

ORDINANCE NO. 12

SERIES 2013

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE APPLICATION FOR ANY NEW MEDICAL MARIJUANA CENTER LICENSE AND THE ESTABLISHMENT OF ANY NEW BUSINESS THAT CULTIVATES, MANUFACTURES OR SELLS MARIJUANA OR MARIJUANA PRODUCTS

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

WHEREAS, on November 6, 2012, the voters of the State of Colorado approved Amendment 64 which added Section 16 of Article XVIII to the Colorado Constitution and created a limited exception from criminal liability under Colorado law for the cultivation, manufacture, testing and sale of marijuana and marijuana products under a system of licensed establishments regulated by State and local governments;

WHEREAS, Amendment 64 directs the Colorado Department of Revenue (DRS) to issue regulations for marijuana establishments, including marijuana cultivation facilities, marijuana testing facilities, marijuana products manufacturing facilities and marijuana retail stores by July 1, 2013;

WHEREAS, the Colorado General Assembly is in the process of adopting enabling legislation for Amendment 64 and directing the Governor and DRS to issue regulations not inconsistent therewith;

WHEREAS, Article 5 of Chapter 6 of the Crested Butte Municipal Code (the "**Code**") contains regulations (the "**MMC Regulations**") that govern, among other things, the licensing of medical marijuana centers;

WHEREAS, the General Assembly is considering recommendations from the Governor's Task Force on the Implementation of Amendment 64 that include, among other things, the transition of medical marijuana center licenses to retail marijuana store licenses;

WHEREAS, until the General Assembly and the DRS have completed their work in connection with Amendment 64, it is unclear what effect the enabling legislation and regulations will have on the Town's MMC Regulations and certain of the Town's zoning and land use requirements;

WHEREAS, the Town staff has recommend that, in order to prevent conflicts between State law and regulations and the Code, the Town Council wait to adopt regulations respecting marijuana cultivation, manufacture and sales establishments until the General Assembly and DRS have completed their work in connection with Amendment 64;

WHEREAS, the Town staff has recommended that while the Town Council is waiting for the General Assembly and DRS to complete their work in connection with Amendment 64, that the Town Council and Town staff study the issues surrounding the adoption of regulations concerning marijuana establishments, including marijuana cultivation facilities, marijuana testing facilities, marijuana products manufacturing facilities and marijuana retail stores;

WHEREAS, the Town Council has determined that studying the issues surrounding the adoption of regulations concerning marijuana establishments while the General Assembly and DRS complete their work in connection with Amendment 64 will allow the Town Council to adopt regulations that do not conflict with State law and regulations;

WHEREAS, the Town Council has determined that until the General Assembly and DRS have completed their work in connection with Amendment 64 and the Town Council has completed its study of the issues surrounding the adoption of regulations concerning marijuana establishments and adopted regulations accordingly, the Town Council should impose a moratorium on the granting of new medical marijuana center licenses and the creation of any new marijuana establishment; and

WHEREAS, the Town Council finds that until the General Assembly and DRS have completed their work in connection with Amendment 64 and the Town Council has completed its study of the issues surrounding the adoption of regulations concerning marijuana establishments and adopted regulations accordingly, it is in the best interest of the health, safety and general welfare of the residents and visitors of Crested Butte that the Town Council adopt the moratorium as set forth below.

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

Section 1. Moratorium. A temporary moratorium (the "**Moratorium**") is hereby imposed on the (A) the issuance of any new medical marijuana center license pursuant to the MMC Regulations, and (B) establishment of any business that cultivates, manufactures, tests or sells marijuana or marijuana products.

Section 2. Moratorium Term. The Moratorium shall commence on the effective date of this ordinance and continue in full force and effect until such time as the Town Council has adopted regulations respecting the establishment of any business that cultivates, manufactures, tests and sells marijuana and marijuana products or October 1, 2013, whichever occurs first (the "**Term**"). This Moratorium may be terminated at any time by duly adopted ordinance of the Town Council for the immediate preservation of health, safety and general welfare of the residents and visitors of Crested Butte.

Section 3. Applicability. During the Term the Town shall receive no applications for new medical marijuana center licenses and no business that cultivates, manufactures, tests or sells marijuana or marijuana products may be established.

Section 4. Enforcement. Any person engaging in any activity not in compliance with the Moratorium may be enjoined by the Town from engaging in such activity and shall be fined an amount not to exceed \$1,000.00 a day for each offense or by imprisonment not exceeding one year, or both. Nothing contained herein shall limit the Town from seeking any other remedies that may be available at law and in equity, including payment of costs and reasonable attorneys' fees. All remedies shall be cumulative and may be concurrently pursued.

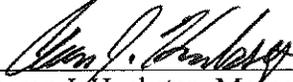
Section 5. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions 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 6. Savings Clause. Except as amended hereby, the Code shall remain valid and in full force and effect.

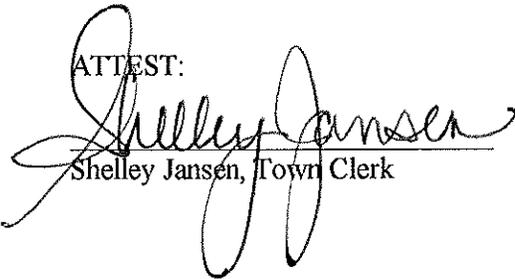
INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 6th DAY OF May, 2013.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 20th DAY OF May, 2013.

TOWN OF CRESTED BUTTE

By: 
Aaron J. Huckstep, Mayor

ATTEST:


Shelley Jansen, Town Clerk

