



**TOWN OF MILLIKEN
BOARD OF TRUSTEES
AGENDA MEMORANDUM**

To: Mayor Tokunaga and Town Board of Trustees		Meeting Date: April 22, 2015	
From: Town Attorney Bruce Fickel			
Agenda Item #	Action: X	Discussion:	Information:
Agenda Title: Consideration of an extension of a Temporary Moratorium on Medical Marijuana and Marijuana facilities, establishments and clubs until January 31, 2016.			
Attachments: Ordinance 705			

PURPOSE

To consider an extension on the temporary moratorium on the submission, acceptance, processing and approval of any application for a Town of Milliken permit or license related to the C-5 Zone District. The temporary moratorium will end on January 31, 2016.

During this time, Town Staff and Legal Counsel will investigate the Town's regulatory authority over such businesses. Members of the Planning Commission and Town Board will consider the adoption of appropriate regulations with respect to such businesses, or the prohibition thereof. Discussion by the Town Board was to place these items as ballot questions at the upcoming election.

BUDGET IMPLICATONS

The budget implications during the moratorium time period include Town Staff and Legal Counsel time to investigate the Town's regulatory authority over such businesses.

RECOMMENDED MOTION

"I move to approve Ordinance 705, extending the temporary moratorium imposed under Ordinance 703, 700, 691 and 683, until January 31, 2016 in order for the electors of the Town to determine their desires at the November 3, 2015 election, for the establishment or operation of any medical or recreational marijuana businesses that sell, cultivate, manufacture, prepare, package, purchase, test or otherwise provide for or allow for the use of marijuana or marijuana products.

ORDINANCE NO. 705

AN ORDINANCE OF THE TOWN OF MILLIKEN, WELD COUNTY, COLORADO EXTENDING ITS MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING AND APPROVAL OF APPLICATIONS AND THE LICENSING, PERMITTING, ESTABLISHMENT OR OPERATION OF ANY RECREATIONAL MARIJUANA BUSINESS OR ANY MEDICAL MARIJUANA BUSINESS, THAT SELLS, CULTIVATES, MANUFACTURES, PREPARES, PACKAGES, PURCHASES, TESTS, OR OTHERWISE PROVIDES FOR OR ALLOWS FOR THE USE OF MARIJUANA OR MARIJUANA PRODUCTS PURSUANT TO AMENDMENT 64 AND CODIFIED AS ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION; OR THROUGH AMENDMENT 20 CODIFIED AS ARTICLE XVIII SECTION 14 OF THE COLORADO CONSTITUTION, TO AND THROUGH MAY 27, 2015; AND, DECLARING AN EMERGENCY THEREFORE.

WHEREAS, on May 8, 2013, the Milliken Board of Trustees approved and enacted Ordinance No. 683, which provided for a moratorium until December 31, 2013, on the submission, processing, acceptance and approval of applications and the licensing, permitting, establishment or operation of any medical or recreational marijuana businesses that sell, cultivate, manufacture, prepare, package, purchase, test, or otherwise provide for or allow for the use of marijuana or marijuana products pursuant to Amendment 20 or Amendment 64, until the Town could develop its own regulatory or licensing scheme for marijuana businesses and establishments after it had the opportunity to investigate, develop, adopt and implement, and if necessary, amend regulations it deemed appropriate to regulate medical and recreational marijuana businesses and establishments, as necessary, to protect the public's health safety, and welfare; and

WHEREAS, on December 11, 2013, the Milliken Board of Trustees approved and enacted Ordinance No. 691, which extended the moratorium enacted through Ordinance No. 683 until August 31, 2014; and

WHEREAS, on August 13, 2014, the Milliken Board of Trustees approved and enacted Ordinance No. 700 which extended the moratorium enacted and enforced through Ordinance Nos. 683 and 691 until November 30, 2014; and

WHEREAS, the Milliken Board of Trustees is cognizant of the fact that the state of Colorado and other Colorado municipalities are still in the process of developing comprehensive regulations concerning medical and recreational marijuana businesses; and

WHEREAS, the Milliken Board of Trustees approved and enacted Ordinance No. 703 which extended the moratorium enacted and enforced through Ordinance Nos. 683, 691, 700 and 703 until May 27, 2015; and

WHEREAS, the Milliken Board of Trustees desires to submit ballot questions to the eligible electors of the Town on November 3, 2015, to determine these of the electorate for establishment or operation of any medical or recreational marijuana

businesses that sell, cultivate, manufacture, prepare, package, purchase, test, or otherwise provide for or allow for the use of marijuana or marijuana products; and

WHEREAS, the reenactment and extension of such a moratorium is required for the immediate preservation of public property, health, welfare, peace, safety, and the financial well being of the Town; and

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, COLORADO, AS FOLLOWS:

Section 1. Recitals and Ordinances Incorporated. The foregoing recitals and Ordinance Nos. 683, 691, 700 and 703 are incorporated herein and made a part of this Ordinance.

Section 2. Moratorium Imposed upon Applications for Medical Marijuana Facilities. Upon adoption of this Ordinance the moratorium imposed enforced under Ordinance Nos. 683 is reenacted and extended to and through January 31, 2016, on the submission, acceptance, processing, and approval of applications and the licensing, permitting, establishment or operation of any medical marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, tests, or otherwise provides for or allows for the use of marijuana or marijuana products pursuant to Amendment 20.

Section 3. Moratorium Imposed upon Applications for Recreational Marijuana Facilities. Upon adoption of this Ordinance the moratorium imposed under Ordinance No. 683 is reenacted and extended to and through January 31, 2016, on the submission, acceptance, processing, and approval of applications and the licensing, permitting, establishment or operation of any recreational marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, tests, or otherwise provides for or allows for the use of marijuana or marijuana products pursuant to Amendment 64.

Section 4. It is the intent of the Board of Trustees, that upon review of regulations adopted by the State and upon information received by Town Staff that the Board of Trustees, may repeal the imposed moratorium prior to January 31, 2016, or may extend the moratorium beyond January 31, 2016, if necessary, by separate action.

Section 5. Emergency Declared. For the reasons stated herein, the Board of Trustees for the Town of Milliken, Colorado hereby declares an emergency to exist concerning the subject matter of this Ordinance and its immediate effect is necessary in order to preserve public property, health, welfare, peace, safety, and the financial well being of the Town and that this Ordinance shall become effective immediately upon its approval by the Board of Trustees.

Section 6. Supersede. This ordinance shall supersede all other ordinances or parts of any ordinances or other Code provisions in conflict herewith.

**INTRODUCED, READ, APPROVED AS AN EMERGENCY ORDINANCE, ADOPTED,
AND ORDERED PUBLISHED IN FULL BY THE BOARD OF TRUSTEES OF THE TOWN OF
MILLIKEN THIS _____ DAY OF APRIL, 2015.**

TOWN OF MILLIKEN

Milt Tokunaga, Mayor

ATTEST:

Cheryl Powell, Town Clerk

Published:

Approved as to form:

R. B. Fickel II, Attorney