

**TOWN OF PALISADE, COLORADO
ORDINANCE NO. 2019-10**

**AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO,
REGARDING RETAIL MARIJUANA STORE LICENSE PRIORITIES
AND SETTING DEADLINES TO PERFECT SUCH PRIORITIES TO
LICENSES.**

WHEREAS, the Town of Palisade (“Palisade” or the “Town”) is a Colorado municipality organized pursuant to Title 31 of the Colorado Revised Statutes and with the authority set forth therein; and

WHEREAS, pursuant to Article XVIII, Sections 14 and 16 of the Colorado Constitution, the cultivation and 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, the Town has set forth criteria for the administration and regulation of permitted classes of medical and retail marijuana businesses in the Town in Articles IV and V of Chapter 6 of the Palisade Municipal Code (“Town Code”); and

WHEREAS, the Town adopted and amended a limitation of retail marijuana store licenses, codified at Section 6-105 of the Town Code, and a lottery that awards priority to obtain a retail marijuana store license (“Priority”), codified at Town Code Section 6-108; and

WHEREAS, on October 11, 2017 the Town did hold a lottery of pursuant to Section 6-108 of the Town Code and did award such Priorities to two sufficient applicants (“Priority Applicants”); and

WHEREAS, other sufficient applications were submitted and awarded inferior priorities to obtain retail marijuana store licenses at the October 11, 2017 lottery (“Inferior Applicants”); and

WHEREAS, by Ordinance No. 19, Series 2018 the Town gave pending Priority Applicants up to and including June 30, 2019 to come into compliance with Town Code Section 6-114 of the Town Code after which said Priorities will pass to the eligible highest priority Inferior Applicant that participated in the October 11, 2017 lottery; and

WHEREAS, the Town requested and received from eligible applicants who participated in the October 11, 2017 lottery status updates regarding their readiness to open and operate a retail marijuana business in the Town; and

WHEREAS, the Town wishes to maximize the benefits of retail marijuana stores operating within the boundaries of the Town and proceed expeditiously toward all available licenses being filled; and

WHEREAS, following consideration of the Town’s procedures for the licensing and regulation of marijuana businesses, and the current status of compliance with the Code and

Ordinance No. 19, Series 2018, the Palisade Board of Trustees has determined that it is in the best interest of the Town and its residents to adopt certain requirements for Priority Applicants to maintain a Priority.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALISADE, COLORADO THAT:

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

Section 2. Commencing on the day that an Inferior Priority passes to the eligible highest priority Inferior Applicant, who then becomes a Priority Applicant, the following requirements shall apply:

A. Within ten (10) days, the Priority Applicant shall provide to the Town evidence of one of the following regarding the premises to be licensed:

i. A current, valid and enforceable lease with a term of not less than one (1) year allowing the Priority Applicant to operate a marijuana store on the premises to be licensed; or

ii. A deed proving the Priority Applicant's ownership of the premises to be licensed.

B. Within thirty (30) days, the Priority Applicant shall apply to the Town for all necessary land use approvals to operate a marijuana store on the premises to be licensed. The Priority Applicant shall have ninety (90) days to receive all necessary land use approvals from the Town to operate a marijuana store on the premises to be licensed.

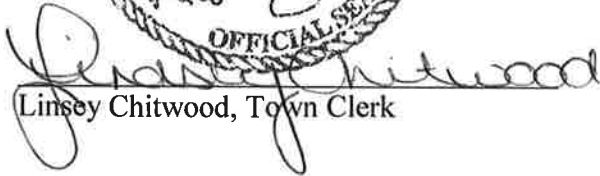
C. Within one (1) year, the Priority Applicant shall have completed all construction activities on the premises to be licensed.

Section 3. Upon any failure to comply with any provision of Section 2 of this Ordinance, Ordinance 19, Series 2018, or any provision of the Palisade Retail Marijuana Code, the Priority shall pass to the next eligible highest priority Inferior Applicant that participated in the October 11, 2017 lottery who must then comply with the provisions of Section 2.

**INTRODUCED, READ, PASSED, APPROVED AND ORDERED PUBLISHED BY
TITLE**, at the regular meeting of the Board of Trustees of the Town of Palisade, Colorado held
on May 28, 2019.




ATTEST


Linsey Chitwood, Town Clerk

TOWN OF PALISADE, COLORADO

By:


Roger Granat, Mayor