

Commissioner Griffin moved that the following Resolution be adopted:

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF THE COUNTY OF JEFFERSON

STATE OF COLORADO

RESOLUTION NO. CC13-424

RE: A Resolution Extending a Temporary Moratorium Prohibiting (A) the Establishment or Operation of any Private Marijuana Club, Business, Organization, or Commercial Operation that Permits, Promotes, or Otherwise Encourages or Facilitates the On-Premise Consumption or Transfer of Marijuana or Marijuana Product, or the On-Premise Cultivation of Marijuana; and (b) the Cultivation or Processing of Marijuana, Except in a Residential Dwelling Which Lawfully Constitutes the Primary Residence of the Cultivator/Processor, for Personal Use

WHEREAS, Article XVIII, Section 16 of the Colorado Constitution ("Amendment 64"), adopted by the voters of the State of Colorado on November 6, 2012, and effective upon the proclamation of the Governor of the State of Colorado, dated December 10, 2012, allows persons twenty-one years of age or older to consume or possess limited amounts of marijuana; and

WHEREAS, Amendment 64 prohibits the open and public use of marijuana; and

WHEREAS, the advisability of allowing private marijuana clubs or similar establishments for the use or growing of marijuana requires further consideration; and

WHEREAS, collective use of marijuana within Jefferson County presents other regulatory issues and questions that require further consideration; and

WHEREAS, the Board of County Commissioners previously enacted a six-month moratorium on (A) the establishment or operation of any private marijuana club, business, organization, or commercial operation that permits, promotes, or otherwise encourages or facilitates the on-premise consumption or transfer of marijuana or marijuana products, or the on-premise cultivation of marijuana; and (b) the cultivation or processing of marijuana, except in a residential dwelling which lawfully constitutes the primary residence of the cultivator/processor, for personal use; and

WHEREAS, the State of Colorado has not passed any regulations regulating such establishments; and

WHEREAS, a six-month extension of the current moratorium on the establishment or operation of uses involving the collective use or growing of marijuana will allow the County to consider regulation of such uses; and

WHEREAS, the County has the authority to adopt this resolution pursuant to its authority granted by law, including, without limitation, section 5(f) of Amendment 64 and Article 20 of Title 29 and Article 28 of Title 30, Colorado Revised Statutes; and

WHEREAS, the duration of the moratorium imposed by this resolution is reasonable in length, and is no longer than required for the County to properly investigate, develop, and, if appropriate, adopt and implement any regulations deemed necessary with respect to uses related to marijuana.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. Upon the adoption of this Resolution a temporary moratorium is hereby extended prohibiting (a) the establishment or operation of any private marijuana club, business, organization, or commercial operation that permits, promotes, or otherwise encourages or facilitates the on-premise consumption or transfer of marijuana or marijuana products, or the on-premise cultivation of marijuana; and (b) the cultivation or processing of marijuana, except in a residential dwelling which lawfully constitutes the primary residence of the cultivator/processor, for personal use.

Section 2. The moratorium extension imposed by this resolution shall expire on May 28, 2014, unless sooner repealed.

Section 3. The Board of County Commissioners hereby finds and declares that this Resolution is necessary to the preservation and furtherance of the health, safety and welfare of the citizens of Jefferson County.

Section 4. Should any one or more sections or provisions of this Resolution be judicially determined to be invalid or unenforceable, such determination shall not affect, impair or invalidate the remaining sections or provisions of this Resolution, it being the intent of the Board that such invalid or unenforceable provisions are severable.

Commissioner Tighe seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner Faye Griffin	Aye
Commissioner Casey Tighe	Aye
Commissioner Donald Rosier, Chairman	Aye

The Resolution was adopted by unanimous vote of the Board of County Commissioners of the County of Jefferson, State of Colorado.

Dated: November 12, 2013

