

ORDINANCE NO. 2010-_____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, CONTINUING A MORATORIUM ON THE ISSUANCE OF ANY CITY PERMITS OR LICENSES RELATED TO THE CULTIVATION, POSSESSION, DISPENSING, OR SALE OF MEDICAL MARIJUANA PENDING DETERMINATION BY THE REGISTERED ELECTORS OF THE CITY OF AURORA

WHEREAS, the Aurora City Council, pursuant to its Police Power as provided for in the City Charter and ordinances, and in Article XX of the Colorado Constitution, adopted Ordinance No. 2009-57 which declared a six month moratorium on the issuance of licenses or permits of any nature whatsoever relating to the cultivation, possession, dispensing, or sale of medical marijuana;

WHEREAS, in the interim during said moratorium, the Colorado General Assembly adopted House Bill 10-1284 which authorizes a municipality to adopt and enforce an ordinance licensing, regulating, or prohibiting the cultivation or sale of medical marijuana, CRS 12-43.3-102; and,

WHEREAS, House Bill 10-1284 further authorizes a municipality by either a majority of registered electors of the municipality or a majority of the governing board of the municipality to vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturer's licenses, CRS 12-43-106; and,

WHEREAS, the City Council has determined that the question of whether to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturer's licenses shall be presented to the registered electorate of the City of Aurora at the regular election in November, 2010; and,

WHEREAS, the City Council finds and declares that the continuation of a moratorium pending the determination of the registered electors is necessary for the immediate preservation of public health and safety.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. No City permits or licenses of any nature whatsoever shall be issued relating to the cultivation, possession, dispensing, or sale of medical marijuana until question of whether to prohibit the operation of medical marijuana centers, optional premises cultivation operations,

and medical marijuana-infused products manufacturer's licenses have been determined by the registered electorate of the City of Aurora at the regular election in November, 2010

Section 2. In the event a majority of the votes cast in the election determine not to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturer's licenses, the moratorium in Section 1 herein shall continue until July 1, 2011, or the effective date of an ordinance adopted by the City Council licensing and regulating medical marijuana, whichever occurs earlier.

Section 3. All ordinances or parts of ordinances of the City in conflict herewith are expressly suspended during the period of the moratorium.

Section 4. Pursuant to Section 5-5 of the City Charter, the second publication of this ordinance shall be by reference, utilizing the ordinance title.

INTRODUCED, READ AND ORDERED PUBLISHED this _____ day of _____, 2010

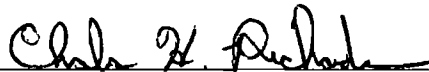
PASSED AND ORDERED PUBLISHED BY REFERENCE this _____ day of _____, 2010.

EDWARD J. TAUER, Mayor

ATTEST:

DEBRA JOHNSON, City Clerk

APPROVED AS TO FORM:



Medical Marijuana Moratorium ext