

**ORDINANCE NO. 2013 - 01**

**THE BOARD OF COUNTY COMMISSIONERS  
OF LOGAN COUNTY, COLORADO**

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

**WHEREAS**, the Board of County Commissioners (“Board”), as the governing body of Logan County, has the authority to exercise all County powers for the unincorporated areas of Logan County pursuant to C.R.S. § 30-11-103, and to adopt ordinances pursuant to C.R.S. §30-15-401 which may be necessary or expedient for the promotion of the health, safety and welfare of the residents of Logan County; and

**WHEREAS**, on November 6, 2012, the voters of Colorado approved the adoption of Amendment 64, *Personal Use and Regulation of Marijuana*; and

**WHEREAS**, Amendment 64 became effective upon the official declaration of the vote thereon by proclamation of the Governor, pursuant to Section 1(4) of Article V, of the Colo. Constitution; and

**WHEREAS**, Amendment 64 created a new Section 16 to Article XVIII of the Colo. Constitution; and

**WHEREAS**, Amendment 64 defines a “Locality” in part in section 2(e) of Section 16 to include a County government; and

**WHEREAS**, part 5(f) of Section 16 provides as follows:

(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 25 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 RETAIL 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 RETAIL MARIJUANA STORES MUST APPEAR ON A GENERAL ELECTION BALLOT DURING AN EVEN NUMBERED YEAR (emphasis added), and;

**WHEREAS**, at the November 6, 2012 election, approximately 56% of Logan County voters, including 61% in precincts located in the unincorporated areas, rejected the proposed adoption of Amendment 64; and

**WHEREAS**, consistent with the authority granted to Counties in Amendment 64 and the will of the Logan County voters, the Board of County Commissioners desires to adopt this Ordinance prohibiting the operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities and Retail Marijuana Stores within the unincorporated areas of Logan County, Colorado.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LOGAN COUNTY, COLORADO AS FOLLOWS:**

**Purpose.** The purpose of this Ordinance is to promote the general public welfare and safety throughout Logan County, Colorado by prohibiting the operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities and Retail Marijuana Stores in the unincorporated areas of Logan County.

**Marijuana Establishments Prohibited.** The licensing and operation of a Marijuana Cultivation Facility, Marijuana Product Manufacturing Facility, Marijuana Testing Facility or Retail Marijuana Store is hereby prohibited in the unincorporated areas of Logan County, Colorado.

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

(1) "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.

(2) "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.

(3) "MARIJUANA ESTABLISHMENT" MEANS A MARIJUANA CULTIVATION FACILITY, A MARIJUANA TESTING FACILITY, A MARIJUANA PRODUCT MANUFACTURING FACILITY, OR A RETAIL MARIJUANA STORE.

(4) "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.

(5) "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.

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

(7) "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.

**Enforcement.** This Ordinance shall be enforced by the Logan County Sheriff.

**Violation.** It shall be unlawful for any person to violate any provision of this Ordinance.

**Disposition of Fines and Forfeitures.** 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 Logan County. The fine for a first offense and for any subsequent offense shall be one thousand dollars (\$1,000) per violation and each day shall be deemed a

separate violation.

**Surcharges.** In addition to the fines and penalties prescribed in this Ordinance, 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 C.R.S. § 30-15-402(2).

**Additional Remedies.** The remedies provided in this Ordinance shall be cumulative and in addition to any other remedies which may be available to Logan County and its governing body. Nothing contained herein shall be construed to preclude the Board from seeking such other remedies in addition to, or in lieu of, the legal remedies granted herein.

**Scope.** This Ordinance shall apply within the unincorporated territory of Logan County. This Ordinance shall in no way limit application and enforcement of any statutes of the State of Colorado or the United States of America, but shall be in addition thereto.

**Severability.** If any part or parts of this Ordinance are for any reason held to be invalid, such provision 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 part or parts hereof, irrespective of the fact that any one part or parts be declared invalid.

**Repeal.** All ordinances and/or resolutions or parts of ordinances and/or resolutions inconsistent with provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

**Safety Clause.** The Board hereby finds, determines and declares that this Ordinance is necessary for the preservation of the health, safety and welfare of the citizens of Logan County, Colorado.


#### **EFFECTIVE DATE**

In order to preserve the immediate health, safety and welfare of Logan County and its residents, this Ordinance shall take effect immediately upon its publication as provided in C.R.S. §30-15-405.

**INTRODUCED, READ AND APPROVED ON FIRST READING** on April 23, 2013,  
and ordered published in the Sterling Journal Advocate.

**ATTEST:**

**BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF LOGAN, COLORADO**

  
Pamela M. Bacon, Clerk to the Board  
Logan County, Colorado

(Seal)

By:   
David G. Donaldson, Chairman (Aye) (Nay)

  
Gene A. Meisner, Commissioner (Aye) (Nay)

  
Rocky L. Samber, Commissioner (Aye) (Nay)