

ORDINANCE NO. 038, 2014
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ESTABLISHING REGULATIONS FOR THE CONSUMPTION AND
POSSESSION OF MARIJUANA WITHIN THE CITY OF FORT COLLINS AND
PROHIBITING THE TRANSFER OR DISPLAY OF MARIJUANA ON
CITY-OWNED PROPERTY

WHEREAS, on November 6, 2012, Colorado voters approved an amendment to Article XVIII, Section 16 of the Colorado Constitution (Amendment 64), that makes the personal use, possession, transfer and display of marijuana legal under Colorado law for adults twenty-one years of age or older; and

WHEREAS, Amendment 64 also prohibits any consumption of marijuana that is conducted openly and publicly, but does not define such terms; and

WHEREAS, City staff recommends that the City Code be amended to define such terms to ensure the effective and proper enforcement of the limitations set forth in Amendment 64: and

WHEREAS, Amendment 64 allows the City to prohibit or otherwise regulate the transfer and display of marijuana on property that it owns; and

WHEREAS, the City of Fort Collins has the authority to enact ordinances which are necessary and proper to provide for the health, safety and welfare of the inhabitants of the City not inconsistent with the laws of this state; and

WHEREAS, City staff recommends that to better ensure the health, safety and welfare of the citizens of Fort Collins, the City should prohibit the transfer or display of marijuana on any City-owned property, including office buildings, public parks, natural areas, City streets and sidewalks; and

WHEREAS, the City Council has determined that these proposed amendments to the City Code are in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That Chapter 17 of the Code of the City of Fort Collins is hereby amended by the addition of a new Article XI which reads in its entirety as follows:

**ARTICLE XI.
OFFENSES INVOLVING MARIJUANA**

Sec. 17-190 Definitions.

Marijuana shall mean medical or recreational marijuana.

Marijuana club shall mean any place of private assembly used by members and their guests for the primary purpose of consuming marijuana and/or marijuana products.

Medical marijuana shall mean marijuana that is grown and sold pursuant to the provisions of the Colorado Medical Marijuana Code for a purpose authorized by Article XVIII, Section 14 of the Colorado Constitution.

Marijuana products shall mean concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients that are intended for use or consumption such as, but not limited to, edible products, ointments, and tinctures.

Openly shall mean perceptible from a place that is open to the general public.

Place of private assembly shall mean a non-residential property where people assemble for a common purpose, such as a social or cultural purpose including, but not limited to, a community center, auditorium, exhibition/assembly hall, club, or fraternal organization.

Publicly shall mean occurring on any publicly owned property, or any non-residential property that is open to the general public, including, but not limited to, roadways, transportation facilities, offices, retail stores, restaurants, places of amusement, parks, playgrounds, and the common areas of public buildings and facilities.

Recreational marijuana shall mean marijuana that is grown and sold pursuant to the provisions of the Colorado Retail Marijuana Code for a purpose authorized by Article XVIII, Section 16 of the Colorado Constitution.

Sec. 17-191. Consumption and possession of marijuana.

(a) Any consumption of recreational marijuana that is conducted openly and publicly is prohibited.

(b) Any consumption of medical marijuana that is in plain view of, or in a place open to, the general public is prohibited.

(c) No person under twenty-one (21) years of age shall consume or possess recreational marijuana.

(d) No person under twenty-one (21) years of age shall consume or possess medical marijuana unless he or she is a patient or primary caregiver in possession of a valid registry identification card pursuant to Article XVIII, Section 14 of the Colorado Constitution.

(e) No person shall possess more than one (1) ounce of recreational marijuana or more than two (2) ounces of medical marijuana.

Sec. 17-192. Marijuana clubs prohibited.

Marijuana clubs are prohibited.

Sec. 17-193 Transfer or display of marijuana on city-owned property prohibited.

It shall be unlawful for any person to transfer or display marijuana on city-owned property, including, without limitation, office buildings, public parks, natural areas, and City streets and sidewalks.

Section 2. That Section 23-193(a)(16)e. of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-193. Prohibited acts; permits.

(a) It shall be unlawful to:

...

(16) Violate the following in any natural area:

- a. Division 5 of Chapter 4, regarding control of animals;
- b. Chapter 9, regarding fire prevention and protection;
- c. Chapter 11, regarding hazardous materials transportation;
- d. Section 12-37, prohibiting tampering with refuse or rubbish containers;
- e. Chapter 17, regarding miscellaneous offenses, including without limitation the discharge of weapons, trespass, loitering and disturbing the peace and the transfer or display of marijuana; and
- f. Chapter 23.5, regarding special events.

...

Section 3. That Section 23-203(a)(15)e. of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-203. Prohibited acts; permits.

(a) It shall be unlawful to:

...

(15) Violate the following in any recreation area:

- a. Division 5 of Chapter 4, regarding control of animals;
- b. Chapter 9, regarding fire prevention and protection;
- c. Chapter 11, regarding hazardous materials transportation;
- d. Section 12-20, prohibiting tampering with refuse or rubbish containers;

- e. Chapter 17, regarding miscellaneous offenses, including without limitation the discharge of weapons, trespass, loitering and disturbing the peace, and the transfer or display of marijuana;
- f. Chapter 23.5, regarding special events; and
- g. Fort Collins Traffic Code or Chapter 28, regarding vehicles and traffic.

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Introduced, considered favorably on first reading, and ordered published this 4th day of March, A.D. 2014, and to be presented for final passage on the 18th day of March, A.D. 2014.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 18th day of March, A.D. 2014.

Mayor

ATTEST:

City Clerk