

## **ORDINANCE 2009-28**

### **AN EMERGENCY ORDINANCE OF THE CITY OF FRUITA, COLORADO INSTITUTING AN EIGHTEEN (18) DAY TEMPORARY MORATORIUM ON THE ISSUANCE OF BUSINESS LICENSES TO MEDICAL MARIJUANA DISPENSARIES.**

WHEREAS, pursuant to Chapter 5.04 of the Fruita Municipal Code, the City of Fruita requires a business license for every business, trade, occupation, profession or calling which is engaged in for the purpose of making a profit; and

WHEREAS, in accordance with Section 5.04.100 of the Fruita Municipal Code, it is unlawful for any person or his agent to engage in or carry on a business in the City of Fruita for which an occupational business license is required, without first having paid the fee and obtained and a revenue receipt; and

WHEREAS, in accordance with Section 5.04.090 of the Fruita Municipal Code, every person doing business in more than one store, stand or other place of business, shall pay a separate fee for each place of business, unless such places of business are contiguous to each other, communicate directly with and open into each other, and are operated as a unit; and

WHEREAS, certain individuals have expressed interest in operating a business known as a medical marijuana dispensary and paying a business license fee therefore, pursuant to Chapter 5.04 of the Fruita Municipal Code; and

WHEREAS, Title 17 of the Fruita Municipal Code, the City's Land Use Code, does not expressly allow for the location of medical marijuana dispensaries in any of the zone districts established pursuant to Chapter 3 and Chapter 7 of the Fruita Municipal Code; and

WHEREAS, the City Council of the City of Fruita, Colorado has passed an Ordinance amending Chapter 3 and Chapter 7 of Title 17 of the Fruita Municipal Code in order to permit the location of medical marijuana dispensaries as a Conditional Use Permit in certain zone districts, which said Ordinance will become effective on or about December 18, 2009; and

WHEREAS, in order to protect the public health, safety and general welfare of the inhabitants of the City of Fruita, and in order to eliminate any ambiguities as to whether medical marijuana dispensaries constitute a lawful use under Title 17 of the Fruita Municipal Code, the City Council of the City of Fruita, Colorado, hereby finds and determines that it is necessary and appropriate to institute an eighteen (18) day temporary moratorium through December 18, 2009 on the issuance of business licenses pursuant to Chapter 5.04 of the Fruita Municipal Code for medical marijuana dispensaries, during which time Chapters 3 and 7 of the Fruita Municipal Code concerning the location of medical marijuana facilities within the City of Fruita and appropriate regulations and requirements governing such businesses shall become effective.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO:**

Section 1: Declaration of Emergency. The Fruita City Council finds and determines that a public emergency affecting life health, property or the public peace exists because the existing City Land Use Ordinance does not expressly allow for the location of medical marijuana dispensaries in any of the zone districts established pursuant to Chapter 3 and Chapter 7 of Title 17, Fruita Land Use Code.

Section 2. For the next eighteen (18) days following the date of adoption of this Ordinance, the City Clerk shall not accept the payment of any business license application fee pursuant to Chapter 5.04 of the Fruita Municipal Code and shall not issue a receipt or business license to any person or entity requesting to pay the business license fee pursuant to Chapter 5.04 of the Fruita Municipal Code for a medical marijuana dispensary business. It shall be unlawful for any person or entity to operate a medical marijuana dispensary within the City of Fruita, Colorado during said eighteen (18) day temporary moratorium on the payment of a business license fee for medical marijuana dispensary businesses.

Section 3. In accordance with Section 2.14 of the Fruita City Charter, this ordinance shall be effective immediately upon adoption and shall automatically stand repealed on the 19<sup>th</sup> day of December, 2009.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL  
THIS 1<sup>st</sup> DAY OF DECEMBER, 2009**

CITY OF FRUITA, COLORADO

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H. Kenneth Henry, Mayor

ATTEST:

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Margaret Steelman, City Clerk

Publication Date:  
Fruita Times, December 10, 2009