

**TOWN OF BUENA VISTA, COLORADO**  
**ORDINANCE NO. 14**  
**(SERIES OF 2020)**

**AN EMERGENCY ORDINANCE IMPOSING A TEMPORARY  
MORATORIUM ON THE ACCEPTANCE, PROCESSING AND  
APPROVAL OF ANY APPLICATION FOR A TOWN OF BUENA VISTA  
MEDICAL MARIJUANA BUSINESS LICENSE**

**WHEREAS**, the Town of Buena Vista currently licenses certain medical marijuana businesses as that term is defined in Article IV of Chapter 6 of the Town of Buena Vista Municipal Code (the "Code");

**WHEREAS**, the Town of Buena Vista Board of Trustees intends to present an advisory ballot question to the Town's electors at a November 3, 2020 special election, concerning whether the Board of Trustees should adopt new regulations governing medical and retail marijuana sales in the Town;

**WHEREAS**, the Board of Trustees desires to prevent any new applications for medical marijuana businesses until the results of the election are reviewed and the Board of Trustees has an opportunity to adopt new marijuana regulations; and

**WHEREAS**, the Board of Trustees desires to impose this moratorium effective immediately rather than in thirty (30) days because allowing new applications to be processed would undermine the ability of the Town to regulate marijuana businesses under the potential new regulations that the Town's electors will be voting on in November 2020.

**WHEREAS, NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO AS FOLLOWS:**

**Section 1.** Findings and Intent. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Board of the Town of Buena Vista.

**Section 2.** Definitions. *Medical marijuana business* shall have the meaning set forth in Section 6-51 of the Code.

**Section 3.** Imposition of Temporary Moratorium on Acceptance and Processing of Applications for Licenses for Medical Marijuana Businesses. Effective upon the adoption of this Ordinance, a temporary moratorium is imposed upon the acceptance, processing and approval of all applications for medical marijuana business licenses by the Town. Town staff is directed to refuse to accept for filing, and not to process or review, any such applications for such businesses during the moratorium period. The moratorium shall remain in effect until March 31, 2020 unless extended or shortened by further action of the Board of Trustees.

**Section 4.** Authority. The Town Board hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29 C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning

municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401, C.R.S. (concerning municipal police powers); (v) Section 31-15-501 C.R.S. (concerning municipal power to regulate businesses); and (vi) C.R.S. §12-43.3-101, *et seq.*

**Section 5.** Emergency Declaration. This Ordinance is being adopted as an emergency ordinance because delaying the effective date of the moratorium would allow new applications to be processed until the moratorium takes effect and would undermine the ability of the Town to regulate marijuana businesses under the potential new regulations that the Town's electors will be voting on in November 2020.


**Section 6.** Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

**Section 7.** Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

**INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED** this 8<sup>th</sup> day of September, 2020.

**THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ADOPTION.**

TOWN OF BUENA VISTA, COLORADO

By:   
Duff Lacy, Mayor

ATTEST:

  
Paula Barnett, Town Clerk

