

ORDINANCE NO. 19

SERIES 2017

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING CHAPTER 6, ARTICLE 5 OF THE CRESTED BUTTE MUNICIPAL CODE TO AMEND REGULATIONS FOR CERTAIN BUSINESSES THAT SELL, MANUFACTURE, AND TEST RETAIL MARIJUANA AND 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, State of Colorado voters approved Amendment 64 which added Section 16 of Article XVIII to the Colorado Constitution and created a limited exception for criminal liability under Colorado law for, among other things, the sale, manufacture, and testing of retail marijuana and marijuana products under a system of licensed establishments regulated by the State and local governments;

WHEREAS, the Colorado General Assembly adopted enabling legislation for Amendment 64 known as the Colorado Retail Marijuana Code (the "**CO MM Code**"), codified at Title 12, Article 43.4, imposing requirements on the establishment and operation of businesses that sell, manufacture, and test retail marijuana and marijuana products and directing the Governor and the Colorado Department of Revenue (DRS) to adopt rules and regulations for such establishments;

WHEREAS, DRS has adopted rules and regulations (the "**DRS Rules**;" together with Amendment 64, the CO MM Code and the DRS Rules, collectively herein "**Applicable Law**"), set forth at 1 CCR 212-2, as amended, for, among other things, the regulation of the establishment and operation of businesses that sell, manufacture, and test retail marijuana and marijuana products;

WHEREAS, Chapter 6, Article 5 of the Crested Butte Municipal Code (the "**Town Code**") contains regulations adopted by the Town Council on September 16, 2013, Ordinance No. 19 Series 2013, that govern, among other things, the licensing and operation of businesses that sell, manufacture, and test retail marijuana and marijuana products (the "**MM Regulations**");

WHEREAS, Chapter 6, Article 5, Sec. 6-5-270 of the Town Code establishes the hours of operation for medical marijuana centers and retail marijuana centers for the sale of medical marijuana, medical marijuana-infused products and retail marijuana products;

WHEREAS, the Town Council finds that the below amendment to the MM Regulations is consistent with Applicable Law, and in the best interest of the health, safety, and general

welfare of the residents and visitors of Crested Butte and, therefore is appropriate for adoption.

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

Section 1. Amendment of Section 6-5-270. Section 6-5-270 of the Town Code is hereby amended by deleting the section in its entirety and replacing it with a new section that shall read as follows:

Sec. 6-5-270. Hours of operation.

Medical marijuana centers and retail marijuana stores may be open for the sale of medical marijuana, medical marijuana-infused products and retail marijuana products, as applicable, during the hours of 9:00 a.m. to 9:00 pm. only, seven (7) days per week. There shall be no restriction on the hours of operation of other marijuana establishments.

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 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 of any ordinance previously adopted by the Town Council that is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 10th DAY OF July, 2017.

ADOPTED BY THE TOWN COUNCIL, UPON SECOND READING IN PUBLIC HEARING THIS 24th DAY OF July, 2017.

TOWN OF CRESTED BUTTE, COLORADO

By Glenn Michel
Glenn Michel, Mayor

ATTEST:

Lynelle Stanford
Lynelle Stanford, Town Clerk

