ORDINANCE NO. 01
SERIES 2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO AMENDING TITLE 8 BUSINESS REGULATION, CHAPTER 8.50 MARIJUANA BUSINESS LICENSING REGULATIONS, SECTIONS 8.50.020, 8.50.080, and 8.50.090, OF THE CITY OF GUNNISON MUNICIPAL CODE.

WHEREAS, the City Council of the City of Gunnison, Colorado, passed Ordinance No. 5, Series 2015 establishing rules, standards and policies for licensing and regulating the use of land within the boundaries of the City of Gunnison for the retail sale, cultivation, manufacturing, and testing of marijuana and marijuana products; and

WHEREAS, it is unclear as to whether an applicant for a transfer of license location, or transfer of ownership for a marijuana establishment, must pay the application fee required by the City, in addition to the fee for transfer of location or transfer of ownership; and

WHEREAS, Council wishes to clarify the issue by amending Section 8.50.020, 8.50.080, and 8.50.090 of the Gunnison Municipal Code to make it clear that the City requires an applicant for a license location transfer or transfer of ownership, to pay only the applicable transfer fee, and not the application fee.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO THAT:

Section 1. Title 8 Business Regulation, Chapter 8.50 Marijuana Business Licensing Regulations 8.50.020 Application And License Fee Required, is hereby amended to state:

An applicant shall pay the City application fee and license fee appropriate to the license sought when the City application is filed. City Council shall set these fees by Resolution. The application fee paid by an applicant to the City is in addition to the application fee paid to the State of Colorado, one-half of which is then remitted to the City. If an application is later withdrawn, the City shall refund the license fee paid by the applicant. Application fees are nonrefundable.

Section 2. Title 8 Business Regulation, Chapter 8.50 Marijuana Business Licensing Regulations 8.50.080 Transfer of Location of License, shall be amended to read as follows:

A license for a marijuana establishment may be transferred to another location within the city pursuant to Section 12-43.3-310, C.R.S., for medical marijuana establishments, and pursuant to Section 12-43.4-309, C.R.S., for retail marijuana establishments. An application to transfer the location of a license must be accompanied by the transfer of license location fee set by city council by resolution. In addition, the applicant must comply with GMC 8.50.030(B)(1) through (4), except that no application fee is required, and will be subject to any reasonable restrictions that exist or may be placed upon the new location by city council.

Section 3. Title 8 Business Regulation, Chapter 8.50 Marijuana Business Licensing Regulations 8.50.090 Transfer of Ownership, shall be amended to read as follows:

A marijuana establishment license may be transferred to a new owner pursuant to Section 12-43.3-309, C.R.S., for medical marijuana establishments, and pursuant to Section 12-43.4-308, C.R.S., for retail marijuana establishments. An application to transfer ownership must be accompanied by the transfer of ownership fee set by city council by resolution. In addition, the applicant must comply with GMC 8.50.030(B)(1), except that no application fee is required, and shall be subject to the procedures for licensure set forth in GMC 8.50.040.

Section 4. Severability. Should any section, clause, phrase, or provision of this ordinance be ruled invalid or unenforceable by any court of competent jurisdiction, it is hereby declared the intent of the City Council of the City of Gunnison, Colorado, that the remaining provisions of this ordinance shall be given full force and effect if it is possible to do so.
INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 13th day of February 2018, on first reading, and introduced, read, and adopted on second and final reading this 27th day of February 2018.

Jim Gelwicks, Mayor

ATTEST:

Erich Boucher, City Clerk

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