

STATE OF COLORADO)
COUNTY OF ADAMS)

At a regular meeting of the Board of County Commissioners for Adams County, Colorado, held at the Administration Building in Brighton, Colorado on the 12th day of August, 2013 there were present:

Eva J. Henry _____ Chair
Charles “Chaz” Tedesco _____ Commissioner
Erik Hansen _____ Commissioner
Heidi Miller _____ Acting County Attorney
Keisha Hirsch, Deputy _____ Clerk of the Board

when the following proceedings, among others were held and done, to-wit:

ORDINANCE NO. 13

AN ORDINANCE TEMPORARILY BANNING THE OPERATION OF MARIJUANA ESTABLISHMENTS INCLUDING MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, AND RETAIL MARIJUANA STORES WITHIN THE BOUNDARIES OF UNINCORPORATED ADAMS COUNTY, COLORADO

WHEREAS, pursuant to §§30-11-101 and 30-15-401, *et. seq.* of the Colorado Revised Statutes (C.R.S.), the Board of County Commissioners of Adams County, Colorado, has the authority to adopt ordinances regarding health, safety, and welfare issues and for the control or licensing of those matters of purely local concern; and,

WHEREAS, on November 6, 2012, the voters of Colorado approved the adoption of Amendment 64, thereby adding Article XVIII, Section 16, Personal Use and Regulation of Marijuana, to the Colorado Constitution; and,

WHEREAS, Article XVIII, Section 16 of the Colorado Constitution provides for the licensing and regulation of recreational marijuana establishments, including marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores; and,

WHEREAS, paragraph 5(f) of Article XVIII, Section 16 of the Colorado Constitution allows a locality, defined to include a county, to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores through the enactment of an ordinance; and,

WHEREAS, the Board of County Commissioners of Adams County finds that several ambiguities currently exist concerning the regulation of recreational marijuana establishments including the establishment of permanent regulations by the State of Colorado, the availability of tax revenue to be approved by the voters in order to compensate for local impacts of

recreational marijuana establishments, and the uncertain federal governmental response to the implementation of Amendment 64 in Colorado; and,

WHEREAS, the Board of County Commissioners of Adams County has determined that it is in the best interest of the citizens of Adams County to temporarily ban recreational marijuana establishments, through December 31, 2014, for the purpose of receiving clarification concerning the regulation of recreational marijuana establishments before any permanent action is taken by the County.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners, County of Adams, State of Colorado as follows:

ORDINANCE NO. 13
ADAMS COUNTY, COLORADO

Section 1. Purpose.

- 1.1 The purpose of this Ordinance is to temporarily ban, through December 31, 2014, the operation of marijuana establishments including marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores through the enactment of an ordinance as authorized by Article XVIII, Section 16 of the Colorado Constitution.

Section 2. Authority.

- 2.1 This Ordinance is authorized pursuant to Article XVIII, Section 16, paragraph 5(f) of the Colorado Constitution and §§30-11-101 and 30-15-401, *et. seq.* of the Colorado Revised Statutes.

Section 3. Applicability.

- 3.1 This Ordinance shall apply throughout the unincorporated area of Adams County, Colorado, including public and state lands.
- 3.2 This ordinance shall in no way limit application and enforcement of any statutes of the State of Colorado but shall be in addition thereto.
- 3.3 This Ordinance shall in no way limit or apply to the cultivation, processing and sale of industrial hemp.

Section 4. Definitions.

- 4.1 Unless otherwise specified or the context otherwise requires, any terms used herein shall have the same meanings as provided in Article XVIII, Section 16 of the Colorado Constitution.

Section 5. Marijuana Establishments Prohibited.

- 5.1 Any of the following shall be a violation of this Ordinance and shall be subject to the remedies and penalties provided for in the Ordinance:
- (a) Maintaining an entity of any kind which is used, intended to be used, or designed to be used 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.
 - (b) Maintaining an entity of any kind which is used, intended to be used, or designed to be used to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana products manufacturing facilities and to retail marijuana stores, but not to consumers.
 - (c) Maintaining an entity of any kind which is used, intended to be used, or designed to be used to analyze and certify the safety and potency of marijuana.
 - (d) Maintaining an entity of any kind which is used, intended to be used, or designed to be used 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 6. Penalties.

- 6.1 The County may seek any such criminal or civil penalties as are provided by Colorado law in addition to those provided for herein.

Section 7. Criminal Enforcement and Prosecution.

- 7.1 Criminal enforcement of this Ordinance shall be by the Adams County Sheriff.
- 7.2 If so directed by the Sheriff of Adams County, or his/her designee, a criminal prosecution may be brought against any person who violated any provision of this Ordinance in accordance with §§30-15-402 and 30-15-410, C.R.S.
- 7.3 Violation of the provisions of this Ordinance shall be a class 2 petty offense and shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) for each separate violation. In addition to this penalty, persons convicted of a violation of this Ordinance are subject, pursuant to §30-15-402, C.R.S., to a surcharge of ten dollars (\$10.00), to be paid to the Clerk of the Court for credit to the Victims and Witnesses Assistance and Law Enforcement Fund established in the 17th Judicial District.

7.4 All fines and forfeitures for the violation of this Ordinance shall be paid to the Treasurer of Adams County within thirty (30) days of receipt and shall be deposited into the General Fund of Adams County.

7.5 The offenses and penalties provided in the Ordinance shall be cumulative and in addition to any other offenses and penalties which are available under the Colorado Criminal Code, §18-1-101, *et. seq.* C.R.S.

Section 8. Civil Remedies and Enforcement Powers.

8.1 The County may enforce the provisions of this Ordinance through any available civil action including, but not limited to, seeking an injunction or other equitable relief in court to stop any violation of this Ordinance and may recover costs for any such action.

Section 9. Additional Remedies.

9.1 The remedies provided in the Ordinance shall be cumulative and in addition to any other remedies which may be available to Adams County. Nothing contained herein shall be construed to preclude Adams County from seeking such other remedies in addition to, or in lieu of, the legal remedies granted herein, including but not limited to enforcement of the Adams County Development Standards and Regulations through the procedures established therefore.

Section 10. Severability Clause.

10.1 If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 11. Repeal

11.1 This Ordinance No. 13 is repealed in its entirety effective December 31, 2014 at 11:59 p.m.

Section 12. Effective Date.

12.1 This Ordinance shall take effect on October 1, 2013.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Henry _____ Aye
Tedesco _____ Aye
Hansen _____ Aye
Commissioners

STATE OF COLORADO)
County of Adams)

I, Karen Long, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 12th day of August, A.D. 2013.

County Clerk and ex-officio Clerk of the Board of County Commissioners
Karen Long:



By:



Deputy