

ORDINANCE NO. 4

SERIES 2011

**AN ORDINANCE AMENDING SECTION 6-5-170 OF THE
CRESTED BUTTE MUNICIPAL CODE TO PERMIT THE
TRANSFER OF PERMITS TO OPERATE MEDICAL
MARIJUANA DISPENSARIES WHERE CERTAIN
REQUIREMENTS ARE MET**

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, pursuant to Ordinance No. 15, Series 2009 ("**Ordinance**"), the Town Council found and determined that medical marijuana dispensaries serve an invaluable service to persons in the community that are suffering from serious medical conditions, and, accordingly, put in place a comprehensive scheme for the permitting of medical marijuana dispensaries;

WHEREAS, the Ordinance contains restrictions on the transfer and assignment of the permits for medical marijuana dispensaries;

WHEREAS, Town Council has found that such restrictions are unnecessary and inappropriate, provided that the transferees meet the requirement of being Colorado residents as also required under Colorado law;

WHEREAS, the Town Council has found and determined that allowing transfers and assignments of permits for medical marijuana dispensaries will require the use of additional Town Staff and law enforcement resources, and, therefore, the permit holder should be charged a fees in connection with any transfer; and

WHEREAS, Town Council has determined that the amendments and revisions to the Code prescribed herein should be adopted for the reasons set forth above and for the purpose of protecting the public health, safety and welfare of the residents and visitors of Crested Butte.

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

Section 1. Amending Section 6-5-170. Section 6-5-170 is hereby amended by deleting said Section in its entirety and replacing it with the foregoing:

"Section 6-5-170. Permit License in Gross; Permit Transferrable.

The permit shall be deemed to be a license in gross. The Permit is transferable and assignable; provided that, the transferee, its shareholders, directors, officers, partners, members and managers, shall at all times during the term of the Permit be Colorado residents within the meaning of Colorado law.

Section 2. 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 3. 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 7th DAY OF February, 2011.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 22nd DAY OF February, 2011.

TOWN OF CRESTED BUTTE, COLORADO

By: *Leah B. Williams*
Leah B. Williams, Mayor

ATTEST:

Eileen Hughes
Eileen Hughes, Town Clerk

