ORDINANCE NO 2009-_01___

AN ORDINANCE OF THE TOWN OF RICO, COLORADO APPROVING EXTENSION OF A LEASE AGREEMENT BETWEEN THE TOWN OF RICO AND JUSTIN BAIN, DBA ALACRAN WOODWORKS, FOR THE LEASE OF TOWN PROPERTY LOCATED AT LOT 7, BLOCK 1, TOWN OF RICO, AND KNOWN AS THE FIREHOUSE BUILDING

WHEREAS, Section 14.1 of the Rico Home Rule Charter authorizes the Board of Trustees to lease Town property to third parties;

WHEREAS, Section 14.1 requires the passage of a Town Ordinance where the term of a lease agreement is in excess of two years;

WHEREAS, the Town entered into a Lease Agreement for the property located at Lot 7, Block 1, Town of Rico, and know as the Firehouse Building, with Justin Bain on March 15, 2006. The term of this Lease expired on March 14, 2009 but was subject to extension upon approval by the Rico Board of Trustees;

WHEREAS, both the Town and Mr. Bain wish to extend the term of the original Lease Agreement for an additional term of three years as reflected in an Addendum to Lease Agreement between the Town and Mr. Bain, dba Alacran Woodworks;

WHEREAS, pursuant to the Addendum of Lease Agreement, the terms of the original Lease Agreement shall remain in their entirety, including the monthly rent of $475.00.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO AS FOLLOWS:

SECTION 1.

As reflected in the Addendum to Lease Agreement approved by the Rico Board of Trustees, the Board hereby extends the term of the Lease Agreement between the Town of Rico and Justin Bain, dba Alacran Woodworks, for rental of the Old Firehouse Building located at Lot 7, Block 1, Town of Rico for a term of three years.

SECTION 2.

EFFECTIVE DATE. This Ordinance shall be effective immediately upon final adoption.

SECTION 3.

POSTING AND PUBLISHING. This Ordinance shall be posted at the Town Hall, Rico Post Office and on the Town's Website.

INTRODUCED, READ AND APPROVED ON THE 18th DAY OF MARCH, 2009.

READ, APPROVED AND ADOPTED FOLLOWING A PUBLIC HEARING ON THE 15th DAY OF APRIL, 2009.

Barbara R. Betta

Mayor

Linda Dallen

Attest: Town Clerk

ADDENDUM TO LEASE AGREEMENT

This Addendum to Lease Agreement is made and entered into this 18th day of March, 2009, by and between the Town of Rico, a Colorado Municipal Corporation (hereinafter called "Lessor") and Justin Bain, dba Alacran Woodworks (hereinafter called "Lessee).

1. On March 15, 2006, Lessor and Lessee entered into a Lease Agreement for the Premises located at Lot 7, Block 1, Town of Rico, known as the Old Firehouse Building. These Premises are presently owned by the Town of Rico. The term of the Lease Agreement was from March 15, 2006 until March 14, 2009.

2. Lessor and Lessee now wish to extend the Term of the Lease Agreement for a period of three years as set forth in paragraph 2.1. The Lessor and Lessee agree that the terms of the Lease Agreement as described in their entirety shall remain in full force and effect and the renewal Lease period shall be from March 14th, 2009 until March 14th, 2012. Due to the three year term of the Lease extension, the Board of Trustees must approve the extension of the Lease Agreement by Ordinance as set forth in Rico Home Rule Charter Section 14.1.

3. The monthly rental during the extended Lease term shall remain as stated in the Lease Agreement at the rate of $475.00 per month.

LESSOR:

TOWN OF RICO

Barbara L. Betts

Mayor

Attest: _____

Town Clerk

LESSEE:

STATE OF COLORADO/

COUNTY OF ~~DOLORES~~ Montezuma

The foregoing was acknowledged to me this 22 day of ~~March~~ May 2009 by Linda Yellowman

WITNESS my hand and official seal.

Ann Savage

Notary Public

My commission expires: 1-2-11

THE TOWN OF RICO, COLORADO
ORDINANCE NO. 2009-02

AN ORDINANCE OF THE TOWN OF RICO, COLORADO REGARDING WASTE DISPOSAL AND WILDLIFE

WHEREAS, the Board of Trustees of the Town of Rico finds that the practice of leaving unattended and unsecured trash and refuse out in the open and along Town rights-of-way within the town limits of the Town of Rico is a dangerous attraction to bears and other wildlife;

WHEREAS, the Board of Trustees of the Town of Rico finds it unlawful for any person to allow, cause or permit the dumping of rubbish upon any private or public lands within town limits thus causing sources of filth that the Board judges dangerous for public health and safety;

WHEREAS, the Board of Trustees of the Town of Rico finds that it is in the best interest of the Town to implement regulations and standards for requiring the use of secured and wildlife-proof trash containers within the territory of Rico Town limits to enhance the public health, safety and welfare of the citizens of the Town of Rico;

NOW THEREFORE BE IT ORDAINED by the Board of Trustees of the Town of Rico as follows:

SECTION I. Wildlife Resistant Containers Required.

(A) **Wildlife-resistant refuse containers**. All refuse containers, regardless of size, that receive refuse that is attractive to bears or other wildlife, shall be wildlife-resistant and shall be secured with a latching mechanism at all times. The utilization of wildlife-resistant refuse containers is required.

(B) **Definition of wildlife-resistant refuse container**: Wildlife-resistant refuse container means, at a minimum, a heavy duty, latching, manufactured, animal-resistant poly-cart with a reinforced lid, or a fully enclosed metal container (Dumpster) with an attached latching, metal lid. The poly-cart lid must have at

least a two-latch locking mechanism that prevents access to the contents by wildlife.

(C) **Enforcement and Penalties:** Failure to comply with the wildlife protection ordinance can result in the Town Marshal issuing a fine of $50 for the first offense; $150 for a second offense: a third offense will result in a summons to appear in Municipal Court.

SECTION II. Effective Date.

This Ordinance shall be effective upon its final passage by the Rico Board of Trustees and publication as required by Colorado Statute.

INTRODUCED, READ AND ADOPTED UPON FIRST READING THIS 28th DAY OF April, 2009.

INTRODUCED, READ, AND ADOPTED FOLLOWING PUBLIC HEARING UPON SECOND READING THIS 20th DAY OF May, 2009.

Barbara R. Betts

Rico Mayor

Linda Yellowman

ATTEST: Town Clerk

ORDINANCE NO. 2009-03

AN ORDINANCE OF THE TOWN OF RICO, COLORADO AMENDING RICO'S LAND USE CODE, ARTICLE II, SECTIONS 204.6, AND ARTICLE IX, DEFINITIONS, REGARDING BUILDING HEIGHTS.

WHEREAS, the Board of Trustees of the Town of Rico finds it is in the public interest to preserve the integrity of the Town's residential neighborhoods and Rico's scenic view corridors;

WHEREAS, the Board of Trustees finds that the Rico Land Use Code provides guidance regarding roof heights to preserve these values;

WHEREAS, the Board of Trustees also finds that amendment to the Land Use Code to better restrict building heights will further protect view corridors, which is in the best interest of Rico's citizens and promotes the public health, safety and welfare.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO AS FOLLOWS:

SECTION I:

Rico Land Use Code, Article II, Section 204.6 shall be amended as follows:

> 204.6 Building Height. The highest point of each roof segment shall not exceed 28 feet as measured from the average height of the supporting points of that roof segment at pre-construction grade. The lowest exposed point of the structure to the highest point of the structure shall not exceed 35 feet of total elevation. For structures with an irregular footprint the Enforcement Official shall determine the reference points which meet the purpose of this RLUC. Existing pre-construction grade shall be determined by the Town's two foot contour maps, as exist or may be amended from time to time or shall be determined by a survey prepared by a licensed surveyor. Any property owner has the right to challenge reference points determined by the Enforcement Official for structures with an irregular footprint. This challenge must be initiated first through a Variance Application (Section 430, et.al) and subsequently may be appealed to the Board of Trustees by following RLUC, Section 516.

SECTION II:

Rico Land Use Code, Article IX, DEFINITIONS, shall be amended to add the definition of "Roof Segment" as follows:

> Roof Segment: The entire section of the roof existing in one plane.

This Ordinance shall be effective upon its final passage by the Rico Board of Trustees and publication as required by Colorado Statute.

INTRODUCED, READ AND ADOPTED UPON FIRST READING THIS 20TH DAY OF MAY, 2009.

INTRODUCED, READ AND ADOPTED FOLLOWING PUBLIC HEARING UPON SECOND READING THS 24TH DAY OF JUNE, 2009.

Barbara R. Betts
Rico Mayor

Linda Yellowman
ATTEST: Town Clerk

ORDINANCE NO. 2009-04

AN ORDINANCE OF THE TOWN OF RICO, COLORADO AMENDING RICO'S LAND USE CODE, ARTICLE II, SECTIONS 212 AND 214, AND ARTICLE IX, DEFINITIONS, TO ADDRESS THE USE OF RECREATIONAL VEHICLES FOR OCCUPANCY WITHIN TOWN LIMITS

WHEREAS, the Board of Trustees of the Town of Rico finds it is in the public interest to preserve the integrity of the Town's residential neighborhoods;

WHEREAS, the Board of Trustees finds that the Rico Land Use Code provides for zone districts with specified uses by right and conditional uses;

WHEREAS, the Board of Trustees desires to promote enforcement of these specified uses and to discourage deviation from zoning requirements which could result in the degradation of Town residential lots;

WHEREAS, the Board of Trustees also finds that allowing the parking of recreational vehicles for residential use on Town lots for extended periods of time is not in the best interest of Rico's citizens and jeopardizes the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO AS FOLLOWS:

SECTION I:

Rico Land Use Code, Article II, Section 212, shall be amended as follows:

212. RECREATION VEHICLES AND CAMPERS.

Recreational vehicles or campers may be parked on private property and used for occupancy with the express permission of the property owner. Only one recreational vehicle may be parked and used for occupancy per Town lot. Where several adjacent Town lots are clustered under one ownership, these lots shall be considered one lot for the purposes of this regulation. Recreation vehicles and campers may be used for occupancy for (10) days total in a calendar year on private property.

SECTION II:

Rico Land Use Code, Article II, Section 214, shall be amended as follows:

214. PARKING RESTRICTIONS ON EXCESS WEIGHT AND RECREATIONAL VEHICLES AND THE UNAUTHORIZED USE OF VEHICLES AS RESIDENCES

This section establishes parking regulations for vehicles in excess of ten thousand (10,000) pounds (not including emergency vehicles), boats, boat trailers, tractors, trailers, semi-trailers, motor homes, buses and detached/dismounted campers, hereinafter collectively referred to excess weight and recreational vehicles. This section also limits the use of vehicles as residences within the public right of way and on public property.

214.1 Parking restrictions on excess weight and recreational vehicles. The owner or operator of excess weight or recreational vehicles shall not park on any public right-of-way or road way for longer than seventy-two (72) hours, and shall not be parked in a fashion that restricts normal access and use of town streets.

214.2 Use of vehicles as residences

A. The unauthorized use of vehicles as residences within public rights-of-way and on public property is deemed to be injurious to residential and nonresidential neighborhoods alike and conducive to the creation and perpetuation of congestion, unwanted noise, sanitation problems, unsightly visual conditions and confrontations between residents and nonresidents. The intent and purpose of this Section is not to regulate vehicles or those locations where vehicles may be parked or stored, except as otherwise set forth herein, but to prohibit activities and occupancies within vehicles so as to protect the integrity of neighborhoods, preserve public streets, rights-of-way and parks for their intended public purposes, ensure the proper use of public property in conformity with zoning and land use regulations and promote the public health and safety.

B. Prohibitions. No person shall occupy any vehicle upon any municipal street, state highway, alley, public right-of-way or public property for the purpose of providing a residence or residential living or sleeping quarters or storage, whether temporary or permanent, except as otherwise set forth herein. The type or nature of any given vehicle shall not be conclusive as to whether a vehicle is being occupied for living or sleeping quarters or other residential use.

C. Exemptions. The prohibitions as contained in this Section shall not apply to activities undertaken pursuant to a valid and authorized land use, building or camping permit issued by the Town or where a vehicle is used for occupancy for less than (72) hours total within a calendar year.

SECTION III:

Rico Land Use Code, Article IX, DEFINITIONS, shall be amended as follows:

Vehicle: Any device which is capable of moving itself, or being moved, from place to place upon wheels.

This Ordinance shall be effective upon its final passage by the Rico Board of Trustees and publication as required by Colorado Statute.

INTRODUCED, READ AND ADOPTED UPON FIRST READING THIS 20 DAY OF May, 2009.

INTRODUCED, READ, AND ADOPTED FOLLOWING PUBLIC HEARING UPON SECOND READING THIS 24 DAY OF May, 2009.

Barbara R. Petty

Rico Mayor

Linda Yellowman

ATTEST: Town Clerk

TOWN OF RICO
ORDINANCE NO. 2009-5

ADOPTING THE YEAR 2010 TOWN BUDGET; APPROPRIATING SUMS OF MONEY; AND, SETTING AND CERTIFYING TOWN MILL LEVIES

WHEREAS, the Board of Trustees designated Michael England, as Town Manager, to prepare and submit a proposed budget to the Governing Body; and

WHEREAS, a public hearing was conducted on the 21st day of October and the 16th day of December in accordance with the law;

WHEREAS, the Rico Town Board finds that the adoption of the budget is essential to the provision of basic and necessary services and finds that this ordinance is necessary for the preservation of the health, safety, and general welfare of the Rico community; and,

WHEREAS, the Town of Rico has adopted the budget in accordance with the Local Government Budget Law on the 16th day of December, 2009; and,

WHEREAS, the Town of Rico has made provisions therein for revenues in an amount equal to or greater than the total proposed described below; and,

WHEREAS, the 2009 valuation for the Town of Rico as certified by the County Assessor is $9,708,067; and,

NOW, THEREFORE, be it resolved by the Board of Trustees, the following:

Section 1. BUDGETED REVENUES AND EXPENDITURES

The following sums are hereby appropriated for the revenue of each fund, for the purposes stated. The budgeted revenues and expenditures for each fund are as follows:

General Fund Revenues:

Reserve Balance:	$ 557,408.19
Non Property Tax revenues:	$ 152,905.52
Property Tax Revenues:	$ 126,226.06
Grant/Other Revenues:	$ 47,300.00
Total General Fund:	**$ 883,839.77**

General Fund Expenditures: $ 312,824.13

Street Fund Revenues:

Reserve Balance:	$ 103,893.84
Non Property Tax Revenues:	$ 39,757.73
Property Tax Revenues:	$ 17,305.18
Grant/Other Revenues:	$ 2,000.00

Total Street Fund: **$ 162,956.75**

Street fund Expenditures: **$ 50,442.87**

Parks, Trails and Open Space Fund Revenues:

Reserve Balance:	$ 40,728.87
Non Property Tax Revenues:	$ 7,775.00
Property Tax Revenues:	$ 0.00
Grant/Other Revenues:	$ 0.00

Total Park, Trails and Open Space Revenues: **$ 48,503.87**

Parks, Trails and Open Space Expenditures: **$ 7,500.00**

Water Fund Revenues:

Reserve Balance	$ 181,372.26
Non Property Tax Revenues:	$ 140,436.00
Property Tax Revenues:	$ 0.00
Grant/Other Revenues:	$ 1,464,300.00

Total Water Fund Revenues: **$ 1,786,108.26**
Water Fund Expenditures: **$ 1,589.897.63**

Sewer Fund Revenues:

Reserve Balance:	$ 103,309.78
Non Property Tax Revenues:	$ 3,050.00
Property Tax Revenues:	$ 38,240.07
Grant/Other Revenues:	$ 0.00

Total Sewer Fund: **$ 144,599.85**

Sewer Fund Expenditures: **$ 23,174.55**

Conservation Trust Revenues:

Reserve Balance:	$ 15,600.47
Non Property Tax Revenues:	$ 2,500.00
Property Tax Revenues:	$ 0.00
Grant/Other Revenues:	$ 0.00
Total Conservation Trust:	**$ 18,100.47**
Conservation Trust Expenses:	**$ 2,000.00**

Section 2. ADOPTION OF BUDGET
The Budget as submitted amended, and hereinabove summarized by fund hereby is approved and adopted as the budget of the Town of Rico for the year 2010. The Budget shall be signed by the Mayor and made part of the public records of the Town.

Section 3. CERTIFICATION OF MILL LEVIES

That for the purpose of meeting all general operating expenses of the Town of Rico during the 2010 budget year there is hereby levied a tax of 13.020 mills upon each dollar of the total valuation for assessment of all taxable property within the Town for year 2009.

That for the purpose of meeting all street fund expenses of the Town of Rico during the 2010 budget year there is hereby levied a tax of 1.785 mills upon each dollar of the total valuation for assessment of all taxable property within the Town for year 2009.

That for the purpose of meeting all sewer fund expenses of the Town of Rico during the 2010 budget year there is hereby levied a tax of 3.939 mills upon each dollar of the total valuation for assessment of all taxable property within the Town for year 2009.

Section 4. EFFECTIVE DATE
This Ordinance shall take effect immediately upon final adoption.

ORDINANCE INTRODUCED, READ APPROVED AND ADOPTED ON THE 21st DAY OF OCTOBER 2009.

ORDINANCE READ, APPROVED AND ADOPTED ON FINAL READING THIS 16th DAY OF DECEMBER 2009.

By: Barbara L. Betts **Attest:**
Mayor **Town Clerk**

TOWN OF RICO
ORDINANCE NO. 2009-6

AN ORDINANCE OF THE TOWN OF RICO, COLORADO AMENDING RICO BUDGET ORDINANCE NO. 2008- 8 TO REFLECT ADDITIONAL REVENUES AND EXPENDITURES

WHEREAS, the Rico Town Charter, Article VI, sec. 6.7, states that the Rico Board of Trustees may make additional appropriations by Ordinance during the fiscal year to amend the Town's 2009 Budget as previously adopted by Ordinance No. 2008-8, for unanticipated expenditures or receipt of additional revenues;

WHEREAS, the Town of Rico's Water Fund/Capital Improvements Fund has received additional revenues from the Department of Local Affairs (DOLA) for the Town's water improvement project engineering and environmental assessment, so that the total amount of revenues for the Water Fund as a result of these grant monies reflects an increase of $60,000;

WHEREAS, the Town of Rico's Water Fund has also incurred additional expenses in the amount of $90,000 related to the Town's water improvement project engineering and environmental assessment, which includes the Town's matching funds for the DOLA grant monies of $60,000 as set forth above;

WHEREAS, the Town's General Fund has received additional revenues of $23,287.91 from mineral leasing revenues received from Dolores County;

WHEREAS, the Town's General Fund has received additional revenues of $900 in grant monies from the Rico Center to aid the Town in funding the Vista Program Position;

WHEREAS, the Town's General Fund has received additional revenues of $25,000 from Atlantic Richfield Company (ARCO) to reimburse the Town for expenses incurred in hiring a consultant, the Trust for Land Restoration, to aid the Town in finalizing and closing the Rico Soils VCUP with ARCO and the State of Colorado;

WHEREAS, the Town's General Fund has received additional revenues of $20,000 from Atlantic Richfield Company (ARCO) to reimburse the Town for expenses incurred in compensating the Town's contract employees for services necessary to aid the Town in finalizing and closing the Rico Soils VCUP with ARCO and the State of Colorado;

WHEREAS, the Town's General Fund has received additional revenues of $2,500 in grant monies from the Department of Local Affairs (DOLA) for amendment of the Town's Master Plan;

ORDINANCE INTRODUCED, READ, APPROVED AND ADOPTED ON THE 21st DAY OF OCTOBER 2009.

ORDINANCE READ, APPROVED AND ADOPTED BY FINAL READING THIS____DAY OF NOVEMBER 2009.

By: Barbara L. Petta
Mayor

Attest: _____
Town Clerk

TOWN OF RICO ORDINANCE NO. 2009-7

AN EMERGENCY ORDINANCE OF THE TOWN OF RICO, COLORADO DECLARING A TEMPORARY MORATORIUM ON MEDICAL MARIJUANA DISPENSARIES FOR A PERIOD OF ONE YEAR AND FURTHER DECLARING AN EMERGENCY

WHEREAS, the Town of Rico is a home-rule municipal corporation created and organized pursuant to the Colorado Constitution, Article XX, and the Town of Rico Home Rule Charter; and

WHEREAS, by virtue of such authority, and as further authorized by State statutes, including, but not limited to, C.R.S. sec. 31-15-401, the Town has broad authority to exercise its police powers to promote and protect the health, safety and welfare of the community and its inhabitants; and

WHEREAS, such police powers include the power to regulate the nature and type of businesses allowed within the community; and

WHEREAS, the Rico Home Rule Charter, Section 3.6, gives the Rico Board of Trustees the authority to pass an emergency ordinance upon one reading in order to protect the public health, safety and welfare of its citizens; and

WHEREAS, in the year 2000, the voters of the State of Colorado approved Amendment 20 to the Colorado Constitution, which was subsequently codified as Colorado Constitution, Article XVIII, Section 14, which authorizes the medical use of marijuana by persons suffering from debilitating medical conditions; and

WHEREAS, subsequent to the adoption of Amendment 20, the use of marijuana for any purpose, including the treatment of debilitating medical conditions, remained unlawful under Federal law; and

WHEREAS, the Federal government has recently modified its policies concerning the prosecution of Federal marijuana violations in states, like Colorado, which have legalized its use for medical purposes; however, marijuana remains a controlled substance, the possession or use of which is illegal under both State and Federal law, with the limited exception of the medical use of

marijuana authorized by Section 14 of Article XVIII of the Colorado Constitution; and

WHEREAS, as a result of the passage of Amendment 20, and the change in Federal policy regarding the prosecution of marijuana use for medical purposes, there has been a proliferation of medical marijuana dispensaries in Colorado and in other states which have also adopted laws authorizing the medical use of marijuana; and

WHEREAS, in recognition of the continuing illegality of marijuana sale or use, for purposes other than the treatment of debilitating medical conditions, the regulation of medical marijuana dispensaries is a necessary exercise of the municipal police power to assure that such dispensaries are appropriately located within the community, that the hours of operation of such facilities are consistent with the requirements of applicable law, as well as the health, safety and welfare of the community, that such dispensaries are not located adjacent to schools, or other areas frequented by minors, and that such dispensaries are operating in a manner which is compliant with the intent of Amendment 20; and

WHEREAS, the Rico Board of Trustees finds that existing regulations within the Town's Ordinances and Land Use Code do not adequately address the potential impacts of medical marijuana dispensaries within the community, and that adequate time is required to allow Town staff to develop such regulations for subsequent review and potential approval by the Rico Board of Trustees; and

WHEREAS, the Rico Board of Trustees finds that the recent proliferation of medical marijuana dispensaries within the State constitutes an emergency affecting the health, safety, property and public peace of the citizens of Rico; and

WHEREAS, the Rico Board of Trustees declares an emergency which warrants a temporary moratorium on medical marijuana dispensaries within the Town of Rico.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, AS FOLLOWS:

SECTION 1:

The foregoing recitals are hereby affirmed and incorporated by this reference.

SECTION 2:

This moratorium shall apply to any person or entity to function, do business as, or hold himself out as a primary care-giver for the purpose of acquisition, possession, production or transportation of marijuana or paraphernalia related to the administration of such marijuana as the same is defined by Colorado Constitution, Article XVIII, Section 14 (Amendment 20).

SECTION 3:

The Town Board of Trustees hereby declares a moratorium on medical marijuana dispensaries and on any business purporting to sell or actually selling marijuana for medical use within the Town of Rico. No medical marijuana dispensary, or any business purporting to sell or actually selling marijuana for medical use, shall be owned, operated or located within the Town of Rico. Further, no medical marijuana dispensary, or any business purporting to sell or actually selling marijuana for medical use, shall be considered a "use by right", an "accessory use", a "conditional use", subject to a "special use permit" or a "lawful nonconforming use" in any zone district of the Town of Rico during the period of this moratorium.

Upon the effective date of this Ordinance and for twelve months thereafter, no application for a business license or for a sales tax license for a medical marijuana dispensary, or for any business purporting to sell or actually selling marijuana for medical use, shall be accepted, processed, approved or issued by the Town of Rico.

SECTION 4:

It shall be illegal during the period of this moratorium for any person or entity to function, do business as, or hold himself out as a primary care-giver for the purpose of acquisition, possession, production or transportation of marijuana or paraphernalia related to the administration of such marijuana as the same is defined by Colorado Constitution, Article XVIII, Section 14 (Amendment 20).

This Ordinance shall be considered a moratorium on the operation and location of any medical marijuana dispensaries within the Town of Rico. This ordinance is temporary and shall be in effect for a period of twelve months and may be extended until such time as the interplay between Federal and State law, Amendment 20 and the application of local Town ordinances has been clarified sufficiently to allow the adoption of appropriate regulations. The Town Staff and Town Attorney are directed to provide periodic reports and recommendations to the Town Board of Trustees accordingly.

SECTION 5:

Emergency Declared.

The Board of Trustees finds that the passage of this Ordinance is necessary for the immediate preservation of the public peace, health and safety in order to prevent the establishment of medical marijuana dispensaries before the Town of Rico has a reasonable opportunity to determine the extent of the Town's regulatory authority over such businesses, the regulations which should be imposed, and the interplay of State and Federal law, including Amendment 20. The Board of Trustees declares that this matter constitutes an emergency as that term is defined by the Rico Home Rule Charter.

SECTION 6:

All other Town ordinances, or portions thereof, which are inconsistent or conflicting with this Ordinance, or any portion hereof, are hereby repealed to the extent of such inconsistency or conflict.

SECTION 7:

If any portion of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 8:

This Ordinance shall be effective upon adoption, and the moratorium imposed shall commence as of the date of the adoption of this Ordinance, and shall be in effect until further action by the Board of Trustees or for a period of one year, whichever occurs first.

INTRODUCED, READ, AND ADOPTED BY A MAJORITY VOTE OF THE RICO BOARD OF TRUSTEES ON THIS 16TH DAY OF DECEMBER, 2009, AND PUBLISHED THEREAFTER IN ACCORDANCE WITH THE RICO HOME RULE CHARTER.

TOWN OF RICO, COLORADO

Barbara R. Betts

Rico Mayor

ATTEST:

Rico Town Clerk