

**BOARD OF COUNTY COMMISSIONERS OF
HINSDALE COUNTY, COLORADO**

ORDINANCE NO. 1-2012

**AN ORDINANCE PROHIBITING THE OPERATION OF MARIJUANA
CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING
FACILITIES, MARIJUANA TESTING FACILITIES AND MARIJUANA RETAIL
STORES IN THE UNINCORPORATED AREAS OF HINSDALE COUNTY,
COLORADO**

WHEREAS, the Board of County Commissioners of Hinsdale County, Colorado (“Board”) has the authority to exercise decision-making powers for the unincorporated areas of Hinsdale County, Colorado pursuant to C.R.S. §§ 30-11-101, *et seq.*; and

WHEREAS, on November 6, 2012, the voters of the State of Colorado approved Amendment 64 to the State’s Constitution allowing for the personal use and regulation of marijuana; and

WHEREAS, Amendment 64 will add a new Section 16 to Article XVIII of the Colorado Constitution; and

WHEREAS, part 5(f) of Section 16 of Article XVIII allows a “locality”, such as a county, to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and marijuana retail stores through the enactment of an ordinance; and

WHEREAS, at the November 6, 2012 election, approximately fifty-two percent (52%) of the Hinsdale County electorate voted against Amendment 64; and

WHEREAS, consistent with the authority granted to the Board by Amendment 64, and given the will of the Hinsdale County voters, the Board desires to adopt this Ordinance to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores within the unincorporated areas of Hinsdale County, Colorado; and

WHEREAS, the Board deems this Ordinance to be in the best interests of the public health, safety and welfare of Hinsdale County, Colorado.

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

1. Purpose. The purpose of this Ordinance is to promote the public health, welfare and safety of Hinsdale County, Colorado by prohibiting the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores within the unincorporated areas of Hinsdale County, Colorado.

2. Applicability. This Ordinance shall apply to the unincorporated areas of Hinsdale County, Colorado.

3. Definitions. Unless otherwise specified, 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:

3.1 “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 marijuana concentrate. “Marijuana” or “marihuana” does not include industrial hemp, nor does it include fiber produced from the stalks, oils, 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 products.

3.2 “Marijuana accessories” means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propogating, cultivating, growing, harvesting, composting, 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.

3.3 “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.

3.4 “Marijuana establishment” means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

3.5 “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.

3.6 “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.

3.7 “Marijuana testing facility” means an entity licensed to analyze and certify the safety and potency of marijuana.

3.8 “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.

4. Enforcement. This Ordinance shall be enforced by the Hinsdale County Sheriff’s Department.

5. Violation. It shall be unlawful for any person or entity to violate any provision of this Ordinance. If any person or entity is convicted of violating this Ordinance, the fine for a first offense and for any subsequent offense shall be ONE THOUSAND and 00/100 U.S. Dollars

(\$1,000.00) per violation, and each day a violation continues after notice thereof shall be deemed a separate violation. Unless otherwise provided by law, all fines and penalties of this Ordinance shall be paid into the treasury of Hinsdale County, Colorado.

6. Surcharges. In addition to the fines and penalties described in Section 5 above, any person or entity convicted of a violation of this Ordinance shall be subject to the statutory surcharges of TEN and 00/100 U.S. Dollars (\$10.00) for the Victims and Witnesses Assistance and Law Enforcement Fund, and FIFTEEN and 00/100 U.S. Dollars (\$15.00) for the Colorado Traumatic Brain Injury Trust Fund. Such surcharges shall be paid to the clerk of the court by each person or entity convicted of violating this Ordinance. The clerk of the court shall transmit such surcharge moneys to the respective funds in accordance with C.R.S. § 30-15-402(2).

7. Severability. If any part or parts of this Ordinance are for any reason held to be invalid by a court of competent jurisdiction, such invalid provision shall not affect the validity of the remaining portions of this Ordinance.

INTRODUCED, READ AND ADOPTED ON FIRST READING, this 6th day of February, 2013, and ordered published in full in the *Lake City Silver World* on the 8th day of February, 2013.

BOARD OF COUNTY COMMISSIONERS OF
HINSDALE COUNTY, COLORADO

By: C. F. Dozier
Cindy Dozier, Chair

ATTEST:

Linda Duich Ragle
Clerk

ADOPTED ON SECOND AND FINAL READING, this 20th day of February, 2013.

BOARD OF COUNTY COMMISSIONERS OF
HINSDALE COUNTY, COLORADO

By: C. F. Dozier
Cindy Dozier, Chair

ATTEST:

Linda Duich Ragle
Clerk