

TOWN OF PALISADE, COLORADO
ORDINANCE NO. 2019-12

AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO, ADOPTING A TEMPORARY MORATORIUM ON THE ISSUANCE OF RETAIL MARIJUANA STORE LICENSES IN THE EVENT NO PRIORITY APPLICANT RECEIVES A LICENSE AND ONE BECOMES AVAILABLE.

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, pursuant to Section 31-15-401, C.R.S., the Town has broad authority to exercise its police powers to promote the health, safety and welfare of the community and its residents; 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, by Ordinance No. 10, Series of 2019 the Town adopted certain requirements for Priority Applicants to meet to maintain a Priority; and

WHEREAS, in the event no Priority Applicant receives a license and a license becomes available, the Town will need to analyze its policy and amend the Palisade Municipal Code

accordingly, and the Board of Trustees desires to enact a temporary moratorium on the acceptance of applications or the issuance of any retail marijuana store licenses to allow it to do so as set forth herein.

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.

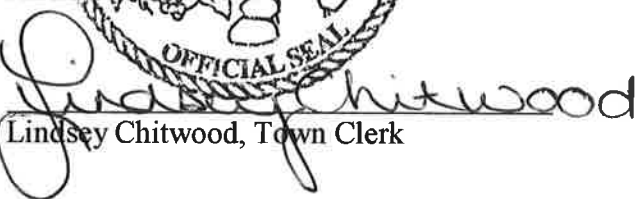
Section 2. In the event no Priority Applicant receives a retail marijuana store license and no Inferior Priority remains in place to become a Priority Applicant, the Town of Palisade imposes a temporary moratorium and delay on the acceptance, processing and approval of all applications for a retail marijuana store license for a period of six months after that event. Nothing herein shall affect any current Priority Applicant or Inferior Priority from receiving a retail marijuana store license subject to existing Ordinances and Palisade Municipal Code requirements.

Section 3. 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 Board of Trustees 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, 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 July 9th 2019.

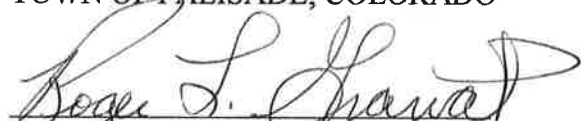


ATTEST


Lindsey Chitwood, Town Clerk

TOWN OF PALISADE, COLORADO

By:


Roger Granat, Mayor

Karp Neu Hanlon^{PC}

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TO: Palisade Board of Trustees

FROM: Karp Neu Hanlon, P.C.

RE: Ordinance No. 2019-12 Moratorium on Retail Marijuana Store Licenses if current Priority Applicants do not receive a license

DATE: July 3, 2019

As you know, in October 2017 the Town held a lottery pursuant to Section 6-108 of the Town Code for applicants desiring retail marijuana store licenses in the Town. Two licenses were available. The lottery awarded priorities to two applicants (“Priority Applicants”), one for resident applicants and one for out of town applicants. Other sufficient applications were submitted and awarded inferior priorities to obtain retail marijuana store licenses at the October 2017 lottery (“Inferior Applicants”). The out of town Priority Applicant, The Happy Camper, has been issued a license and is open for business. The Town is still waiting for a resident Priority Applicant to meet the requirements of the Town’s ordinances and Code.

By Ordinance No. 2019-10, the Town adopted certain requirements for Priority Applicants to meet to maintain a priority. If a Priority Applicant does not meet the deadlines set forth in the Ordinance, the next resident Inferior Applicant will move up and become a Priority Applicant. In the event no Priority Applicant meets the requirements of the Town’s ordinances and Code, and no further Inferior Applicants remain in line, the Board of Trustees will need to determine how it wants to proceed in accepting applications for the one remaining retail marijuana store license. Ordinance No. 2019-12 enacts a temporary moratorium to allow the Board to do that. This moratorium only comes into effect if the Town has no further resident Priority Applicants left, and it does not affect any resident Priority Applicant or resident Inferior Applicants currently in line.