

**ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, AMENDING  
ARTICLE V TO CHAPTER 6, BUSINESS LICENSES AND REGULATIONS, OF THE  
MUNICIPAL CODE OF THE TOWN OF BASALT, COLORADO AMENDING LICENSE  
REQUIREMENTS FOR RETAIL MARIJUANA STORES AND AMENDING THE  
LICENSE REQUIREMENTS FOR MEDICAL MARIJUANA CENTERS AND  
FACILITIES**

**Town of Basalt, Colorado  
Ordinance No. 25  
Series of 2016**

**RECITALS**

A. 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 Section 1.3, Home Rule Charter, and Section 1-58, Town Code, and all such amendments shall become a part of the Town Code.

B. At a public hearing of the Basalt Town Council held on September 13, 2016 the Town Council considered the following amendments to the Town Code on first reading and continued the review of the ordinance to October 11, 2016. At a continued public hearing and first reading on October 11, 2016, the Town Council continued the public hearing and first reading to October 18, 2016. At a continued public hearing and first reading on October 25, 2016, the Town Council continued the public hearing and first reading to November 15, 2016. At a continued public hearing and first reading on November 15, 2016, the Town Council continued the public hearing and first reading to December 13, 2016.

At the continued public hearing and first reading on December 13, 2016, the Town Council continued the public hearing and first reading to January 24, 2017. At the continued public hearing and first reading on January 24, 2017, the Town Council approved the ordinance on first reading and set the public hearing and second reading for this ordinance at a public meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado on Tuesday, February 14, 2017.

C. At a public hearing held on February 14, 2017, the Town Council considered the following amendments to the Town Code on second reading and heard comments from Town Staff and the public.

D. The Town Council finds and determines the amendments contained herein are reasonable and 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:

**A. Findings.** The Town Council hereby conclusively finds and concludes as follows.

1. The Town is authorized and empowered to enact this Ordinance by the Town Home Rule Charter.

2. The provisions of Colorado Constitution Article XVIII § 14; C.R.S. § 18-18-406.3, and C.R.S. § 25-1.5-106 and Article XVIII § 16 and C.R.S. § 12-43.3-101 et seq. authorize the use of marijuana. Marijuana is considered an illegal drug under Federal Law. The Town is merely acknowledging medical and retail marijuana as authorized under State law and is no way endorsing or taking a position on the use of medical or retail marijuana.

3. The Basalt Town Council finds, determines and concludes that it has a legitimate public purpose in regulating licenses for marijuana establishments to protect the health, safety, welfare and quality of life for the citizens of the Town.

**B. Revisions to Town Code.**

Article V, Chapter 6 of the Basalt Municipal Code entitled Medical Marijuana Centers & Retail Marijuana Stores is hereby amended as provided in **Exhibit A.**

**C. Miscellaneous**

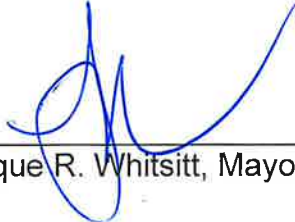
1. This ordinance shall be effective fourteen days after final publication.

2. 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.

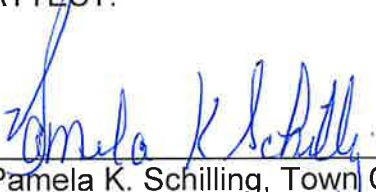
READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON February 14, 2017, by a vote of 6 to 0 on January 24, 2017.

READ ON SECOND READING AND ADOPTED by a vote of 5 to 0 on February 14, 2017.

TOWN OF BASALT, COLORADO

By:   
\_\_\_\_\_  
Jacques R. Whitsitt, Mayor

ATTEST:

  
\_\_\_\_\_  
Pamela K. Schilling, Town Clerk



First Publication on: Thursday, February 2, 2017  
Second Publication on: Thursday, February 23, 2017  
Effective on: Thursday, March 9, 2017

Chapter 6, Business License and Regulations as included in the Basalt Town Code is being amended as shown on this Exhibit. Underlined language is being added to the code and ~~struck through~~ language is being deleted from the code.

### Exhibit A

1. Delete Section 6-123 as it only applied to the transition provisions in 2014 and replace it with "Reserved".

#### **Sec. 6-123.—Transition provisions. Reserved.**

~~(1) Between June 26, 2014 and August 26, 2014, only medical marijuana center license holders that are currently licensed by the Town and under the CMMC and that are operating in good standing may apply for licensing of a retail marijuana store. Any such application must either propose to:~~

~~(a) Surrender the existing medical marijuana center license upon receipt of a retail marijuana store license, thereby entirely converting an existing medical marijuana center into a retail marijuana establishment; or~~

~~(b) Retain the existing medical marijuana license while locating a retail marijuana establishment under common ownership and exercise the option for either co-located or coterminous licensed premises, to the extent allowed by the Colorado Retail Marijuana Code and applicable state rules and regulations.~~

~~(2) Until September 30, 2014, the temporary wholesale sales and purchase limitation imposed on retail marijuana stores pursuant 1 CCR 212 2 Rule 402 shall remain in place in the Town.~~

2. *Revise Sec. 124 (c) to include Carbondale:*

(3) Residency. The applicant seeking licensure must provide the Town with the name of an owner or partial owner of the proposed medical marijuana center or retail marijuana store who shall have a primary home (as the term is defined in this Article V) within the following Colorado zip codes: 81611 – Aspen; 81615 – Snowmass Village; 81654 – Old Snowmass; 81656 – Woody Creek; 81642 – Meredith and Thomasville; 81621 – Basalt; 81623 – Basalt/Carbondale; and 81601 – Glenwood Springs.

3. *Amend Sec. 6-128 (9) Operation of licensed medical marijuana centers and retail marijuana stores to address items requested by the Police Department regarding surveillance, security and monitoring.*

(9) The licensed premises shall be monitored and secured twenty-four (24) hours a day including, at a minimum, the following security measures:

(a) Installation and use of digital security cameras, capable of recording and duplicating color video and still images that are identifiable in all lighting conditions twenty-four (24) hours per day, to monitor all areas of the licensed premises where persons may gain or attempt to gain access to marijuana, marijuana products, paraphernalia, or monies maintained by the center or store. Security surveillance cameras shall also monitor the main entrance along the interior and exterior of the premises to discourage crime and to facilitate the reporting of criminal acts as well as nuisance activities. Security camera surveillance recordings, from all security cameras at the licensed premises, shall be preserved for at least one hundred eighty (180) days, by the business, and be made immediately available to law enforcement officers upon request in a format that can be viewed and duplicated by the Basalt Police Department.

(b) Access to online web-based live monitoring of all video surveillance cameras shall be provided to the Police Department.

~~(b)~~ (c) Exterior lighting shall illuminate all exterior windows and doors of the center or store which are accessible from the exterior of the building during non-daylight hours. All exterior lighting must be in compliance with the Town Code. This requirement may be waived upon concurrency by the Police Chief and Town Planner.

~~(c)~~ (d) All exterior windows shall not be covered by window shades or other material and shall be of sufficient size to permit observation of the interior of the licensed premise by law enforcement officers standing outside the center or store.

(d) Installation and use of a locking burglary safe for storage of all marijuana, marijuana products, and /or monies on the licensed premises during non-business hours. The safe shall be incorporated into the building structure or securely attached thereto. Perishable edible products must be stored in a locking refrigerated container incorporated into the building structure or securely attached thereto.

(e) Written documentation of security measures, video surveillance systems, and drawings of licensed premises shall be included with the application for a medical marijuana center license or retail marijuana store.

4. *Amend Sec. 6-128 Operation of licensed medical marijuana centers and retail marijuana stores to add required training as the Town currently does for liquor establishments.*

(10) Every owner and manager of a medical marijuana center or retail marijuana store shall ensure that every owner and manager, and all employees responsible for the sale of the product has successfully completed an approved educational seminar.

5. *Sec. 6-130. Unlawful acts. is proposed to be amended by adding a new subparagraph 8 as shown below.*

(7) Operating a medical marijuana center or retail marijuana store to refuse to permit any lawful inspection of the licensed premises.

(8) Violating any of the provisions contained in this article.