

**Town of Basalt
Ordinance No. 12
Series of 2015**

**AN ORDINANCE OF THE TOWN OF BASALT, COLORADO, APPROVING AN
AMENDMENT TO CHAPTER 6, ARTICLE V OF THE BASALT MUNICIPAL
CODE RELATED TO AMENDING THE MARIJUANA AND ALCOHOL BUFFER
MEASUREMENT METHODOLOGY AND INCREASING DAYS AND HOURS
OF SALE FOR MEDICAL AND RETAIL MARIJUANA**

RECITALS

1. The Town of Basalt ("Town") acting by and through its Town Council has the power to amend the Municipal Code of the Town of Basalt ("Town Code") pursuant to state statutes, Section 1.3, Home Rule Charter, and Section 1-58, Town Code, and all such amendments shall become a part of the Town Code.

2. Chapter 6, Article II of the Town Code regulates the licensing provisions for alcoholic beverages in the Town of Basalt. Buffers around schools are established in the State of Colorado Liquor and Beer Code, within which liquor licenses are not permitted.

3. Chapter 6, Article V of the Town Code regulates the licensing provisions for marijuana in the Town of Basalt. Buffers around major parks, schools and daycares are established in Chapter 6, within which marijuana store are not permitted.

4. The Town Council has indicated a desire to amend the methodology by which the buffers are measured.

5. At a public hearing on July 14, 2015, the Town Council approved this Ordinance on first reading, continued and scheduled a public hearing and second reading for this Ordinance for July 28, 2015, for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

6. At a continued public hearing and second reading on July 28, 2015, the Town Council heard evidence and testimony as offered by the Town Staff and members of the public.

7. The Town Council finds and determines it is in the best interests of the Town to approve this Ordinance. Further, the Town Council finds and determines this Ordinance is reasonably necessary to promote the legitimate public purposes of the public health, safety and welfare.

NOW THEREFORE, BE IT ORDAINED by the Town Council of Basalt, Colorado, as follows:

Section 1. The above recitals are incorporated into this Ordinance as findings.

Section 2. The last paragraph of Town Municipal Code Section 6-125(3) relating to the marijuana buffer calculation methodology is hereby amended as follows (language shown as bold and underlined text is being added to the Code):

The distances referred to in the above subparagraphs (a), (b), and (c) are to be computed by direct measurement from the nearest property line of the land used for a school, park, or child care facility to the nearest portion of the building in which medical or retail marijuana is to be sold, **using a route of direct pedestrian access**. The above provisions shall not affect the renewal or reissuance of a license once granted by the Town, nor shall the provision apply to an existing licensed premises on land owned by the state or apply to a license in effect and actively doing business before said facility listed above was constructed.

Section 3. Section 6-128(2) is amended to read (language shown as bold and underlined text is replacing the language shown as italics strikethrough text to the Code):

(2) Hours of operation for medical marijuana centers and retail marijuana stores will be from **8:00 9:00 a.m. to 7:00 p.m. 12:00 a.m.** Monday through *Saturday* Sunday.

Section 4. Section 6-33(f) is added to the Town Municipal Code in its entirety as follows:

6-33(f) In accordance with the provisions of Section 12-47-313(d(iii)) of the State of Colorado Liquor and Beer Code, the distance requirements related to buffers around schools in which new malt, vinous, or spirituous liquor licenses cannot be issued in the Town of Basalt shall be measured as follows:

- i. By direct measurement from the nearest property line of the land used for a school to the nearest portion of the section of the building in which malt, vinous, or spirituous liquor is to be sold, using a route of direct pedestrian access.

- ii. The above provisions shall not affect the renewal or reissuance of a license once granted by the Town, nor shall the provision apply to existing licensed premises on land owned by the state or apply to a license in effect and actively doing business before said school was constructed.

Section 5. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, subsection, sentence, clause or phrase thereof regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 5. This Ordinance shall be effective 14 days after final publication of the Ordinance in accordance with the Town Home Rule Charter.

INTRODUCED, READ ON FIRST READING, ORDERED PUBLISHED, AND SET FOR PUBLIC HEARING TO BE HELD ON July 28, 2015, by a vote of 5 to 0 this 14 day of July, 2015.

READ ON SECOND READING AND ADOPTED by a vote of 6 to 0 on July 28, 2015.

TOWN OF BASALT, COLORADO

By Jacque R Whitsitt
Jacque R Whitsitt, Mayor



ATTEST:

By Pamela K Schilling
Pamela K Schilling, Town Clerk

First Publication: Thursday, _____, 2015
Final Publication: Thursday,
Effective Date: Thursday,