

ORDINANCE NO. 15

ORDINANCE REGULATING MARIJUANA HOSPITALITY BUSINESSES AND PROVIDING FOR LICENSES FOR SUCH BUSINESSES

WHEREAS, pursuant to §§ 30-11-101(2), 44-12-408(2)(a) and 44-12-409(2)(a), C.R.S., the Board of County Commissioners may authorize the operation of marijuana hospitality businesses within unincorporated Adams County through the enactment of an ordinance; and

WHEREAS, the Board of County Commissioners is authorized under §§ 44-12-408(2)(a) and 44-12-409(2)(a), et seq., C.R.S., to adopt regulations governing marijuana hospitality businesses that are at least as restrictive as the Colorado statutes and rules governing marijuana hospitality businesses; and,

WHEREAS, the Board of County Commissioners finds that regulating marijuana hospitality businesses is necessary to promote the health, safety, and welfare of the citizens of Adams County; and,

WHEREAS, the Board of County Commissioners wishes to permit licenses for Marijuana Hospitality Businesses and Retail Marijuana Hospitality and Sales Businesses as defined by § 44-12-103, C.R.S., as amended.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners, County of Adams, State of Colorado, that the operation of marijuana hospitality businesses in the unincorporated portions of Adams County be subject to the following regulations:

SECTION 1. PURPOSE AND INTENT

The objectives of this Ordinance are:

To establish regulations for the licensing of Marijuana Hospitality Businesses and Retail Marijuana Hospitality and Sales Businesses in unincorporated Adams County;

To prohibit the operation of unlicensed Marijuana Hospitality Businesses and Retail Marijuana Hospitality and Sales Businesses in unincorporated Adams County; and,

To establish procedures for inspection and enforcement to ensure compliance with this Ordinance and all other applicable rules, laws and ordinances pertaining to Marijuana Hospitality Businesses and Retail Marijuana Hospitality and Sales Businesses.

SECTION 2. DEFINITIONS

For the purposes of this Ordinance, the following shall mean:

“Board of County Commissioners” means the Adams County Board of County Commissioners.

“Consumption Area” means a designated and secured area within in the Licensed Premises of a Hospitality Business where consumers can use and consume marijuana and where no one under the age of 21 is permitted.

“Development Standards and Regulations” means the Adams County Development Standards and Regulations as adopted by the Adams County Board of County Commissioners.

“Hospitality Business” means a Marijuana Hospitality Business or Retail Marijuana Hospitality and Sales Business, as defined.

“Licensing Regulations” means the Adams County Licensing Regulations as adopted by the Adams County Board of County Commissioners.

“Marijuana Hospitality Business” means an entity licensed to permit the use or consumption of marijuana within a Consumption Area.

“Marijuana Hospitality Mobile License” means an entity licensed to permit the use or consumption of marijuana within a Mobile Premises.

“Mobile Premises” means a licensed premises operated by a Marijuana Hospitality Business in a motor vehicle, which includes any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; but does not include electrical assisted bicycles, electric scooters, low-power scooters, wheelchairs, or vehicles moved solely by human power.

“Operations” means the business activities that a Hospitality Business engages in to provide a service to their customers.

“Outdoor Consumption Area” means a Consumption Area that is outdoors and surrounded by a sight-obscuring wall, fence, hedge, or other opaque or translucent barrier.

“Permitted Use” means a use permitted by right in a zone district. The use must comply with all applicable standards for the use or uses and all County and State regulations in order to be permitted.

“Restricted Access Area” means a designated and secure area within a Licensed Premises in a Retail Marijuana Hospitality and Sales business where Retail Marijuana is sold to consumers, processed for sale, and displayed for sale, and where no one under the age of 21 is permitted.

“Retail Marijuana Hospitality and Sales Business” means an entity licensed to (1) purchase Retail Marijuana from a Retail Marijuana Business, (2) Transfer Retail Marijuana to consumers, and (3) permit the use or consumption of Retail Marijuana Transferred to a consumer within the Restricted Access Area

SECTION 3. APPLICABILITY

This Ordinance shall apply to any Hospitality Business in unincorporated Adams County, Colorado.

SECTION 4. RESPONSIBILITY FOR ADMINISTRATION

- A. The Board of County Commissioners shall be responsible for allocating the number of available licenses for Hospitality Businesses.
- B. The Director of Community and Economic Development or the Director’s designee shall administer, implement, and perform enforcement of this Ordinance and may inspect for violations of this Ordinance.
- C. Any powers granted or duties imposed upon the Department may be delegated in writing by the Director acting for and on behalf of the County.
- D. Enforcement:
 - a. Pursuant to § 30-15-402.5(1) the Board of County Commissioners has determined that it is in the best interest of public safety to designate all Adams County Sheriff’s Office Peace Officers and all Adams County Code Compliance Officers to enforce this Ordinance by issuing citations or summonses and complaints for violators of the provisions of this Ordinance.

SECTION 5. LICENSE FEES

License Fees and associated administrative fees shall be adopted by the Board of County Commissioners on a yearly basis through means of a resolution.

SECTION 6. OPERATIONS

Hours of Operation

- A. The Hours of Operation for Hospitality Business shall be 8am to 10pm, daily.

Locations of Marijuana Hospitality Businesses or Retail Marijuana Hospitality and Sales Businesses

- A. No Hospitality Business shall be located within 1,000 feet of any existing public or private elementary, middle junior high or high school, state licensed daycare homes and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, or public housing facility.
- B. No Hospitality Business shall be located within 100 feet of any existing house of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house, or correctional facility
- C. No Hospitality Business shall be located within 50 feet of any residentially zoned or used property.
- D. No Hospitality Business shall be located within five miles of any other Hospitality Business.
- E. Hospitality Businesses shall only be allowed in the following Zone Districts: all industrial zone districts, Commercial-3, Commercial-4, and Commercial-5.

Mobile Marijuana Premises

- A. A Marijuana Hospitality Business may apply for a Marijuana Hospitality Mobile License. A maximum of two Mobile Premises will be available for each Marijuana Hospitality Business with a Marijuana Hospitality Mobile License.
- B. Each Mobile Premises is required to obtain a separate Marijuana Hospitality Mobile License.
- C. The Marijuana Hospitality Business must provide the following information to the County regarding its Mobile Premises:
 - a. Documentation that the Mobile Premises is owned or leased by the Marijuana Hospitality Business;
 - b. The vehicle manufacture/make, model, and year associated with the Mobile Premises;
 - c. Proof that the Mobile Premises is equipped with a global position system capable of tracking the Mobile Premises;
 - d. Proof that the Mobile Premises is equipped with video surveillance inside of the Mobile Premises; and

- e. Proof that the Mobile Premises is equipped with proper screening methods to ensure that consumption activity is not visible outside the vehicle.
- D. The Marijuana Hospitality Business with a Mobile Premises shall designate and maintain a fixed place of business in unincorporated Adams County that is separate from the Mobile Premises.

Applicability of the Adams County Development Standards and Regulations.

- A. All Hospitality Businesses shall abide by the Adams County Development Standards and Regulations as related to Hospitality Businesses.

Applicability of the Adams County Licensing Regulations

- A. All Hospitality Businesses shall be required to obtain a license from Adams County.
- B. All Hospitality Businesses shall be required to obtain a license from the State of Colorado.
- C. All Hospitality Businesses shall abide by the Adams County Licensing Regulations.

Compliance with Adams County Ordinances

- A. All Hospitality Businesses shall abide by all applicable rules, laws and ordinances, including, but not limited to, Adams County Ordinance No. 4, the Fire Code, and Adams County Ordinance No. 12, the Building Code.

Prohibited Uses

All uses (1) not expressly identified as permitted uses in this Section 6; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to this Ordinance, the Adams County Development Standards and Regulations, or the Adams County Licensing Regulations, are prohibited.

SECTION 7. SEVERABILITY

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8. VIOLATIONS, ENFORCEMENT AND PENALTIES

A. Criminal Prosecution

Any person that has violated or continues to violate this Ordinance may be subject to criminal prosecution, including criminal penalties authorized pursuant to § 30-15-402,

C.R.S., as amended. Each day a property is in violation of this Ordinance shall constitute a separate violation.

B. Fines

Pursuant to § 30-15-402, C.R.S., there shall be a graduated fine schedule for repeat offenses by the same individual, as follows:

First and Second offense: maximum fine of \$500 per day of offense

Third offense: minimum fine of \$750 per day of offense

Subsequent offenses: maximum fine of \$1,000 per day of offense

C. Surcharges

Pursuant to § 30-15-402(2)(a), C.R.S., there shall be a surcharge of ten dollars that shall be paid to the clerk of the court by the defendant. The moneys collected for that surcharge shall be placed in a fund established by the 17th Judicial District for victims and witness assistance and law enforcement pursuant to § 24-4.2-103, C.R.S.

D. Remedies Not Exclusive

The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

E. Disposition of Fines

Unless otherwise provided for, all fines, penalties, and surcharges shall be paid into the treasury of Adams County pursuant to § 30-15-408, C.R.S. Court costs, if any, shall be paid directly to the Clerk of the Court by each defendant.

SECTION 9. EFFECTIVE DATE AND EXPIRATION

This Ordinance shall take effect thirty (30) days after the final publication of its adoption by the Board of County Commissioners.

Adopted this ____ day of _____, 2020

Emma Pinter, Chair
Board of County Commissioners
Adams County, Colorado

Upon motion duly made and seconded the foregoing Ordinance was adopted by the following vote:

Hodge _____

O'Doriso _____
Henry _____
Tedesco _____
Pinter _____
Commissioners

CERTIFICATE OF ATTESTATION

STATE OF COLORADO)
County of Adams)

CERTIFICATE OF ATTESTATION

I, Josh Zygielbaum, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

The foregoing text is the authentic text of Adams County Ordinance No. 15. The first reading of said Ordinance took place on **June ____, 2020**, at a regular Board of County Commissioners meeting. It was published in full in a newspaper of general circulation at least ten days before its adoption; to wit, in The Denver Post on **June __, 2020**. The Ordinance was adopted on second reading at a regular Board of County Commissioners meeting on **June ____, 2020**, and shall become effective on July __, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this **__ day of July, 2020**.

County Clerk and ex-officio Clerk of the Board of County Commissioners
Josh Zygielbaum:

By:

Deputy