

RESOLUTION NO. 20-09

A RESOLUTION IMPOSING A TEMPORARY MORATORIUM (A) FOR PERMITS OR LICENSES RELATED TO THE OPERATION OF A BUSINESS THAT CULTIVATES, PROCESSES OR DISPENSES MARIJUANA AND (B) THE ESTABLISHMENT OF ANY BUSINESS, OCCUPATION OR OPERATION RELATING THERETO.

WHEREAS, the voters of Colorado approved Amendment 20 at the 2000 General election, which was subsequently codified as Section 14 of Article XVIII of the Colorado Constitution, and which authorizes the medical use of marijuana by persons in Colorado suffering from debilitating medical conditions; and

WHEREAS, as a result of recent modifications to Federal law enforcement policy concerning the prosecution of Federal marijuana violations in States which have legitimized the use of marijuana for medical purposes, medical marijuana dispensaries have increased within the State of Colorado, as well as other states that have adopted constitutional provisions authorizing the medical use of marijuana; and

WHEREAS, marijuana remains a controlled substance, the possession or use of which is unlawful under both State and Federal law, with the limited exception of the medical use of marijuana authorized by Section 14 of Article XVIII of the Colorado Constitution; and

WHEREAS, the Town of Berthoud is receiving inquiries regarding the establishment of operations relating to cultivating, processing and dispensing medical marijuana within the town limits; and

WHEREAS, based on information presented to the Board of Trustees by staff and members of the public it appears that cultivating, processing and dispensing marijuana within the Town of Berthoud presents regulatory issues and questions that the Town's current rules, regulations and ordinances do not adequately address; and

WHEREAS, imposing a moratorium on the establishment of a business or processing of applications relating to businesses engaged in cultivating, processing and dispensing marijuana will allow the Town Staff and Board of Trustees to investigate the relevant issues and develop any appropriate regulations related thereto; and

WHEREAS, because the Town of Berthoud does not have adequate current regulations pertaining to businesses that cultivate, process or dispense marijuana, the Town will suffer harm if a limited, temporary moratorium on the establishment of businesses or submission, acceptance, processing, and

approval of Town permits and licenses related to the operation of such businesses is not imposed; and

WHEREAS, a public hearing on this topic has heretofore been held pursuant to notice, and the Board has concluded, subsequent to said hearing, that the this moratorium would be in the best interests of the citizens of the Town of Berthoud;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO:

Section 1: Upon the adoption of this Resolution a moratorium is hereby imposed upon: (a) the submission, acceptance, processing, and approval of any application for a permit or license related to the operation of a business that sells, processes or cultivates marijuana; and (b) the establishment of any business, occupation or operation for cultivating, processing and dispensing marijuana.

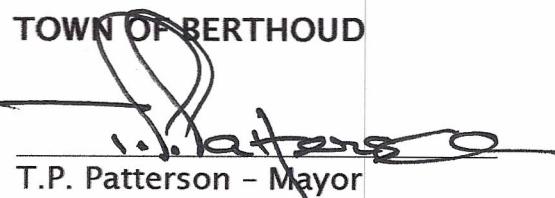
Section 2: The moratorium imposed by this resolution shall commence as of the date of the adoption of this Ordinance and shall expire on March 31, 2010, unless sooner repealed.

This resolution was passed by a vote of 5 in favor and 1 opposed at the meeting of the Board of Trustees on the 8th day of December, 2009.

ATTEST:

Mary K. Cowdin
Mary K. Cowdin - Town Clerk

TOWN OF BERTHOUD


T.P. Patterson - Mayor

Approved as to form

R. B. Fickel
R. B. Fickel - Town Attorney