

**MARIJUANA ESTABLISHMENTS,
PROHIBITING ESTABLISHMENT,
MAINTENANCE, AND OPERATION OF
ORDINANCE NO. 2013-01**

**ARAPAHOE COUNTY, COLORADO
NOTICE OF PUBLIC HEARING
ORDINANCE NO. 2013-01**

**AN ORDINANCE PROHIBITING THE ESTABLISHMENT, MAINTENANCE
AND OPERATION OF MARIJUANA ESTABLISHMENTS WITHIN
UNINCORPORATED ARAPAHOE COUNTY**

WHEREAS, pursuant to C.R.S. §§ 30-11-101(2) and 30-15-401(1), Arapahoe County has the power to adopt and enforce ordinances regarding health, safety and welfare issues as otherwise prescribed by law; and

WHEREAS, pursuant to C.R.S. § 30-11-103, the Board of County Commissioners has the authority to exercise all powers for the County; and

WHEREAS, at the general election held on November 6, 2012, Colorado voters approved the adoption of Amendment 64 thereby amending the Colorado Constitution to add Section 16, Personal Use and Regulation of Marijuana, to Article XVIII of the Colorado Constitution; and

WHEREAS, Colorado Constitution, Article XVIII, Section 16(5)(f) authorizes the County to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through enactment of an ordinance; and

WHEREAS, similar authorization to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores may be found in C.R.S. § 12-43.4-104(3); and

WHEREAS, it is the opinion of the Board of County Commissioners of Arapahoe County, that in order to preserve the public peace, health, safety and welfare of the citizens of Arapahoe County, they should prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores; and

WHEREAS, the operation of licensed medical marijuana centers that are in compliance with the provisions of the Colorado Medical Marijuana Code and the Arapahoe County Land Development Code shall be unaffected by this Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Arapahoe County, the following:

SECTION I. INTENT

The Board of County Commissioners (the "Board") finds, determines and declares that the prohibition of marijuana establishments including, but not limited to marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores is necessary to promote the general public health, safety and welfare of the residents of Arapahoe County, Colorado.

SECTION II. DEFINITIONS

Unless otherwise specified or the context otherwise requires, any terms used in this Ordinance shall have the same meanings as provided in Colo. Const., Article XVIII, Section 16. These terms and definitions include but are not limited to:

- A. "Marijuana" or "marihuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marihuana concentrate. "Marijuana" or "marihuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.
- B. "Marijuana cultivation facility" means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.
- C. "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.
- D. "Marijuana product manufacturing facility" means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.
- E. "Marijuana products" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.
- F. "Marijuana testing facility" means an entity licensed to analyze and certify the safety and potency of marijuana.

- G. "Person" means a natural person, partnership, association, company, corporation, limited liability company, or organization; except that "person" does not include any governmental organization.
- H. "Retail marijuana store" means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

SECTION III. MARIJUANA ESTABLISHMENTS PROHIBITED

The establishment, maintenance and/or operation of a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, OR a retail marijuana store is prohibited.

SECTION IV. APPLICABILITY

This Ordinance shall apply to all portions of unincorporated Arapahoe County, including public lands.

SECTION V. ENFORCEMENT

The Arapahoe County Sheriff shall enforce the provisions of this Ordinance.

SECTION VI. PENALTY FOR VIOLATIONS

The County may seek such criminal and/or civil penalties against any person violating this Ordinance as are provided by law.

SECTION VII. DISPOSITION OF FINES

Any and all penalties, fines, costs and/or assessments for violations of this Ordinance shall be paid into the General Fund of Arapahoe County.

SECTION VIII. SEVERABILITY

If any one or more of the provisions of this Ordinance is determined by a competent court of law to be invalid, such determination shall not affect the validity of the remaining portions of this Ordinance.

SECTION IX. EFFECTIVE DATE

This Ordinance shall take effect upon its adoption. This is necessary for the immediate preservation of the public peace, health, safety and welfare, due in part to the need to control activity subject to this Ordinance as soon as possible.

BOARD OF COUNTY COMISSIONERS
ARAPAHOE COUNTY, COLORADO

CERTIFICATE

It is hereby certified that the foregoing Ordinance No. 2013-01 was introduced, read and adopted on first reading at the regular meeting of the Board of County Commissioners of the County of Arapahoe on July 30, 2013 (Resolution No. 130486) and the same was published in full in The Villager, a newspaper of general circulation published in Arapahoe County on August 8, 2013, the Littleton Independent and the Aurora Sentinel on August 8, 2013, and the I-70 Scout on August 6, 2013, and thereafter was adopted on second and final reading at a regular public hearing of the Board of County Commissioners of the County of Arapahoe on August 27, 2013 (Resolution No. 130560). Said ordinance, following adoption, was published by title in The Villager, the Littleton Independent and the Aurora Sentinel on September 19, 2013, and the I-70 Scout on September 17, 2013. Said Ordinance went into effect on August 27, 2013.

ATTEST:


Matt Crane, Clerk to the Board


Rod Bockenfeld, Chair

INTRODUCED, READ AND ADOPTED ON FIRST READING on July 30, 2013 (Resolution No. 130486) and ordered published in full in The Villager, Greenwood Village, Arapahoe County, Colorado.

ADOPTED ON SECOND AND FINAL READING on August 27, 2013 (Resolution No. 130560) and ordered published by title in The Villager, Greenwood Village, Arapahoe County, Colorado.

Date of publication after adoption: September 19, 2013.

MATT CRANE
CLERK TO THE BOARD



By:

