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ORDINANCE NO. 7830

AN EMERGENCY ORDINANCE IMPOSING A MORATORIUM ON APPLICATIONS FOR A NEW MEDICAL MARIJUANA BUSINESS LICENSE, FOR EXPANSION OR AMENDMENT OF AN EXISTING MEDICAL MARIJUANA BUSINESS LICENSES AND FOR TRANSFER OF A LICENSE OR A NEW OWNER OR FINANCIER THROUGH FEBRUARY 8, 2012, AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO MAKES THE FOLLOWING FINDINGS OF FACT:

- A. The city has attempted to accommodate Article XVIII, Section 14 of the Colorado Constitution (the "Medical Marijuana Amendment") and state laws codified at section 12-43.3-101, C.R.S., *et seq.* that allow medical marijuana businesses, by adopting and amending Chapter 6-14, B.R.C.1981;
- B. The city has processed 120 medical marijuana business license applications since November 1, 2010, issued 75 medical marijuana business licenses (32 wellness centers, 37 cultivation facilities and 6 MIPs (Medical Marijuana-Infused Product Manufacturers), has 11 pending applications (4 wellness centers, 5 cultivation facilities and 6 MIPs, and the remaining 34 have either been denied by the city or withdrawn by the applicant;
- C. The staff time and expense of processing the applications has not been covered by the fees charged for the license applications;
- D. Fourteen of the 43 medical marijuana cultivation facilities do not have a dispensary in Boulder, meaning other governments are receiving the sales tax revenue from the sale of medical marijuana being grown and processed in the city;
- E. Bans on medical marijuana businesses imposed by voters in cities along the Front Range have resulted in increased interest in more medical marijuana businesses locating in the city;
- F. While the city laws regarding medical marijuana licensing had been supported by the courts in Boulder and along the Front Range, a recent decision makes the future unpredictable and inconsistent as to whether the Boulder District Court will enforce the city's laws;
- G. Now that the initial group of applications for medical marijuana businesses that were established prior to the city creating a licensing procedure have been processed, it is appropriate and will have little to minimal impact on existing businesses for the city to stop processing new applications or changes to existing businesses to (1) re-evaluate the

1 city's medical marijuana laws; (2) determine the resources used and available for
2 regulating medical marijuana businesses; and (3) determine the effect on the city of
3 additional medical marijuana businesses and their income and costs to the city;

4 H. The city intends to amend its medical marijuana laws to improve the enforceability of the
5 laws to protect the public health and safety;

6 I. A temporary moratorium is necessary for the immediate preservation of public health and
7 safety;

8 J. After a public hearing on this moratorium on February 7, 2012, the council will
9 determine whether to extend, extend with modifications, or terminate this moratorium;

10 K. Imposing a moratorium immediately to be effective until a public hearing can be held,
11 and potentially extended to make the evaluations and determinations described herein is
12 an appropriate restriction for a reasonable length of time;

13 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
14 OF BOULDER, COLORADO:

15 Section 1. The City Council adopts the findings in this ordinance and incorporates
16 them herein by this reference.

17 Section 2. Commencing immediately and continuing until 8 a.m. on February 8,
18 2012, no application for a medical marijuana business license, nor an application to expand a
19 medical marijuana business, nor a transfer of the license, nor an application for change of owner
20 or financier, shall be accepted by the city manager.

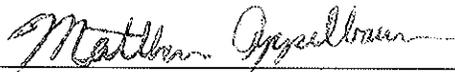
21 Section 3. The City Council directs the city manager to study, develop, evaluate and
22 review appropriate regulations, ordinances and fees pertaining to medical marijuana businesses
23 for presentation to and consideration by the City Council.

24 Section 4. The City Council finds that public health, peace and safety justify the
25 adoption of this moratorium as an emergency measure. The nature of the emergency is
26 described, in part, by the findings of fact set forth in this ordinance. The City Council further
27 finds that time is required to consider an appropriate response to recent interpretations of the
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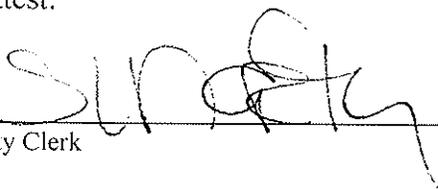
1 city's law and medical marijuana laws at the municipal, state and federal level, and the
2 appropriate fees so that taxpayers are not subsidizing the costs of licensing and regulating
3 medical marijuana businesses. The City Council also needs sufficient time to evaluate
4 approaches to avoiding negative impacts associated with a concentration of medical marijuana
5 businesses. Therefore, the City Council orders that this ordinance shall be effective immediately
6 upon its passage.
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8 Section 5. The City Council deems it appropriate that this ordinance be published by title
9 only and orders that copies of this ordinance be made available in the office of the city clerk for
10 public inspection and acquisition.
11

12
13 INTRODUCED, READ, PASSED AND ADOPTED AS AN EMERGENCY
14 MEASURE BY TWO-THIRDS OF COUNCILMEMBERS PRESENT, AND ORDERED
15 PUBLISHED BY TITLE ONLY this 3rd DAY OF JANUARY, 2012.
16

17
18 
19 _____
20 Mayor

19 Attest:

20
21 
22 _____
23 City Clerk