

ORDINANCE

**A SPECIAL EMERGENCY ORDINANCE EXTENDING THE PROHIBITION ON RETAIL MARIJUANA ESTABLISHMENTS AND EXTENDING THE MORATORIUM ON THE PROCESSING OF APPLICATIONS UNTIL JANUARY 31, 2014**

WHEREAS, on August 20, 2013 the City Council imposed a temporary prohibition on the use of property for a marijuana cultivation facility, marijuana product manufacturing facility, retail marijuana store or marijuana testing facility and imposed a moratorium upon the processing and approval of all applications for permits and licenses for such facilities until December 31, 2013;

WHEREAS, draft regulations that would permit the operation of certain marijuana establishments are currently under review by the City, and are anticipated to be the subject of formal review by the City Council in the upcoming months; and

WHEREAS, the City Council desires to extend the temporary prohibition and moratorium from December 13, 2013 through January 31, 2014 to provide the City additional time to review the draft regulations.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:**

**Section 1.** Temporary prohibition. The use of property for a marijuana cultivation facility, marijuana product manufacturing facility, retail marijuana store or marijuana testing facility within the meaning of Colo. Const. art. XVIII, §16 shall continue to be prohibited in all zone districts in the City pending expiration of the moratorium as set forth in Section 3, below.

**Section 2.** Application and processing moratorium. The moratorium imposed upon the processing and approval of all applications for permits and licenses by the City for marijuana cultivation facilities, marijuana product manufacturing facilities, retail marijuana stores or marijuana testing facilities within the meaning of Colo. Const. art. XVIII, §16 is hereby extended until January 31, 2014 unless repealed prior to that date or extended, if necessary, as determined by City ordinance.

**Section 3** This ordinance is passed using the emergency procedures specified in Section 5.9 of the Manitou Springs City Charter, because due to the holiday season the City Council is unable to schedule a second City Council meeting more than seven days after publication of this ordinance after first reading as required by the Section 5.8 of the Manitou Springs City Charter.

**Section 4** If any article, section, paragraph, sentence, clause or phrase of the ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The City Council hereby declares that it would have passed this ordinance and each

part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 5** The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

**Section 6** This ordinance shall take effect five (5) days after final approval and publication.

Passed on First Reading and Ordered Published this 10th day of December, 2013.

/s/ Donna Kast  
City Clerk

A Public Hearing on this ordinance will be held at the December 17, 2013 City Council meeting. The Council Meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: December 10, 2013 (in full).  
*City's Official Website and at City Hall*

Passed on Second Reading and Ordered Published this 17th day of December 2013.

Approved: /s/ Marc A. Snyder  
Mayor and City Council

Attest: /s/ Donna Kast  
City Clerk

Published December 19, 2013 (in full)  
*City's Official Website and City Hall*