



**ORDINANCE NO. 13-01  
PROHIBITING THE OPERATION OF MARIJUANA CULTIVATION FACILITIES,  
MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING  
FACILITIES, AND RETAIL MARIJUANA STORES**

**WHEREAS**, Colorado voters approved the adoption of Amendment 64 at the general election held on November 6, 2012, thereby adding Article XVIII, Section 16. Personal use and regulation of marijuana to Article XVIII of the Colorado Constitution; and

**WHEREAS**, Amendment 64 provides for the state licensing and regulation of recreational marijuana establishment, including marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores; and

**WHEREAS**, paragraph 5(f) of Amendment 64 allows a locality, defined to include a county, to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores through the enactment of an ordinance; and

**WHEREAS**, a majority of voters in unincorporated El Paso County voted against Amendment 64; and

**WHEREAS**, Amendment 64 conflicts with federal law, as the possession, cultivation, sale and use of marijuana remains illegal under federal criminal statutes; and

**WHEREAS**, the Board of County Commissioners of El Paso County ("Board") finds that the licensing and operation of marijuana establishments provided for in Amendment 64, by making marijuana more readily available in the community and facilitating the recreational use of marijuana, presents a threat to the health and education of El Paso County's children, to the safety of the workplace and the travelling public and to the public health, safety and welfare as a whole; and

**WHEREAS**, the licensing and operation of medical marijuana centers, medical marijuana infused products manufacturing, and optional premises cultivation operations pursuant to the Colorado Medical Marijuana Code and the El Paso County Medical Marijuana Policy shall be unaffected by this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of El Paso County, Colorado:

**Section 1: Purpose.**

The purpose of this Ordinance is to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana

stores through the enactment of an ordinance as contemplated in Amendment 64, paragraph 5(f) by finding that Amendment 64 conflicts with federal law. Specifically, pending federal legislation or Executive direction to the contrary notwithstanding, this Board bases its findings on Article 6, Clause 2 of the United States Constitution and the legal principle that where federal law and state law conflict, federal law prevails, as articulated by the U.S. Supreme Court in *Gonzales v. Raich*.

**Section 2: Authority.**

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

**Section 3: Applicability.**

This Ordinance shall apply throughout the unincorporated area of El Paso County.

**Section 4: Definitions.**

Unless otherwise specified or the context otherwise requires, any terms used herein shall have the same meanings as provided in Article XVIII, Section 16 of the Colorado Constitution.

**Section 5: Marijuana Establishments Prohibited.**

The licensing and operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores is hereby prohibited.

**Section 6: Severability Clause.**

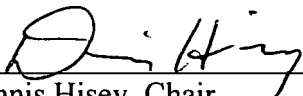
If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid, such holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 7: Publication and Effective Date.**

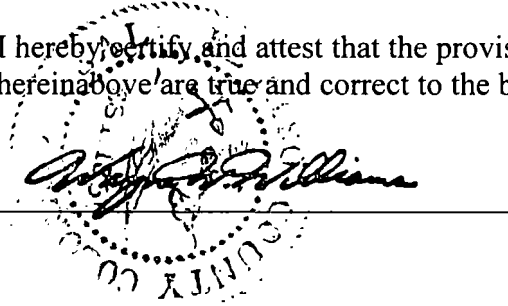
The foregoing text is the authentic text of El Paso County Ordinance No. 13-01. The first reading of the ordinance took place on December 18, 2012. It was published in full in the El Paso County Advertiser and News on December 26, 2012.

It was adopted with amendments on January 15, 2013. It is to be republished by title in the El Paso County Advertiser and News on January 23, 2013 and shall take effect March 1, 2013.

DONE AND SIGNED this 15 day of January, 2013, at Colorado Springs, Colorado.

  
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Dennis Hisey, Chair  
Board of County Commissioners of  
El Paso County, Colorado

I hereby certify and attest that the provisions of Section 8, Ordinance 13-01, as set forth hereinabove are true and correct to the best of my knowledge, information and belief.

  
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The circular seal contains the text "EL PASO COUNTY COLORADO" around the perimeter and a central emblem.