

ORDINANCE #14-1

COUNTY OF GRAND, STATE OF COLORADO AMENDING GRAND COUNTY MARIJUANA LICENSING ORDINANCE NUMBER 14 AND THE GRAND COUNTY MARIJUANA LICENSING REGULATION RESOLUTION NUMBER 2014-1-26 BY ADOPTING NEW FEES PROVISIONS AND ESTABLISHING NEW FEE-SETTING PROCEDURES AND DECLARING THE NECESSITY THAT THE ORDINANCE BECOME EFFECTIVE UPON PUBLICATION FOLLOWING PASSAGE BY THE BOARD OF COUNTY COMMISSIONERS

WHEREAS, pursuant to the Colorado Constitution, Article XVIII, Section 16, and the Colorado Retail Marijuana Code, Colorado Revised Statutes, Title 12, Article 43.4, counties of the State of Colorado are authorized to regulate personal use of marijuana;

WHEREAS, pursuant the Colorado Constitution, Article XVIII, Section 14, and the Colorado Medical Marijuana Code, Colorado Revised Statutes, Title 12, Article 43.3, counties of the State of Colorado are authorized to regulate personal use of marijuana;

WHEREAS, the Board of County Commissioners of the Count of Grand, State of Colorado adopted the Grand County Marijuana Licensing Regulation and Ordinance, effective February 1, 2014;

Whereas, it appears that certain changes and amendments to the Grand County Marijuana Licensing Regulation and Ordinance are necessary to properly regulate the license process and licensees, and to implement the prior enactments;

Whereas, notice of public hearing of the proposed fees changes was published October 22, 2015, in the Middle Park Times;

Whereas, on November 10, 2015, the Board of County Commissioners heard a request for adoption of a new fee schedule;

Whereas, the proposed ordinance was published December 3, 2015 in the Middle Park Times;

Whereas, the Board of County Commissioners has determined that amendment of the Grand County Marijuana Licensing Regulation and Ordinance is in the best interest of the health, safety, prosperity and welfare of the citizens of Grand County.

Whereas, the Board of County Commissioners finds that the immediate preservation of the public health and safety requires this ordinance be effective immediately upon publication of the adopted ordinance;

NOW THEREFORE, be it ORDAINED by the Board of County Commissioners of the County of Grand, State of Colorado that the Grand County Marijuana Licensing Regulation and Ordinance be and is hereby AMENDED:

1. Section 5(b) is hereby AMENDED to read in its entirety:

(b) Application and license fees for retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturers, retail marijuana testing facilities, warehouse permit, medical marijuana center, optional premises cultivation license and medical marijuana-infused products manufacturing license, are as follows:

- | | |
|--|--|
| (1) Application fee – All New licenses | \$ 3,000.00 (Retail licenses: this fee includes the \$2,500.00 collected by State) |
| (2) Retail marijuana store license: | \$ 5,000.00; |
| (3) retail marijuana cultivation facilities: | \$ 5,000.00; |
| (4) retail marijuana products manufacturers: | \$ 5,000.00; |

- (5) retail marijuana testing facilities: \$ 5,000.00;
- (6) warehouse permit: \$ 5,000.00;
- (7) medical marijuana center: \$ 3,000.00;
- (8) medical marijuana-infused products manufacturing license \$ 3,000.00;
- (9) optional premises cultivation license: \$ 3,000.00;

All types of licenses:

- (10) Transfer of ownership: \$ 3,500.00;
- (11) Transfer of location: \$ 3,500.00;
- (12) Modification of premises: \$ 1,000.00;
- (13) Corporate Structure Change \$ 3,500.00;
- (14) Warehouse Permit \$ 5,000.00;
- (15) Late Application for Renewal fee in addition to other fees \$ 2,000.00;
- (16) Fingerprint Reports—amount collected by law enforcement;
- (17) Criminal background check fee, per person: Actual costs per person. Applicants will be responsible for the cost of any and all background checks incurred for processing the above licenses, transfers and/or modifications.

2. SECTION 5 is hereby AMENDED addition of a NEW subsection 5(d), which shall read in its entirety:

(d) Any fee or fees set forth in Subsection 5(b) may be amended by resolution of the Board of County Commissioners. Passage of such resolution shall be preceded by a notice published one time in a legal newspaper at least ten days and not more than forty days prior to the meeting at which the Resolution is considered.

3. Any person who violates any provision of Ordinance 14, as amended, which violation is not classified as a misdemeanor or felony under state law, commits a class 2 petty offense, and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars for each separate violation. In addition to such penalty, upon conviction, a surcharge of ten dollars shall be paid to the clerk of the court by the defendant for deposit in the victims and witnesses and law enforcement fund established pursuant to 24-4.2-103 for the judicial district.

4. EMERGENCY DECLARED. The Board of County Commissioners finds that the immediate preservation of public health and safety requires that this Amendment take effect upon passage and publication as provided in Section 30-15-405, Colorado Revised Statutes. The reasons making such immediate effectiveness necessary are (a) protection of the public treasury from the expenditures of public funds and resources far in excess of the costs contemplated by the original fee schedule, and (b) the level of scrutiny of applications, applicants, and premises required by the State of Colorado are substantial, and (c) the critical importance of governmental oversight of the industry has been recently emphasized by the number and extent of recalls of products recently issued by the Governor, and (d) information received by the license administrator from the State concerning regulation, oversight, and health issues

discovered in the course of administering the regulation of retail and medical marijuana. Upon final passage, this Ordinance shall be published by title, which publication shall also contain the date of the initial publication and shall reprint in full any section, subsection, or paragraph amended following the initial publication of this Ordinance.

5. If any section, subsection, sentence, clause or phrase of this Ordinance should be held invalid, the invalidity of such section, subsection, sentence, clause or phrase shall not affect any other section, subsection, sentence, clause or phrase of the remainder of the Grand County Marijuana Licensing Regulation and Ordinance 14.

INTRODUCED, READ AND ORDERED PUBLISHED THIS 30 DAY OF
NOVEMBER, 2015, BY THE BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF GRAND, STATE OF COLORADO.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GRAND, STATE OF
COLORADO

By: 
Chairman Merrit Linke

ATTEST:

By: 
Sara Rosene, Clerk and Recorder

UPON MOTION DULY MADE AND SECONDED, AND PASSED ON AN
UNANIMOUS VOTE, THIS ORDINANCE IS ENACTED EFFECTIVE
IMMEDIATELY UPON PUBLICATION IN THE MIDDLE PARK TIMES.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GRAND, STATE OF
COLORADO

By: 
Acting Chairman Kristen Manguso

ATTEST:

By: 
Sara Rosene, Clerk and Recorder