

**TOWN OF PALISADE, COLORADO  
ORDINANCE NO. 2022-19**

**AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO,  
AMENDING CHAPTER 6, ARTICLES IV AND V OF THE PALISADE  
MUNICIPAL CODE REGARDING THE NUMBER OF MEDICAL  
MARIJUANA AND RETAIL MARIJUANA LICENSES AVAILABLE IN  
THE TOWN.**

**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 medical marijuana center licenses in Section 6-85 and retail marijuana store licenses, codified at Section 6-105 of the Town Code, based on population; and

**WHEREAS**, by Ordinance No. 2019-12, the Board of Trustees enacted a temporary moratorium on the acceptance of applications of additional retail marijuana store licenses to allow the Town to analyze its policy and amend the Palisade Municipal Code accordingly, which moratorium has been extended to December 31, 2022; and

**WHEREAS**, the Town is currently in the process of amending its Comprehensive Plan which will guide regulations and standards governing the use and development of land within the Town through the Town’s Land Development Code; and

**WHEREAS**, the Board of Trustees finds it is in the best interest of the citizens of Palisade to retain the status quo of the existing number of retail marijuana store licenses issued in the Town and allow the Comprehensive Plan process provide guidance as to the Town’s opinion on locations for marijuana businesses if any additional license are authorized; and

**WHEREAS**, the Board of Trustees desires to amend the Palisade Municipal Code accordingly so it does not need to extend the moratorium.

**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.** Section 6-85(a) of the Palisade Municipal Code is hereby amended as follows, with underlined text added and ~~strike through language deleted~~:

**Sec. 6-85. - Special restrictions and requirements.**

- (a) Limitation on the number of licenses that may be issued within the Town. ~~If the Town's population is less than four thousand (4,000) persons, Only one (1) medical marijuana center license; one (1) medical marijuana-infused products manufacturing license; one (1) optional premises cultivation operation license related to a medical marijuana center license, the operation of which is contiguous to the medical marijuana center; one (1) optional premises cultivation operation license related to a medical marijuana center license, the operation of which is not contiguous to the medical marijuana center; and one (1) optional premises cultivation operation license related to a medical marijuana-infused products manufacturer license, shall be issued. If the Town's population is between four thousand (4,000) persons and eight thousand (8,000) persons, the Local Licensing Authority may issue up to two (2) medical marijuana center licenses; two (2) medical marijuana-infused products manufacturing licenses; two (2) optional premises cultivation operation licenses relating to medical marijuana center licenses, the operations of which are contiguous to the medical marijuana centers; two (2) optional premises cultivation operation licenses related to medical marijuana center licenses, the operations of which are not contiguous to the medical marijuana centers; and two (2) optional premises cultivation operation licenses related to medical marijuana-infused products manufacturer. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State of Colorado Demography Office. In the event more than one (1) license application for a medical marijuana business of the same classification is submitted to the Local Licensing Authority within a period of thirty (30) days, the applications comply with all of the requirements of this Article and the Colorado Medical Marijuana Code, but the Local Licensing Authority is not permitted to approve all of the applications because of the limitations set forth in this Subsection, the Local Licensing Authority shall approve the application that the Local Licensing Authority finds and determines will best promote the intent and purposes of this Article and the Colorado Medical Marijuana Code. An application for renewal of an existing medical marijuana business license shall receive a preference over an application for a new medical marijuana business license if the existing business has substantially met all of the requirements of this Article and the Colorado Medical Marijuana Code during the previous license term and is in good standing.~~ Only one (1) medical marijuana center license; one (1) medical marijuana-infused products manufacturing license; one (1) optional premises cultivation operation license related to a medical marijuana center license, the operation of which is contiguous to the medical marijuana center; one (1) optional premises cultivation operation license related to a medical marijuana center license, the operation of which is not contiguous to the medical marijuana center; and one (1) optional premises cultivation operation license related to a medical marijuana-infused products manufacturer license, shall be issued. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State of Colorado Demography Office. In the event more than one (1) license application for a medical marijuana business of the same classification is submitted to the Local Licensing Authority within a period of thirty (30) days, the applications comply with all of the requirements of this Article and the Colorado Medical Marijuana Code, but the Local Licensing Authority is not permitted to approve all of the applications because of the limitations set forth in this Subsection, the Local Licensing Authority shall approve the application that the Local Licensing Authority finds and determines will best promote the intent and purposes of this Article and the Colorado Medical Marijuana Code. An application for renewal of an existing medical marijuana business license shall receive a preference over an application for a new medical marijuana business license if the existing business has substantially met all of the requirements of this Article and the Colorado Medical Marijuana Code during the previous license term and is in good standing.

**Section 3.** Section 6-105 of the Palisade Municipal Code is hereby amended as follows, with underlined text added and ~~strike through language deleted~~:

**Sec. 6-105. - Limitation on the number of licenses that may be issued within the Town.**

A maximum of ~~two (2)~~ one (1) retail marijuana store licenses not including a co-located medical and retail marijuana business shall be issued by the Local Licensing Authority. ~~Said limitation is based on a maximum of one (1) retail marijuana store per one thousand (1,000) residents or a fraction thereof.~~ A maximum of six (6) retail marijuana cultivation licenses shall be issued by the Local Licensing Authority. ~~Said limitation is based on a maximum of three (3) retail marijuana cultivation facilities per one thousand (1,000) residents or a fraction thereof. Population shall be based on the most recent data available from the U.S. Census Bureau and the State of Colorado Demographer's office.~~ There shall be no limitation on the number of retail marijuana manufacturing facilities and retail marijuana testing facilities that may receive licenses from the Local Licensing Authority. An application for renewal of an existing retail marijuana store license or retail marijuana cultivation facility license shall receive a preference over an application for a new retail marijuana store license or new retail marijuana cultivation facility license if the existing business has substantially met all of the requirements of this Article V and the Colorado Retail Marijuana Code during the previous license term and is in good standing. ~~If a new retail marijuana store license or a new retail marijuana cultivation license becomes available for issuance after the issuance of the initial licenses described in Section 6-108, the Town Clerk shall publish a notice stating when the Town will accept applications for such licenses. Any applications received before or after the period described in such notice will be considered null, void and of no effect.~~

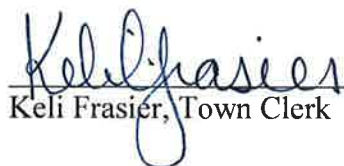
**INTRODUCED, READ, PASSED, APPROVED AND ORDERED PUBLISHED BY TITLE,** at the regular meeting of the Board of Trustees of the Town of Palisade, Colorado held on November 15, 2022.

TOWN OF PALISADE, COLORADO

By:

  
Greg Mikolai, Mayor

ATTEST:

  
Keli Frasier, Town Clerk

