

ORDINANCE NO. 2-2013

An Ordinance Declaring a Moratorium on the Review of Applications for any and all Activity Permitted Pursuant to Amendment 64 to the Colorado Constitution Involving the Use of Marijuana Within the Town Of Fleming, Colorado Pending Adoption of Appropriate Statewide Regulations, Zoning Regulations, and Other Appropriate Ordinances and Declaring an Emergency.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FLEMING, COLORADO:

WHEREAS, the Board of Trustees of the Town of Fleming, Colorado desires to protect and preserve the health, safety, and welfare of its citizens through the implementation of comprehensive ordinances regulating marijuana pursuant to Amendment 64 to the Colorado Constitution, found at article XVIII, section 16 of the Colorado Constitution, and the related provisions thereunder; and

WHEREAS, the Board finds that the possession and sale of marijuana violates federal law and the proliferation of unregulated marijuana cultivation, manufacturing, and sale may have a correlation with criminal activity; and

WHEREAS, the Board finds that the State of Colorado is currently undertaking rule-making activities and promulgating regulations as required for implementation of Amendment 64 and, thus, until such final rules, regulations, or laws are approved and implemented, the Board of Trustees cannot regulate any activity allowed by Amendment 64; and

WHEREAS, without approved and implemented final rules, regulations, or laws from the State of Colorado, it is impossible to promulgate appropriate and comprehensive ordinances for the Town of Fleming; and

WHEREAS, the Board of Trustees finds that currently there are no persons or entities seeking application for Town services such as water taps, site development, sign permits, licenses, or other permits or authorizations in connection with Amendment 64 marijuana activities; and

WHEREAS, the Board of Trustees hereby determines that it is necessary to impose a temporary moratorium on the application review of or any of the permitted activities authorized by Amendment 64 to protect and preserve the health, safety, welfare, and economic well-being of the Town and its citizens and to review the Town's ordinances and zoning regulations and, if necessary, develop appropriate ordinances and zoning regulations for Amendment 64 marijuana use and activities.

NOW, THEREFORE, THE FOLLOWING ORDINANCE IS ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF FLEMING, COLORADO, SUBJECT TO THE CONSTITUTION AND THE STATUTES OF THE STATE OF COLORADO.

Section 1: A moratorium period is hereby declared from the date and time of the adoption of this Ordinance to 12:00 a.m., January 1, 2015, or until further action of the Board of Trustees ending or modifying this Moratorium, whichever occurs first. Such further action may be taken by resolution or ordinance of the Board of Trustees, as the Board deems appropriate.

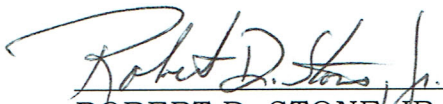
Section 2: No applications pertaining to any permitted activity allowed under Amendment 64 pertaining to marijuana or commercial activity, including, but not limited to, water taps, sales and use tax, amendments to the official zoning map of the Town of Fleming, site development, liquor license, sign permit, or building permit shall be accepted for review by the Town of Fleming 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 Board of Trustees finds, determines, and declares that this Ordinance is necessary to the immediate preservation of the public peace, health, and safety in the Town of Fleming, Colorado. Therefore, this Ordinance shall take effect upon adoption.

INTRODUCED, READ, ADOPTED, APPROVED, PASSED, AND ORDERED PUBLISHED BY TITLE ONLY by the Board of Trustees of the Town of Fleming, Colorado, on September 17, 2013.

[S E A L]


ROBERT D. STONE, JR.
Mayor
Town of Fleming

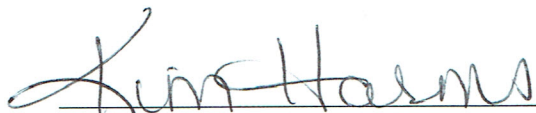

KIM HARMS
Town Clerk

CERTIFICATION

I, Kim Harms, Town Clerk of the Town of Fleming, Colorado, hereby certify and attest that the foregoing Ordinance No. 2-2013 was introduced, read, adopted, and ordered published by title only in full at a regular meeting of the Board of Trustees of the Town of Fleming, Colorado on the 17th day of September, 2013. This Ordinance was published in The Haxtun-Fleming Herald on ~~September~~ ^{October} 15, 2013.

DATED: ~~September~~ ^{Oct 15} _____, 2013.

[SEAL]


KIM HARMS
Town Clerk