ORDINANCE NO. 13
SERIES 2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON,
COLORADO AMENDING TITLE 5 GENERAL OFFENSES, CHAPTER 5.10 GENERAL
OFFENSES, SECTION 5.10.182 OF THE CITY OF GUNNISON MUNICIPAL CODE

WHEREAS, the City of Gunnison Municipal Code, Chapter 5.10, Section 5.10.182,
defines when transfer or sale of medical or retail marijuana is a violation of the Code; and

WHEREAS, the Colorado legislature passed HB 19-1234, which makes it lawful, unless
prohibited by a municipality, for home delivery of marijuana and marijuana products; and

WHEREAS, the City Council has determined that home delivery of marijuana and
marijuana products both from within and from outside the City limits, should be prohibited.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON,
COLORADO, ORDAINS THAT:

Section 1. City of Gunnison Municipal Code, Title 5, General Offenses, Chapter 5.10,
General Offenses, Section 5.10.182 Unlicensed transfer, sale or purchase of marijuana, is hereby
amended to read as follows:

5.10.182 Unlicensed transfer, sale or purchase of marijuana

A. No person shall transfer, sell, trade, exchange, or give, with or without
remuneration, any amount of marijuana to a person under the age of 21.

B. No person under the age of 21 may obtain marijuana by any means, with or without
remuneration.

C. No person shall transfer, sell, trade, or exchange, with remuneration, any amount
of marijuana to a person 21 years of age and older without a valid marijuana
establishment license issued by the City of Gunnison. Home delivery by any
marijuana establishment, whether licensed within the City, or outside the City, is
prohibited.

D. No person shall give, without remuneration, more than one ounce of marijuana to
a person 21 years of age and older.

E. No person 21 years of age or older may obtain more than one ounce of marijuana,
with or without remuneration.

F. Restrictions placed on transferring, exchanging or giving of marijuana does not
apply to persons who are in compliance with the Colorado Revised Statutes
pertaining to medical marijuana.

G. The transfer, sale, trade, or exchange of marijuana in violation of this section is a
misdemeanor. Obtaining marijuana in violation of this section is a petty offense.

Section 2. If any section of this ordinance is, for any reason, held to be invalid or
unconstitutional, such decision shall not affect the validity or the constitutionality of the
remaining portions of the ordinance. The City Council of the City of Gunnison hereby declares
that it would have passed this ordinance, and each section thereof, irrespective of the fact that
any one or more sections be declared unconstitutional.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 12th day of
November, 2019, on first reading, and introduced, read, and adopted on second and final reading
this 19th day of November, 2019.
Published by title only in the
Gunnison Country Times Newspaper
on November 14, 2019.