

ORDINANCE NO. 11

SERIES 2011

AN ORDINANCE EXTENDING THE PERMITS ISSUED FOR MEDICAL MARIJUANA DISPENSARIES PURSUANT TO CHAPTER 6, ARTICLE 5 OF THE CRESTED BUTTE MUNICIPAL CODE AN ADDITIONAL TWELVE MONTHS, AND CONTEMPORANEOUSLY THEREWITH, EXTENDING THE REGULATIONS APPLICABLE TO THE PERMITTING AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES IN THE "C" COMMERCIAL DISTRICT AN EQUAL ADDITIONAL TWELVE MONTHS

WHEREAS, the Town of Crested Butte, Colorado ("Town") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, Chapter 6, Article 5 of the Crested Butte Municipal Code contains regulations ("MMD Regulations") under which medical marijuana dispensaries may be permitted under certain circumstances;

WHEREAS, the Town has permitted three (3) (each a "Permit") such medical marijuana dispensaries;

WHEREAS, each of the Permits are due to expire on or about July 1, 2011;

WHEREAS, the MMD Regulations state that following the expiration of the Permits, the right to operate a medical marijuana dispensary in the Town shall cease, and the conditional use right granted in connection with such medical marijuana dispensary use shall similarly be terminated;

WHEREAS, the Town Council has found and determined that medical marijuana dispensaries, provided regulated properly, serve an invaluable service to persons in the community that are suffering from serious and debilitating medical conditions, and, therefore, should continue to be allowed as a conditional use in the "C" Commercial zone;

WHEREAS, accordingly, the Town Council has found that extending the Permits, and in conjunction therewith, the conditional use right for the use of a medical marijuana dispensaries in the C zone, is in the best interest of the health, safety and general welfare of the residents and visitors of Crested Butte; and

WHEREAS, for the reasons stated above, the Town Council has determined that the MMD regulations should be amended subject to the terms and requirements set forth hereinbelow below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Amending Section 6-5-200. Section 6-5-200 is hereby amended by deleting said Section in its entirety and replacing it with the following new revised Section which shall read as follows:

“Section 6-5-200. Duration of Permit. Each permit issued pursuant to this Article shall be valid for two (2) years from the date of issuance, and may be renewed only as permitted in this Article.

Section 2. Amending Section 6-5-430. Section 6-5-430 is hereby amended by deleting said Section in its entirety and replacing it with the following new revised Section which shall read as follows:

“Section 6-5-430. Sunset of Regulations.

(a) These regulations shall remain in full force and effect until the last permitted dispensary’s permit has expired or otherwise been terminated or revoked with no appeals pending, following which, these regulations and the right conferred by a Permit shall be, respectively, no further force and effect and void *ab initio*, except for the compliance and enforcement requirements hereof and the payment of Town sales taxes in conjunction with any permitted medical marijuana dispensary.

(b) The grant of any conditional use for a medical marijuana dispensary shall be conditioned upon the requirement that such conditional use shall terminate automatically upon the expiration or earlier termination or revocation of the Permit issues in in conjunction with the conditional use.”

Section 3. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

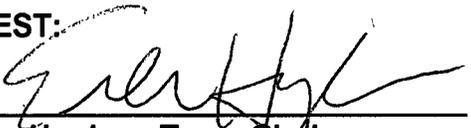
Section 4. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision thereof that is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 6th DAY OF JUNE, 2011.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 20th DAY OF JUNE, 2011.

TOWN OF CRESTED BUTTE, COLORADO

By: 
Daniel Escalante, Mayor Pro-tem

ATTEST: 
Eileen Hughes, Town Clerk

