

**CITY OF CORTEZ, COLORADO
ORDINANCE NO. 1339, SERIES 2025**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF CORTEZ, COLORADO
TO IMPOSE A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE,
PROCESSING, AND APPROVAL OF APPLICATIONS FOR LICENSES OR PERMITS
FOR MEDICAL MARIJUANA AND RETAIL MARIJUANA BUSINESSES, INCLUDING
THE BUSINESSES INVOLVED IN THE SALE, CULTIVATION, PROCESSING,
MANUFACTURING, STORAGE, DISTRIBUTION, OR CONSUMPTION OF
MARIJUANA**

WHEREAS, the City of Cortez, Colorado (“City”) is a Colorado home rule municipality, duly organized and existing pursuant to Article 20 of the Colorado Constitution, the laws of the State of Colorado, and the Charter of the City of Cortez; and

WHEREAS, in 2000, Colorado voters approved Amendment 20 that legalized medical marijuana; and

WHEREAS, in 2012, Colorado voters approved Amendment 64 that legalized marijuana for recreational use; and

WHEREAS, pursuant to the Cortez City Code, Chapter 4, Articles II and III, the City has adopted regulations concerning medical marijuana businesses and retail marijuana establishments (collectively “Marijuana Businesses”); and

WHEREAS, pursuant to the Cortez City Code, Chapter 4, Article II, Sections 4-112(a) and 4-212(a), the City has imposed a one thousand five hundred foot distance requirement that limits the number of Marijuana Businesses; and

WHEREAS, due to the use of Geographic Information System technology (“GIS”) and other measuring methods, the number of Marijuana Businesses has increased since the regulations were initially adopted; and

WHEREAS, the City finds and determines that imposing a temporary moratorium on accepting, processing and approving applications for licenses or permits for Marijuana Businesses, and any other related license or permit involving Marijuana, for the next six months is both urgent and necessary to preserve the status quo in order to allow the City the time and ability to engage in a discussion about methods for further limiting the number of Marijuana Businesses licensed or permitted in the City, and to adopt possible amendments to the Cortez City Code regarding the regulation of the number of allowed Marijuana Businesses, and to ensure appropriate time for public engagement regarding the same; and

WHEREAS, the City finds that the process of drafting and adoption of codes to regulate the number of Marijuana Businesses risks being significantly delayed or altered in scope should the City continue to accept, process and approve applications for licenses or permits related to the number of Marijuana Businesses prior to the adoption of the codes; and

WHEREAS, a temporary moratorium for six months is a reasonable length of time and no longer than necessary for the City to properly review, research, develop, ensure appropriate time for public engagement, adopt, and implement any applicable recommendations, amendments, and regulations for the number of Marijuana Businesses; and

WHEREAS, the City also finds and determines that the subject regulations concerning the number of Marijuana Businesses are necessary to the immediate preservation of the public health, safety, and welfare and that this Ordinance should therefore become effective upon adoption on second reading.

NOW, THEREFORE, BE IT ORDAINED BY THE CORTEZ CITY COUNCIL AS FOLLOWS:

RECITALS INCORPORATED: The foregoing recitals are incorporated herein as conclusions, facts, determinations, and findings by the Cortez City Council.

MORATORIUM-MEDICAL MARIJUANA: Effective immediately, upon the effective date of this Ordinance, a new Article II, Section 4-117 of the City Code is hereby adopted to read as follows: Sec. 4-117. – Moratorium. A moratorium is imposed upon the submission, acceptance, review, processing, public hearing, and approval of licenses or permits relating to Medical Marijuana businesses. No such applications shall be submitted or accepted by the City and no such applications shall be reviewed, processed, or approved during the period of the temporary moratorium set forth herein. City Staff and City Council are directed to develop and amend regulations appropriate to the regulation of the number of Medical Marijuana businesses prior to the expiration of this moratorium period. If such regulations are adopted prior to the expiration of this six-month moratorium, this six-month moratorium will terminate upon such adoption of the regulations. This temporary moratorium does not apply to complete applications submitted prior to and accepted by the City before the effective date of this Ordinance.

MORATORIUM-RETAIL MARIJUANA: Effective immediately, upon the effective date of this Ordinance, a new Article III, Section 4-224 of the City Code is hereby adopted to read as follows: Sec. 4-224. – Moratorium. A moratorium is imposed upon the submission, acceptance, review, processing, public hearing, and approval of licenses or permits relating to Retail Marijuana businesses. For purposes of this Moratorium, Retail Marijuana businesses shall include, without limitation, any form of business or commerce involving the cultivation, processing, manufacturing, storage, sale, distribution or consumption of marijuana.

No applications for Medical Marijuana businesses or Retail Marijuana businesses shall be submitted or accepted by the City and no such applications shall be reviewed, processed, or approved during the period of the temporary moratorium set forth herein. City Staff and City Council are directed to develop and amend regulations appropriate to the regulation of the number of Medical Marijuana businesses and Retail Marijuana businesses prior to the expiration of this moratorium period. If such regulations are adopted prior to the expiration of this six-month moratorium, this six-month moratorium will terminate upon such adoption of the regulations. This temporary moratorium does not apply to complete applications submitted prior to and accepted by the City before the effective date of this Ordinance.

REPEALER: All orders, bylaws, ordinances, and resolutions of the City, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict.

SEVERABILITY: If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

RECORDING AND AUTHENTICATION: Upon adoption hereof, this Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signatures of the Mayor and the City Clerk.

EFFECTIVE DATE: This ordinance shall be effective upon publication after final passage on second reading.

FIRST READING. This ordinance shall be considered first reading on the 27th day of May, 2025, at the hour of 7:30 p.m., in the City Council Chambers in City Hall, Cortez, Colorado, at which time this ordinance shall be read and the public hearing for the second or final reading of this ordinance shall be set.

SECOND READING AND PUBLIC HEARING: This ordinance shall be considered for second and final reading on the 10th day of June, 2025, at the hour of 7:30 p.m. in the City Council Chambers in City Hall, Cortez, Colorado, at which time and place all persons may appear and be heard concerning the same.

PASSED, ADOPTED AND APPROVED ON FIRST READING THIS 27th DAY OF MAY, 2025.

CITY OF CORTEZ

ATTEST:



LINDA L. SMITH, CITY CLERK



DENNIS SPRUELL, MAYOR PRO-TEM

