





**WHEREAS**, C.R.S. § 12-43.3-106 specifically authorizes the governing body of a county to vote, by a majority of the members of such governing body, to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses; and

**WHEREAS**, C.R.S. § 12-43.3-310 further authorizes a local government to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses, and to otherwise restrict the distribution of medical marijuana under the authority of other zoning, health, safety, and public welfare laws; and

**WHEREAS**, C.R.S. § 12-43.3-308(1)(c) provides that the state and local licensing authorities shall not receive or act upon a new application pursuant to the Colorado Medical Marijuana Code for a location in an area where the cultivation, manufacture, and sale of medical marijuana as contemplated is not permitted under the applicable zoning laws of the municipality, city and county, or county; and

**WHEREAS**, the Board has carefully considered the provisions of the Colorado Medical Marijuana Code, Article XVIII, Section 14 of the Colorado Constitution and the impacts of the commercial production and distribution of medical marijuana and the establishment of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses, on the public health, safety and welfare of the citizens of the unincorporated boundaries of Elbert County, and has determined as an exercise of its local land use authority that the new construction, alteration, or use of any building, structure, or property for the sale, distribution, or dispensing of medical marijuana, or the operation of the new medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses, should be prohibited.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ELBERT** as follows:

1. The moratorium established by Resolution No. 10-38 shall remain in effect until July 1, 2011, the effective date of the applicable sections of the Colorado Medical Marijuana Code, and shall be lifted on and after said date.
2. Pursuant to the authority granted in C.R.S. § 12-43.3-103(2)(a), C.R.S. § 12-43.3-106, and C.R.S. § 12-43.3-310, the Board of County Commissioners of the County of Elbert expressly prohibits the operation of medical marijuana centers, optional premises cultivation operations, medical marijuana-infused products manufacturers, and facilities for which a medical marijuana-infused products manufacturers' license could otherwise be obtained, within the unincorporated boundaries of Elbert County, Colorado, and all such uses are hereby prohibited in any location within the unincorporated boundaries of Elbert County, Colorado.
3. This Resolution shall take effect immediately upon its passage and is adopted for the immediate preservation and protection of the public health, safety and welfare of the citizens of Elbert County.



Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:

*Del Schwab* AYE  
DEL SCHWAB, CHAIRMAN

*John Shipper* AYE  
JOHN SHIPPER, COMMISSIONER

*Kurt Schlegel* AYE  
KURT SCHLEGEL, COMMISSIONER

ATTEST: DIANA HARTSOUGH  
COUNTY CLERK

BY: *Dianne Delaney*  
DEPUTY, CLERK TO THE BOARD

