

**ARAPAHOE COUNTY, COLORADO
ORDINANCE NO. 2020-02**

**AN ORDINANCE ESTABLISHING LIMITED RETAIL MARIJUANA STORES
IN UNINCORPORATED ARAPAHOE COUNTY**

WHEREAS, pursuant to C.R.S. §§ 30-11-101(2) and 30-15-401(1), Arapahoe County has the power to adopt and enforce ordinances regarding health, safety, and welfare issues otherwise prescribed by law; and

WHEREAS, pursuant to C.R.S. § 30-11-103, the Board of County Commissioners has the authority to exercise all powers for the County; and

WHEREAS, Colorado Constitution, Article XVIII, Section 16(5)(f) authorizes the County to enact an ordinance governing the time, place, manner, and number of retail marijuana businesses, which may include a local licensing requirement; and

WHEREAS, similar authorization to govern the time, place, manner, and number of retail marijuana businesses, which may include a local licensing requirement may be found in C.R.S. §44-10-104(3); and

WHEREAS, by prior action on August 27, 2013, the Board adopted Resolution No. 130560 enacting Ordinance No. 2013-01 Prohibiting the Establishment, Maintenance, and Operation of Marijuana Establishments Within unincorporated Arapahoe County; and

WHEREAS, four (4) licensed medical marijuana stores (the “Licensed Stores”) have been in operation within unincorporated Arapahoe County for around eight years; and

WHEREAS, the Licensed Stores have operated in compliance with the Arapahoe County Land Development Code non-conforming use regulations and in conformity with Colorado Constitution and state law; and

WHEREAS, it is the decision of the Board of County Commissioners of Arapahoe County to terminate Ordinance No. 2013-01 and allow the Licensed Stores the opportunity to also be used as a retail marijuana store.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Arapahoe County, the following:

SECTION I. INTENT

The Board of County Commissioners (the “Board”) finds, determines, and declares that Ordinance No. 2013-01 is terminated and the establishment of retail marijuana stores at specific locations as described herein are authorized, and no other retail marijuana businesses are authorized within unincorporated Arapahoe County.

SECTION II. DEFINITIONS

Unless otherwise specified or the context otherwise requires, any terms used in this Ordinance shall have the same meanings as provided in the Colorado Constitution, Article XVIII, Section 16. These terms and definitions include, but are not limited to:

A. CMC

CMC shall mean the Colorado Marijuana Code, C.R.S. Section 44-10-101 *et seq.*, as amended.

B. Marijuana

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 shall not mean industrial hemp. Marijuana includes marijuana as defined in Article XVIII, Section 16 of the Colorado Constitution, Article XVIII, Section 14 of the Colorado Constitution, and the CMC.

C. Medical Marijuana Store

A person or entity licensed by a state agency to sell medical marijuana and medical marijuana products to patients or primary caregivers, but is not a primary caregiver as defined by Article XVIII, Section 14 of the Colorado Constitution or the CMC, and includes, but is not limited to, a “medical marijuana store” as defined.

D. Retail Marijuana Business

Retail marijuana business shall mean a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturer, a marijuana hospitality business, a retail marijuana hospitality and sales business, a retail marijuana testing facility, a retail marijuana business operator, or a retail marijuana transporter licensed pursuant to the CMC.

E. Retail Marijuana Store

Retail marijuana store shall mean an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers, as defined by Article XVIII, Section 16 of the Colorado Constitution and the CMC.

SECTION III. MARIJUANA ESTABLISHMENTS

The licensed premises of the medical marijuana stores existing as of July 14, 2020 and located at 1842 South Parker Road, Unit 18, Denver, Colorado 80231, 2280 South Quebec Street #G, Denver, Colorado 80231, 3431 South Federal Boulevard, Unit G, Englewood, Colorado 80110, and 6200 East Yale Avenue, Unit B, Denver, Colorado 80222, and no others, are allowed to be used for a retail marijuana store and/or a medical marijuana store upon such terms and conditions as provided in Arapahoe County Land Development Code Sec. 3-3.5 Marijuana Land

Uses, as amended. The establishment of all other retail marijuana businesses within unincorporated Arapahoe County is prohibited.

SECTION IV. APPLICABILITY

This Ordinance shall apply to all portions of unincorporated Arapahoe County, including public lands.

SECTION V. ENFORCEMENT

The Arapahoe County Sheriff shall enforce the provisions of this Ordinance.

SECTION VI. PENALTY FOR VIOLATIONS

The County may seek such criminal and/or civil penalties against any person violating this Ordinance as are provided by law.

SECTION VII. DISPOSITION OF FINES

Any and all penalties, fines, costs, and/or assessments for violations of this Ordinance shall be paid into the General Fund of Arapahoe County.

SECTION VIII. SEVERABILITY

If any one or more of the provisions of this Ordinance is determined by a competent court of law to be invalid, such determination shall not affect the validity of the remaining portions of this Ordinance.

SECTION IX. EFFECTIVE DATE

This Ordinance shall take effect upon thirty (30) days after notice of its adoption has been published.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS
ARAPAHOE COUNTY, COLORADO

NANCY SHARPE, CHAIR



INTRODUCED AND READ ON July 14, 2020 at a regular meeting of the Board of County Commissioners.

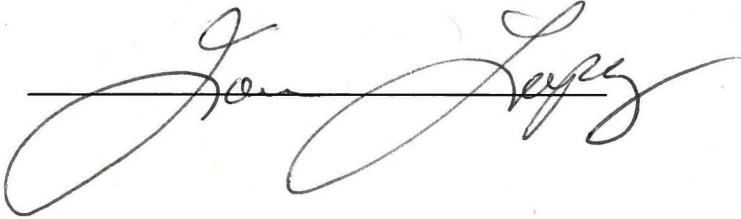
Date of initial publication: July 16, 2020.

ADOPTED ON July 28, 2020 at a regular meeting of the Board of County Commissioners.

Date of publication after adoption: July 30, 2020.

ATTEST:

JOAN LOPEZ, CLERK TO THE BOARD

A handwritten signature in cursive script, reading "Joan Lopez", is written over a solid horizontal line.