

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF KIT CARSON    )

At a regular meeting of the Board of County Commissioners for Kit Carson County, Colorado, held at the Kit Carson County Courthouse, 251 16<sup>th</sup> Street, Burlington, CO 80807 on Wednesday the 10th day of April, 2013, there were present:

- Dave Hornung .....Chairman
- Dave Gwyn.....Commissioner
- Gary Koop.....Commissioner
- Patty Witzel.....Deputy County Clerk
- Paula Weeks.....Administrator

when the following proceedings, among others, were had and done, to-wit:

**AN ORDINANCE PROHIBITING THE USE OR POSSESSION OF MARIJUANA IN OR ON COUNTY OWNED BUILDINGS, FACILITIES, PROPERTIES AND VEHICLES**

**WHEREAS**, the Kit Carson County Commissioners, hereinafter referred to as the "County", by and through its Board of County Commissioners, hereinafter referred to as the "Board", has the authority, pursuant to C.R.S. 30-11-101 (2), to adopt and enforce ordinances regarding health, safety and welfare issues as otherwise prescribed by law; and

**WHEREAS**, the County has the authority to exercise control and implement rules pertaining to the use of County owned properties and facilities, pursuant to C.R.S. 30-11-101 (1) (c); and

**WHEREAS**, on November 6, 2012, the voters of Colorado approved the adoption of Amendment 64, *Personal Use and Regulation of Marijuana*; and

**WHEREAS**, said Amendment 64 became effective on December 10, 2012 upon the proclamation of the Governor, pursuant to Section 1(4) of Article V, of the Colorado Constitution; and

**WHEREAS**, Amendment 64 has added a new section 16 to Article XVIII of the Colorado Constitution; and

**WHEREAS**, nothing in Amendment 64 requires an employer to permit or accommodate the use, consumption, possession, transfer, display, sale or growing of marijuana in the workplace; and

**WHEREAS**, nothing in Amendment 64 precludes an employer or entity who occupies, owns or controls a property from prohibiting or otherwise regulating the use, consumption, possession, transfer, display, sale or growing of marijuana in that property; and

ORDINANCE 13-12258

**WHEREAS**, at the November 6, 2012 election approximately Sixty-two Percent (62%) of County voters rejected the proposed adoption of Amendment 64; and

**WHEREAS**, consistent with the authority granted to the Board of County Commissioners in Amendment 64 and the will of Kit Carson County voters, the Board of County Commissioners desires to adopt this ORDINANCE prohibiting the use, consumption, possession, transfer, display, sale or growing of marijuana in all County owned buildings, facilities, properties and vehicles.

**NOW, THEREFORE BE IT ORDAINED BY THE KIT CARSON COUNTY BOARD OF COMMISSIONERS as follows:**

**THAT**, the purpose of this ORDINANCE is to promote the general public welfare and safety throughout Kit Carson County, Colorado by prohibiting the use, consumption, possession, transfer, display, sale or growing of marijuana in County owned buildings, facilities or property to enhance the day-to-day operations of said buildings and facilities and to ensure those using our facilities are not impeded.

**THAT**, 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. Definitions for this ORDINANCE include the following:

(1) "Marijuana" or "Marihuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marihuana concentrate. "Marijuana" or "Marihuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

(2) "Marijuana Accessories" means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

(3) "County owned buildings, facilities, vehicles and property" means any and all structures owned, leased, or otherwise controlled by the County of KIT CARSON or any of its agents, Board of County Commissioners, assigns, or entities, and all COUNTY vehicles. This definition shall not include secured personal vehicles located within such areas.

**THAT**, the use, consumption, possession, transfer, display, sale or growing of marijuana and marijuana accessories are hereby prohibited in all County owned buildings, facilities, vehicles and property.

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**Enforcement.** This ORDINANCE shall be enforced by the KIT CARSON COUNTY Sheriff's Office;

**Violation.** Pursuant to C.R.S. 30-15-402, any person who violates this ORDINANCE commits a class 2 petty offense. This ORDINANCE applies to all employees, agents, visitors and all other persons when they are in County owned buildings, facilities, vehicles and property. It shall be unlawful for any person to violate any provision of this ORDINANCE. All violations of this ORDINANCE shall be brought before the Kit Carson County Court. Furthermore, anyone in violation of this ORDINANCE shall be required to leave and may be precluded from using the County owned buildings, facilities, vehicles and properties. Those failing to do so, may be deemed trespassers. Employees and agents of the County violating this policy may also be subject to further disciplinary action as may be allowed by law. This ORDINANCE shall not apply to law enforcement officers and agencies who may possess marijuana or marijuana accessories in County owned buildings and facilities pursuant to a legitimate law enforcement function.

**Disposition of Fines and Forfeitures.** Unless otherwise provided by law, all fines and penalties, and the surcharge thereon, for the violation of this ORDINANCE shall be paid into the treasury of the County of Kit Carson. The fine for a first offense and for any subsequent offense shall not exceed one thousand dollars (\$1000.00) per violation and each day shall be deemed a separate violation.

**Surcharges.** In addition to the fines and penalties prescribed in this ORDINANCE, any person convicted of a violation of this ORDINANCE shall be subject to the statutory surcharges as may be adopted and imposed by the Kit Carson County Court. These surcharges shall be paid to the Kit Carson County Court Clerk by each person convicted of violating this ORDINANCE.

**Scope.** This ORDINANCE shall apply within all of Kit Carson County. This ORDINANCE applies to all employees, agents, and visitors when they are in County owned buildings, facilities, properties and vehicles. This ORDINANCE shall in no way limit application and enforcement of any statutes of the State of Colorado, but shall be in addition thereto.

**Severability.** If any part or parts of this ORDINANCE are for any reason held to be invalid, such provision shall not affect the validity of the remaining portions of this ORDINANCE. The Kit Carson County Board of Commissioners hereby declare that it would have passed this ORDINANCE and each part or parts hereof, irrespective of the fact that any one part or parts be declared invalid.

**Immediate Effect Upon Adoption.** This ORDINANCE is necessary to the immediate preservation of the public health or safety. In accordance with the requirements of C.R.S. 30-15-406, C.R.S., this ORDINANCE has been previously introduced and read at a preceding regular meeting of the Board of County Commissioners on the 20th day of March, 2013, and has been published in full in one newspaper of general circulation in Kit Carson County, Colorado, at least ten days before its adoption. This ORDINANCE is effective immediately upon adoption.

**DONE AND ADOPTED THIS** 10th day of April, 2013, at Burlington, Colorado.

ORDINANCE 13-12258

Motion made by Gary Koop, seconded by Dave Gwyn, Motion carried by unanimous vote of Dave Hornung.

Board of County Commissioners

By: Dave Hornung  
Dave Hornung, Chairman

By: Dave Gwyn  
Dave Gwyn, Commissioner

By: Gary Koop  
Gary Koop, Commissioner

ATTEST:

Patty Witzel  
Patty Witzel, Deputy County Clerk



STATE OF COLORADO        )  
  ) ss.  
COUNTY OF KIT CARSON)

I, Patty Witzel, Deputy 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 ORDINANCE is truly copied from the Records of the Proceedings of the Board of County Commissioners of said Kit Carson County, now in my office. I hereby certify that this ORDINANCE has been previously introduced and read at a preceding regular meeting of the Board of County Commissioners on the 20th day of March, 2013, and has been published in full in one newspaper of general circulation in Kit Carson County, Colorado, at least ten days before its adoption.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County at Burlington, this 10th day of April, 2013.

Patty Witzel  
Patty Witzel, Deputy County Clerk

