TOWN OF NEW CASTLE, COLORADO
ORDINANCE 2013-2

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL AMENDING THE MUNICIPAL CODE CONCERNING THE REGULATION OF MARIJUANA.

WHEREAS, on November 6, 2012 the voters of Colorado approved Amendment 64 which amended the Colorado Constitution to authorize the personal use of marijuana in certain circumstances; and

WHEREAS, on December 10, 2012 the Governor signed Executive Order D 2012-052 declaring the vote on Amendment 64, rendering the change to Section 16 of Article XVIII of the Constitution valid; and

WHEREAS, the Town Code currently prohibits the possession, use, display, consumption, or distribution of marijuana under Chapter 9.60; and

WHEREAS, the Town hereby finds that its prohibition on the possession of marijuana may be in conflict with Section 16 of Article XVIII of the Colorado Constitution; and

WHEREAS, the Town desires to consider amendments to the New Castle Municipal Code to reconcile it with the requirements of Article XVIII.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the New Castle Town Council.

2. Amendment. The Town Council hereby repeals and reenacts the following sections of Town of New Castle Municipal Code:

9.60.020 – Prohibition and Penalties.

A. ~~Any person who possesses not more than one ounce of marijuana and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars ($100.00).~~

B. The open public consumption or use of marijuana is prohibited. Any person who openly and publicly ~~displays,~~ consumes or uses not more than one ounce of marijuana shall, ~~and~~, upon conviction thereof, ~~shall~~ be punished by a fine of not more than one hundred dollars ($100.00) or jail sentence of not more than fifteen (15) days or both.

C. ~~Transferring or dispensing not more than one ounce of marijuana from one person to another for no consideration shall be deemed possession and not dispensing or sale of marijuana.~~

D. Anyone found to be operating a medical marijuana business in violation of section 9.60.030 shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars ($1,000.00) or a jail sentence of not more than one year, or both. A person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of section 9.60.030 is committed, continued, or permitted by any such person, and such person shall be punishable accordingly.

3. Effective Date. This Ordinance shall be effective fourteen days after final publication pursuant to section 4.3 of the Town Charter.

INTRODUCED on February 19, 2013, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on March 5th, 2013, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

By: Frank Breslin
Frank Breslin, Mayor

TOWN OF NEW CASTLE GARFIELD SEAL COUNTY COLORADO

ATTEST:

Melody Harrison
Melody Harrison, Town Clerk