

**ORDINANCE NO. 2017-6**

**AN ORDINANCE PROHIBITING MARIJUANA CONSUMPTION CLUBS IN THE TOWN OF MOFFAT**

**WHEREAS**, C.R.S. § 31-23-301 empowers the Town Board to zone the Town and to make appropriate regulations and restrictions concerning land uses within the Town of Moffat; and

**WHEREAS**, the City of Alamosa has received a limited number of inquiries concerning the establishment of marijuana consumption clubs; and

**WHEREAS**, the Colorado Medical Marijuana Code, the Colorado Retail Marijuana Code, and the Town Ordinances all do not address marijuana consumption clubs; and

**WHEREAS**, marijuana consumption clubs differ from other private, civic, social, or fraternal membership clubs or associations in many ways, not least of which is their illegality under federal law; and

**WHEREAS**, nothing in this Ordinance is meant to inhibit any individual's personal use or possession of marijuana pursuant to article XVIII, section 16(3)(a) - (e) of the Colorado Constitution;

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Town Board of the Town of Moffat, Colorado, as follows:

**Section 1.** Prohibition on the establishment of Marijuana Consumption Clubs. It shall be unlawful to establish or operate marijuana consumption clubs within the Town of Moffat, Colorado.

**Section 2.** Definitions: For purposes of this Ordinance, a "marijuana consumption club" shall be defined as an establishment, organization, association, club, tea pad, or other similar entity or place where a purpose is to allow the consumption of marijuana, medical marijuana or marijuana product on the premises owned or operated by the club.

**Section 3.** General Repealer. All other acts, orders, ordinances, resolutions, or portions thereof in conflict with the sections adopted in this Ordinance, are hereby repealed to the extent of such conflict.

**Section 4.** 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 purposes, and published according to law.

382737

Page 1 of 2

State of Colorado

Carla Gomez, Saguache County Recorder

04-18-2017 12:56 PM Recording Fee \$18.00



**Section 5. Publication and Effective Date.** This ordinance shall take effect ten (10) days after publication following final passage. Publication both before and after final passage shall be by the title of this ordinance, which the Board determines constitutes a sufficient summary of the ordinance, together with the statement that the full text of the ordinance is available for public inspection and acquisition on the Town's website and in the office of the Town Clerk.

**Section 7. Declaration of Public Interest.** This ordinance is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the Town of Moffat, Colorado.

**INTRODUCED, READ AND APPROVED** on first reading the 6<sup>th</sup> day of March, 2017, and ordered published by title and reference as provided by law with notice of a public hearing to be held for consideration of the adoption of said ordinance on the 4<sup>th</sup> day of April, 2017, at 7:00 p.m., or as soon thereafter as the matter may be heard, or on such subsequent date to which the public hearing or Board consideration may be continued.

**APPROVED, AND ADOPTED** after public hearing the 1<sup>st</sup> day of April, 2017.

TOWN OF MOFFAT

By Patricia Reigel  
Patricia Reigel, Mayor

ATTEST:

Kristin Ecklund  
Kristin Ecklund, Town Clerk

