



Ordinance #13-02

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF GILPIN**

AN ORDINANCE PROHIBITING ALL RETAIL MARIJUANA ESTABLISHMENTS AS DEFINED BY THE COLORADO CONSTITUTION, ARTICLE XVIII, SECTION 16(2), IN THE UNINCORPORATED PORTIONS OF THE COUNTY OF GILPIN, EXCEPT THOSE EXISTING MEDICAL MARIJUANA DISPENSARIES IDENTIFIED IN THIS ORDINANCE AS NON-CONFORMING USES.

Whereas, on the 12th day of December, 2012, the Board of County Commissioners, pursuant to authority granted under CRS 12-43.3-106, adopted Resolution number 12-21 prohibiting all medical marijuana operations in the unincorporated portions of Gilpin County; and

Whereas, Resolution 12-21 exempted from the prohibition of medical marijuana operations three then-existing medical marijuana dispensaries, two of which are more particularly identified in this Resolution; and

Whereas, The Board of County Commissioners are empowered under the Colorado Constitution, Article XVIII, Section 16(5)(f), to prohibit all retail marijuana establishments, as defined therein, within the unincorporated portions of Gilpin County; and

Whereas, it is the finding of this Board that the prohibition of such retail marijuana establishments is in the interest of the public health, safety and welfare of the residents of the County of Gilpin; and

Whereas, it is further the finding of this Board that the two existing medical marijuana dispensaries should be allowed to continue operation as medical marijuana dispensaries and to operate as retail marijuana stores, if licensed as dual operations by the State of Colorado Licensing Authority, or if licensed as retail marijuana stores after surrendering medical marijuana dispensary licenses and subject to compliance with Gilpin County Zoning regulations;

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

1. Subject to the exceptions identified in paragraph 2 of this Ordinance, all marijuana establishments, including marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores, as defined in Article XVIII Section 16(2) of the Colorado Constitution and as defined in CRS 12-43.4-102, are prohibited from operating in the County of Gilpin as of the effective date of this Ordinance.



2. Medical marijuana dispensaries operating in the County of Gilpin as of the effective date of this Ordinance, shall not be subject to the prohibition of retail marijuana establishments under this Ordinance, in the event that any of said existing dispensaries obtain dual licenses from the State Licensing Authority, which permit operation of a retail marijuana store and operation of medical marijuana dispensary by the same licensee or in the event the operator of an existing licensed medical marijuana establishment in good standing, who has applied for a retail marijuana store license, elects to surrender that medical marijuana license to the State Licensing Authority under CRS 12-43.4-104. Before any dual licensed operation or retail marijuana store shall commence, the licensee must comply with all applicable Gilpin County Zoning Regulations:

The Medical Marijuana Dispensaries permitted to continue operation as retail marijuana stores or dual licensed medical marijuana dispensaries and retail marijuana stores, as non-conforming uses subject to the provisions of this Ordinance, and compliance with Gilpin Zoning regulation 2.4 are as follows:

ALTERNATIVE MEDICAL SUPPLY

Account #: P015328

Site Address: 9 Karlann Drive

ROCKY MOUNTAIN ORGANICS

Account#: P015383

Site Address: 5312 Highway 119

The non-conforming uses here permitted, and any retail marijuana sale licenses associated with the described operations, are limited to the current location of the licensed medical marijuana dispensaries as identified above.

3. In the event any of the foregoing medical marijuana dispensaries elect not to obtain retail marijuana sales licenses, such dispensaries may continue to operate in Gilpin County as non-conforming uses under Gilpin County Zoning Regulation 2.4, so long as such operations remain in compliance with all State medical marijuana laws, rules and licensing requirements, and Gilpin County Zoning Regulations.
4. **EMERGENCY CLAUSE.** This ordinance relates to the regulation of a controlled substance under federal law and the adoption of this Ordinance is therefore necessary to the immediate preservation of the public health and safety, and therefore shall take effect immediately upon adoption.



5. Introduced and read this 6th day of August, 2013 and ordered published in full in a newspaper of general circulation published in Gilpin County at least 10 days prior to final reading and adoption.

ADOPTED ON SECOND READING this 20th day of August, 2013.

ATTEST:

BOARD OF COUNTY COMMISSIONERS

Sharon E. Cate
Sharon E. Cate, Deputy Clerk

Buddy Schmalz
Buddy Schmalz, Chair

CERTIFICATION

Colleen Stewart, Gilpin County Clerk, hereby certifies that the foregoing ordinance was adopted on first reading by the Board of County Commissioners of Gilpin County, and that the ordinance was thereafter published in full in the Weekly Register-Call on the 1st day of August, 2013 and that said ordinance was duly adopted on final reading after such publication, at a regular meeting of the Board of County Commissioners on the 20th day of August, 2013.

(county seal)



GILPIN COUNTY CLERK

Colleen Stewart