

ORDINANCE NO.

NO. 13-02
Series of 2013

TITLE: A BILL FOR AN ORDINANCE AMENDING ARTICLE 10 OF CHAPTER 10 OF THE HUDSON MUNICIPAL CODE CONCERNING OFFENSES RELATING TO MARIJUANA

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. Article 10 of Chapter 10 of the Hudson Municipal Code is hereby amended to read as follows:

Sec. 10-120. Possession of marijuana; paraphernalia.

(a) For the purposes of this section, the term *marijuana* 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 marijuana concentrate. Marijuana 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.

(b) It shall be unlawful to possess, consume or use two (2) ounces or less of marijuana, and upon conviction thereof, or a plea of guilty or no contest thereto, punishment shall not be by imprisonment, but shall be by a fine of not more than one hundred dollars (\$100.00).

(c) It shall be unlawful for any person to display, consume or use marijuana in any public place as defined in Section 10-70(b) of this Chapter 10, upon property owned, operated, leased or maintained by the State or any political subdivision or agency thereof, or upon property owned, operated, leased or maintained by the Town of Hudson, and upon conviction thereof, or a plea of guilty or no contest thereto, shall be punished by a fine of one hundred dollars (\$100.00), and by imprisonment not exceeding fifteen (15) days.

(d) It shall be unlawful to transfer or dispense two (2) ounces or less of marijuana to another person for no consideration, and upon conviction thereof, or a plea of guilty or no contest thereto, punishment shall not be by imprisonment, but shall be by a fine of not more than one hundred dollars (\$100.00).

(e) The provisions of this section shall not apply to any person who possesses or uses marijuana pursuant to the Dangerous Drugs Therapeutic Research Act.

(f) It shall be unlawful to possess drug paraphernalia (as that phrase is defined under Section 18-18-426, C.R.S.) when such person knows or reasonably should know that the drug paraphernalia could be used under circumstances in violation of this section. In determining whether an object is drug paraphernalia, the municipal court may consider, in addition to all other relevant factors, those criteria enumerated under Section 18-18-427, C.R.S.

(g) The provisions of this section shall not apply to the personal use of marijuana or marijuana accessories by any person that is twenty-one years of age or older to the extent provided by Article XVIII, Section 16(3) of the Colorado Constitution.

Sec. 10-121. Marijuana – procuring for or by a minor; sales to a minor.

(a) It is unlawful for any person to purchase for consumption or possession by, to otherwise provide for consumption or possession by, or to sell to, any person under the age of twenty-one years, marijuana as defined in this section.

(b) It is unlawful for any person under the age of twenty-one to possess, attempt to purchase, purchase or obtain marijuana as defined in this section, either directly or indirectly, or through an intermediary, by misrepresentation of age or by any other means.

Section 2. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Hudson, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ IN FULL, AND ADOPTED this 16th day of January, 2013.



TOWN OF HUDSON, COLORADO


Neal Pontius, Mayor

ATTEST:


Linnette Barker, CMC, Town Clerk


PASSED ON SECOND AND FINAL READING this 6th day of February, 2013, AND ORDERED PUBLISHED ONCE IN FULL.



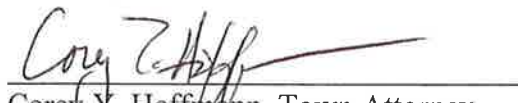
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APPROVED AS TO FORM:


Corey Y. Hoffmann, Town Attorney