

ORDINANCE NO.

NO. 10-11
Series of 2010

**TITLE: A BILL FOR AN ORDINANCE AMENDING CHAPTER 10 TO INCLUDE
ARTICLE 10 REGARDING POSSESSION OF MARIJUANA**

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. Chapter 10 of the Hudson Municipal Code is hereby amended to add Article 10, Section 10-120 to read as follows:

Article 10 Marijuana

Sec. 10-120. Possession of marijuana; Paraphernalia.

(a) For the purposes of this Section, the term *marijuana* shall include all parts of the plant *Cannabis sativa L.*, whether growing or not; the seed thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt derivative, mixture or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from its stalks, oil or cake, or the sterilized seed of such plant, which is incapable of germination. The term *marijuana concentrate* means hashish, tetrahydrocannabinols or any alkaloid, salt derivative, preparation, compound or mixture, whether natural or synthesized, or tetrahydrocannabinols.

(b) It shall be unlawful to possess, consume, or use two (2) ounces or less of marijuana, and upon conviction thereof, or plea of guilty or no contest thereto, punishment shall not be by imprisonment, but shall be by a fine of not more than one hundred dollars (\$100.00).

(c) It shall be unlawful to openly and publicly display, consume, or use two (2) ounces or less of marijuana, and upon conviction thereof, or a plea of guilty or no contest thereto, shall be punished by a fine of one hundred dollars (\$100.00), and by imprisonment not exceeding fifteen (15) days.

(d) It shall be unlawful to transfer or dispense two (2) ounces or less of marijuana to another person for no consideration, and upon conviction thereof, or plea of guilty or no contest thereto, punishment shall not be by imprisonment, but shall be by a fine of not more than one hundred dollars (\$100.00).

(e) The provisions of this Section shall not apply to any person who possesses or uses marijuana pursuant to the Dangerous Drugs Therapeutic Research Act.

(f) It shall be unlawful to possess drug paraphernalia (as that phrase is defined under Section 18-18-426, C.R.S.) when such person knows or reasonably should know that the drug paraphernalia could be used under circumstances in violation of this Section. In determining whether an object is drug paraphernalia, the Municipal Court may consider, in addition to all other relevant factors, those criteria enumerated under Section 18-18-427, C.R.S.

Section 2. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Hudson, 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 Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.


Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ IN FULL, AND ADOPTED this 17th day of November, 2010.



TOWN OF HUDSON, COLORADO


Neal Pontius, Mayor

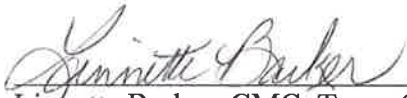

Linnette Barker, CMC, Town Clerk

PASSED ON SECOND AND FINAL READING this 15th day of December, 2010, AND ORDERED PUBLISHED ONCE IN FULL.



TOWN OF HUDSON, COLORADO


Neal Pontius, Mayor



Linnette Barker, CMC, Town Clerk

APPROVED AS TO FORM:



Corey Y. Hoffmann, Town Attorney