

RESOLUTION NO. 22-____ Hearing was held on November 8, 2022 as published on proposed Ordinance No. 2022-01, regarding the operation of limited commercial marijuana stores within unincorporated Arapahoe County was held pursuant to Section 30-15-406, C.R.S. After public comment, evidence, and testimony were received by the Board of County Commissioners, the matter was taken under advisement for further consideration and decision. It was then moved by Commissioner ____ and duly seconded by Commissioner ____ to adopt the following Ordinance and direct staff to publish notice of the Ordinance as required by state statute:

**ARAPAHOE COUNTY, COLORADO
ORDINANCE NO. 2022-01**

**AN ORDINANCE ESTABLISHING THE OPERATION OF LIMITED COMMERCIAL
MARIJUANA STORES WITHIN 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, by prior action on July 28, 2020, the Board adopted Resolution No. 200505 terminating Ordinance No. 2013-01 and enacting Ordinance No. 2020-02 Establishing Limited Retail marijuana Stores in Unincorporated Arapahoe County; and

WHEREAS, four (4) licensed commercial marijuana stores existing as of August 1, 2022, 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 (the “Licensed Stores”) have been in operation within unincorporated Arapahoe County for around ten 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. 2020-02 and allow the Licensed Stores to continue to be used as a medical marijuana store and/or a retail marijuana store, and to allow the Licensed Stores the opportunity to move locations as limited by the restrictions contained in this Ordinance.

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

SECTION I. INTENT

The Board of County Commissioners finds, determines, and declares that Ordinance No. 2020-02 is terminated and the establishment of commercial marijuana stores as described herein are authorized, and no other 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, Sections 14 and 16. These terms and definitions include, but are not limited to:

A. Colorado Marijuana Code

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

B. Commercial Marijuana Store

Shall mean a business licensed under State and County law and regulations to sell marijuana and/or marijuana products as a medical marijuana store, retail marijuana store, or as a combined medical and retail marijuana store. See, definitions for medical marijuana store and retail marijuana store.

C. Marijuana

Shall mean 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 Colorado Constitution Article XVIII, Sections 14 and 16, and the Colorado Marijuana Code.

D. Medical Marijuana Store

Shall mean a person or entity licensed pursuant to the Colorado Marijuana Code to operate a business as described in C.R.S. Section 44-10-501 as amended that sells medical marijuana to registered patients or primary caregivers as defined in Colorado Constitution Article XVIII, Section 14, but is not a primary caregiver.

E. Marijuana Business

Shall mean a medical marijuana business as defined by C.R.S. Section 44-10-103(35) as amended and a retail marijuana business as defined by C.R.S. Section 44-10-103(58) as amended.

F. **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 Colorado Constitution Article XVIII, Section 16 and the Colorado Marijuana Code.

SECTION III. MARIJUANA ESTABLISHMENTS

Commercial marijuana stores that were licensed prior to August 1, 2022, by the State of Colorado and under the Arapahoe County Marijuana Licensing Policy, and operating and open to the public in compliance with all applicable State and County laws and regulations, including but not limited to the provisions of the Colorado Constitution, the Colorado Marijuana Code, the Arapahoe County Land Development Code, and the Arapahoe County Marijuana Licensing Policy may continue in business at their existing locations for medical marijuana stores and/or a retail marijuana stores. Any relocation of a Licensed Store from the existing location shall only be upon such terms and conditions as provided in Arapahoe County Land Development Code Sec. 3-3.5 Marijuana Land Uses, as amended. No more than four (4) commercial marijuana stores are permitted to operate within unincorporated Arapahoe County. The establishment and operation of all other 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.

The vote was:

Commissioner Baker, __; Commissioner Holen, __; Commissioner Jackson, __; Commissioner Sharpe, __; Commissioner Warren-Gully, __.

The Chair declared the motion carried and so ordered.