

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 28
SERIES OF 2017**

AN EMERGENCY ORDINANCE OF THE CITY OF RIFLE, COLORADO,
ADOPTING A 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, the Rifle City Council desires to reevaluate the regulation of the medical and retail marijuana industries in the City and to consider options for the appropriate system of administration of the marijuana industry in the City, including possible amendments to Rifle Municipal Code Sections 6-8-10 *et seq.* (Medical Marijuana Code) and 6-9-10 *et seq.* (Retail Marijuana Code); and

WHEREAS, during such time, 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 adopt a 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. There is hereby imposed a temporary moratorium on 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).

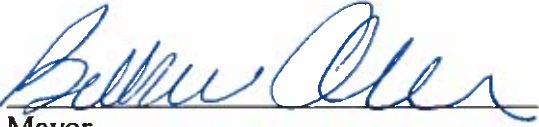
Section 4. This Ordinance is intended to be temporary in nature, and as such, this Ordinance shall be in effect from its effective date until April 30, 2018 unless earlier repealed, extended, or amended.


Section 5. The City Council further finds and determines that the adoption of this Ordinance is necessary for the immediate preservation of the public peace, health, and safety pursuant to Section 4.4 of the Rifle Home Rule Charter, and shall take effect immediately upon its passage without need for prior publication.

Section 6. 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 AS AN EMERGENCY ORDINANCE on December 27, 2017, read by title, passed on first reading to be effective immediately, and ordered published by title as required by the Charter.

Dated this 27 day of December, 2017.

CITY OF RIFLE, COLORADO

Mayor

ATTEST:

City Clerk

