

RESOLUTION NO. 009-2017

A RESOLUTION AMENDING RESOLUTION NO. 013-2016 (A RESOLUTION ESTABLISHING RULES AND REGULATIONS RELATING TO THE LICENSING AND OPERATION OF RETAIL MARIJUANA STORES IN THE TOWN OF CRESTONE)

WHEREAS, the Board of Trustees passed Resolution No. 013-2016 (A Resolution Establishing Rules And Regulations Relating To The Licensing And Operation Of Retail Marijuana Stores In The Town Of Crestone) on June 13, 2016; and

WHEREAS, the owners of a new retail marijuana outlet have objected to certain provisions of the rules and regulations as exceeding State of Colorado requirements regarding the retail sales of marijuana; and

WHEREAS, State law allows a municipality to enact such regulations as it deems appropriate (within constitutional parameters) regarding the retail sale of marijuana; and

WHEREAS, the Board of Trustees has determined that it does not desire to exceed the State requirements concerning the sections of the regulations to which objections have been made, namely Section 1-6 a) 2), which prohibits sales of more than one quarter (1/4) ounce of retail marijuana to a non-Colorado resident during a single transaction, Section 1-6 c), concerning the consumption or disposal of all inventory of all remaining marijuana of the licensee at the end of each month, Section 1-21, requiring the licensee to post a notice that possession and distribution of marijuana is a violation of federal law, and Section 1-28, requiring books and records of the identity of the seller and purchaser and records of all transactions conducted concerning retail sales; and

WHEREAS, House Bill 16-1261, which was passed by the Colorado State Legislature on June 10, 2016, deleted the requirement of the limitation of one quarter (1/4) ounce sales of marijuana to out-of-state residents, although the provisions of C.R.S. §12-43.4-901(4)(b), continue to make such sales a criminal offense punishable as a class two misdemeanor as provided by C.R.S. §18-1.3-501; and

WHEREAS, the Board of Trustees desires to track the provisions of the State regulations regarding the keeping of business records by retail marijuana establishments; and

WHEREAS, the Board of Trustees desires that retail marijuana establishments post conspicuous signage regarding the prohibition on public consumption of marijuana as found in the state criminal law;

NOW THEREFORE, be it hereby resolved by the Town Board of Trustees of the Town of Crestone that Section 1-6, Retail Marijuana Stores, a) 2) prohibiting retail sales of more than ¼ ounce of marijuana to a non-Colorado resident, and Section 1-6 c), concerning the monthly consumption or disposal of all remaining inventory of marijuana are hereby repealed and deleted from the regulations.

Be it also resolved that Section 1-28, Required book and records, is repealed and reenacted to read as follows:

Sec. 1-28. Required books and records.

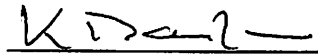
Every licensee shall maintain an accurate and complete record of all retail marijuana sales in accordance with the requirements of the Colorado Code of Regulations, Marijuana Enforcement Division, CCR 212-2 Retail Marijuana Code R-900 Series—Business Records including R-901—Business Records Required, R-902 Reporting and Transmittal of Taxes, R-903 Independent Audit May Be Required, R-904 Retail Marijuana Establishment Reporting

Requirements, and R-905 Department Information Access, and as such regulations may from time to time be amended.

Be it further resolved that Section 1-21. Required Notices. (c) is amended to read as follows:

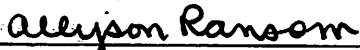
c. Any person who openly and publically displays, consumes or uses marijuana commits a violation of CRS 18-18-406 (5)(b)(I)(II).

DONE and SIGNED this 14th day of August, 2017.



Kairina Danforth, Mayor


Attest:



Allyson Ransom, Town Clerk