

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 3
SERIES OF 2018**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, EXTENDING THE
TEMPORARY MORATORIUM ON THE LICENSING AND LOCATION OF
MARIJUANA BUSINESSES IN THE CITY.

WHEREAS, the City of Rifle (“Rifle” or the “City”) is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Rifle Home Rule Charter; and

WHEREAS, pursuant to Article XVIII, Sections 14 and 16 of the Colorado Constitution, the use of medical and retail marijuana has been authorized within the State of Colorado subject to state regulation and the right of local control; and

WHEREAS, by Ordinance Nos. 33, Series of 2009, and Ordinance No. 19, Series of 2013, as amended, the City set forth criteria for the administration and regulation of permitted classes of medical and retail marijuana businesses in the City in Articles 8 and 9 of Chapter 6 of the Rifle Municipal Code; and

WHEREAS, pursuant to Article XVIII, Section 14 of the Colorado Constitution and C.R.S. § 12-43.3-106, the City has the authority to prohibit the licensing of new medical marijuana businesses within the City; and

WHEREAS, pursuant to Article XVIII, § 16(5)(f) of the Colorado Constitution, the City may “prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance”; and

WHEREAS, by Ordinance No. 28, Series of 2017, the Rifle City Council adopted a temporary moratorium on the licensing and location of marijuana businesses in the City; and

WHEREAS, while the City continues to consider the manner of regulation of marijuana businesses and the extent to which additional marijuana business should be allowed in the City, the Rifle City Council finds and determines that it is in the best interest of the public health, safety, and welfare for the City to extend the terms of Ordinance No. 28, Series of 2017 for the temporary ban on the location of marijuana businesses in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The temporary ban on the licensing and location of marijuana businesses in the City of Rifle first set forth in Ordinance No. 28, Series of 2017 is hereby extended through August 31, 2018, unless later repealed, amended, or extended by the Rifle City Council.

Section 3. The moratorium extends to the acceptance, processing, and approval of applications for business licenses pursuant to Sections 6-8-10 *et seq.* and 6-9-10 *et seq.* of the Rifle Municipal Code pertaining to medical and retail marijuana businesses. During the term of this moratorium, no new marijuana-related businesses, as authorized under Article XVIII, Section 14 and 16 of the Colorado Constitution, shall be permitted to locate within the City.

Section 3. The City hereby finds, determines, and declares that it has the power to adopt this Ordinance pursuant to the Article XX of the Colorado Constitution, the Home Rule Charter of the City of Rifle and the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S. Section 31-15-401, C.R.S. (concerning municipal police powers), and Section 31-15-501 (concerning municipal power to regulate businesses).

Section 5. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed this Ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

INTRODUCED on April 4, 2018, read by title, passed on first reading with amendment, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on April 18, 2018, passed without amendment, approved and ordered published in full as required by Charter.

Dated this ___ day of _____, 2018.

CITY OF RIFLE, COLORADO

BY _____

Mayor

ATTEST:

City Clerk