

ORDINANCE NO. 2014-02

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO AMENDING AND EXTENDING ORDINANCE NO. 2013-01, CONCERNING THE PROHIBITION OF THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, OR RETAIL MARIJUANA STORES

WHEREAS, the Board of County Commissioners adopted Ordinance 2013-01 in August of 2013, which Ordinance prohibits the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores until October 15, 2014, unless repealed or amended prior to that date; and

WHEREAS, there remain conflicts between state and federal law, raising concerns about unintended consequences for the county in permitting such facilities; and

WHEREAS, the Board of County Commissioners desires to have additional research and information available to it prior to making decisions regarding allowing some or all of such facilities to operate in the County, including questions regarding how cultivation might be permitted and regulated, impacts to the County legally and financially, and how other jurisdictions have implemented permitting and regulation of these facilities; and

WHEREAS, the Board desires to adopt this ordinance extending the prohibition of the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO:

Section 1. Authority.

This Ordinance is authorized pursuant to, inter alia, Article XVIII, Section 16, paragraph 5(f) of the Colorado Constitution.

Section 2. Purpose.

The Board of County Commissioners of Ouray County, Colorado, finds and declares that the prohibition of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores is permitted by the Colorado Constitution, Article XVIII, Section 16, and is in the best interests of the county to prevent unknown and unintended consequences, including the diversion of limited resources for litigation.

Section 3. Amendment and Extension of Ordinance 2013-01

Ordinance 2013-01 is hereby reaffirmed, readopted in its entirety and amended by extending the termination date from October 15, 2014 to February 3, 2015, and by confirming that the Ordinance shall not apply to facilities in existence on or before May 11, 2011, as provided by Resolution 2011-021 as those facilities have been licensed and are permitted to operate by the State of Colorado during the pendency of this Ordinance, but does not authorize the expansion of these non-conforming facilities or uses except as licensed or permitted by the State of Colorado.

Section 4. Staff Directed to Research Issues

County staff, including land use planning, legal and administrative staff, are directed to compile information during the pendency of this extension so that the Board may make a well-informed decision regarding these facilities prior to the expiration of the Ordinance.

Section 5. Repeal Upon Review.

This Ordinance will expire on February 3, 2015, unless repealed or amended prior to that date.

Section 6. Effective Date.

This Ordinance shall be effective on SEPTEMBER 28, 2014 and shall remain in effect until such time as this Ordinance is amended, temporarily suspended or repealed, as provided in Section 5.

Section 7. Interpretation.

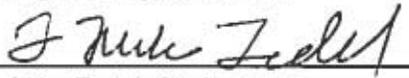
This Ordinance shall be so interpreted and construed as to effectuate its general purpose. Section headings of the Ordinance shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

Section 8. Certification.

The Ouray County Clerk and Recorder shall certify to the passage of this Ordinance and make not less than three copies of the adopted Ordinance available for inspection by the public during regular business hours.

INTRODUCED AND FIRST READING on August 5, 2014 and first reading continued until August 26, 2014 and on such date ordered published in the OURAY COUNTY PLAINDEALER. Published on August 7, 2014.

**Board of County Commissioners
Ouray County, Colorado**

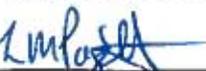

F. Mike Fedel, Chair

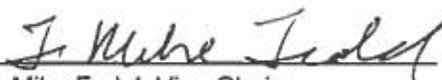

Lynn M. Padgett, Vice-Chair

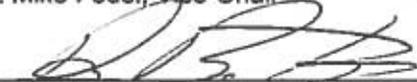

Don Batchelder, Commissioner Member

ADOPTED ON SECOND AND FINAL READING on August 26, 2014.

**Board of County Commissioners
Ouray County, Colorado**


Lynn M. Padgett, Chair


F. Mike Fedel, Vice-Chair


Don Batchelder, Commissioner Member

CERTIFICATION BY OURAY COUNTY CLERK AND RECORDER:

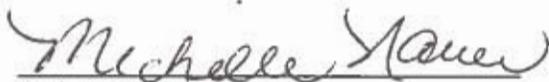
I, Michelle Nauer, Clerk and Recorder of Ouray County and Clerk to the Board of County Commissioners, do hereby attest and certify that this Ordinance was

INTRODUCED AND READ ON August 5, 2014 AND CONTINUED TO August 26, 2014 AND READ AND ORDERED PUBLISHED AT SUCH REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS.

THE ORDINANCE WAS PUBLISHED IN FULL IN THE *OURAY COUNTY PLAINDEALER* ON August 7, 2014 ALONG WITH A NOTICE OF PUBLIC HEARING.

ADOPTED AND APPROVED AT A PUBLIC HEARING OF THE BOARD OF COUNTY COMMISSIONERS ON August 26, 2014, AFTER THE SECOND AND FINAL READING OF THE ORDINANCE.

PUBLISHED AFTER ADOPTION IN THE *OURAY COUNTY PLAINDEALER* ON THE 28 DAY OF August, 2014.



Michelle Nauer
Clerk and County Recorder