



(24)

**ORDINANCE NO. 787
 (SERIES 2013)**

**AN ORDINANCE OF THE TOWN OF PAGOSA
 SPRINGS REVISING SECTIONS 12.3.1 AND 12.3.2 OF
 THE PAGOSA SPRINGS MUNICIPAL CODE**

WHEREAS, the Town of Pagosa Springs (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003, as amended on April 3, 2012; and

WHEREAS, Section 12.3.1 of the Town of Pagosa Springs Municipal Code (“Town Code”) makes the possession, consumption, use, and open display of less than one ounce of marijuana a municipal offense; and

WHEREAS, Section 12.3.2 of the Town Code prohibits the possession of drug paraphernalia; and

WHEREAS, on November 6, 2012, the voters of the State of Colorado passed Amendment 64 which legalizes the possession, use, and consumption of one ounce or less of marijuana that is not conducted openly or publicly or in a manner that endangers others, by individuals who are 21 years of age and older; and

WHEREAS, Amendment 64 also legalizes the possession of marijuana accessories by individuals who are 21 years of age and older; and

WHEREAS, the Town Council hereby finds and determines that revision of Sections 12.3.1 and 12.3.2 of the Town Code to comply with Amendment 64 is appropriate and necessary to the function and operation of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

I. Repeal and Readoption of Section 12.3.1 of the Town Code. Section 12.3.1 of the Town Code is hereby repealed and readopted in its entirety as follows:

Sec. 12.3.1. Marijuana Prohibited.

(1) Any person under the age of 21 years who possesses, uses, or openly and publicly displays not more than twelve ounces of marijuana commits a municipal offense.



(2) Any person 21 years of age and older who possesses, uses, or openly and publicly displays more than one ounce but less than twelve ounces of marijuana commits a municipal offense.

(3) Any person who consumes less than twelve ounces of marijuana openly and publicly or in a manner that endangers others commits a municipal offense.

(4) "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.

II. Repeal and Readoption of Section 12.3.2 of the Town Code. Section 12.3.2 of the Town Code is hereby repealed and readopted in its entirety as follows:

12.3.2 Possession of Drug Paraphernalia and Marijuana Accessories

(1) Any person over the age of 21 who possesses drug paraphernalia and who knows or reasonably should know that the drug paraphernalia could be used for the consumption of any illegal drug or controlled substance commits the municipal offense of possession of drug paraphernalia.

(2) Any person under the age of 21 who possesses drug paraphernalia or marijuana accessories and who knows or reasonably should know that the drug paraphernalia or marijuana accessories could be used for the consumption of any illegal drug or controlled substance commits the municipal offense of possession of drug paraphernalia.

(3) "Drug paraphernalia" shall have the same meaning as in Section 18-18-426, C.R.S., except that drug paraphernalia shall not include marijuana accessories.

(4) "Marijuana accessories" shall have the same meaning as in Article XVIII, Section 16(2)(g) of the Colorado Constitution.

III. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.



IV. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

V. Effective date. This Ordinance shall become effective and be in force immediately upon final passage at second reading.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 5TH DAY OF MARCH, 2013.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: Ross Aragón
Ross Aragón, Mayor



Attest:

April Hessman
April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 2 DAY OF APRIL, 2013.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: Ross Aragón
Ross Aragón, Mayor



Attest:

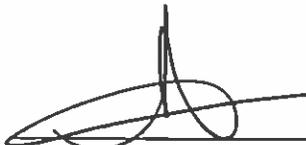
April Hessman
April Hessman, Town Clerk



CERTIFICATE OF PUBLICATION

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 787 (Series 2013) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the 5th day of March, 2013, and was published by title only, along with a statement indicating that a violation of the Ordinance is subject to enforcement and punishment pursuant to Article 3, Chapter 1 of the Pagosa Springs Municipal Code, and specifically Section 1.3.3 which provides for a fine not exceeding \$1,000 or incarceration for not to exceed one year, or both, and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on March 22nd, 2013, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 2 day of April, 2013


April Hessman, Town Clerk
(SEAL)


I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 787 (Series 2013) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the 2 day of April, 2013, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on April 3, 2013

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 3 day of April, 2013.


April Hessman, Town Clerk
(SEAL)


Town of Pagosa Springs
P.O. Box 1859
Pagosa Springs, CO 81147