above Ordinance was introduced, read in full, on October 1<sup>st</sup>, 2013 and then approved and adopted at the regular meeting of the Board of Trustees of the Town of Moffat, Colorado on the 5<sup>th</sup> day of November, 2013, and published by posting at the following locations:

Sangre De Christo Trading Post, Moffat Post Office, Moffat Town Hall, on September 3<sup>rd</sup>, 2013.



*Mindi Balsers*

Mindi Balsers, Town Clerk

