



TOWN OF MOFFAT | EST. 1911

**TOWN OF MOFFAT
TOWN HALL
BOARD OF TRUSTEES
401 LINCOLN AVE.
MOFFAT, COLORADO**

BOARD OF TRUSTEES WORKING SESSION

April 25th, 2024 - 6:00pm

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **PUBLIC COMMENT**

Public comment during our working session offers a key opportunity for community members to engage with the Board of Trustees. This is an open forum where you can discuss any topic, including agenda items. Each speaker will have a five-minute allotment to ensure all voices are heard. The Board values your input as it helps guide our planning and decision-making. Comments will be actively considered for future meeting agendas. We encourage openness and civility in our discussions; personal attacks are not tolerated. Your participation is crucial in addressing community needs.

5. **ITEMS FOR DISCUSSION**

- a. Discussion of Excise Tax Issues – No action will be taken.

6. **EXECUTIVE SESSION**

The Board may need to convene into executive session to discuss or review individuals' or businesses' confidential financial and tax records pursuant to C.R.S. 24-6-402(4)(c) and C.R.S. § 24-72-204(3)(a).

The Board must first announce the topic of discussion, including the specific citation to the Open Meetings Law that authorizes consideration of the announced topic in executive session, as well as "identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized." The body must then vote on whether to hold the session for discussion of the topic(s) announced. Two-thirds of the quorum present must vote affirmatively before the governing body can close the meeting to the public. The minutes of the regular or special meeting must reflect the topic of discussion at the executive session.

The Board will re-convene into open session following discussion of the foregoing items.

7. **ADJOURN**

Town of Moffat is inviting you to a scheduled Zoom meeting.

Topic: Town of Moffat's Special Meeting
Time: This is a recurring meeting Meet anytime

Join Zoom Meeting

<https://us02web.zoom.us/j/86422578056?pwd=c3RVdWFLZEJDN2ZjdmxjTVlpeWVjdz09>

Meeting ID: 864 2257 8056

Passcode: 592122

To: Mayor and Trustees
From: Sarah Ross
Date: April 1, 2024
In re: Excise Tax Rate and Modification

The following is an analysis of the current excise tax rate and the process to modify the excise tax rate.

Question #1

What is the current excise tax rate in Moffat?

Short Answer:

The current excise tax rate in Moffat is staggered at "2% the first year, 3% the second year, and 5% thereafter", which has been the formally adopted excise tax rate since August 2019.

Summary Analysis:

Municipal excise tax rates are adopted by submission and passage of a maximum tax rate to the voters of the municipality and the municipality's subsequent approval of an ordinance establishing the local rate in conformance with the voter approved rate.¹

A 5% marijuana excise tax was referred to and approved by the eligible voters of Moffat at an election held in November of 2018, as was required by law. Following approval of the 5% tax by the voters, the Town adopted a staggered rate by ordinance in 2019 establishing the tax rate at "2% the first year, 3% the second year, and 5% thereafter".²

During a meeting of the Town Board on November 8, 2022, the Board proposed reducing the excise rate back to 2%. The meeting minutes suggest that the Board took a vote to reduce the rate to a flat 2%, however, we have been unable to locate any records to reflecting that the Board ever discussed or passed an ordinance memorializing the same, which would be required to amend the prior ordinance establishing the staggered 2/3/5% rate.

We note that a proposal for a flat 2% rate was put before the voters at a Town election held on November 7, 2023, however, that measure did not pass and the 2/3/5% remains in effect at this time.

¹ See TABOR, C.R.S. § 29-2-114(2) and Colo. Const., Art. X Section 20 (TABOR), providing, in part, that "No excise tax shall be levied pursuant to the provisions of paragraph (a) of this subsection (2) until the proposal has been referred to and approved by the eligible electors of the municipality in accordance with the provisions of article 10 of title 31, C.R.S."

² Ordinance 2019-16 Adopted at the regular meeting of the Board of Trustees of the Town of Moffat, Colorado on August 6, 2019, following publication and notice and a first full reading on July 2, 2019.

Question #2

What is the process to modify the current 2/3/5% excise tax rate?

Short Answer:

The Town can reduce the tax rate or make a tax policy decision that does not directly cause a net tax revenue gain by ordinance alone, without another election. However, the Town may not increase the tax or impose a new tax without a TABOR election.

Summary Analysis:

If the Town Board were to take action to lower the tax rate, it is likely a new TABOR election would be required to increase the rate in the future because the original 2018 ballot initiative establishing a maximum of 5% did not contain variable rate language. Should the Town Board decide to pursue action to reduce the excise tax rate from the current 5% maximum, we recommend the Board thoroughly reviews the implications of such reduction on the Town's current and future operating budgets as TABOR elections are, at best, unpredictable and the Town may be unable to increase the rate again in the future.

Excise 23: Excise Tax on Retail Marijuana

Colorado imposes an excise tax on the first sale or transfer of marijuana from a retail marijuana cultivation facility to a retail marijuana store or a facility that manufactures marijuana products. The tax must be paid by any retail marijuana cultivation facility licensed by the State of Colorado to cultivate, prepare, package, and sell marijuana to retail marijuana stores or facilities that manufacture marijuana products. The tax does not apply to sales or transfers made by a retail marijuana cultivation facility to another cultivation facility or to the sale or transfer of any unprocessed medical marijuana to a medical marijuana center.

The excise tax is different from and in addition to the retail marijuana sales tax imposed on the retail sale of marijuana from a retail marijuana store to a consumer. See FYI Sales 93 for information about retail marijuana sales tax.

The information in this FYI pertains only to marijuana excise tax imposed and administered by the State of Colorado. The Department does not administer any marijuana excise taxes imposed by any city, county, special district, or other local jurisdiction. Please contact the appropriate local jurisdiction for information about any marijuana excise tax they impose and administer.

TAXABLE SALES AND TRANSFERS

Marijuana excise tax is imposed on the first sale or transfer of unprocessed retail marijuana from a cultivation facility to either a retail marijuana store or a facility that manufactures marijuana products. Retail marijuana subject to this excise tax includes all parts of the plant of the genus cannabis (whether growing or not), the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. Sales and transfers subject to the excise tax include any grant, conveyance, handing over, assignment, exchange, or barter of unprocessed marijuana by any means whatsoever, with or without consideration.

EXEMPT SALES AND TRANSFERS

No excise tax is due on the sale or transfer of any unprocessed marijuana from a cultivation facility to a medical marijuana center. In addition, the transfer of retail marijuana to a testing facility for testing purposes is exempt from the excise tax so long as the marijuana is destroyed during or following the testing. No excise tax is due on the sale or transfer of industrial hemp, as defined by law, fiber produced from the stalks, oil, cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

No excise tax is imposed on a transfer of marijuana from one retail marijuana cultivation facility to another retail marijuana cultivation facility. In the case of a transfer of retail marijuana between cultivation facilities, the excise tax is imposed on the subsequent transfer of retail marijuana to a retail marijuana store or retail marijuana product manufacturing facility.

CALCULATION OF THE TAX

The excise tax is imposed at a rate of 15%. The taxable amount upon which the tax is calculated generally depends upon whether the cultivation facility is affiliated with the retail marijuana store or manufacturing facility to which the sale or transfer is made, whether a contract price is established at the time of the sale or transfer. A cultivation facility and retail marijuana store or manufacturing facility are affiliated if they are owned by:

- the same individuals or entities,
- individuals who are related by blood or marriage, or
- entities that are directly or indirectly under common control.



Sales and transfers between unaffiliated marijuana businesses

If the cultivation facility and the retail marijuana store or manufacturing facility engaged in the taxable sale or transfer are not affiliated, the excise tax is 15% of the contract price for the unprocessed marijuana sold or transferred. The contract price used to calculate the tax is the price charged on the written invoice, not including any tax and not reduced by any discount or other reductions. The invoice price charged includes all consideration the seller receives from the buyer in whatever form and regardless of the time of receipt. In the case of multiple invoices reflecting multiple prices for the same transaction, the highest price must be used to calculate the excise tax due.

If no contract price is established at the time of the first sale or transfer the excise tax is calculated based on the average market rate of the retail marijuana sold or transferred. Examples of such sales or transfers include:

- a temporary transfer, that does not constitute a sale, of retail marijuana from a cultivation facility to an unaffiliated manufacturing facility that will process or manufacture the retail marijuana before returning it to the cultivation facility or to a retail marijuana store affiliated with the cultivation facility; or
- a transfer of retail marijuana from a cultivation facility to an unaffiliated retail marijuana store for which a price is not established at the time of transfer, but instead depends upon the revenue generated from the subsequent sale of the retail marijuana to the end consumer.

Sales and transfers between affiliated marijuana businesses

If the taxable sale or transfer is between a cultivation facility and an affiliated retail marijuana store or manufacturing facility, the excise tax is generally 15% of the average market rate for the unprocessed marijuana sold or transferred.

However, if retail marijuana transferred to an affiliated store or manufacturing facility was previously transferred between unaffiliated cultivation facilities, the contract price for such transfer is used to calculate the tax, provided that all of the following conditions are met:

- The retail marijuana was first transferred by a cultivation facility to an unaffiliated cultivation facility.
- At the time of the first transfer, the retail marijuana had been harvested for sale at a retail marijuana store or for extraction by a retail marijuana product manufacturing facility.
- A contract price was established for the first transfer between unaffiliated retail marijuana cultivation facilities at the time of the transfer.
- The retail marijuana underwent no further cultivation following the first transfer between unaffiliated retail marijuana cultivation facilities.
- The retail marijuana was subsequently transferred to a retail marijuana store for retail sale or to a retail marijuana product manufacturing facility for extraction.

Example:

Cultivation Facility A and Cultivation Facility B are not affiliated. Retail Marijuana Store B is affiliated with Cultivation Facility B.

Cultivation Facility A cultivates and harvests marijuana for sale at a retail marijuana store. Cultivation Facility A transfers the harvested marijuana to Cultivation Facility B with an established contract price of \$1,000. Cultivation Facility B repackages the marijuana for retail sale and transfers it to Retail Marijuana Store B. The retail marijuana undergoes no further cultivation after the initial transfer from Cultivation Facility A to Cultivation Facility B.

The tax is imposed on the transfer from Cultivation Facility B to Retail Marijuana Store B. Because Cultivation Facility B and Retail Marijuana Store B are affiliated, the tax would normally be calculated based upon the average market rate (AMR). However, because all of the above listed conditions are met, the tax is instead calculated as 15% of the contract price for the transfer from Cultivation Facility A to Cultivation Facility B. Cultivation Facility B is liable for the tax.

Average market rate (AMR)

The Department determines and publishes the average market rate used for the calculation of marijuana excise tax and updates these rates on a quarterly basis. The Department publishes separate rates for the following categories of retail marijuana:

- bud
- trim
- bud allocated for extraction
- trim allocated for extraction
- immature plants
- wet whole plants
- seeds

The various rate categories are defined in Department Regulation 39-28.8-101, 1 CCR 201-18. The current rates can be found online at: colorado.gov/pacific/tax/marijuana-taxes-file.

In order to calculate the tax using the average market rate, the weight of the marijuana sold or transferred must be multiplied by the average market rate and the result must be multiplied by 15%. For example, if the average market rate for trim is \$499 per pound and a cultivation facility sells 15 pounds of trim to an affiliated party, the cultivation facility must multiply the 15 pounds of trim sold times \$499 per pound to calculate the total \$7,485 average market rate for the sale. The excise tax is 15% of the \$7,485 calculated average market rate for the sale, or a total of \$1,123 tax due.

If multiple categories of retail marijuana are included in the transfer, the excise tax must be calculated separately for each category of retail marijuana included in the transfer.

The following sections provide information about special rules that apply to certain AMR categories.

Bud and trim allocated for extraction

Any marijuana categorized as bud allocated for extraction or trim allocated for extraction for the purpose of calculating the excise tax may not be subsequently transferred for direct sale to consumers unless it has first been subject to the extraction process. If any such bud or trim is subsequently transferred for direct sale to consumers and has not been subjected to extraction, the retail marijuana cultivation facility must amend the return upon which the tax was initially paid in order to recalculate the tax, and any applicable penalty and interest, using the average market rates for the applicable categories of bud or trim. If a retail marijuana product manufacturing facility transfers any bud or trim that has been allocated for extraction without first subjecting it to extraction, such facility must notify the cultivation facility, in writing, within seven days.

Wet whole plant

The excise tax for the category wet whole plants is calculated on the total weight of the entire wet whole plant. The weight of the entire wet whole plant is subject to the excise tax because the average market rate for wet whole plant already reflects an allowance for water weight and waste. The wet whole plant may not undergo any further processing (i.e., drying the plant and subsequently selling separately the bud and trim) prior to being weighed when the excise tax is calculated using the wet whole plant category. The wet whole plant must be harvested and packaged in the same day.

Any marijuana categorized as wet whole plant for excise tax purposes must be weighed within 2 hours of the plant being harvested and without any further processing, including any artificial drying such as increasing the ambient temperature of the room or any other form of drying, curing, or trimming. The tax must be calculated and paid on the total wet whole plant weight. If the wet whole plant is not weighed within 2 hours of being harvested or is subjected to further processing before being weighed, the excise tax on such plant cannot be calculated with the average market rate for wet whole plant and must instead be calculated with the average market rate(s) for bud, trim, bud allocated for extraction, and/or trim allocated for extraction, as applicable.

Marijuana concentrate produced by a retail marijuana cultivation facility

If a retail marijuana cultivation facility produces marijuana concentrate from marijuana it cultivates and the marijuana is subject to taxation based upon the average market rate, the excise tax for the concentrate must be calculated on the basis of the bud allocated for extraction, trim allocated for extraction, and/or wet whole plant used in the production of the concentrate.

LICENSING, FILING, AND RECORDKEEPING REQUIREMENTS

Every retail cultivation facility must apply for a sales tax license and file excise tax returns with the Department. These requirements are in addition to any licensing requirements administered by the Marijuana Enforcement Division of the Department. Each cultivation facility must file monthly returns to report and remit the excise tax due.

Licensing requirements

A retail marijuana cultivation facility must obtain and maintain either a sales tax license or a wholesale tax license. If the owner of the cultivation facility owns and operates a retail marijuana store at the same location and has already obtained a retail sales tax license for the store, no additional sales tax license is required for the cultivation facility. A cultivation facility owner that does not already have a sales tax license must apply for either a retail sales tax license or a wholesale license. Application may be made with Form CR 0100AP “Colorado Sales Tax Withholding Account Application” or online at apps.colorado.gov/apps/jboss/cbe/index.xhtml.

Filing requirements

Every retail marijuana cultivation facility must file a return by the 20th day of each month to report and remit the excise tax due for the unprocessed retail marijuana sold or transferred during the preceding month. A return must be filed for each month, even if the cultivation facility did not sell or transfer any unprocessed marijuana during the month. Marijuana excise tax returns must be filed electronically at Colorado.gov/RevenueOnline.

If a cultivation facility does not file a required marijuana excise tax return by the applicable due date, penalty and interest will be due. See FYI General 11 for information about penalty and interest imposed for late filing.

Recordkeeping requirements

In addition to any books, accounts, or records necessary to determine the correct amount of tax, every retail marijuana cultivation facility must maintain complete and accurate electronic records, including itemized invoices of all retail marijuana grown, held, shipped, or otherwise transported or sold. Such records must include the names and addresses of all retail marijuana stores, manufacturing facilities, or other cultivation facilities to which the taxpayer has sold or transferred any unprocessed retail marijuana, including any such stores or facilities the taxpayer owns. The records maintained by the taxpayer must also include the inventory of all unprocessed retail marijuana on hand and all pertinent papers and documents relating to the sale or transfer of unprocessed retail marijuana. The taxpayer must maintain records for a minimum of three years and provide such records to the Department upon request.

For each transfer that is subject to the excise tax, both the retail marijuana cultivation facility and the purchaser or transferee must maintain documentation sufficient to determine the amount of tax due for the transfer. Such documentation must include all of the following:

- the name and license number of the retail marijuana cultivation facility
- the name and license number of first purchaser or transferee
- the category of retail marijuana transferred
- the date of transfer
- the weight of the retail marijuana transferred
- the contract price for the transfer, if applicable

ADDITIONAL RESOURCES

- *Colorado statutes and regulations*
 - Colo. Const. Art. XVIII, Section 16. Personal use and regulation of marijuana.
 - §§ 39-28.8-301 through 308, C.R.S. Retail marijuana excise tax.
 - Dept. Regs. 1 CCR 201-18, 39-28.8-101, 302, 303, 304, and 308
- *Colorado forms, publications, and guidance*
 - FYI Sales 93 - Sales Tax on Marijuana
 - Colorado Sales Tax Withholding Account Application (CR 0100AP)
 - Publication of average market rates: colorado.gov/pacific/tax/marijuana-taxes-file
 - [Colorado.gov/RevenueOnline](https://colorado.gov/RevenueOnline) for the electronic filing of returns
 - [Colorado.gov/Tax](https://colorado.gov/Tax) for additional information regarding marijuana taxes
- *Other resources*
 - Marijuana Enforcement Division: colorado.gov/pacific/enforcement/marijuanaenforcement
 - Marijuana Inventory Tracking System (Metrc): metrc.com

FYIs represent a good faith effort to provide general information concerning a variety of Colorado tax topics in simple and straightforward language. By their nature, however, FYIs cannot and do not address all taxpayer situations nor do they provide a comprehensive overview of Colorado's tax laws. For this reason, FYIs are not binding on the Colorado Department of Revenue, nor do they replace, alter, or supersede Colorado law and regulations.

A taxpayer seeking additional guidance regarding the tax consequences of a particular transaction or factual scenario can request a Private Letter Ruling (PLR) or General Information Letter (GIL). Requests for PLRs and GILs must comply with certain requirements, which are currently set forth at 1 Code of Colorado Regulations 201-1, Regulation 24-35-103.5. PLRs are binding upon the Department only with respect to the specific taxpayer that requested the PLR. GILs are for informational purposes only and are not binding on the Department.

Excise Tax Late Fee Calculator

Fee	Months Charged	Total Fee For Missed Months
\$ 50.00	12	\$ 600.00
\$ 50.00	11	\$ 550.00
\$ 50.00	10	\$ 500.00
\$ 50.00	9	\$ 450.00
\$ 50.00	8	\$ 400.00
\$ 50.00	7	\$ 350.00
\$ 50.00	6	\$ 300.00
\$ 50.00	5	\$ 250.00
\$ 50.00	4	\$ 200.00
\$ 50.00	3	\$ 150.00
\$ 50.00	2	\$ 100.00
\$ 50.00	1	\$ 50.00
Total Fees for 12 Missed Months		\$ 3,900.00

20 Licenses Don't File	\$ 78,000.00
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Excise Taxes Collected By Town of Moffat 2023-2024: Actuals, Averages, & Forecasts

Month-Yr. (Sales Made Month)	Excise Taxes Owed	Excise Tax Collected	Platform	1%	2%	3%	4%	5%
23-Jan	\$ 7,944.31	\$ 7,944.31	E					
23-Feb	\$ 444.66	\$ 444.66	E					
23-Mar	\$ 3,214.88	\$ 3,214.88	E					
23-Apr	\$ 654.08	\$ 654.08	E					
23-May	\$ 3,245.30	\$ 3,245.30	E					
23-Jun	\$ 161.92	\$ 161.92	E					
23-Jul	\$ 1,164.10	\$ 1,164.10	E					
23-Aug	\$ 444.91	\$ 444.91	E,F					
23-Sep	\$ 141.00	\$ 141.00	E,F					
23-Oct	\$ 337.17	\$ 337.17	E,F					
23-Nov	\$ 1,196.67	\$ 1,196.67	E,F					
23-Dec	\$ 152.56	\$ 142.20	E,F					
24-Jan	\$ 2,525.14	\$ 1,600.06	F					
24-Feb	\$ 1,395.29	\$ 1,092.90	F					
TOTAL:	\$ 23,021.99	\$ 21,784.16	F	\$ 10,892.08	\$ 21,784.16	\$ 32,676.24	\$ 43,568.32	\$ 54,460.40

Monthly Average: \$ 1,644.43 \$ 1,556.01

Forecasted Averages

	1%	2%	3%	4%	5%
1 Month Average:	\$ 778.01	\$ 1,556.01	\$ 2,334.02	\$ 3,112.02	\$ 3,890.03
1 Year Total:	\$ 9,336.07	\$ 18,672.14	\$ 28,008.21	\$ 37,344.27	\$ 46,680.34

**TOWN OF MOFFAT
TOWN HALL
BOARD OF TRUSTEES
401 LINCOLN AVE.
MOFFAT, COLORADO**

BOARD OF TRUSTEES SPECIAL MEETING

November 8, 2022 - 7:00pm

1. CALL TO ORDER

Mayor Foxx call the meeting to order at 7:01 pm

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Mayor Cassandra Foxx - Here

Trustee Jason Lewis - Here

Trustee [Ken Skoglund](#) - Here

Trustee Rico Ellis - Here

Trustee Tyler Berger - Here

Trustee [Jon Lopez](#) - Here

Trustee [Ali Lopez](#) - Here

Town Attorney [Seth Walker](#) - Here

Town Clerk Nina Magee - Absent

4. APPROVAL OF AGENDA

a. Approval of Agenda

Mr. Ellis makes the motion to approve the agenda. Mr. Lopez seconded the motion. All approve.

b. Approval of Paying Bills

Mr. Ellis made the motion to approve paying of the bills. Mr. Lopez seconded the motion. All approve

c. Approval of Minutes

Tabled

5. PUBLIC COMMENT

Public comment is intended for members of the public wishing to address the Board of Trustees about matters that are not listed for discussion on the agenda. All speakers must stay on topic and are encouraged to state their point as briefly and clearly as possible. Each speaker is limited to a maximum of three (3) minutes. Comments will be taken under advisement by the Board, but no decisions will be made. Board and staff are here to listen during this segment of the meeting. At its discretion, the Board may elect to place a matter raised under public comment on a future agenda for further discussion and possible action. Personal attacks, whether directed at members of Town Board, Town staff or fellow citizens must be avoided.

None

6. CLERK & ATTORNEY REPORTS

a. Attorney's Report

Mr. Walker informs the Board that he has an agreement with VS Strategies. He will have the signed copy for the next meeting.

There is a meeting that Ms. Foxx and he will attend via zoom with VS Strategies on Thursday November 10, 2022.

Mr. Walker informs the Board that he has been doing some research for the building codes.

b. Clerk's Report

7. TRUSTEE & MAYOR REPORTS

a. Mayor's Report

Ms. Foxx brung up the topic of the meeting schedule to be on the first two weeks of each month.

Mr. Berger made the motion to change the meeting schedule. Mr. Lopez second, the motion. All approve

b. Trustee's Report

Mr. Lopez informs the Board that he has spoken to Mr. about the GeoThermal .

Mr. Lewis said he has done some research on putting cameras in the park. He has reached out to Ceilo in regards to this project.

8. OLD BUSINESS

a. Nuisance Code Review

The Board went over the nuisance code.

b. Park Maintenance

Mr. Berger and Mr. Lopez is working on the maintenance.

Mr. Berger is taking on the basketball court fixing the basketball hoop.

c. Excise Tax % Ordinance No. 2021-2 and 2021-5

Mrs. Lopez makes a motion to change the excise tax to 2 % paid to the Town of Moffat. Mr. Berger seconds the motion. All approve

Mr. Skoglund informs the Board that there should be a reclamation bond put in place just in case the Town has to go clean up a property over Area 420 it was covered with.

9. NEW BUSINESS

a. Clerk pay Bi-weekly

Mr. Skoglund makes a motion to pay the Clerk Bi-weekly. Mr. Berger second the motion. All approve

10. EXECUTIVE SESSION (IF NECESSARY)

None needed

11. ADJOURN

Mr. Ellis makes the motion to adjourn the meeting. Mr. Skoglund second the motion. All approve

State Ballot Measures

Medidas de la boleta electoral estatales

Proposition II (STATUTORY)

Without raising taxes, may the state retain and spend revenues from taxes on cigarettes, tobacco, and other nicotine products and maintain tax rates on cigarettes, tobacco, and other nicotine products and use these revenues to invest twenty-three million six hundred fifty thousand dollars to enhance the voluntary Colorado preschool program and make it widely available for free instead of reducing these tax rates and refunding revenues to cigarette wholesalers, tobacco product distributors, nicotine products distributors, and other taxpayers, for exceeding an estimate included in the ballot information booklet for proposition EE?

Propuesta II (ESTATUTARIA)

Sin aumentar los impuestos, ¿puede el estado retener y gastar los ingresos de los impuestos sobre cigarrillos, tabaco y otros productos de nicotina y mantener las tasas impositivas sobre los cigarrillos, el tabaco y otros productos de nicotina y usar estos ingresos a fin de invertir veintitrés millones seiscientos cincuenta mil dólares para mejorar el programa preescolar voluntario de Colorado y hacerlo ampliamente disponible de forma gratuita en lugar de reducir estas tasas impositivas y reembolsar los ingresos a los mayoristas de cigarrillos, a los distribuidores de productos de tabaco, distribuidores de productos de nicotina y otros contribuyentes, por exceder una estimación incluida en el folleto de información de la boleta estatal para la Propuesta EE?

YES/FOR - SÍ/EN FAVOR DE

NO/AGAINST - NO/EN CONTRA DE

Municipal Ballot Measures

Medidas de la boleta electoral municipales

Municipal Ballot Measures

Medidas de la boleta electoral municipales

Town of Moffat Ballot Issue 2A - Lowering Marijuana Excise Rate

SHALL THE TOWN OF MOFFAT REVISE THE IMPOSITION OF EXCISE TAX ON THE SALE OF MARIJUANA AND MARIJUANA PRODUCTS (AS SUCH ARE AUTHORIZED BY STATE LAW, WITH THE EXCEPTION OF MEDICAL MARIJUANA AND PRODUCTS RELATED THERETO), COMMENCING JANUARY 1, 2024 TO A RATE OF TWO PERCENT (2%) OF THE PRICE PAID BY THE PURCHASER, WHICH TAX REVENUES SHALL BE EXPENDED FOR, BUT NOT LIMITED TO: CAPITAL IMPROVEMENTS, MUNICIPAL PROJECTS, AND LAW ENFORCEMENT, AND SHALL THE TOWN BE PERMITTED TO COLLECT, RETAIN, AND SPEND THE REVENUES FROM SUCH TAX, INCLUDING ALL INTEREST DERIVED THEREFROM, WITHOUT REGARD TO THE REVENUE RAISING, DEBT LIMITATION, OR OTHER RESTRICTIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Ciudad de Moffat problema en la boleta 2A - Reducción la tasa de impuesto especial sobre la marihuana

¿DEBERÁ EL PUEBLO DE MOFFAT AJUSTAR LA IMPOSICIÓN DEL IMPUESTO ESPECIAL SOBRE LA VENTA DE MARIHUANA Y PRODUCTOS DE MARIHUANA (COMO TALES ESTÁN AUTORIZADOS POR LA LEY ESTATAL, CON LA EXCEPCIÓN DE LA MARIHUANA MEDICINAL Y PRODUCTOS RELACIONADOS CON LA MISMA), A PARTIR DEL 1 DE ENERO DE 2024 A UNA TASA DEL DOS POR CIENTO (2 %) DEL PRECIO PAGADO POR EL COMPRADOR, CUYOS INGRESOS FISCALES SE DESTINARÁN A MEJORAS DE CAPITAL, PROYECTOS MUNICIPALES Y FUERZAS POLICIALES, ENTRE OTROS, Y SE PERMITIRÁ QUE EL PUEBLO RECAUDE, RETENGA Y GASTE LOS INGRESOS DE DICHO IMPUESTO, INCLUIDOS TODOS LOS INTERESES DERIVADOS DEL MISMO, SIN TENER EN CUENTA LAS CONDICIONES A RECAUDACIÓN DE INGRESOS, LIMITACIÓN DE DEUDA U OTRAS RESTRICCIONES DEL ARTÍCULO X, SECCIÓN 20 DE LA CONSTITUCIÓN DE COLORADO O CUALQUIER OTRA LEY?

YES/FOR - SÍ/EN FAVOR DE

NO/AGAINST - NO/EN CONTRA DE

Town of Moffat Ballot Question 2B - Removal of Term Limits for Elected Officials

Shall the term limits imposed by Colorado Constitution Article XVIII, Section 11 (1), which limit the number of consecutive terms an elected government official may hold office, be eliminated in the Town of Moffat pursuant to Colorado Constitution Article XVIII, Section 11 (2)?

Ciudad de Moffat pregunta electoral 2B - Eliminación de límites de mandato para funcionarios electos

¿De conformidad con el Artículo XVIII, Sección 11 (2), de la Constitución de Colorado, se debe eliminar en el pueblo de Moffat el límite de mandatos impuesto or el Artículo XVIII, Sección 11 (1), de la Constitución de Colorado, que limita el número de mandatos consecutivos que un funcionario electo del gobierno puede ocupar el cargo?

YES/FOR - SÍ/EN FAVOR DE

NO/AGAINST - NO/EN CONTRA DE

Election Summary Report
Official Results
Coordinated Election
Saguache
November 07, 2023
Summary Report for: All Contests, All Districts, All Tabulators

Ballots Cast: 1,865 of 4,926 (37.86%)

Enter Consolidated School District 26 JT Director - District C (Vote for 1)

		Total	
Ballots Cast		468 / 1,411	33.17%
Invalid Votes		112	
Over Votes		0	
Candidate	Party	Total	
Berlee Anne Duran		356	
Total Votes		356	
		Total	
Unresolved Write-In		0	

Enter Consolidated School District 26 JT Director - District Member At Large (Vote for 2)

		Total	
Ballots Cast		468 / 1,411	33.17%
Invalid Votes		318	
Over Votes		0	
Candidate	Party	Total	
Roy M. Garcia		303	
Richard J. Barela		146	
Larisa Renee Aguilar		90	
Ablo M. Lopez		79	
Total Votes		618	
		Total	
Unresolved Write-In		0	

Gunnison Watershed School District - Board of Directors (Vote for 3)

		Total	
Times Cast		57 / 121	47.11%
Undervotes		24	
Overvotes		0	
Candidate	Party	Total	
Cori Leanne Dobson		31	
Jody Coleman		18	
Greg Kruthaupt		35	
Mark VanderVeer		15	
Lisa A. Henry		27	
Anne Brookhart		21	
Total Votes		147	
		Total	
Unresolved Write-In		0	

Proposition HH (Statutory) (Vote for 1)

		Total	
Times Cast		1,831 / 4,926	37.17%
Undervotes		72	
Overvotes		2	
Candidate	Party	Total	
Yes/For		774	
No/Against		983	
Total Votes		1,757	
		Total	
Unresolved Write-In		0	

Proposition II (Statutory) (Vote for 1)

		Total	
Times Cast		1,831 / 4,926	37.17%
Undervotes		57	
Overvotes		0	
Candidate	Party	Total	
Yes/For		1,098	
No/Against		676	
Total Votes		1,774	
		Total	
Unresolved Write-In		0	

Town of Moffat Ballot Issue 2A - Lowering Marijuana Excise Rate (Vote for 1)

		Total	
Times Cast		31 / 88	35.23%
Invalid Votes		0	
Overvotes		0	
Candidate	Party	Total	
Yes/For		10	
No/Against		21	
Total Votes		31	
		Total	
Unresolved Write-In		0	

Town of Moffat Ballot Question 2B - Removal of Term Limits for Elected Officials (Vote for 1)

		Total	
Times Cast		31 / 88	35.23%
Invalid Votes		1	
Overvotes		0	
Candidate	Party	Total	
Yes/For		10	
No/Against		20	
Total Votes		30	
		Total	
Unresolved Write-In		0	

Center Fire Protection District Ballot Issue 7A - Mill Levy Increase (Vote for 1)

		Total	
Times Cast		466 / 1,310	35.57%
Invalid Votes		15	
Overvotes		0	
Candidate	Party	Total	
Yes/For		251	
No/Against		200	
Total Votes		451	
		Total	
Unresolved Write-In		0	

TOWN OF MOFFAT, COLORADO

Ordinance NO. 2019-16

AN ORDINANCE ESTABLISHING EXCISE TAX PROCEDURES & PENALTIES FOR THE TOWN OF MOFFAT, COLORADO.

WHEREAS, the Town of Moffat, Colorado passed Ballot Issue 2C - The Creation of a Specific 5% Marijuana Excise Tax in the November 6th, 2018 General Election; and

WHEREAS, the excise tax will be set on a tiered system of 2% the first year, 3% the second year, and 5% every year following the second year of business on all commercial marijuana cultivations, facilities, manufactured infused product grows & facilities; and

WHEREAS, the Town of Moffat shall expend funds received from Excise tax revenue solely on funding for Town of Moffat public safety and/or for failing or obsolete equipment; and

WHEREAS, the Town of Moffat has created and implemented procedures and penalties for the Excise Tax Reporting process as shown in Sections A through E of this Ordinance;

NOW THEREFORE, Be it hereby ordained by the Board of Trustees of the Town of Moffat, Colorado:

Section A: Imposition of Excise Tax Rate

- 1.) That the Town of Moffat shall be authorized to collect and spend such revenues as a voter approved revenue change notwithstanding any revenue or expenditure limitations contained in Article X, Section 20 of the Colorado Constitution or by other law.
- 2.) There is levied and shall be paid and collected an excise tax of 2% the first year, 3% the second year, and 5% thereafter on the average market rate of unprocessed marijuana that is sold or transferred from a commercial marijuana facility, cultivation, or otherwise on the 20th of each month effective immediately.

Section B: Procedures

- 1.) Excise Tax Reporting forms will be sent at the end of each month for the following month. Excise Tax Reporting forms will be due by the 20th of each month for the prior month's sales. If the 20th of the month lands on a Sunday or holiday in which the

Town Hall is closed, forms and payment will need to be returned by the next available business day.

- 2.) Excise Tax Forms will need to be filed every month regardless of whether or not the business owes the Town taxes, whether or not sales were generated for the month, or whether or not the business is in full operation.
- 3.) Excise Tax Forms are updated monthly, therefore you cannot use the same Tax form as months prior due to changes in market rates. Excise Tax Forms will be mailed to the address the Town has on file from your business license application.
- 4.) Excise Tax Forms will only be accepted by in person delivery, mail, or fax. Payments can only be made by mail or in person delivery. Electronic delivery such as email will not be accepted due to security purposes.
- 5.) A copy of the business' Colorado Department of Revenue Reporting Form must accompany the local Excise Tax Reporting Form.
- 6.) If the "Contract Price" section of the Excise Tax Reporting Form is filled out, the business must provide a copy of the contract dated prior to the sale.
- 7.) If an individual or entity has more than one business within the Town of Moffat, a reporting form will need to be filled out for all marijuana cultivation or MIP facility businesses. If a business operates both a cultivation and marijuana infused product facility, an excise tax reporting form will need to be filled out for both operations.
- 8.) Business owners must certify on their Excise Tax Form that the information reported on the reporting form is true and correct, and agree to promptly submit an amended return if any errors are discovered, and agree to reimburse the Town for all costs and attorney's fees in recovering any under reported amounts and otherwise enforcing its excise tax.

Section C: Penalty for Violation

- 1.) Per the Excise Tax Reporting Form, if payment and/or the tax return is filed after the due date a 10% penalty will be assessed on the amount of tax owed to the Town.
- 2.) For each month the payment and/or return is late, a 25% interest will accrue on the excise tax amount due.
- 3.) If the payment and/or reporting form is late, an email will be sent to the business stating that the business is late on their deadline. After a week of the deadline, a late notice will be mailed and a phone call made to the owner on file.
- 4.) Each business will have sixty (60) days to pay their past due excise tax, at which point their water tap will be shut off. The business will then be added to the next available Town of Moffat Board Meeting agenda to discuss termination of the business's local license, and the Colorado Marijuana Enforcement Division will be notified. Within the sixty (60) day late period, the business owner may request a public hearing with the Moffat Board of Trustees to present a proposal for payment to be considered by the Town of Moffat. If the Board finds the proposal sufficient, an extension will be applied to the business to allow for a payment plan no longer than ninety (90) days from the Board's approval at the Public Hearing. If the Board finds the proposal insufficient, or the business does not apply for a public hearing, the Board may make a motion to temporarily or permanently terminate the local business license for such entity, at which time the MED will be notified.
- 5.) The Town may impose a penalty for a check remitted to the Town for payment of tax, but that is returned to the Town unpaid due to insufficient funds, a closed account, or a stop payment order.
- 6.) Failure to pay may cause the Town to charge the local business with the following:

- Fraud with intent to evade tax
- Negligence or intentional disregard of rules and regulations, without intent to defraud.
- Making retail sales without a valid license.

Section D. Repeal

- 1.) Any and all existing Ordinances or parts of Ordinances of the Town of Moffat inconsistent with the provisions of this Ordinance are hereby repealed; provided, however, that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Ordinance hereby repealed prior to the taking effect of this Ordinance.

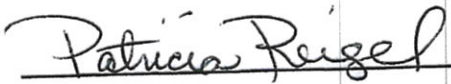
Section E. Severability

- 1.) If any section, subsection, sentence, clause or phrase of this Ordinance adopted herein is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town of Moffat hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases thereof be declared invalid or unconstitutional.

The Town Clerk is hereby instructed to record this Ordinance in the office of the Saguache County Clerk and Recorder after such Ordinance is published.

INTRODUCED AND READ IN FULL this 2nd day of July, 2019;

DONE and SIGNED this 6th day of August, 2019.



Patricia Reigel, Mayor

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4 of 4

8/14/2019 2:05 PM
R\$28.00 D\$0.00

Trish Gilbert
Saguache County Clerk

ATTEST:



Sarah Van Horn, Town Clerk

CERTIFICATION

I hereby certify that the above Ordinance was introduced, read in full on July 2, 2019, and read in full, approved, and adopted at the regular meeting of the Board of Trustees of the Town of Moffat, Colorado on the 6th day of August, 2019 and published by posting on the designated locations in the Town of Moffat on June 25, 2019 and July 30, 2019.

Grammy's Kitchen, Moffat

US Post Office, Moffat

Town Hall, Moffat

Sarah Van Horn, Town Clerk

TOWN OF MOFFAT, COLORADO
ORDINANCE NO. 2021-05

AN ORDINANCE AMENDING ORDINANCE 2021-02 AND THE FRAMEWORK FOR
REGULATED MARIJUANA IN THE TOWN OF MOFFAT

Section 1 - Purpose and Legislative Intent.

The purpose of this Ordinance is to exercise the authority of the Town of Moffat to allow State-licensed Regulated Marijuana Businesses to operate in the Town in accordance with applicable State laws and regulations as well as the additional local licensing requirements as set forth herein.

Section 2 - Local Licensing Authority.

- (A) The Office of the Town Clerk is hereby designated as the Local Licensing Authority for the Town of Moffat with respect to Regulated Marijuana Businesses.
- (B) The Office of the Town Clerk is authorized to delegate responsibilities of the Local Licensing Authority to the Office of the Town Attorney.
- (C) The Local Licensing Authority shall have the power to determine the qualifications of Applicants and Licensees and to determine whether Regulated Marijuana Business Licenses should be issued, denied, renewed, suspended, fined, revoked, or modified, pursuant to the procedures and standards set forth by the Colorado Marijuana Code, the Colorado Marijuana Rules and this Ordinance.
- (D) The Local Licensing Authority shall notify the State Licensing Authority of any Licenses that are issued, denied, renewed, suspended, fined, revoked, or expired, including any required written findings.

Section 3 - Relationship to Colorado Marijuana Code.

- (A) Except as otherwise specifically provided herein, this Ordinance incorporates the requirements set forth in the Colorado Marijuana Code and the Colorado Marijuana Rules.
- (B) In the event of a conflict of laws, the more restrictive provision shall control.
- (C) Compliance with any applicable State law or regulation shall be deemed an additional requirement for issuance, denial or suspension or any License under this Ordinance.
- (D) Non-compliance with any applicable State law or regulation shall be grounds for revocation or suspension of any Regulated Marijuana Business License issued by the Local Licensing Authority.

Section 4 - Definitions.

Except as provided below, the definitions set forth in subsection 16(2) of article XVIII of the Colorado Constitution, section 44-10-103 of the Colorado Revised Statutes, and section 1-115 of the Colorado Marijuana Rules shall be incorporated into this Ordinance. In addition, the following terms shall have the meanings respectively assigned to them:

- (1) "*Applicant*" means any person applying for a Regulated Marijuana Business License.

- (2) "*Colorado Marijuana Code*" means Article 10 of Title 44 of the Colorado Revised Statutes, as amended.
- (3) "*Colorado Marijuana Rules*" means the rules promulgated by the Colorado Department of Revenue Marijuana Enforcement Division, as amended.
- (4) "*License*" means the license, permit, or registration granted pursuant to the Colorado Marijuana Code, the Colorado Marijuana Rules, or this Ordinance.
- (5) "*Licensed Premises*" means the premises specified in an application for a License pursuant to the Colorado Marijuana Code, the Colorado Marijuana Rules, or this Ordinance, that are owned or in possession of the Licensee and within which the Licensee is authorized to cultivate, manufacture, distribute, sell, store, transport, test or allow the use or consumption of Marijuana or Marijuana Products, in accordance with applicable provisions.
- (6) "*Licensee*" means any person licensed, registered, or permitted pursuant to the Marijuana Code, the Colorado Marijuana Rules, or this Ordinance.
- (7) "*Location*" means a particular parcel of land that may be identified by an address or other descriptive means.
- (8) "*Marijuana*" means both Medical Marijuana and Retail Marijuana but does not encompass hemp or hemp-derived products.
- (9) "*Marijuana Product*" means a product that is comprised of marijuana infused with other ingredients that is intended for use or consumption other than by smoking including, but not limited to, edible product, ointments, and tinctures.
- (10) "*Office of the Town Attorney*" or "*Town Attorney*" means an attorney-at-law licensed to practice in the state of Colorado hired by the Town to represent its interests.
- (11) "*Office of the Town Clerk*," "*Town Clerk*" or "*Clerk*" means the clerk of the Town of Moffat who is the custodian of the official records of the Town, or any person designated by the clerk to exercise any of his or her powers, duties, or functions.
- (12) "*Park*" means a Federal, State, County or Municipal-owned land that is open to the public for purposes of recreational activities.
- (13) "*Post Office*" means the United States Postal Service (USPS) building, with the USPS being an independent agency of the executive branch of the United States federal government responsible for providing postal service in the United States including its insular areas and associated states.
- (14) "*Regulated Marijuana Businesses*" means any licensed Medical Marijuana Businesses and Retail Marijuana Businesses.
- (15) "*School or Childcare Establishment*" means any public or private school providing instruction to students in kindergarten through grade twelve. Any public or private schools or preschools that provide preparatory schooling for children of any age younger than the state age of mandatory attendance, or any commercial childcare establishment that is licensed by the State as such.
- (16) "*Smoking*" shall have the same meaning as set forth in 25-14-203, C.R.S., as amended.

- (17) "*State Licensing Authority*" means the authority created for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, sale, transportation, consumption, and testing of Regulated Marijuana in Colorado, pursuant to section 44-10-201, C.R.S.
- (18) "*State or local law enforcement agency*" means: (i) the Colorado State Patrol created pursuant to section 24-33.5-201 C.R.S.; (ii) the Colorado Bureau of Investigation created pursuant to section 24-33.5-401 C.R.S.; (iii) a county sheriff's office; (iv) a municipal police department; (v) a municipal fire department; (vi) the Division of Parks and Wildlife within the Department of Natural Resources created pursuant to section 24-1-124 C.R.S; or (vii) a town marshal's office.
- (19) "*Town*" means the Town of Moffat defined by its boundaries and local government.

Section 5 - Unlawful Acts.

- (A) It shall be unlawful for any person to operate a Regulated Marijuana Business in the Town without a valid License issued by the State Licensing Authority.
- (B) It shall be unlawful for any person to operate any Regulated Marijuana Business in the Town without a valid License issued by the Local Licensing Authority.
- (C) It shall be unlawful for any person to engage in any form of business or commerce involving the cultivation, processing, manufacturing, storage, sale, distribution, transportation or consumption of Marijuana and Marijuana Products other than those forms of businesses and commerce that are expressly contemplated by section 16 of Article XVIII of the Colorado Constitution or those set forth by Colorado Marijuana Code and the Colorado Marijuana Rules.
- (D) It shall be unlawful for any person to sell Marijuana or Marijuana Products at a Medical Marijuana Store or at a Retail Marijuana Store at any time other than between the hours of 8:00 a.m. and 12:00 a.m. daily.

Section 6 - Authorized Classes of Licenses.

- (A) For the purposes of regulating the cultivation, processing, manufacturing, storage, sale, transfer, transportation and consumption of Marijuana and Marijuana Products, the Town hereby authorizes issuance of the following classes of licenses:
- (1) Medical marijuana store license;
 - (2) Medical marijuana cultivation facility license;
 - (3) Medical marijuana products manufacturer license;
 - (4) Medical marijuana transporter license;
 - (5) Retail marijuana store license;
 - (6) Retail marijuana cultivation facility license;
 - (7) Retail marijuana products manufacturer license;
 - (8) Recreational marijuana transporter license;
 - (9) Marijuana hospitality business license;
 - (10) Retail marijuana hospitality and sales business license.
- (B) Licenses issued by the Town of Moffat shall grant the same privileges and impose the same restrictions as set forth in the Colorado Marijuana Code and the Colorado Marijuana Rules.

Section 7 - Application for Marijuana Business Licenses.

- (A) An application for a Regulated Marijuana Business License shall be made to the Local Licensing Authority upon forms provided for that purpose.
- (B) At a minimum, the application shall require the following information:
 - (1) A copy of the State application at the time of submission or within thirty (30) days from when the initial application is received by the Local Licensing Authority.
 - (2) Proof of ownership or legal possession of the Licensed Premises. If the Licensed Premises is leased, the application shall include written consent by the owner of the property to the licensing of the premises as a Regulated Marijuana Business.
- (C) An application shall not be accepted unless it is filed on current forms and payment for all associated fees set forth in Section 17 of this Ordinance (Fees) are made.
- (D) An application shall be considered received on the day it is submitted to the Local Licensing Authority.
- (E) If an application received by the Local Licensing Authority is deemed incomplete or otherwise deficient, the Local Licensing Authority shall notify the Applicant and permit the Applicant thirty (30) days to amend the application to complete it or cure any deficiencies. If the applicant cannot complete the application or cure any deficiencies, the Local Licensing Authority shall deny the application. The Local Licensing Authority shall deny an application if a copy of the application submitted to the State Licensing Authority is not received by the Local Licensing Authority within thirty (30) days of initial application date.
- (F) The Local Licensing Authority shall review all applications for compliance with this Ordinance. Applications in compliance with this Ordinance shall be approved. Applications not in compliance with this Ordinance shall be denied. The Local Licensing Authority may issue a conditional license to Applicants that have not submitted a copy of their State application provided all other aspects of the application are in compliance with this Ordinance.
- (G) A local License shall be valid for one (1) year from the date of issuance and may be renewed in accordance with Section 8 of this Ordinance (Renewals).
- (H) The Local Licensing Authority shall notify the State Licensing Authority of all decisions made on applications of Regulated Marijuana Businesses Licenses in accordance with the Colorado Marijuana Code and Colorado Marijuana Rules.

Section 8 - Renewals.

- (A) Any License issued pursuant to this Ordinance shall be valid for a period of one (1) year from the date of issuance. Any renewal of the License shall be governed by the standards and procedures set forth in the Colorado Marijuana Code, the Colorado Marijuana Rules, and this Ordinance.
 - (1) The Local Licensing Authority shall process License renewals in the same manner as the State Licensing Authority administers renewals of state Licenses subject to any additional restrictions on renewal as provided in this Ordinance.
- (B) Upon payment of a renewal fee as set forth by Section 17 of this Ordinance (Fees), and completion of any required forms, any Licensee may apply to renew a License prior to the License expiration date.

- (1) A Licensee may apply for a renewal within ninety (90) days prior to the expiration date of the License.
 - (2) A Licensee whose License has been expired for no more than thirty (30) days may file a late renewal application upon the payment of a late fee and renewal fee as set forth in Section 17 of this Ordinance (Fees) and in accordance with Section 2-225(D)(1) of the Colorado Marijuana Rules.
- (C) A Licensee may not operate with an expired License or exercise any of the privileges of the License.
- (1) The Local Licensing Authority may administratively continue a license if a renewal was submitted in a timely manner until a determination on the renewal application has been rendered. A Licensee whose license has been administratively continued may operate until a determination has been made on its renewal application.
 - (2) A Retail Marijuana Cultivation Facility License or Medical Marijuana Cultivation Facility License that has an expired License but submitted a renewal within ninety (90) days from expiration shall be permitted to continue cultivating marijuana plants but may not transfer any marijuana until a determination has been made on its renewal application.
- (D) The Local Licensing Authority shall notify the State Licensing Authority of all decisions made on renewals of Regulated Marijuana Businesses Licenses.

Section 9 - Licensed Premises.

- (A) All Regulated Marijuana Business Licenses shall be issued for a specific Location, which may be part of a building or address, that shall be considered the Licensed Premises.
- (B) A Licensee must maintain possession of its Licensed Premises at all times during licensure. Possession is a prerequisite of licensure and any loss of possession while licensed invalidates the License.
- (C) No Regulated Marijuana Business Licenses shall be issued for the following locations:
 - (1) Within 1,000 (one thousand) feet of any School or Childcare Establishment, Park or Post Office. Said distance shall be computed by direct measurement in a straight line from the nearest legal parcel line of the land used for a School, Childcare Establishment, Park, or Post Office to the nearest external portion of the building or the land use in which the Regulated Marijuana Business is to be located.
- (D) Medical marijuana store Licenses and retail marijuana store Licenses shall not be issued outside of either the Moffat Township of 1910 (original city limits) and the "Randall Addition" (hereunder referred to as "*Section 1*") or at the AREA420 Addition (hereunder referred to as "*Section 2*").
 - (1) "*Section 1*" is defined as: WEST 1/2 OF SECTION 5, THE EAST 1/2 OF SECTION 6, AND THE NORTH 1/2 OF SECTION 8, ALL IN TOWNSHIP 43 NORTH, RANGE 10 EAST, NEW MEXICO PRINCIPAL MERIDIAN, SAGUACHE COUNTY, COLORADO.
 - (2) "*Section 2*" is defined as: Lots 9, 10, 11 and 12 OF BLOCK 23, TOWN OF MOFFAT, SAGUACHE COUNTY, COLORADO.

(E) No medical marijuana cultivation facility license, medical marijuana products manufacturer license, retail marijuana cultivation facility license, or retail marijuana products manufacturer license shall be issued outside of the following permissible areas:

- (1) A tract of land situated in the Northwest $\frac{1}{4}$ of Section 6, Township 43 North, Range 10 East, New Mexico Principal Meridian, Saguache County, Colorado, and more particularly described as follows: Beginning at the northeast corner of the herein described tract and also being the northeast Corner of Oklahoma Land and Colonization Company Tract 20, and from whence the north $\frac{1}{4}$ Corner of said Section 6, being identical with the Northwest Corner of The Town of Moffat as shown on that plat filed in the Book of Plats at the Office of the Saguache County Clerk on June 27, 1910 bears N $03^{\circ} 38' 04''$ E a distance of 640.58 feet; Thence S $03^{\circ} 38' 04''$ W along the west line of the said Town of Moffat and the east line of said Oklahoma Land and Colonization Company Tracts 20, 29, 36, and 45 a distance of 1,324.34 feet to the southeast corner of said Tract 45 and the northeast corner of United States General Land Office Lot 9 as shown on the said USGLO Plat accepted by the Surveyor General on August 4, 1875; Thence continuing S $03^{\circ} 38' 04''$ W along the said west line of the Town of Moffat a distance of 1,992.12 feet to a point on the north Right-of-Way Line of Saguache County Road U 60; Thence N $53^{\circ} 15' 52''$ W along said Saguache County Road U 60 a distance of 3,127.52 feet to a point on the west Line of said Section 6, lying within the Right-of-Way of Saguache County Road 59; Thence N $02^{\circ} 20' 54''$ E along the said west line of Section 6 a distance of 154.68 feet to the northwest corner of USGLO Lot 10; Thence S $89^{\circ} 11' 29''$ E along the north line of said USGLO Lot 10 a distance of 1,313.31 feet to the southwest corner of Tract 46 of said Oklahoma Land and Colonization Company Tracts; Thence N $02^{\circ} 59' 28''$ E along the west line of said Oklahoma Land and Colonization Company Tracts 46, 35, 30 and 19 a distance of 1324.47 to the northwest corner of said Tract 19; Thence S $89^{\circ} 09' 28''$ E along the north line of said Tracts 19 and 20 a distance of 1,328.15 feet to the Point of Beginning. Said Tract containing 104.688 Acres, more or less.
- (2) The Southwest $\frac{1}{4}$ of Section 31, Township 44 North, Range 10 East, New Mexico Principal Meridian, Saguache County, Colorado, more particularly described as follows: Beginning at the Southwest corner of said Section 31, thence N $01^{\circ} 17' 26''$ E along the west line of said Section 31 a distance of 2605.41 feet to the West $\frac{1}{4}$ corner of said Section 31; Thence S $89^{\circ} 31' 25''$ E along the east-west centerline of said Section 31 a distance of 2646.80 feet to the center of said Section 31; Thence S $00^{\circ} 46' 22''$ W along the north-south centerline of said Section 31 a distance of 2644.56 feet to the South $\frac{1}{4}$ corner of said Section 31; Thence N $88^{\circ} 40' 43''$ W along the south line of said Section 31 a distance of 2670.19 feet to the Southwest corner of said Section 31 and the Point of Beginning. Said Tract containing 160.198 Acres, more or less.
- (3) The Southeast $\frac{1}{4}$ of Section 36, Township 44 North, Range 9 East, New Mexico Principal Meridian, Saguache County, Colorado, more particularly described as follows: Beginning at the Southeast corner of said Section 36, thence N $89^{\circ} 08' 41''$ W along the south line of said Section 36 a distance of 2645.85 feet to the South $\frac{1}{4}$ corner of said Section 36; Thence N $01^{\circ} 22' 13''$ E along the north-south centerline of said Section 36

a distance of 2629.47 feet to the center of said Section 36; Thence S 88° 37' 25" E along the east-west centerline of said Section 36 a distance of 2641.88 feet to the East 1/4 corner of said Section 36; Thence S 01° 17' 07" W along the south line of said Section 36 a distance of 2605.41 feet to the Southeast corner of said Section 36 and the Point of Beginning. Said Tract contains 158.862 Acres, more or less.

- (4) Property that has previously been licensed for marijuana use by the Town that may have inadvertently been left out of the aforementioned legal description.
- (F) Notwithstanding subsection (E), no more than two (2) medical marijuana cultivation facility licenses and two (2) retail marijuana cultivation facility licenses may be issued within the Moffat Township of 1910 (original city limits) and the "Randall Addition."
- (G) No Marijuana Hospitality Business license or Retail Marijuana Hospitality and Sales Business License shall be issued for locations that are not compliant with this Section of the Ordinance.
- (H) No Medical Marijuana Transporter License or Retail Marijuana Transporter License shall be issued for locations that are not compliant with this Section of the Ordinance.

Section 10 – Ownership.

- (A) A transfer of ownership or change in business structure for a Regulated Marijuana Business License shall be governed by the standards and procedures set forth in the Colorado Marijuana Code and the Colorado Marijuana Rules.
- (B) A Licensee shall provide a copy of all applications submitted, or intended to be submitted, to the State Licensing Authority for a transfer of ownership. The Local Licensing Authority shall provide an acknowledgement of receipt of the copy of the application.
- (C) A Licensee shall notify the Local Licensing Authority upon receipt of approval or denial of its application for a transfer of ownership from the State Licensing Authority prior to completing any change in ownership.

Section 11 – Changes of Location.

- (A) An application for change of location for a Regulated Marijuana Business shall be made to the Local Licensing Authority upon forms provided for that purpose.
- (B) A Licensee shall not change location of its License without prior approval from the Local Licensing Authority. A Regulated Marijuana Business must apply for and receive approval from the State Licensing Authority before changing the location of its Licensed Premises.
- (C) If the change of location is to a different location within the Town of Moffat, the Local Licensing Authority shall review all applications for a change of location to determine whether the new location meets all zoning and other relevant requirements. Applications in compliance with this ordinance shall be approved; those not in compliance shall be denied.
- (D) If the change of location is to a jurisdiction outside of the Town of Moffat, the Licensee must obtain a license from the appropriate licensing authority or local jurisdiction where the Licensee intends to locate.
- (1) The Licensee must provide the Local Licensing Authority a copy of the application submitted to the State Licensing Authority.

- (2) The Licensee must notify the Local Licensing Authority of any approval or denial by the State Licensing Authority of an application for a change of location to another jurisdiction.
- (3) The Licensee must notify the Local Licensing Authority of the date that Licenses Premises shall be moved and shall surrender its Moffat local License upon completion of its change of location.

Section 12 – Modification of Premises.

- (A) After obtaining a License, a Licensee shall not make physical changes, alterations, or modifications of the Licensed Premises that materially or substantially alters the Licensed Premises or the usage of the Licensed Premises from the originally approved plans without the State Licensing Authority's prior written approval.
- (B) A Licensee shall comply with the requirements of the Colorado Marijuana Code and section 2-260 of the Colorado Marijuana Rules when modifying its premises.
- (C) A Licensee shall provide a copy of all applications submitted, or intended to be submitted, to the State Licensing Authority for a modification of premises. The Local Licensing Authority shall provide an acknowledgement of receipt of the copy of the application.
- (D) A Licensee shall notify the Local Licensing Authority upon receipt of approval or denial of its application for a modification of premises to the State Licensing Authority prior to making the changes to the Licensed Premises proposed in its application.

Section 13 – Operational Requirements.

- (A) A Licensee in the Town of Moffat must comply with the following requirements:
 - (1) A Regulated Marijuana Business must comply with the Town's light pollution policy.
 - (a) A medical marijuana cultivation facility, medical marijuana products manufacturer, retail marijuana cultivation facility, or retail marijuana products manufacturer shall have a light deprivation system.
 - (b) Lighting coming from a medical marijuana cultivation facility, medical marijuana products manufacturer, retail marijuana cultivation facility, or retail marijuana products manufacturer shall be obstructed from the view of the highway and residential zones.
 - (c) A medical marijuana cultivation facility, medical marijuana products manufacturer, retail marijuana cultivation facility, or retail marijuana products manufacturer shall comply with requirements of the Colorado Marijuana Rules regarding motion and night lights in a manner that complies with lighting nuisance requirements.
 - (2) A Regulated Marijuana Businesses shall comply with the Town's noise pollution policy.
 - (a) A medical marijuana cultivation facility, medical marijuana products manufacturer, retail marijuana cultivation facility, or retail marijuana products manufacturer shall have quiet generators or sound muffling structures around generators.
 - (3) A Regulated Marijuana Businesses shall have regular trash services in addition to the requirements set forth in the Colorado Marijuana Rules on waste disposal.

- (a) All trash and other debris shall be secured to prevent littering, destruction of neighboring properties and to protect the health and safety of Town residents.
- (4) A Regulated Marijuana Business shall comply with all fire restrictions imposed by the Town or Moffat, Saguache County, the State of Colorado, and requirements set forth in the Colorado Marijuana Rules on waste disposal.
 - (a) A Regulated Marijuana Business shall have at least one (1) operational fire extinguisher in the Licensed Premises at all times.
- (5) A medical marijuana cultivation facility, medical marijuana products manufacturer, retail marijuana cultivation facility, or retail marijuana products manufacturer shall have a septic system or septic vault installed at their location.
 - (a) If installed on or after May 31, 2020, a septic system or septic vault shall be installed one hundred (100) feet from the water tap and twenty-five (25) feet from the water main.
- (6) A medical marijuana cultivation facility or a retail marijuana cultivation facility shall have a green mesh or netting material around its fencing in addition to the requirements set forth in the Colorado Marijuana Rules on security alarm systems and lock standards.
 - (a) The fence shall be sufficient to ensure that the medical marijuana cultivation facility or the retail marijuana cultivation facility has low visibility to the public from a public place.
 - (b) The fencing shall be sufficient to assist with lighting nuisances from the medical marijuana cultivation facility or retail marijuana cultivation facility.
 - (c) The medical marijuana cultivation facility or retail marijuana cultivation facility shall ensure that the green mesh or netting material be maintained at all times and not be in disarray, falling off, or torn.
- (7) Persons working at a medical marijuana products manufacturer, or a retail marijuana products manufacturer must have a valid ServSafe Food Handler certificate obtained through the successful completion of an online or in person assessment. A copy of the certificate shall be maintained by the Licensee and presented upon request by the Local Licensing Authority or any other municipal, county or state public health official.
- (8) A Medical Marijuana Transporter License or Retail Marijuana Transporter License shall comply with the following provisions:
 - (a) Medical and Retail Marijuana Transporter Licensees shall not possess unsealed packages or containers of cannabis on the licensed premises. Medical and Retail Marijuana Transporter Licensees shall not open sealed packages or containers of cannabis. Medical and Retail Marijuana Transporter Licensees shall not re-package cannabis on the Licensed Premises.
 - (b) Medical and Retail Marijuana Transporters that do not maintain a Licensed Premises within the Town shall not temporarily store cannabis or otherwise exercise any license privileges for which a licensed premises would be required.

Section 14 - Licensed Hospitality Business.

- (A) Marijuana Hospitality Businesses and Retail Marijuana Hospitality and Sale Businesses are authorized in the Town of Moffat and must comply with all local and state laws and regulations.

(B) A local Marijuana Hospitality Businesses license may be issued to allow for the on-premises consumption of Marijuana and Marijuana Product at a fixed location and must comply with rules established by the Colorado Marijuana Code, the Colorado Marijuana Rules and this Ordinance.

- (1) A Marijuana Hospitality Business licensee shall not sell, transfer, or distribute, with or without remuneration, or allow the sale, transfer, or distribution, with or without remuneration, of Marijuana or Marijuana Products on the Licensed Premises.
- (2) A marijuana hospitality business licensee shall not allow any person under the age of twenty-one (21) on the licensed premises.
- (3) A Marijuana Hospitality Business licensee shall not engage in or allow any activity that would require an additional license including, but not limited to, planting growing, harvesting, storing, drying, trimming, processing, or manufacturing Marijuana, or Marijuana Products. Nothing in this section prohibits a Marijuana Hospitality Business from storing marijuana consumer waste on the licensed premises in compliance with state law.
- (4) A Marijuana Hospitality Business is allowed to operate between the hours of 8:00 a.m. and 2:00 a.m. daily.
- (5) A Marijuana Hospitality Business may allow smoking and vaping of Marijuana or Marijuana Products in indoor and outdoor portions of the licensed premises.
- (6) A Marijuana Hospitality Business shall ensure that the display and consumption of any Marijuana or Marijuana Product is not visible from outside of its Licensed Premises. A Marijuana Hospitality Business with outdoor areas shall ensure that all Marijuana is kept out of plain sight, is not visible from a public place without the use of optical aids, and that the consumption area is surrounded by a sight-obscuring wall, fence, hedge, or other opaque barrier.

(C) A local Retail Marijuana Hospitality and Sales Business license may be issued to allow for the sale and on-premises consumption of Marijuana and Marijuana Product at a fixed location and must comply with rules established by the Colorado Marijuana Code, the Colorado Marijuana Rules and this Ordinance.

- (1) A Retail Marijuana Hospitality and Sales Business shall per mit the sale, transfer, distribution, use, or consumption of regulated marijuana between the hours of 8:00 a.m. and 2 a.m. daily. assessment.
 - (a) All transfers of Marijuana or Marijuana Product by a Retail Marijuana Hospitality and Sales Business to a consumer shall not exceed the following sales limit per person, per day:
 - (i) More than two grams of Retail Marijuana Flower
 - (ii) More than one-half of one gram of Retail Marijuana Concentrate or
 - (iii) A Retail Marijuana Product containing more than 20 milligrams of active THC. For any transfer of Retail Marijuana Product containing more than 10 milligrams of active THC, the Retail Marijuana Product must be Transferred to a consumer in separate serving sizes containing no more than 10 milligrams of active THC per serving.

- (b) A Retail Marijuana Hospitality and Sales Business shall not permit a consumer to leave the Licensed Premises with any unconsumed marijuana unless the Retail Marijuana Hospitality and Sales Business has ensured the unconsumed marijuana is packaged and labeled in accordance with Packaging and Labeling Requirements.
- (2) A Retail Marijuana Hospitality and Sales Business licensee shall not allow any person under the age of twenty-one (21) on the licensed premises.
- (3) A Retail Marijuana Hospitality and Sales Business licensee shall not engage in or allow any activity that would require an additional license including, but not limited to, planting, growing, harvesting, storing, drying, trimming, processing, or manufacturing Marijuana or Marijuana Products. Nothing in this section prohibits a Marijuana Hospitality Business from storing marijuana consumer waste on the licensed premises in compliance with state law.
- (4) A Retail Marijuana Hospitality and Sales Business is allowed to operate between the hours of 8:00 a.m. and 2:00 a.m. daily.
- (5) A Retail Marijuana Hospitality and Sales Business may allow smoking and vaping of Marijuana or Marijuana Products in indoor and outdoor portions of the licensed premises.
- (6) A Retail Marijuana Hospitality and Sales Business shall ensure that the display and consumption of any Marijuana or Marijuana Product is not visible from outside of its Licensed Premises. A Retail Marijuana Hospitality and Sales Business with outdoors areas shall ensure that all Marijuana is kept out of plain sight and is not visible from a public place without the use of optical aids and that the consumption area is surrounded by a sight-obscuring wall, fence, hedge, or other opaque barrier.

Section 15 - Inspections.

- (A) Every Applicant, Licensee, or employee of the Regulated Marijuana Business shall permit the State Licensing Authority, any agent of the Local Licensing Authority, or anyone authorized to inspect pursuant to the Colorado Marijuana Code and the Colorado Marijuana Rules, to inspect the Licensed Premises during business hours to ensure compliance with the Colorado Marijuana Code, the Colorado Marijuana Rules, this Ordinance and any other applicable rules and regulations.
- (B) Any Regulated Marijuana Business may be required to demonstrate, upon demand by a State or Local Law Enforcement Agency, that the source and quantity of any marijuana found upon the licensed premises is in full compliance with any applicable state law or regulation.

Section 16 - Disciplinary Action, Sanctions, and Penalties.

- (A) A Licensee shall notify the Local Licensing Authority of any disciplinary action taken against its license by the State Licensing Authority including, but not limited to, fines, fines in lieu of suspensions, suspensions, or revocations.
- (B) The Local Licensing Authority may notify the State Licensing Authority of suspected violations of this ordinance or the Code and coordinate with the State Licensing Authority in their investigations of Licensees.

Section 17 - Fees.

Applicants and Licensees shall pay the following non-refundable fees, in addition to any fees payable to the State of Colorado:

- (1) New License Application Fee: \$75.00
- (2) Annual License Renewal Fee: \$500.00
- (3) Late Renewal Fee: \$500.00
- (4) Transfer of Location Fee: \$100.00
- (5) Transfer or Ownership Fee: \$75.00
- (6) Modification of Premises Fee: \$100.00
- (7) Tier-Up Fee: \$500.00

Section 18 - Recording and Authentication.

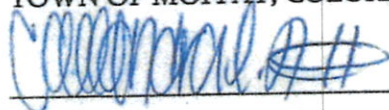
This ordinance immediately upon its passage shall be authenticated by the signatures of the Mayor and Town Clerk, recorded in the Town Book of Ordinances kept for that purpose and published according to law.

Section 19 - Publication and Effective Date.

This ordinance shall take effect immediately following final passage and shall be published thereafter. The Town of Moffat Ordinances numbers 2017-6, 2019-11, 2019-12, 2019-17, 2020-03 and 2021-01 were repealed by Ordinance 2021-02. This Ordinance amends Ordinance 2021-02.

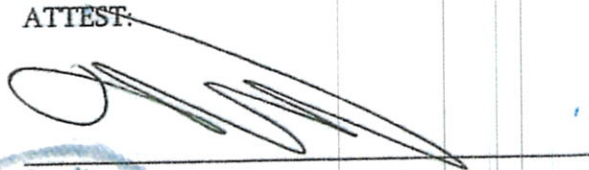
FIRST READ and ADOPTED on this 14th day of September, 2021.

TOWN OF MOFFAT, COLORADO

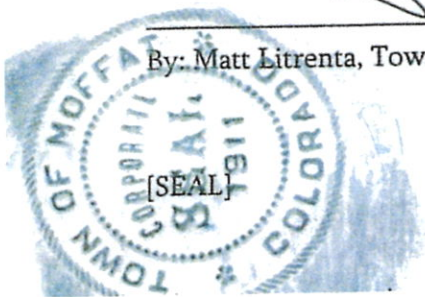


By: Cassandra L. Foxx, Mayor

ATTEST:



By: Matt Litrenta, Town Clerk/Treasurer



ORDINANCE NO. 2023- 01

AN ORDINANCE AMENDING ORDINANCE 2021-05 AND THE FRAMEWORK FOR REGULATED MARIJUANA IN THE TOWN OF MOFFAT

WHEREAS, the Board of Trustees of the Town of Moffat, Colorado, has determined it necessary to amend its current Ordinance 2021-05 (Concerning the Framework for Regulated Marijuana in the Town of Moffat) in order to incorporate updates from the Colorado Marijuana Rules, as well as more clearly state licensing and inspection requirements within the Town of Moffat.

NOW THEREFORE, be it ordained by the Board of Trustees of the Town of Moffat, that Ordinance 2021-05, be amended to read as follows:

Section 1 – Purpose and Legislative Intent.

- (A) The purpose of this Ordinance is to exercise the authority of the Town of Moffat to allow state-licensed Regulated Marijuana Businesses to operate in the Town in accordance with applicable state laws and regulations, as well as the additional local licensing requirements set forth herein.

Section 2 – Local Licensing Authority.

- (A) The Town Attorney is hereby designated as the Local Licensing Authority for the Town of Moffat with respect to Regulated Marijuana Businesses.
- (B) The Local Licensing Authority shall have the power to determine the qualifications of Applicants and Licensees and to determine whether *Regulated Marijuana Business Licenses* should be issued, denied, renewed, suspended, fined, revoked, or modified, pursuant to the procedures and standards set forth by the Colorado Marijuana Code, the Colorado Marijuana Rules, and this Ordinance.
- (C) The Local Licensing Authority shall notify the State Licensing Authority (Colorado Marijuana Enforcement Division, (MED)) of any Licenses that are issued, denied, renewed, suspended, fined, revoked, or expired, including any required written findings.

Section 3 – Relationship to Colorado Marijuana Code.

- (A) Except as otherwise specifically provided herein, this Ordinance incorporates the requirements set forth in the Colorado Marijuana Code and the Colorado Marijuana Rules.
- (B) In the event of a conflict of laws, the more restrictive provision shall control.
- (C) Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance, denial, suspension, or revocation of any License under this Ordinance.
- (D) Non-compliance with any applicable state law or regulation shall be grounds for revocation or suspension of any *Regulated Marijuana Business License* issued by the Local Licensing Authority.

Section 4 – Definitions.

(A) Except as provided below, the definitions set forth in subsection 16(2) of article XVIII of the Colorado Constitution, section 44-10-103 of the Colorado Revised Statutes, and Section 1-115 of the Colorado Marijuana Rules shall be incorporated to this Ordinance. In addition, the following terms shall have the meanings respectively assigned to them:

- (1) “*Applicant*” means any person(s) applying for a Regulated Marijuana Business License.
- (2) “*Audit of Compliance*” means a written document provided by the Local Licensing Authority or its delegates analyzing a Licensee’s compliance with the Colorado Marijuana Code, the Colorado Marijuana Rules, this Ordinance or other applicable laws and regulations.
- (3) “*Colorado Marijuana Code*” means Article 10 of Title 44 of the Colorado Revised Statutes, as amended.

- (4) "*Colorado Marijuana Rules*" means the rules promulgated by the Colorado Department of Revenue Marijuana Enforcement Division, as amended.
- (5) "*Excise Tax*" means a tax directly levied on certain goods by a local, state, or federal government.
- (6) "*License*" means the license, permit, or registration granted pursuant to the Colorado Marijuana Code, the Colorado Marijuana Rules, or this Ordinance.
- (7) "*Licensed Premises*" means the premises specified in an application for a License pursuant to the Colorado Marijuana Code, the Colorado Marijuana Rules, or this Ordinance, that are owned or are in possession of the Licensee and within which the Licensee is authorized to cultivate, manufacture, distribute, sell, store, transport, test or allow the use or consumption of Marijuana or Marijuana Products, in accordance with applicable provisions.
- (8) "*Licensee*" means any person licensed, registered, or permitted pursuant to the Marijuana Code, the Colorado Marijuana Rules, or this Ordinance.
- (9) "*Location*" means a particular parcel of land that may be identified by an address or other descriptive means.
- (10) "*Marijuana*" means both Medical Marijuana and Retail Marijuana but does not encompass hemp or hemp-derived products.
- (11) "*Marijuana Product*" means a product that is comprised of Marijuana infused with other ingredients, and that is intended for use or consumption other than by smoking including, but not limited to, edible products, ointments, and tinctures.
- (12) "*Notice of Violation*" means a written document provided by the Local Licensing Authority or its delegates affirming a Licensee's lack of compliance with the Colorado Marijuana Code, the Colorado Marijuana Rules, this Ordinance, or other applicable laws and regulations.
- (13) "*Office of the Town Attorney*" or "*Town Attorney*" means an attorney-at-law licensed to practice in the state of Colorado and hired by the Town to represent its interests.
- (14) "*Office of the Town Clerk*," "*Town Clerk*," or "*Clerk*" means the Clerk of the Town of Moffat, who acts as the custodian of the official records of the Town, or any person designated by said Clerk to exercise any of their powers, duties, or functions.
- (15) "*Park*" means a Federal, State, County, or Municipal-owned land that is open to the public for purposes of recreational activities.
- (16) "*Post Office*" means the United States Postal Service (USPS) building, with the USPS being an independent agency of the executive branch of the United States federal government responsible for providing postal service in the United States, including its insular areas and associated states.
- (17) "*Regulated Marijuana Business*" means any licensed Medical Marijuana Businesses and Retail Marijuana Businesses.
- (18) "*School or Childcare Establishment*" means any public or private school providing instruction to students in Kindergarten through grade twelve (12), any public or private schools or preschools that provide preparatory schooling for children of any age younger than the state age of mandatory attendance, or any commercial childcare establishment that is licensed by the State as such.
- (19) "*Smoking*" shall have the same meaning as set forth in section 25-14-203, C.R.S., as amended.
- (20) "*State Licensing Authority*" means the authority created for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, sale,

transportation, consumption, and testing of Regulated Marijuana in Colorado, pursuant to section 44-10-201, C.R.S., and may more commonly be known as the Colorado Marijuana Enforcement Division, (MED).

- (21) "State or local law enforcement agency" means: (i) The Colorado State Patrol, created pursuant to section 24-33.5-201 C.R.S.; (ii) The Colorado Bureau of Investigation, created pursuant to section 24-33.5-401 C.R.S.; (iii) A county sheriff's office; (iv) A municipal police department; (v) A municipal fire department; (vi) The Division of Parks and Wildlife within the Department of Natural Resources, created pursuant to section 24-1-124 C.R.S.; or (vii) A town marshal's office.
- (22) "Town" means the Town of Moffat, defined by its boundaries and local government.

Section 5 – Unlawful Acts.

- (A) It shall be unlawful for any person to operate a *Regulated Marijuana Business* in the Town without a valid License issued by the State Licensing Authority.
- (B) It shall be unlawful for any person to operate any *Regulated Marijuana Business* in the Town without a valid License issued by the Local Licensing Authority.
- (C) It shall be unlawful for any person to engage in any form of business or commerce involving the cultivation, processing, manufacturing, storage, sale, distribution, transportation, or consumption of Marijuana and Marijuana Products other than those forms of businesses and commerce that are expressly contemplated by Section 16 of Article XVIII of the Colorado Constitution, or those set forth by the Colorado Marijuana Code and the Colorado Marijuana Rules.
- (D) It shall be unlawful for any person to sell Marijuana or Marijuana Products at a *Medical Marijuana Store*, or at a *Retail Marijuana Store* at any time other than between the hours of 8:00 a.m. and 2:00 a.m. daily.
- (E) It shall be unlawful for any person(s) to operate a *Regulated Marijuana Business* in the Town while violating any provisions set forth by the Colorado Marijuana Code, the Colorado Marijuana Rules, and/or this Ordinance. Any such violation(s) shall be grounds for revocation, suspension, or denial of renewal of any *Regulated Marijuana Business License* issued by the Local Licensing Authority.

Section 6 – Authorized Classes of Licenses.

- (A) For the purposes of regulating the cultivation, processing, manufacturing, storage, sale, transfer, transportation, and consumption of Marijuana and Marijuana Products, the Town hereby authorizes issuance of the following classes of licenses:
- (1) Medical Marijuana Store License;
 - (2) Medical Marijuana Cultivation Facility License;
 - (3) Medical Marijuana Products Manufacturer License;
 - (4) Medical Marijuana Transporter License;
 - (5) Retail Marijuana Store License;
 - (6) Retail Marijuana Cultivation Facility License;
 - (7) Retail Marijuana Products Manufacturer License;
 - (8) Retail Marijuana Transporter License;
 - (9) Marijuana Hospitality Business License;
 - (10) Retail Marijuana Hospitality And Sales Business License;
 - (11) Accelerator Cultivator License;
 - (12) Accelerator Manufacturer License; and
 - (13) Accelerator Store License.

- (B) Licenses issued by the Town of Moffat shall grant the same privileges and impose the same restrictions as set forth in the Colorado Marijuana Code, the Colorado Marijuana Rules, and this Ordinance.
- (C) Issuance of any license type requires Licensee to affirm that they authorize any agent of the Local Licensing Authority, including third party contractors, to access the Licensed Premises during business hours to perform an inspection, according to Section 15 of this Ordinance (Inspections, Audits of Compliance and Notices of Violation).

Section 7 – Application for Marijuana Business Licenses.

- (A) An application for a Regulated Marijuana Business License shall be made to the Local Licensing Authority upon forms provided for that purpose.
- (B) At a minimum, the application shall require the following information:
- (1) A copy of the state application at the time of submission or within thirty (30) days from when the Local Licensing Authority receives the initial application.
 - (2) Proof of ownership or legal possession of the Licensed Premises. If the Licensed Premises is leased, the application shall include written consent by the owner of the property to the licensing of the premises as a Regulated Marijuana Business.
- (C) An application shall not be accepted unless it is filed on current forms and payment of all associated fees in accordance with Section 17 of this Ordinance (Fees) are made.
- (D) An application shall be considered received upon the day it is submitted to the Local Licensing Authority.
- (E) If an application received by the Local Licensing Authority is deemed incomplete or otherwise deficient, the Local Licensing Authority shall notify the Applicant and permit the Applicant thirty (30) days to amend the application to complete it or cure any deficiencies. If the applicant cannot complete the application or cure any deficiencies, the Local Licensing Authority shall deny the application.
- (a) The Local Licensing Authority shall deny an application if a copy of the application submitted to the State Licensing Authority is not received by the Local Licensing Authority within thirty (30) days of the initial application date.
- (F) The Local Licensing Authority shall review all applications for compliance with this Ordinance. Applications in compliance with this Ordinance shall be approved. Applications not in compliance with this Ordinance shall be denied. The Local Licensing Authority may issue a conditional License to applicants that have not submitted a copy of their state application, provided all other aspects of the application comply with this Ordinance.
- (G) An applicant shall affirm that they authorize any agent of the Local Licensing Authority, including third party contractors, to access the Licensed Premises during business hours to perform an inspection, according to Section 15 of this Ordinance (Inspections, Audits of Compliance and Notices of Violation).
- (H) A local License shall be valid for one (1) year from the date of issuance and may be renewed in accordance with Section 8 of this Ordinance (Renewals).
- (I) The Local Licensing Authority shall notify the State Licensing Authority of all decisions made on applications for *Regulated Marijuana Businesses Licenses* in accordance with the Colorado Marijuana Code and Colorado Marijuana Rules.

Section 8 – Renewals.

- (A) Any License issued pursuant to this Ordinance shall be valid for a period of one (1) year from the date of issuance. Any renewal of the License shall be governed by the standards and procedures set forth in the Colorado Marijuana Code and the Colorado Marijuana Rules, and this Ordinance.

- (B) The Local Licensing Authority shall process License renewal in the same manner as the State Licensing Authority administers renewals of state Licenses subject to any additional restrictions on renewal as provided in this Ordinance.
- (C) At the time of renewal, a Licensee shall affirm that they authorize any agent of the Local Licensing Authority, including third party contractors, to access the Licensed Premises during business hours to perform an inspection, according to Section 15 of this Ordinance (Inspections, Audits of Compliance and Notices of Violation).
- (D) The Local Licensing Authority may analyze a Licensee's compliance with the Colorado Marijuana Code, the Colorado Marijuana Rules, and this Ordinance prior to issuing a Renewal.
- (1) The Local Licensing Authority may require a hearing in front of the Board of Trustees if the Licensee is found to be non-compliant with the Colorado Marijuana Code, the Colorado Marijuana Rules, or this Ordinance.
- (a) The hearing in front of the Board of Trustees is advisory in nature and does not constitute a final decision. The Local Licensing Authority shall issue a final decision at its discretion.
- (E) Upon payment of a renewal fee, payment of any accumulated or outstanding fines, in accordance with Section 17 of this Ordinance (Fees & Fines), and completion of any required forms, any Licensee may apply to renew a License prior to the License expiration date.
- (1) A Licensee may apply for a renewal within ninety (90) days prior to the expiration date of the License.
- (2) A Licensee whose License has been expired for no more than thirty (30) days may file a late renewal application, upon the payment of a late fee and renewal fee, in accordance with Section 17 of this Ordinance (Fees), and in accordance with Section 2-225(D)(1) of the Colorado Marijuana Rules.
- (3) The Local Licensing Authority may revoke or suspend a license if the renewal in accordance with Section 17 of this Ordinance (Fees) is not executed in ninety (90) days.
- (F) A Licensee may not operate with an expired License, or exercise any of the privileges of the License:
- (1) The Local Licensing Authority may administratively continue a License if a renewal was submitted in a timely manner until a determination on the renewal application has been rendered. A Licensee whose License has been administratively continued may operate until a determination has been made on its renewal application.
- (2) A *Retail Marijuana Cultivation Facility License* or *Medical Marijuana Cultivation Facility License* that has an expired License but submitted a renewal within ninety (90) days from expiration shall be permitted to continue cultivating Marijuana plants but may not transfer any Marijuana until a determination has been made on its renewal application.
- (G) The Local Licensing Authority shall notify the State Licensing Authority of all decisions made on renewals of *Regulated Marijuana Businesses Licenses*.

Section 9 – Licensed Premises.

- (A) All *Regulated Marijuana Business Licenses* shall be issued for a specific Location, which may only be part of a building or address, which shall be considered the Licensed Premises.
- (B) A Licensee must maintain possession of its Licensed Premises at all times during licensure. Possession is a prerequisite of licensure and any loss of possession while licensed invalidates the License.
- (C) No *Regulated Marijuana Business Licenses* shall be issued for the following locations:
- (1) Within 1,000 (one thousand) feet of any School or Childcare Establishment, Park, or Post Office. The distance shall be computed by direct measurement in a straight line from the

nearest legal parcel line of the land used for a School, Childcare Establishment, Park, or Post Office to the nearest external portion of the building or the land use in which the Regulated Marijuana Business is to be located.

(D) *Medical Marijuana Store Licenses* and *Retail Marijuana Store Licenses* shall not be issued outside of Moffat Township of 1910 (original city limits) and the "Randall Addition" (hereunder referred to as "Section 1"), or at the AREA420 Addition (hereunder be referred to as "Section 2").

(1) "Section 1" is defined as WEST 1/2 OF SECTION 5, THE EAST 1/2 OF SECTION 6, AND THE NORTH 1/2 OF SECTION 8, ALL IN TOWNSHIP 43 NORTH, RANGE 10 EAST, NEW MEXICO PRINCIPAL MERIDIAN, SAGUACHE COUNTY, COLORADO.

(2) "Section 2" is defined as: Lots 9, 10, 11 and 12 OF BLOCK 23, TOWN OF MOFFAT, SAGUACHE COUNTY, COLORADO.

(E) No *Medical Marijuana Cultivation Facility License*, *Medical Marijuana Products Manufacturer License*, *Retail Marijuana Cultivation Facility License*, or *Retail Marijuana Products Manufacturer License* shall be issued outside of the permissible areas, attached hereto as Attachment A, and incorporated herein by reference, and property(s) that has previously been licensed for marijuana use by the Town, and which may have inadvertently been left out of the attached legal descriptions (Attachment A).

(F) Notwithstanding subsection (E), no more than two (2) *Medical Marijuana Cultivation Facility Licenses* and two (2) *Retail Marijuana Cultivation Facility Licenses* may be issued within the Moffat Township of 1910 (original city limits) and the "Randall Addition".

(G) No *Marijuana Hospitality Business License* or *Retail Marijuana Hospitality and Sales Business License* shall be issued for locations that are not compliant with this Section of the Ordinance.

(H) No *Medical Marijuana Transporter License* or *Retail Marijuana Transporter License* shall be issued for locations that are not compliant with this Section of the Ordinance.

Section 10 – Ownership.

(A) A transfer of ownership or change in business structure for a *Regulated Marijuana Business License* shall be governed by the standards and procedures set forth in the Colorado Marijuana Code and the Colorado Marijuana Rules.

(B) A Licensee shall provide a copy of all applications submitted, or intended to be submitted, to the State Licensing Authority for a transfer of ownership. The Local Licensing Authority shall provide an acknowledgement of receipt of the copy of the application.

(C) A Licensee shall notify the Local Licensing Authority upon receipt of approval or denial of its application for a transfer of ownership from the State Licensing Authority prior to completing any change in ownership.

Section 11 – Changes of Location.

(A) An application for change of location for a *Regulated Marijuana Business* shall be made to the Local Licensing Authority upon forms provided for that purpose.

(B) A Licensee shall not change location of its License without prior approval from the Local Licensing Authority. A *Regulated Marijuana Business* must apply for and receive approval from the State Licensing Authority before changing the location of its Licensed Premises.

(C) If the change of location is to a different location within the Town of Moffat, the Local Licensing Authority shall review all applications for a change of location to determine whether the new location meets all zoning and other relevant requirements. Applications in compliance with this Ordinance shall be approved; those not in compliance shall be denied.

(D) If the change of location is to a jurisdiction outside of the Town of Moffat, the Licensee must obtain a license from the appropriate licensing authority or local jurisdiction where the Licensee intends to locate.

- (1) The Licensee must provide the Local Licensing Authority a copy of the application submitted to the State Licensing Authority.
- (2) The Licensee must notify the Local Licensing Authority regarding any approval or denial by the State Licensing Authority of an application for a change of location to another jurisdiction.
- (3) The Licensee must notify the Local Licensing Authority of the date that Licensed Premises shall be moved and shall surrender its original local License from the Town of Moffat upon completion of its change of location.

Section 12 – Modification of Premises.

- (A) After obtaining a License, a Licensee shall not make physical changes, alterations, or modifications of the Licensed Premises that materially or substantially alters the Licensed Premises or the usage of the Licensed Premises from the originally approved plans without the State Licensing Authority's prior written approval.
- (B) A Licensee needs to comply with the requirements of the Colorado Marijuana Code and Section 2-260 of the Colorado Marijuana Rules when modifying its premises.
- (C) A Licensee shall provide a copy of all applications submitted, or intended to be submitted, to the State Licensing Authority for a modification of premises. The Local Licensing Authority shall provide an acknowledgement of receipt of the copy of the application.
- (D) A Licensee shall notify the Local Licensing Authority upon receipt of approval or denial of its application for a modification of premises to the State Licensing Authority (MED) prior to making the changes to the Licensed Premises proposed in its application.

Section 13 – Operational Requirements.

(A) A Licensee in the Town of Moffat must comply with the following requirements:

- (1) A *Regulated Marijuana Business* must comply with the Town's light pollution policy and follow the guiding principles of the International Dark Sky Association (IDA).
 - (a) All outdoor light fixtures shall be fully shielded and installed and maintained in such a manner that the shielding does not permit light trespass in excess. Lighting shall be directed away from public viewing areas in a manner to ensure no lamp is directly visible from public viewing areas.
 - (b) Light pollution shall be minimized through the use of directional lighting, fixture location, height, or the use of shielding and/or motion sensors and timers.
 - (c) A Medical Marijuana Cultivation Facility, Medical Marijuana Products Manufacturer, Retail Marijuana Cultivation Facility, or Retail Marijuana Products Manufacturer shall have a light deprivation system.
 - (d) Lighting coming from a Medical Marijuana Cultivation Facility, Medical Marijuana Products Manufacturer, Retail Marijuana Cultivation Facility, or Retail Marijuana Products Manufacturer shall be obstructed from the view of the highway and residential zones.
 - (e) A Medical Marijuana Cultivation Facility, Medical Marijuana Products Manufacturer, Retail Marijuana Cultivation Facility, or Retail Marijuana Products Manufacturer shall comply with requirements of the Colorado Marijuana Rules regarding motion lights and night lights in a manner that complies with lighting nuisance requirements.
- (2) *Regulated Marijuana Businesses* shall comply with the Town's noise pollution policy.

- (a) A *Medical Marijuana Cultivation Facility*, *Medical Marijuana Products Manufacturer*, *Retail Marijuana Cultivation Facility*, or *Retail Marijuana Products Manufacturer* shall have quiet generators or sound muffling structures around generators.
- (3) *Regulated Marijuana Businesses* shall have regular trash services, in addition to the requirements set forth in the Colorado Marijuana Rules on waste disposal.
- (a) All trash and other debris shall be secured to prevent littering, destruction of neighboring properties, and to protect the health and safety of Town residents.
- (4) *Regulated Marijuana Businesses* shall comply with all fire restrictions imposed by the Town of Moffat, Saguache County, or the State of Colorado, and all requirements set forth in the Colorado Marijuana Rules on waste disposal.
- (a) A *Regulated Marijuana Business* shall always have at least one (1) operational fire extinguisher in the Licensed Premises.
- (5) A *Medical Marijuana Cultivation Facility*, *Medical Marijuana Products Manufacturer*, *Retail Marijuana Cultivation Facility*, or *Retail Marijuana Products Manufacturer* shall have a septic system or septic vault installed at their location.
- (a) If installed on or after May 31, 2020, a septic system or septic vault shall be installed one hundred (100) feet from the water tap and twenty-five (25) feet from the water main.
- (6) A *Medical Marijuana Cultivation Facility* or a *Retail Marijuana Cultivation Facility* shall have a green mesh or netting material around its fencing in addition to the requirements set forth in the Colorado Marijuana Rules on security alarm systems and lock standards.
- (a) The fence shall be sufficient to ensure that the *Medical Marijuana Cultivation Facility* or the *Retail Marijuana Cultivation Facility* has low visibility to the public from a public place.
- (b) The fencing shall be sufficient to minimize light pollution from the *Medical Marijuana Cultivation Facility* or *Retail Marijuana Cultivation Facility*, in accordance with this Section.
- (c) The *Medical Marijuana Cultivation Facility* or the *Retail Marijuana Cultivation Facility* shall ensure that the green mesh or netting material be maintained at all times and not be in disarray, falling off, or torn.
- (7) Persons working at a *Medical Marijuana Products Manufacturer*; or a *Retail Marijuana Products Manufacturer* must have a valid SERV Safe Food Handler certificate obtained through the successful completion of an online or in person assessment. A copy of the certificate shall be maintained by the Licensee and presented upon request by the Local Licensing Authority or any other municipal, county, or state public health official.
- (8) A *Medical Marijuana Transporter License* or *Retail Marijuana Transporter License* shall comply with the following provisions:
- (a) *Medical and Retail Marijuana Transporter Licensees* shall not possess unsealed packages or containers of cannabis on the Licensed Premises. *Medical and Retail Marijuana Transporter Licensees* shall not open sealed packages or containers of cannabis. *Medical and Retail Marijuana Transporter Licensees* shall not re-package cannabis on the Licensed Premises.
- (b) *Medical and Retail Marijuana Transporters* that do not maintain a Licensed Premises within the town shall not temporarily store cannabis or otherwise exercise any license privileges for which a Licensed Premises would be required.

Section 14 – Licensed Hospitality Businesses.

- (A) *Marijuana Hospitality Businesses* and *Retail Marijuana Hospitality and Sales Businesses* are authorized in the Town of Moffat and must comply with all local and state laws and regulations.
- (B) A local *Marijuana Hospitality Business License* may be issued to allow for the on-premises consumption of Marijuana and Marijuana Product(s) at a fixed location and must comply with rules established by the Colorado Marijuana Code, the Colorado Marijuana Rules, and this Ordinance.
- (1) A *Marijuana Hospitality Business Licensee* shall not sell, transfer, or distribute, with or without remuneration, or allow the sale, transfer, or distribution, with or without remuneration, of Marijuana or Marijuana Products on the Licensed Premises.
 - (2) A *Marijuana Hospitality Business Licensee* shall not allow any person under the age of twenty-one (21) on the Licensed Premises.
 - (3) A *Marijuana Hospitality Business Licensee* shall not engage in or allow any activity that would require an additional License, including, but not limited to, planting, growing, harvesting, storing, drying, trimming, processing, or manufacturing Marijuana, or Marijuana Products. Nothing in this section prohibits a Marijuana Hospitality Business from storing marijuana consumer waste on the Licensed Premises, in compliance with state law.
 - (4) A *Marijuana Hospitality Business* is allowed to operate between the hours of 8:00 a.m. and 2:00 a.m. daily.
 - (5) A *Marijuana Hospitality Business* may allow smoking and vaping of Marijuana or Marijuana Products in indoor and outdoor portions of the Licensed Premises.
 - (6) A *Marijuana Hospitality Business* shall ensure that the display and consumption of any Marijuana or Marijuana Product is not visible from outside of its Licensed Premises.
 - (7) A *Marijuana Hospitality Business* with outdoors areas shall ensure that all Marijuana is kept out of plain sight, is not visible from a public place without the use of optical aids, and that the consumption area is surrounded by a sight-obscuring wall, fence, hedge, or other opaque barrier.
- (C) A local *Retail Marijuana Hospitality and Sales Business License* may be issued to allow for the sale and on-premises consumption of Marijuana and Marijuana Product(s) at a fixed location and must comply with rules established by the Colorado Marijuana Code, the Colorado Marijuana Rules, and this Ordinance.
- (1) A *Retail Marijuana Hospitality and Sales Business* shall permit the sale, transfer, distribution, use, or consumption of regulated marijuana between the hours of 8:00 a.m. and 2:00 a.m. daily.
 - (a) All transfers of Marijuana or Marijuana Product(s) by a *Retail Marijuana Hospitality and Sales Business* to a consumer shall not exceed the following sales limit per person, per day:
 - (i) More than two (2) grams of Retail Marijuana Flower;
 - (ii) More than one-half of one (½) gram of Retail Marijuana Concentrate; or
 - (iii) A Retail Marijuana Product containing more than twenty (20) milligrams of active THC. For any transfer of Retail Marijuana Product containing more than ten (10) milligrams of active THC, the Retail Marijuana Product must be Transferred to a consumer in separate serving sizes containing no more than ten (10) milligrams of active THC per serving.
 - (b) A *Retail Marijuana Hospitality and Sales Business* shall not permit a consumer to leave the Licensed Premises with any unconsumed marijuana unless the *Retail Marijuana Hospitality and Sales Business* has ensured the unconsumed marijuana is packaged and labeled in accordance Packaging and Labeling Requirements.

- (2) A *Retail Marijuana Hospitality and Sales Business Licensee* shall not allow any person under the age of twenty-one (21) on the Licensed Premises.
- (3) A *Retail Marijuana Hospitality and Sales Business Licensee* shall not engage in or allow any activity that would require an additional License, including but not limited to planting, growing, harvesting, storing, drying, trimming, processing, or manufacturing Marijuana or Marijuana Products. Nothing in this section prohibits a *Marijuana Hospitality Business* from storing marijuana consumer waste on the Licensed Premises, in compliance with state law.
- (4) A *Retail Marijuana Hospitality and Sales Business* is allowed to operate between the hours of 8:00 a.m. and 2:00 a.m. daily.
- (5) A *Retail Marijuana Hospitality and Sales Business* may allow smoking and vaping of Marijuana or Marijuana Products in indoor and outdoor portions of the Licensed Premises.
- (6) A *Retail Marijuana Hospitality and Sales Business* shall ensure that the display and consumption of any Marijuana or Marijuana Product is not visible from outside of its Licensed Premises.
- (7) A *Retail Marijuana Hospitality and Sales Business* with outdoors areas shall ensure that all Marijuana is kept out of plain sight and is not visible from a public place without the use of optical aids and that the consumption area is surrounded by a sight-obscuring wall, fence, hedge, or other opaque barrier.

Section 15 – Inspections, Audits of Compliance and Notices of Violation.

- (A) Every Applicant, Licensee, or employee of the *Regulated Marijuana Business* shall permit any agent of the Local Licensing Authority, including third party contractors, to access the Licensed Premises during business hours to perform an inspection and issue an Audit of Compliance with the Colorado Marijuana Code, the Colorado Marijuana Rules, this Ordinance.
- (1) The auditing agent shall issue a written result the for the Audit of Compliance within ninety (90) days of the visit and send a copy to the Licensee.
 - (2) In case a third-party contractor conducts the inspection, a copy of the Audit of Compliance shall be issued to the Local Licensing Authority.
 - (3) The Audit of Compliance may be attached to the License's records. An Audit of Compliance may be used during proceedings for revocation, suspension, or denial of renewal of the License.
 - (4) The Local Licensing Authority may issue a copy of the Audit of Compliance to the State Licensing Authority.
- (B) The Local Licensing Authority may require a re-inspection of the License Premises at its discretion and depending on the severity of the violations stated in the Audit of Compliance. If an inspecting agent continues to see a recurring violation, the Local Licensing Authority may issue a Notice of Violation to the Licensee.
- (1) If the Local Licensing Authority decides to issue a Notice of Violation to the Licensee, the Local Licensing Authority shall do so within ninety (90) days of the re-inspection and send a copy to the Licensee.
 - (2) In case a third-party contractor conducts the re-inspection, the inspecting agent shall notify the Local Licensing Authority, in writing, with a statement describing the recurring violation. The Local Licensing authority will decide, based on the stated facts, whether to issue a Notice of Violation.
 - (3) The Local Licensing Authority may give up to ninety (90) days from the re-inspection date for the Licensee to comply with the Rules described in the Notice of Violation.

- (4) If the Licensee does not comply with the Notice of Violation in the time stipulated by the Local Licensing Authority, the Local Licensing Authority may begin proceedings for revocation or suspension of the license.
 - (5) In the event of such proceedings, the Local Licensing Authority may require a hearing in front of the Board of Trustees relative to the revocation or suspension of the License, and the Board of Trustees may issue recommendations concerning the matter. The Local Licensing Authority may consider the recommendations and records of the proceedings before issuing a final decision.
 - (i) The hearing in front of the Board of Trustees is advisory in nature and does not constitute a final decision. The Local Licensing shall issue a final decision at its discretion.
- (C) Any Regulated Marijuana Business may be required to demonstrate, upon demand by a State or Local Law Enforcement Agency, that the source and quantity of any marijuana found upon the Licensed Premises is in full compliance with any applicable state law or regulation.

Section 16 – Disciplinary Action, Sanctions, and Penalties.

- (A) In addition to any other penalties prescribed by the Colorado Marijuana Code and the Colorado Marijuana Rules, the Local Licensing Authority may, on their own motion or upon complaint, and after investigation in which the licensee shall be afforded an opportunity to be heard, suspend, revoke, fine, fine in lieu of suspension, or place conditions on any License for any of the following circumstances:
- (1) Any fact or condition exists which would qualify for the denial of the License;
 - (2) The Licensee has failed to furnish information that may be reasonably required by the Local Licensing Authority or its agents;
 - (3) The Licensee, either knowingly or without the exercise of due care to prevent the same, has violated the Colorado Marijuana Code, the Colorado Marijuana Rules, or this Ordinance;
 - (4) The Licensee has failed to maintain the Licensed Premises in compliance with the requirements of the Colorado Marijuana Code, the Colorado Marijuana Rules, this Ordinance, or any other applicable local and state laws;
 - (5) The Licensee, or employee of the *Regulated Marijuana Business* violated any Ordinance of the Town or any state or federal laws or have permitted such a violation by another.
- (B) No suspension under this section shall be for a longer period than six (6) months. Notice of suspension or revocation, as well as any required notice hearing, shall be given by mailing the same in writing to the Licensee at the Licensee's last address of record with the Local Licensing Authority.
- (C) Revocation of a license may occur immediately or while a license is suspended.
- (D) A Licensee shall notify the Local Licensing Authority of any disciplinary action taken against its License by the State Licensing Authority, including, but not limited to, fines, fines in lieu of suspension, suspensions, or revocations.
- (E) The Local Licensing Authority may notify the State Licensing Authority of suspected violations of this Ordinance or the Code and coordinate with the State Licensing Authority in their investigations of Licensees.

Section 17 – Fees & Fines.

- (A) Applicants and Licensees shall pay all the non-refundable fees listed in the Town of Moffat Consolidated Fee Schedule, in addition to any fees payable to the State of Colorado.
- (B) Fines and fines in lieu of suspension issued by the Local Licensing Authority are discretionary and may be modulated between one hundred (100) and five thousand (5,000) dollars per violation.

Section 18 – Taxes.**(A) Procedures.**

- (1) Excise Tax Reporting forms shall be due by the 20th of each month for the preceding month's sales. If the 20th of the month falls on a Sunday or Holiday in which the Town Hall is closed, forms and payment may be remitted no later than the next available business day.
- (2) Excise Tax Forms will need to be filed every month regardless of whether the Licensee owes the Town taxes, sales were generated for that month, or the License is in full operation.
- (3) Excise Tax Forms shall be updated monthly, therefore Licensees cannot use the same Tax form as months prior due to changes in market rates.
- (4) Excise Tax Forms shall only be accepted by in person delivery, mail, or fax. Electronic delivery such as email shall not be accepted due to security purposes.
- (5) Payments may only be made by mail or in person delivery.
- (6) A copy of the Licensee's Colorado Department of Revenue Reporting Form must accompany the submission of the local Excise Tax Reporting Form.
- (7) If the "Contract Price" section of the Excise Tax Reporting Form is filled out, the Licensee must provide a copy of the contract dated prior to the sale.
- (8) If an individual or entity has more than one License within the Town of Moffat, a separate reporting form will need to be filled out for each *Retail Marijuana Businesses*.
- (9) Licensees must certify on their Excise Tax Form that the information reported on the reporting form is true and correct and agree to promptly submit an amended return if any errors are discovered and agree to reimburse the Town for all costs and attorney's fees in recovering any under reported amounts and otherwise enforcing its excise tax.

(B) Penalty for Violation

- (1) Per the Excise Tax Reporting Form, if payment and/or the tax return is filed after the due date a ten percent (10%), penalty will be assessed on the amount of tax owed to the Town.
- (2) For each month, the payment and/or return is late, a twenty five percent (25%) interest will accrue on the excise tax amount past due.
- (3) In the event the amount of tax due to the Town is zero dollars (\$0.00), and a return is not filed with the Town by the due date, then a penalty shall be assessed for such return(s) each month the return is late, in accordance with the Town of Moffat Consolidated Fee Schedule.
- (4) If the payment and/or reporting form is late, an email shall be sent to the Licensee indicating that the Licensee is late on their deadline. After a week of the deadline, a late notice will be mailed, and a phone call made to the owner on file.
- (5) Each Licensee shall have sixty (60) days to pay their past due excise tax, after which point their water tap shall be shut off and fines assessed. The Local Licensing Authority may revoke or suspend the local license, and the State Licensing Authority (MED) may be notified. Within the sixty (60) day late period, the Licensee may request a Public Hearing with the Moffat Board of Trustees to present a proposal for payment to be considered by the Local Licensing Authority. If the Local Licensing Authority finds the proposal sufficient, an extension will be granted to the Licensee to allow for a payment plan no longer than ninety (90) days from approval at the Public Hearing. If the Local Licensing Authority finds the proposal insufficient, or the Licensee does not apply for a Public Hearing, the Local Licensing Authority may temporarily suspend or permanently revoke the local license for such entity, at which time the State Licensing Authority (MED) shall be notified.
- (6) The Town may impose a penalty for a check remitted to the Town for payment of tax that is returned to the Town due to insufficient funds, a closed account, or a stop payment order, pursuant to the Town of Moffat Consolidated Fee Schedule.

(7) Failure to pay may cause the Town to charge the local business with the following:

- i. Fraud with intent to evade tax.
- ii. Negligence or intentional disregard of rules and regulations, without intent to defraud.
- iii. Making retail sales without a valid license.

Section 19 – Recording and Authentication.

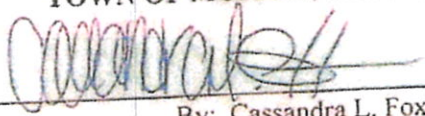
(A) This Ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and Town Clerk, recorded in the Town Book of Ordinances kept for that purpose, and published according to law.

Section 20 – Publication and Effective Date.

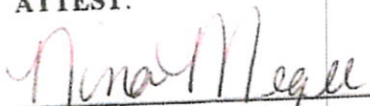
(A) This Ordinance shall take effect immediately following final passage and shall be published thereafter. The Town of Moffat Ordinances numbers 2017-6, 2019-11, 2019-12, 2019-17, 2020-03, 2021-01, 2021-2 were previously repealed. This Ordinance amends Ordinance 2021-05.

FIRST READ and ADOPTED on this 22nd day of February, 2023

TOWN OF MOFFAT, COLORADO



 By: Cassandra L. Foxx, Mayor

ATTEST:


 Nina Magee, Town Clerk



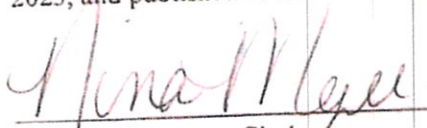
APPROVED AS TO FORM:


 Seth Walker, Town Attorney

CERTIFICATION

I hereby certify that the within Ordinance was introduced, read in full, approved and adopted at meeting of the Board of Trustees of the Town of Moffat, Colorado on the 21 day of February, 2023, and published in full in the Valley Courier, a legal newspaper in the Town of Moffat, on ___[date].

Feb 25, 2023


 Nina Magee, Town Clerk

ATTACHMENT A:

- (1) A tract of land situated in the Northwest 1/4 of Section 6, Township 43 North, Range 10 East, New Mexico Principal Meridian, Saguache County, Colorado, and more particularly described as follows: Beginning at the northeast corner of the herein described tract and also being the northeast corner of Oklahoma Land and Colonization Company Tract 20, and from whence the north 1/4 corner of said Section 6, being identical with the Northwest Corner of The Town of Moffat as shown on that plat filed in the Book of Plats at the Office of the Saguache County Clerk on June 27, 1910 bears N 03° 38' 04" E a distance of 640.58 feet; Thence S 03° 38' 04" W along the west line of the said Town of Moffat and the east line of said Oklahoma Land and Colonization Company Tracts 20, 29, 36, and 45 a distance of 1,324.34 feet to the southeast corner of said Tract 45 and the northeast corner of United States General Land Office Lot 9 as shown on the said USGLO Plat accepted by the Surveyor General on August 4, 1875; Thence continuing S 03° 38' 04" W along the said west line of the Town of Moffat a distance of 1,992.12 feet to a point on the north Right-of-Way Line of Saguache County Road U 60; Thence N 53° 15' 52" W along said Saguache County Road U 60 a distance of 3,127.52 feet to a point on the west Line of said Section 6, lying within the Right-of-Way of Saguache County Road 59; Thence N 02° 20' 54" E along the said west line of Section 6 a distance of 154.68 feet to the northwest corner of USGLO Lot 10; Thence S 89° 11' 29" E along the north line of said USGLO Lot 10 a distance of 1,313.31 feet to the southwest corner of Tract 46 of said Oklahoma Land and Colonization Company Tracts; Thence N 02° 59' 28" E along the west line of said Oklahoma Land and Colonization Company Tracts 46, 35, 30 and 19 a distance of 1324.47 to the northwest corner of said Tract 19; Thence S 89° 09' 28" E along the north line of said Tracts 19 and 20 a distance of 1,328.15 feet to the Point of Beginning. Said Tract containing 104.688 Acres, more or less.
- (2) The Southwest 1/4 of Section 31, Township 44 North, Range 10 East, New Mexico Principal Meridian, Saguache County, Colorado, more particularly described as follows: Beginning at the Southwest corner of said Section 31, thence N 01° 17' 26" E along the west line of said Section 31 a distance of 2605.41 feet to the West 1/4 corner of said Section 31; Thence S 89° 31' 25" E along the east-west centerline of said Section 31 a distance of 2646.80 feet to the center of said Section 31; Thence S 00° 46' 22" W along the north-south centerline of said Section 31 a distance of 2644.56 feet to the South 1/4 corner of said Section 31; Thence N 88° 40' 43" W along the south line of said Section 31 a distance of 2670.19 feet to the Southwest corner of said Section 31 and the Point of Beginning. Said Tract containing 160.198 Acres, more or less.
- (3) The Southeast 1/4 of Section 36, Township 44 North, Range 9 East, New Mexico Principal Meridian, Saguache County, Colorado, more particularly described as follows: Beginning at the Southeast corner of said Section 36, thence N 89° 08' 41" W along the south line of said Section 36 a distance of 2645.85 feet to the South 1/4 corner of said Section 36; Thence N 01° 22' 13" E along the north-south centerline of said Section 36 a distance of 2629.47 feet to the center of said Section 36; Thence S 88° 37' 25" E along the east-west centerline of said Section 36 a distance of 2641.88 feet to the East 1/4 corner of said Section 36; Thence S 01° 17' 07" W along the south line of said Section 36 a distance of 2605.41 feet to the Southeast corner of said Section 36 and the Point of Beginning. Said Tract contains 158.862 Acres, more or less.
- (4) A parcel of land located entirely within United States General Land Office Lots 4 and 5, Section 6, Township 43 North, Range 10 East, New Mexico Principal Meridian also known as: 17848 CO RD 59, Moffat, CO 81143, more particularly described as follows: Beginning at the northwest corner of the herein described parcel whence the northwest corner of said Section 6 bears N 88°40'43" W a distance of 60.01 feet; Thence S 88°40'43" E along the north line of said Section 6 a distance of 1,275.08 feet to the northeast corner of the herein described tract which is identical with the northeast corner of said USGLO Lot 4; Thence S 02°58'50" W along the east line of said USGLO Lot 4 a distance of 651.44 feet to the southeast corner of said Lot 4 and the northeast corner of said USGLO Lot 5; Thence S 02°59'28" W along the east line of said USGLO Lot 5 a distance of 1,324.48 feet to the southeast corner of the herein Described parcel which is identical with the southeast corner of said USGLO Lot 5; Thence N 89°11'29" W along the south line of said USGLO Lot 5 a distance of 1,253.28 feet to the southwest corner of the herein described parcel, being a point on the east Right of Way Line of Saguache County Road 59; Thence N 02°20'54" E along the said east Right of Way Line of Saguache County Road 59 a distance of 1,986.60 feet to the Point of Beginning; Said Parcel containing 57.475 Acres, more or less.

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Trish Gilbert
Saguache County Clerk