

**TOWN OF PALISADE, COLORADO
ORDINANCE NO. 2021-02**

**AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO,
EXTENDING THE TEMPORARY MORATORIUM ON THE ISSUANCE
OF ADDITIONAL RETAIL MARIJUANA STORE 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, 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, by Ordinance No. 12, Series of 2019, the Board of Trustees found that in the event no Priority Applicant received a license and a license became available, the Town would need to analyze its policy and amend the Palisade Municipal Code accordingly, and the Board of Trustees enacted a temporary moratorium on the acceptance of applications of additional retail

marijuana store licenses to allow it to do so, which moratorium became effective September 22, 2020 for six months; and

WHEREAS, the Board of Trustees finds it needs additional time to analyze its policy and amend the Palisade Municipal Code.

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. The Town of Palisade extends the temporary moratorium on the acceptance, processing and approval of any applications for additional retail marijuana store licenses until September 30, 2021; provided, however, this moratorium does not apply to any license applications from the two existing retail marijuana store licenses currently issued by the Town.

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 February 9, 2021.

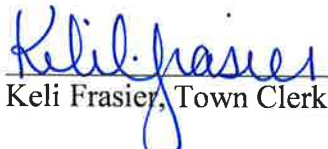
TOWN OF PALISADE, COLORADO

By:



Greg Mikolai, Mayor

ATTEST:



Keli Frasier, Town Clerk

