TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 10R011

A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, ADOPTING A MORATORIUM ON REVIEW AND ISSUANCE OF LICENSES AND PERMITS FOR MEDICAL MARIJUANA OPERATIONS WITHIN THE TOWN

WHEREAS, voters passed Colorado Constitutional Amendment 20 in 2000, amending Article XVIII of the Constitution by adding Section 14 (Medical use of marijuana for persons suffering from debilitating medical conditions); and

WHEREAS, the possession of marijuana for any purpose is generally a violation of federal law; there is currently no state statutory structure regarding the regulation of commercial medical marijuana operations; no uniformity in how municipalities are structuring local regulation of medical marijuana use, growth, or dispensing; and the State's courts have issued very few opinions interpreting Amendment 20; and

WHEREAS, on December 8, 2009 the Town of Frederick considered amendments it the Frederick Municipal Code and Land Use Code to establish the structure and terms applicable to the Town's regulation of commercial medical marijuana use, and the licensing of medical marijuana growth and dispensing activities; and

WHEREAS, the Town determined that additional time was needed to allow federal and state policy to evolve on the topic of regulating commercial medical marijuana operations before the Town adopted any procedure or regulation permitted such operations with the town limits.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, WELD COUNTY, COLORADO THAT;

Section 1. A one hundred eighty (180) day moratorium is hereby instituted on the submission of any land use, business license, or other application for any commercial venture involving medical marijuana growth, distribution, dispensing, or any other activity involving commerce in medical marijuana or related products, such moratorium shall also suspend any obligation of the Town to acceptance, review, or otherwise process any land use, business license, or other application related to medical marijuana growth, distribution, dispensing, or any activity involving commerce in medical marijuana or related products.

Section 2. Commercial ventures involving medical marijuana growth, distribution, dispensing or any other activity involving commerce in medical marijuana or related products are not currently permitted under the Frederick Municipal Code or the Frederick Land Use Code.

Section 3. For the duration of the moratorium, no commercial venture involving medical marijuana growth, distribution, dispensing or any other activity involving commerce in medical marijuana or related products shall be permitted within the town limits.

Section 4. This moratorium shall begin on the date of this Resolution and shall expire 180 days from such date, unless sooner repealed by the Board of Trustees, and may be extended as permitted by statute.

Section 5. **Effective Date.** This resolution shall be effective *nunc pro tunc* as of the 8th day of December, 2009, on which date the moratorium was approved by vote of the Board of Trustees.

Section 6. **Repealer.** All resolutions or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

Section 7. **Certification.** The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 23rd DAY OF FEBRUARY, 2010

TOWN OF FREDERICK, COLORADO

Eric E, Doering, Mayor

ATTEST:

Nanette S. Fornof, MMC
Town Clerk