

ORDINANCE NO. 11
(Series 2018)

**AN ORDINANCE AMENDING THE GEORGETOWN MUNICIPAL CODE
TO ADOPT DEFINITIONS IN SUPPORT OF THE CODE PROHIBITION OF
OPEN AND PUBLIC CONSUMPTION OF CANNABIS**

WHEREAS, the Town of Georgetown is a territorial charter town operating under a territorial charter and governed by its Board of Selectmen; and

WHEREAS, the Georgetown Board of Selectmen (“Board”) is authorized by the territorial charter and the Colorado Revised Statutes to enact ordinances for the preservation of the public health, safety, and welfare, including land use and zoning; and

WHEREAS, in the exercise of this authority the Board has previously adopted provisions prohibiting the open and public consumption of marijuana, and its prosecution in the Municipal Court; and

WHEREAS, the Board finds that it is appropriate that the Municipal Code be amended to adopt definitions in support of that prohibition.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SELECTMEN OF THE TOWN OF GEORGETOWN, COLORADO:

Section 1. Section 9.20.110 of the Code is amended to read as follows:

9.20.110 Open and public consumption of cannabis.

(a) No person shall consume cannabis, or its derivative or concentrate, in any form, in a public place or on private property in view of the general public.

(b) IT IS UNLAWFUL FOR ANY PERSON TO OPENLY AND PUBLICLY DISPLAY, CONSUME, OR USE MARIJUANA, ITS DERIVATIVE OR CONCENTRATE.

(c) The penalty for violation of this Section shall be by fine only, which shall not exceed one hundred dollars (\$100) for each offense and in addition, an administrative charge of fifteen dollars (\$15.00).

(d) The fine and administrative charge may be paid in person or by mail to the municipal court clerk as a noncriminal penalty assessment without court appearance under code section 2.36.030(e).

(e) In the alternative, the defendant may elect, in his or her sole discretion, to appear before the municipal court under code section 2.36.030(f).

(f) DEFINITIONS. THE FOLLOWING DEFINITIONS SHALL APPLY IN THE INTERPRETATION OF THIS SECTION.

(1) “OPENLY” MEANS OCCURRING OR EXISTING IN A MANNER THAT IS UNCONCEALED, UNDISGUISED, OR OBVIOUS.

(2) "PUBLICLY" MEANS OCCURRING OR EXISTING IN A PUBLIC PLACE OR OCCURRING OR EXISTING IN ANY OUTDOOR LOCATION WHERE THE CONSUMPTION OF MARIJUANA IS CLEARLY OBSERVABLE FROM A PUBLIC PLACE.

(3) "PUBLIC PLACE" MEANS A PLACE TO WHICH THE PUBLIC OR A SUBSTANTIAL NUMBER OF THE PUBLIC HAS ACCESS, AND INCLUDES BUT IS NOT LIMITED TO HIGHWAYS, SIDEWALKS, TRANSPORTATION FACILITIES, SCHOOL, PLACES OF AMUSEMENT, PARKS, PLAYGROUNDS, AND THE COMMON AREAS OF PUBLIC AND PRIVATE BUILDINGS AND FACILITIES.

Section 2. Effective date. This ordinance shall be effective after final adoption and posting as provided at Section 5.26 of the Territorial Charter.

INTRODUCED, READ, APPROVED AND ORDERED POSTED IN FULL ON FIRST READING on the 23rd day of October, 2018.

INTRODUCED ON SECOND READING, FINALLY ADOPTED AND ORDERED POSTED AFTER PUBLIC HEARING on the 13th day of November, 2018.

TOWN OF GEORGETOWN

By: Matthew D. Skeen
Matthew D. Skeen, Police Judge

ATTEST:

Jennifer Yobski
Jennifer Yobski, Town Clerk

Posted up in full on the Town's website and at Town Hall and two (2) other designated posting locations within the limits of the Town after final adoption, in accordance with Section 5.26 of the Territorial Charter.

Jennifer Yobski
Jennifer Yobski, Town Clerk

Date: 11-16-18