



**PROCEEDINGS OF THE BOARD OF COUNTY
COMMISSIONERS**

COUNTY OF LAKE AND STATE OF COLORADO

ORDINANCE NO. 2014-1

**AN ORDINANCE PROHIBITING THE OPERATION OF MARIJUANA
CULTIVATION FACILITIES, MARIJUANA PRODUCT
MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES
AND RECREATIONAL MARIJUANA STORES WITHIN THE
UNINCORPORATED BOUNDARIES OF LAKE COUNTY, STATE OF
COLORADO**

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF LAKE COUNTY, COLORADO:

WHEREAS, the Board of County Commissioners ("Board") has the authority to
exercise all County powers for the unincorporated areas of Lake County
pursuant to C.R.S. 30-11-103; and

WHEREAS, the Board previously enacted Ordinance No. 2013-3 and are
desirous of rescinding No. Ordinance 2013-3; and

WHEREAS, Ordinance No. 2014-1 shall replace Ordinance No. 2013-3; and

WHEREAS, at the general election held on November 6, 2012, the voters of the
State of Colorado approved the adoption of Amendment 64: Personal use and
regulation of marijuana; and

WHEREAS, pursuant to Article V, Section 1(4) of the Colorado Constitution,
said Amendment 64 became effective on the tenth day of December 2012 upon
official declaration of the vote by proclamation of the Governor of the State of
Colorado; and

WHEREAS, Amendment 64 adds a new Section 16. Personal use and regulation
of marijuana to Article XVII of the Colorado Constitution; and

WHEREAS, Amendment 64 provides for state and local licensing and
regulation of recreational marijuana establishments, including marijuana
cultivation facilities, marijuana product manufacturing facilities, marijuana
testing facilities and recreational marijuana stores; and



WHEREAS, Amendment 64 defines a "Locality" in Section 2(e) to include a county; and

WHEREAS, paragraph 5(f) of Section 16 provides the following:

(f) A LOCALITY MAY ENACT ORDINANCES OR REGULATIONS, NOT IN CONFLICT WITH THIS SECTION OR WITH REGULATIONS OR LEGISLATION ENACTED PURSUANT TO THIS SECTION, GOVERNING THE TIME, PLACE, MANNER AND NUMBER OF MARIJUANA ESTABLISHMENT OPERATIONS; ESTABLISHING PROCEDURES FOR THE ISSUANCE, SUSPENSION, AND REVOCATION OF A LICENSE ISSUED BY THE LOCALITY IN ACCORDANCE WITH PARAGRAPH (h) OR (i), SUCH PROCEDURES TO BE SUBJECT TO ALL REQUIREMENTS OF ARTICLE 4 OF TITLE 24 OF THE COLORADO ADMINISTRATIVE PROCEDURE ACT OR ANY SUCCESSOR PROVISION; ESTABLISHING A SCHEDULE OF ANNUAL OPERATING, LICENSING, AND APPLICATION FEES FOR MARIJUANA ESTABLISHMENTS, PROVIDED, THE APPLICATION FEE SHALL ONLY BE DUE IF AN APPLICATION IS SUBMITTED TO A LOCALITY IN ACCORDANCE WITH PARAGRAPH (i) AND A LICENSING FEE SHALL ONLY BE DUE IF A LICENSE IS ISSUED BY A LOCALITY IN ACCORDANCE WITH PARAGRAPH (h) OR (i); AND ESTABLISHING CIVIL PENALTIES FOR VIOLATION OF AN ORDINANCE OR REGULATION GOVERNING THE TIME PLACE, AND MANNER OF A MARIJUANA ESTABLISHMENT THAT MAY OPERATE IN SUCH LOCALITY. A LOCALITY MAY PROHIBIT THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, OR RECREATIONAL MARIJUANA STORES THROUGH THE ENACTMENT OF AN ORDINANCE OR THROUGH AN INITIATED OR REFERRED MEASURE: PROVIDED ANY INITIATED OR REFERRED MEASURE TO PROHIBIT THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, OR RECREATIONAL MARIJUANA STORES MUST APPEAR ON A GENERAL ELECTION BALLOT DURING AN EVEN NUMBERED YEAR; and

WHEREAS, The Board is desirous of allowing the City of Leadville to increase its tax revenue through the possible approval of recreational marijuana; and

WHEREAS, the Board finds that the publication and notice of this ordinance was or will be performed in accordance with C.R.S. 30-15-405 and 30-15-406; and



WHEREAS, The Board is desirous of allowing certain exceptions for existing facilities; and

WHEREAS, the Lake County Sheriff's Office is the appropriate agency to enforce violations involving the operation of recreational marijuana establishments, including marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and recreational marijuana stores imposed by this ordinance; and

WHEREAS, the Ordinance designating the Local Licensing Authority as the Board of County Commissioners, shall be unaffected by this Ordinance; and

WHEREAS, the Board of County Commissioners hereby finds, determines and declares that adoption of this ordinance is necessary for the preservation and protection of the public health, safety and welfare of the inhabitants of Lake County, Colorado.

NOW, THEREFORE, the following is adopted:

Section 1: Purpose

The purpose of this ordinance is to promote the general public welfare and safety throughout Lake County, Colorado by prohibiting the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and recreational marijuana stores through the enactment of an ordinance as provided for in Amendment 64.

Section 2: Authority

This ordinance is authorized pursuant to, inter alia, Article XVIII, Section 16, paragraph 5(f) of the Colorado Constitution.

Section 3: Applicability

3.1 This ordinance shall apply throughout the unincorporated area of the County of Lake, State of Colorado. This ordinance shall in no way limit application and enforcement of any statutes of the State of Colorado but shall be in addition thereto.

3.2 If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of County Commissioners hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective



of the fact that any one or more sections, subsections, sentences, clauses and phrases are declared unconstitutional or invalid.

3.3 This Ordinance shall not apply to Medical Marijuana. Resolution 12-15 shall remain in full force and affect.

3.4 This Ordinance is intended to replace Ordinance No. 2013-3.

Section 4: Definitions.

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. These definitions include, but are not limited to the following:

"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.

"MARIJUANA ACCESSORIES" MEANS ANY EQUIPMENT, PRODUCTS, OR MATERIALS OF ANY KIND WHICH ARE USED, INTENDED FOR USE, OR DESIGNED FOR USE IN PLANTING, PROPAGATING, CULTIVATING, GROWING, HARVESTING, COMPOSTING, MANUFACTURING, COMPOUNDING, CONVERTING, PRODUCING, MANUFACTURING, COMPOUNDING, CONVERTING, PRODUCING, PROCESSING, PREPARING, TESTING, ANALYZING, PACKAGING, REPACKAGING, STORING, VAPORIZING, OR CONTAINING MARIJUANA, OR FOR INGESTING, INHALING, OR OTHERWISE INTRODUCING MARIJUANA INTO THE HUMAN BODY.

"MARIJUANA CULTIVATION FACILITY" MEANS AN ENTITY LICENSED TO CULTIVATE, PREPARE, AND PACKAGE MARIJUANA AND SELL MARIJUANA TO RECREATIONAL MARIJUANA STORES, TO MARIJUANA



PRODUCT MANUFACTURING FACILITIES, AND TO OTHER MARIJUANA CULTIVATION FACILITIES, BUT NOT TO CONSUMERS.

"MARIJUANA ESTABLISHMENT" MEANS A MARIJUANA CULTIVATION FACILITY, A MARIJUANA TESTING FACILITY, A MARIJUANA PRODUCT MANUFACTURING FACILITY, OR A RECREATIONAL MARIJUANA STORE.

"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 RECREATIONAL MARIJUANA STORES, BUT NOT TO CONSUMERS.

"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.

"MARIJUANA TESTING FACILITY" MEANS AN ENTITY LICENSED TO ANALYZE AND CERTIFY THE SAFETY AND POTENCY OF MARIJUANA.

"MEDICAL MARIJUANA CENTER" MEANS AN ENTITY LICENSED TO ANALYZE AND CERTIFY THE SAFETY AND POTENCY OF MARIJUANA.

"RECREATIONAL 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 5: UNLAWFUL ACTS

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 this 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 recreational 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 product manufacturing facilities and to recreational 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: Exceptions

6.1 Notwithstanding the above referenced provisions in Section 5 of this Ordinance, existing medical marijuana cultivation facilities may operate as a recreational marijuana cultivation facility. This exception shall only apply to existing approved medical marijuana facilities. All new recreational marijuana cultivation facilities shall be prohibited, except for existing medical marijuana cultivation facilities that are desirous of adding a recreational marijuana cultivation facility.

6.2 Said existing facilities must comply with all state licensing regulations regarding both recreational and medical marijuana facilities. All state regulations regarding recreational and medical marijuana cultivation facilities must be met in order to maintain a marijuana cultivation facility in Lake County.

6.3 Shall an existing medical marijuana facility be desirous of adding a recreational medical marijuana facility the facility will be limited to a maximum grow space of 7,500 square feet, which must be contained in one property that is owned or leased by the facility which is selling recreational marijuana.

6.4 Any recreational growing facility, now existing and in the future, must have minimal light emitting from the facility during night time hours. The Sheriff is to exercise discretion when determining if the light is emitting from the facility is appropriate.



6.5 There must be filtration systems on facility sites to mitigate odor.

Section 7: Enforcement

The Lake County Sheriff and the Sheriff's officers, deputies, designees and agents are authorized by the Lake County Board of County Commissioners to enforce the provisions of this Ordinance.

Section 8: Violations

8.1 Violations of this Ordinance shall constitute a Class 2 petty offense and may be prosecuted in accordance with C.R.S. 30-15-402 and 30-15-410, and upon conviction or confession of guilt thereof shall be punished by a fine of One Thousand and 00/100 Dollars (\$1,000.00) for each violation of this ordinance.

8.2 The Lake County Sheriff shall have the authority to take a violator or violators into custody for violations of this Ordinance. Criminal prosecution may be brought against a violator in accordance with Sections 30-15-402 C.R.S. and 30-15-410 C.R.S.

8.3 Each violation of this Ordinance shall be deemed separate and distinct from any other violation of this Ordinance or of any other federal, state, or local law, rule, order or regulation, and each day during which violation of this Ordinance continues shall be deemed a separate offense.

Section 9 Effective Date

Pursuant to C.R.S. 30-15-405, this Ordinance shall be effective thirty (30) days after its second publication.

Section 10: Conflicts

Where any provision of this Ordinance conflicts with any other provision of this Ordinance, or any other law or ordinance, the more stringent requirement, regulation, restriction or limitation shall apply.

Section 11: Severability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 12: Recording

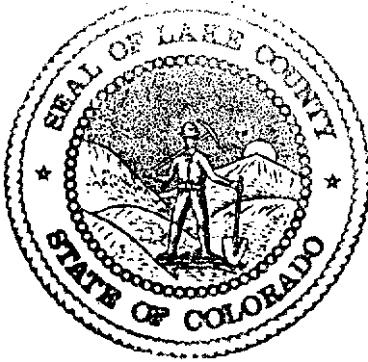


The Lake County Clerk is hereby ordered that this Ordinance is to be INTRODUCED, READ and PUBLISHED in full this 3rd day of March, 2014.

This Ordinance was published in full in the Herald Democrat, a general circulation newspaper published in Lake County on March 6th, 2014.

This Ordinance was ADOPTED, APPROVED, and ORDERED PUBLISHED by TITLE THIS 17th DAY OF March 2014.

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY COLORADO



Dolores M. Semsack, Commissioner

Bruce Hix, Commissioner

Michael J. Bordogna, Commissioner

CLERK'S CERTIFICATE

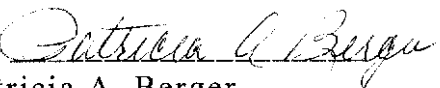
I, Patricia A. Berger, Clerk and Recorder of Lake County, Colorado, do hereby attest and certify that the Ordinance set forth was introduced, read and ordered published at a regular meeting of the Lake County Board of County Commissioners on the 3rd day of March, 2014. The Ordinance was adopted, approved and ordered published by title only at a regular meeting of the Lake County Board of County Commissioners held on the 17th day of March 2014. The publication set forth above, which appeared in The Herald Democrat, a general circulation newspaper published in Lake County, is true and correct and the proof of publication is on file in my office.

Patricia A. Berger
Clerk and Recorder,
Lake County, Colorado;
ex-officio Clerk of said Board

CERTIFICATION



I, Patricia A. Berger, Clerk and Recorder, of Lake County, Colorado; do hereby attest and certify that: (i) the forgoing AN ORDINANCE PROHIBITING THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES AND RECREATIONAL MARIJUANA STORES WITHIN THE UNINCORPORATED BOUNDARIES OF LAKE COUNTY, STATE OF COLORADO, is a true, correct, and complete copy from the records in my office; (ii) said Ordinance was duly adopted by the Board of County Commissioners of the County of Lake; (iii) said Ordinance is in full force and effect; (iv) and may be inspected during regular business hours.

By 
Patricia A. Berger
Clerk and Recorder,
Lake County, Colorado;
ex-officio Clerk of said Board