

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. CC13-215

Re: A Resolution Establishing 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 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.

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 legality of private marijuana clubs or similar establishments for the use or growing of marijuana under State law is unclear; and

WHEREAS, the advisability of allowing any such establishments, and where within Jefferson County they should be located, if allowed, requires further consideration; and

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

WHEREAS, imposing a moratorium on the establishment or operation of uses involving the collective use or growing of marijuana will allow the County staff and the Board of County Commissioners to investigate the relevant issues and develop any appropriate regulations related thereto; 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 established 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 imposed by this resolution shall commence as of the date of the adoption of this resolution and shall expire six months thereafter, 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.

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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: May 28, 2013