

## ORDINANCE NO. 4446

### AN ORDINANCE TO EXTEND THE MORATORIUM ON COMMERCIAL MEDICAL MARIJUANA CENTERS AND FACILITIES IMPOSED BY ORDINANCE NO. 4392 AND DECLARING AN EMERGENCY

#### RECITALS:

This ordinance proposes to extend the moratorium on commercial medical marijuana centers and facilities imposed by Ordinance No. 4392. Ordinance No. 4392 was duly considered and adopted by the City Council on November 16, 2009 and became effective December 18, 2009. Ordinance No. 4392 instituted a 12 month moratorium on new commercial medical marijuana centers and facilities (also known as dispensaries, grow operations and infused products manufacturing and sales) in the City of Grand Junction.

On June 7, 2010, Governor Ritter signed into law HB 10-1284 and SB10-109. Both the House and Senate bills concerned medical marijuana. Among other provisions, House Bill 10-1284, now codified as the Colorado Medical Marijuana Code, 12-43.3.101 C.R.S. *et. seq.* authorized the City to adopt an ordinance to license, regulate or prohibit the cultivation and/or sale of medical marijuana. C.R.S. 12-43.3-103(2).

On October 4, 2010 the City Council duly considered and adopted Ordinance No. 4437, an ordinance prohibiting the operation of medical marijuana businesses in the City. Ordinance No. 4437 also amended the Grand Junction Municipal Code by the addition of legal provisions prohibiting certain uses relating to marijuana. Ordinance No. 4437 also extended the term of the moratorium established under Ordinance No. 4392 to December 31, 2010. By its terms Ordinance No. 4437 was to become applicable on January 1, 2011.

In accordance with the City Charter, a protest was filed prior to Ordinance No. 4437 becoming effective. The protest petitions were found to be sufficient by the City Clerk on November 15, 2010. Under Colorado law the Clerk's findings may be challenged. That challenge period extends to December 14, 2010. During the protest period further proceedings are stayed.

If the protest petition is not successfully challenged then, pursuant to the City Charter, the City Council shall either repeal the protested ordinance in its entirety or refer it to the ballot. Because of the protest petition Ordinance No. 4437 is suspended from taking effect. That suspension includes the provision thereof that would have extended the moratorium.

So that the status quo may be maintained while the protest is being decided and while the City Council determines its position relative thereto, the City Manager and the City Attorney do recommend that the City Council extend the moratorium on commercial medical marijuana centers and facilities imposed by Ordinance No. 4392 to and through July 1, 2011 and find and declare for the foregoing reasons that the matter be deemed an emergency.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:**

The terms, conditions and provisions of Ordinance No. 4392 shall continue and remain in full force and effect from the Date hereof to and through July 1, 2011.

This Ordinance shall expire, if not renewed or sooner repealed by the City Council, on July 2, 2011.

PASSED AND ADOPTED as an emergency ordinance of the City Council of the City of Grand Junction, Colorado this 13<sup>th</sup> day of October, 2010.

  
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President of the Council

Attest:

  
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City Clerk