

**TOWN OF PALISADE, COLORADO
ORDINANCE NO. 2022-05**

**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, codified at Town Code Section 6-108; and

WHEREAS, by Ordinance No. 2019-12, 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; and

WHEREAS, by Ordinance Nos. 2021-02 and 2021-08, the Board of Trustees extended the moratorium because of a pending lawsuit from a Priority Applicant over a conditional use permit denial; and

WHEREAS, with that litigation still pending, the Board of Trustees finds it needs additional time before it can 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 December 31, 2022; provided, however, this moratorium does not apply to any license applications

from and relating to 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 January 25, 2022.

TOWN OF PALISADE, COLORADO

By:



Greg Mikolaj, Mayor

ATTEST:



Keli Frasier, Town Clerk

