

ORDINANCE NO. 2013-1

FREMONT COUNTY, STATE OF COLORADO

**PROHIBITING THE OPERATION OF RETAIL/RECREATIONAL MARIJUANA
CULTIVATION FACILITIES, RETAIL/RECREATIONAL MARIJUANA PRODUCT
MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES AND
RETAIL MARIJUANA STORES PURSUANT TO ARTICLE XVIII, §16
OF THE COLORADO CONSTITUTION**

WHEREAS, Colorado voters approved the adoption of Amendment 64 at the general election held on November 6, 2012, thereby adding Article XVIII, Section 16: Personal use and regulation of marijuana to Article XVIII of the Colorado Constitution; and

WHEREAS, Amendment 64 provides for the state 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 Amendment 64 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, a majority of voters in unincorporated Fremont County voted against Amendment 64; and

WHEREAS, Amendment 64 conflicts with federal law, as the possession, cultivation, sale and use of marijuana remains illegal under federal criminal statutes; and

WHEREAS, the Board of County Commissioners of Fremont County ("Board") finds that the licensing and operation of marijuana establishments provided for in Amendment 64, by making marijuana more readily available in the community and facilitating the recreational use of marijuana, presents a threat to the health and education of Fremont County's children, to the safety of the workplace and the travelling public and to the public health, safety and welfare as a whole; and

WHEREAS, the licensing and operation of medical marijuana centers, medical marijuana infused products manufacturing, and optional premises cultivation operations pursuant to the Colorado Medical Marijuana Code and the Fremont County Zoning Resolution shall be unaffected by this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Fremont County, Colorado:

Section 1: Purpose.

The purpose of this Ordinance is to prohibit the operation of recreational or retail marijuana cultivation facilities, retail or recreational marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores through the enactment of an ordinance as authorized by Amendment 64, paragraph 5(f).

Section 2: Authority.

This Ordinance is authorized under Article XVIII, Section 16, paragraph 5(f) of the Colorado Constitution.

Section 3: Applicability.

This Ordinance shall apply throughout the unincorporated area of Fremont County.

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.

Section 5: Marijuana Establishments Prohibited.

The licensing and operation of recreational or retail marijuana cultivation facilities, recreational or retail marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores is hereby prohibited.

Section 6: Enforcement. This Ordinance shall be enforced by the Fremont County Sheriff.

Section 7: Violation. It shall be unlawful for any person to violate any provision of this Ordinance.

Section 8: Disposition of Fines and Surcharges. Unless otherwise provided by law, all fines and penalties, and the surcharge thereon, for the violation of this ordinance shall be paid into the treasury of Fremont County. The fine for a first offense and for any subsequent offense shall be one thousand dollars (\$1,000.00) per violation and each day shall be deemed a separate violation. In addition to the fines and penalties, any person convicted of a violation of this ordinance shall be subject to the statutory surcharge of ten dollars (\$10.00) for the Victims and Witnesses Assistance and Law Enforcement Fund. This surcharge shall be paid to the clerk of the court by each person convicted of violating this ordinance. The clerk shall transmit the moneys to the respective funds in accordance with Colorado law.

Section 9: Severability Clause.

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


Section 10: Publication and Effective Date.

The foregoing text is the authentic text of Fremont County Ordinance No. 2013-1. The first reading of the ordinance took place on September 3, 2013. It was published in full in the Canon City Daily Record on September 9, 2013.

Second Reading is set for September 24, 2013 at 9:30 a.m. at the Fremont County Administration Building, Room LL-3, 615 Macon Ave., Canon City, CO 81212.

It was adopted with/without amendments on 9-24-13. It is to be republished by title in Canon City Daily Record on 9-26-13 and shall take effect September 24, 2013.

Done and signed this 24th day of September, at Canon City, Colorado.


Debbie Bell, Chair
Board of County Commissioners of
Fremont County, Colorado

I hereby testify and attest that the provisions of Ordinance 2013-1 as set forth hereinabove are true and correct to the best of my knowledge, information and belief.


Fremont County Clerk and Recorder