

ORDINANCE 869

An Ordinance Declaring a Moratorium on the Review of Applications for Dispensaries of Medical Marijuana Within the City of Burlington, Colorado Pending Adoption of Appropriate Zoning Regulations and Declaring an Emergency

BE IT ORDAINED BY THE CITY OF BURLINGTON, COLORADO, as follows:

WHEREAS, the City Council of the City of Burlington, Colorado desires to protect and preserve the health, safety, and welfare of its citizens through the implementation of a comprehensive ordinance regulating medical marijuana and medical marijuana dispensaries; and

WHEREAS, the City Council finds that the possession and sale of marijuana violates federal law; the proliferation of unregulated medical marijuana dispensaries may have a correlation with criminal activity; and that the Colorado Medical Marijuana Amendment, statutes, and regulations are silent on the issue of dispensaries; and

WHEREAS, the City Council finds that currently there are no medical marijuana dispensaries seeking application for City services such as water taps, site development, sign permits, or liquor licenses; and

WHEREAS, the City Council hereby determines that it is necessary to impose a temporary moratorium on the application review of medical marijuana dispensaries to protect and preserve the health, safety, welfare, and economic well-being of the City and its citizens and to review the City's ordinances and zoning regulations and, if necessary, develop appropriate ordinances and zoning regulations for medical marijuana use and medical marijuana dispensaries.

NOW, THEREFORE, THE FOLLOWING ORDINANCE IS ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, COLORADO, SUBJECT TO THE CONSTITUTION AND THE STATUTES OF THE STATE OF COLORADO.

SECTION 1- A moratorium period is hereby declared from 12:00 a.m., March 9th, 2010, to 12:00 a.m., September 9th, 2010, or until further action of the City Council ending or modifying this Moratorium, whichever occurs first. Such further action may be taken by resolution or ordinance of the City Council, as the City Council deems appropriate.

SECTION 2 - No applications pertaining to medical marijuana or medical marijuana dispensaries, including, but not limited to, water taps, sales and use tax, amendments to the official zoning map of the City of Burlington, site development, liquor license, sign permit, business license, or building permit shall be accepted for review by the City of Burlington during the moratorium period set forth above.

SECTION 3 - If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of

the Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4 - The City Council finds, determines, and declares that this Ordinance is necessary to the immediate preservation of the public peace, health, and safety in the City of Burlington, Colorado. Therefore, this Ordinance shall take effect upon adoption.

INTRODUCED, READ, ADOPTED, APPROVED, PASSED, and ORDERED
PUBLISHED BY TITLE ONLY by the City Council of the City of Burlington, Colorado,
this 8th day of March, 2010.

Kerry Korsvold, Mayor

[SEAL]

ATTEST:

Margo M. Wilkinson, CMC, City Clerk