

ORDINANCE NO. 41B

AN ORDINANCE REPEALING ORDINANCE NO. 38B CONCERNING A MEDICAL MARIJUANA MORATORIUM AND ENACTING AN ORDINANCE PROHIBITING THE OPERATION OF MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS, AND MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURERS' LICENSES WITHIN THE TOWN OF STRATTON, COLORADO.

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

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

WHEREAS, the Board of Trustees adopted Ordinance No. 38B on January 14, 2010 imposing a moratorium on the review of applications for dispensaries of medical marijuana within the Town of Stratton through January 15, 2011; and

WHEREAS, the Colorado State Legislature enacted a Medical Marijuana Code, as set forth in §12-43.3-101, *et seq.* C.R.S., which became effective July 1, 2010; and

WHEREAS, §12-43.3-106, C.R.S. permits the governing board of a municipality to vote, by a majority, to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses; and

WHEREAS, the Board of Trustees finds that currently there are no applications for medical marijuana centers, optional premises cultivation operations or medical marijuana-infused products manufacturers' licenses submitted for Town approval or for services such as water taps, site development, sign permits, or liquor licenses; and

WHEREAS, the Board of Trustees hereby determines that it is necessary to ban the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses to protect and preserve the health, safety, welfare, and economic well-being of the Town and its citizens.

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

Section 1: Repeal. The Board of Trustees hereby repeals Ordinance No. 38B.

Section 2: Prohibition. Pursuant to §12-43.3-106, C.R.S., the Board of Trustees of the Town of Stratton hereby prohibits the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses within the Town of Stratton, Colorado.

Section 3: Severability. 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: Immediate Effect. 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 Stratton, Colorado. Therefore, this Ordinance shall take effect upon adoption.

INTRODUCED, READ, ADOPTED BY THREE-FOURTHS OF THE BOARD OF TRUSTEES AND ORDERED PUBLISHED this 22nd day of July, 2010.



Richard O Mann
Richard Mann, Mayor

Paula McConnell
Paula McConnell, Town Clerk