

**TOWN OF MOFFAT, COLORADO
ORDINANCE NO. 2019-17**

Moratorium Amended

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

WHEREAS, on October 4, 2016 and January 3, 2017, the Board of Trustees of the Town of Moffat created a limited exception from criminal liability under Colorado law for the cultivation, manufacture, testing and sale of marijuana and marijuana products under a system of licensed establishments regulated by State and local governments; and

WHEREAS, the Board of Trustees of the Town of Moffat has adopted enabling legislation for Amendment 64 and directed the Governor and Department of Revenue to issue regulations not inconsistent therewith; and

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

WHEREAS, the State of Colorado has established laws and regulations governing medical and retail marijuana pursuant to the Colorado Retail Marijuana Code, sections 12-43.4-101 *et seq.*, C.R.S. (“Retail Code”) and the Colorado Medical Marijuana Code, sections 12-43.3-101 *et seq.*, C.R.S. (“Medical Code”), as well as the rules promulgated thereunder pursuant to 1 CCR 212-1 and CCR 212-2.

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

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

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

Section 2. Moratorium Term. The Moratorium shall commence on the effective date of this ordinance and continue in full force and effect until December 31, 2019, or until the Board of Trustees decides to opt out or enact an ordinance that governs the cultivation, manufacturing, testing or selling of marijuana or marijuana products whichever occurs first (the “Term”).

Section 3. Number and Type of Establishments. The Town of Moffat will permit up to two recreational or medical retail marijuana stores known as “dispensaries” and two commercial marijuana cultivation operations within the Moffat Township of 1910 (original city limits) and the “Randall Addition”, which will hereunder be referred to as Section 1 of Town of Moffat. Section 1 is defined as NW ¼ SE ¼, SECTION 6, TOWNSHIP 43 NORTH, RANGE 10 N.M.P.M.. No Marijuana Infused Product Operations will be permitted in Section 1 of the Town of Moffat. The Town of

Moffat will permit up to forty four commercial marijuana cultivation operations within the newly annexed portion of land known as the 2018 Potch LLC Annexation and the Colorado Area 420 Subdivision, which will hereunder be referred to as Section 2 of Town of Moffat, except for the Tracts of land previously agreed upon to be prohibited from cannabis use. Section 2 is defined as A TRACT OF LAND ANNEXED INTO THE TOWN OF MOFFAT, COLORADO SITUATED IN THE NORTHWEST ¼ OF SECTION 6, T.43 N., R.10 E., N.M.P.M., 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 ¼ 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 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 FOR THE FOLLOWING SIX (6) COURSES ALONG THE PERIMETER OF THE SAID OKLAHOMA LAND AND COLONIZATION TRACTS 19, 20, 29, 30, 36, 45, AND 46 AS SHOWN HEREON:

1. THENCE N 02° 59' 28" E ALONG THE WEST LINE OF SAID TRACT 46 A DISTANCE OF 331.12 TO THE NORTHWEST CORNER OF SAID TRACT 46;
2. THENCE S 89° 10' 59" E ALONG THE NORTH LINE OF SAID TRACT 46 A DISTANCE OF 658.51 FEET TO THE NORTHEAST CORNER OF SAID TRACT 46;
3. THENCE N 03° 18' 46" E ALONG THE WEST LINE OF SAID TRACT 36 A DISTANCE OF 331.10 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 29;
4. THENCE N 89° 10' 28" W ALONG THE SOUTH LINE OF SAID TRACT 30 A DISTANCE OF 660.36 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 30;
5. THENCE N 02° 59' 28" E ALONG THE WEST LINE OF SAID TRACTS 30 AND 19 A DISTANCE OF 662.23 FEET TO THE NORTHWEST CORNER OF SAID TRACT 19;
6. THENCE S 89° 09' 28" E ALONG THE NORTH LINE OF SAID TRACTS 19 AND 20 A DISTANCE OF 1,328.15 FEET AND THE POINT OF BEGINNING.

SAID TRACT CONTAINING 99.680 ACRES, MORE OR LESS.

The Town will permit up to fifteen Marijuana Infused Product (MIP) Operations in section two. There will be no MIP Operations permitted on Tracts P & U of Section 2. There will be no retail marijuana stores (dispensaries) permitted in Section 2 at this time.

Section 4. Enforcement. Any person engaging in any activity not in compliance with the Moratorium may be enjoined by the Town from engaging in such activity and shall be fined an amount not to exceed \$300.00 a day for each offense or by imprisonment not to exceed 90 days, or both. Each day shall constitute a separate offense. Nothing contained herein shall limit the Town from seeking any other remedies that may be available at law and in equity. Any person who violates this ordinance shall pay all of the Town's costs and reasonable attorneys' fees incurred in any civil action to assure compliance with this Ordinance. All remedies shall be cumulative and may be concurrently pursued.

This Ordinance, 2019-17 supersedes all previous ordinances: #2018-11, #2018-10 and #2017-1.

FIRST READ on this 2nd day of July 2019.

SECOND READING and ADOPTED on this 6th day of August, 2019.

THE TOWN BOARD HEREBY FINDS, DETERMINES AND DECLARES THAT HAVING A MORATORIUM IS AN EMERGENCY. THEREFORE THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON PASSAGE.

TOWN OF MOFFAT, COLORADO

By: Patricia Reigel, Mayor

ATTEST:

Sarah Van Horn, Town Clerk