



**TOWN OF LARKSPUR  
ORDINANCE NO. 6.23**

**AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM PROHIBITING THE APPLICATION FOR AND THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, AND RETAIL MARIJUANA STORES PURSUANT TO THE AUTHORITY GRANTED BY ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION**

**WHEREAS**, the Town Council presented to the registered electorate of the Town of Larkspur at a special municipal election on January 25, 2011, the question of whether to prohibit medical marijuana centers, optional premises cultivation operations, and medical-marijuana-infused products manufactures; and,

**WHEREAS**, at the special election, the registered electorate of the Town of Larkspur voted to prohibit medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufactures within the Town of Larkspur; and,

**WHEREAS**, the sale of marijuana other than for medical purposes was authorized and limited by Article XVIII, Section 16 of the Colorado Constitution, adopted by the voters of the State of Colorado on November 6, 2012; and,

**WHEREAS**, the Town of Larkspur has been made aware that neighboring communities as well as communities throughout the State have received inquiries from persons who may be interested in opening and operating a business which would offer marijuana for cultivation, sale, or distribution; and,

**WHEREAS**, the Town has no current land use or business regulation governing the operation of a business cultivating, selling, or distributing marijuana within the Town; and,

**WHEREAS**, local governments may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or through an initiated or referred measure, provided, any initiated or referred measure must appear on a general election ballot during an even numbered year; and,

**WHEREAS**, the first opportunity to refer a marijuana establishments prohibition question to the electors is the general election on November 4, 2014;

**WHEREAS**, the Town Council believes that as with the issue of medical marijuana, the issue of marijuana for non-medical purposes should be determined by the electors of the Town of  
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Larkspur.

**NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LARKSPUR, COLORADO, THAT:**

1. Upon the adoption of this Ordinance a moratorium is imposed prohibiting application for and operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores within the Town of Larkspur.
2. The moratorium imposed by this ordinance shall commence as of the date of the adoption of this Ordinance, and shall expire Thirty (30) days after the general election held on November 4, 2014.
3. The Town Council hereby finds, determines, and declares it has the power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Section 29-20, C.R.S.; (ii) Section 31-23-2, C.R.S. concerning municipal zoning powers; (iii) Section 31-15-103, C.R.S. concerning municipal police powers; (iv) Section 31-15-401, C.R.S. concerning municipal police powers; (v) Section 31-15-501, C.R.S. concerning municipal power to regulate business; and (vi) Article XVIII, Section 16 of the Colorado Constitution, authorizing a Locality to prohibit marijuana establishments.
4. Should any one or more sections or provisions of this Ordinance be judicially determined to be invalid or unenforceable, such determination shall not affect, impair, or invalidate the remaining sections or provisions of this Ordinance, it being the intent of the Town Council that such invalid or unenforceable provisions are severable.

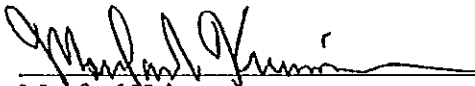
**DULY, MOVED, SECONDED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LARKSPUR THIS 20th DAY OF December, 2012,**




Votes Approving: 5  
Votes Opposing: 1  
Votes Abstaining: 0  
Absent: 1

ATTEST:

**TOWN COUNCIL  
TOWN OF LARKSPUR, COLORADO**

  
Manfred Krimmer  
Town Clerk

By:   
Gerry Been  
Mayor

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