

TOWN OF SUPERIOR
ORDINANCE NO. O-1
SERIES 2011

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE
TOWN OF SUPERIOR AMENDING SECTION 10-8-50 OF
THE SUPERIOR MUNICIPAL CODE REGARDING
POSSESSION OF MARIJUANA AND MARIJUANA
CONCENTRATE

WHEREAS, the Colorado General Assembly has amended C.R.S. § 18-18-406(1) making it a class 2 petty offense to possess two (2) ounces or less of marijuana; and

WHEREAS, to be consistent with state law, the Board of Trustees has determined to make conforming changes to Section 10-8-50 of the Superior Municipal Code.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO:

Section 1. Section 10-8-50 of the Superior Municipal Code is hereby amended as follows:

Sec. 10-8-50. Possession of ~~eannabis~~ marijuana.

(a) For purposes of this Section, the term ~~eannabis~~ *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 ~~eannabis~~ *marijuana concentrate* means hashish, tetrahydrocannabinols or any alkaloid, salt derivative, preparation, compound or mixture, whether natural or synthesized, or tetrahydrocannabinols.

(b) It is unlawful to possess, *consume or use* ~~one (1)~~ *two (2)* ounces or less of ~~eannabis or eannabis~~ *marijuana or marijuana* concentrate, 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 is unlawful *to* openly and publicly ~~to~~ display, ~~or~~ *consume or use* ~~one (1)~~ *two (2)* ounces or less of ~~eannabis~~ *marijuana* concentrate, and, upon conviction thereof or plea of guilty or no contest thereto, punishment shall be by a fine of one hundred dollars (\$100.00) and by imprisonment not exceeding fifteen (15) days.

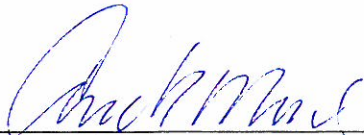
(d) *It shall be unlawful to transfer or dispense two (2) ounces or less of marijuana to another person for no consideration, and upon conviction thereof, or plea of guilty or no contest thereto, punishment shall not be by imprisonment, but shall be by a fine of not more than one hundred dollars (\$100.00).*

(de) This Section shall not apply to any person who possesses or uses cannabis or cannabis concentrate pursuant to the Dangerous Drugs Therapeutic Research Act.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

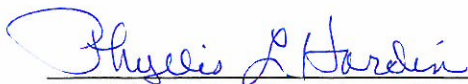
Section 3. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 24th day of January, 2011.



Andrew Muckle, Mayor

ATTEST:



Phyllis L. Hardin, Town Clerk-Treasurer