

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 TO AMEND THE MARIJUANA BUFFERS

**Town of Basalt, Colorado
Ordinance No. 30
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 a continued public hearing and first reading on December 13, 2016, the Town Council approved the first reading to January 24, 2017. At a continued public hearing and first reading on January 24, 2017, the Town Council approved the this 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.

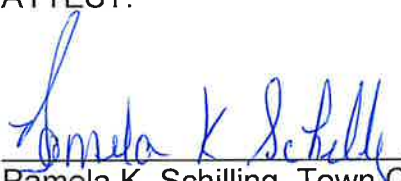
READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON February 14, 2017, by a vote of 5 to 1 on January 24, 2017.

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

TOWN OF BASALT, COLORADO

By: 
Jacque 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. Section 6-125 is amended to read as follows:

Sec. 6-125. Requirements for obtaining licensing of medical marijuana centers and retail marijuana stores.

(1) No more than two (2) medical marijuana centers and no more than two (2) retail marijuana stores shall be licensed within the Town limits.

(2) Any person, partnership, or corporation must have a separate license for each medical marijuana center or retail marijuana store, including those that are co-located or coterminous.

(3) Neither medical marijuana centers nor retail marijuana stores shall be permitted within any of the following locations:

(a) 500 ~~200~~ feet of the following major parks: Arbaney Park, Lions Park, Southside Park, Willis Linear Park, Willits Soccer Field;

(b) 500 feet of a licensed child care facility;

(c) 1000 feet of an elementary school, middle school or high school;

(d) in a building where the use would abut the following school routes: Two Rivers Road from Homestead Drive to Elk Run Drive; Southside Drive from the High School Property to Fiou Lane; Fiou Lane from Southside Drive to Basalt Avenue; Basalt Avenue from Fiou Lane to Two Rivers Road; or Cottonwood Drive from Two Rivers Road to Riverside Drive; or

(e) any location that is not permitted by the CMMC or the CRMC.

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.