

**CITY OF CENTRAL, COLORADO  
ORDINANCE NO. 13-02**

**AN ORDINANCE AMENDING SECTIONS 10-21 AND 10-22 OF CHAPTER 10  
OF THE MUNICIPAL CODE REGARDING  
MARIJUANA AND MARIJUANA ACCESSORIES**

**WHEREAS**, the City of Central is a home rule city of the State of Colorado; and

**WHEREAS**, Colorado voters approved an amendment to the state Constitution, Article XVIII, Section 16 of the Colorado Constitution, that makes the personal possession, use and limited home-growing of small amounts of marijuana for adults twenty-one years of age or older legal under Colorado law; and

**WHEREAS**, the City desires to amend and update the City's regulations concerning possession of marijuana and marijuana accessories to recognize and implement the intent of Article XVIII.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CENTRAL,  
GILPIN COUNTY:**

**Section 1.** Section 10-21 of Chapter 10 of the Central City Municipal Code is hereby amended to read in full as follows:

Sec. 10-21. Possession and Use of marijuana.

(a) For purposes of this Chapter, "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 its stalks, oil or cake made from the seeds of the plant, or the 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 a violation of this Code for any person to possess more than one (1) ounce of marijuana but less than six (6) ounces of marijuana.

(c) It shall be a violation of this Code 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 (21) years, marijuana as defined in this section.

(d) It shall be a violation of this Code for any person under the age of twenty-one (21) 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.

(e) It shall be a violation of this Code for any person to possess, consume, or use marijuana as defined in this section in a public place or on property owned, leased or operated by the State

or any political subdivision or agency thereof, or upon property owned, leased or operated by the City. For purposes of this section, public place shall mean and include any place commonly or usually open to the general public or any resort or club accessible to members of the general public. By way of illustration, public places include, but are not limited to, public ways, streets, buildings, sidewalks, alleys, parking lots, retail stores and centers, shopping malls, places of business usually open to the general public, and automobiles or other vehicles in or upon any such place or places; but shall not include the interior or enclosed yard of private homes, residences, condominiums or apartments.

(f) It is an affirmative defense to a prosecution under this Section that a person who possesses or uses marijuana is so permitted by Colorado or federal law under the direction of a duly licensed medical or osteopathic doctor.

**Section 2.** Section 10-22(a) of Chapter 10 of the Central City Municipal Code is amended to add a new definition for “Marijuana Accessories” to read as follows:

*Marijuana Accessories* means any equipment, products, or materials of any kind which are used, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

**Section 3.** Section 10-22 of Chapter 10 of the Central City Municipal Code is amended to add a new subsection (f) to read as follows:

(f) The provisions of this Section shall not apply to personal use or possession of marijuana accessories as defined by Section 10-22(a) of this Chapter 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.

**Section 4.** **Repealer.** Existing ordinances, parts of ordinances, or resolutions which are inconsistent or conflict with the provisions of this Ordinance are hereby repealed.

**Section 5.** **Severability.** If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

**Section 6.** **Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Central City, 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 City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

**Section 7. Effective Date.** This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

**INTRODUCED AND READ** by title only on first reading at the regular meeting of the City Council of the City of Central on the \_\_\_\_ day of \_\_\_\_\_, 2013, at Central City, Colorado.

**CITY OF CENTRAL, COLORADO**

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Ronald E. Engels, Mayor

Approved as to form:

\_\_\_\_\_  
Linda C. Michow, City Attorney

ATTEST:

\_\_\_\_\_  
Reba Bechtel, City Clerk

**PASSED AND ADOPTED** on second reading, at the regular meeting of the City Council of the City of Central on the \_\_\_\_ day of \_\_\_\_\_, 2013.

**CITY OF CENTRAL, COLORADO**

\_\_\_\_\_  
Ronald E. Engels, Mayor

ATTEST:

\_\_\_\_\_  
Reba Bechtel, City Clerk

**POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY** in the Weekly Register Call newspaper on \_\_\_\_\_, 2013.

**POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING]** in the Weekly Register Call newspaper on \_\_\_\_\_, 2013.

**CITY OF CENTRAL, COLORADO**

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Ronald E. Engels, Mayor

**ATTEST:**

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Reba Bechtel, City Clerk