

**TOWN OF PARACHUTE
ORDINANCE NO. 737-2017**

AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, AMENDING SECTION 11.08.110 OF THE MUNICIPAL CODE TO PROVIDE NEW DEFINITIONS.

WHEREAS, the Town of Parachute (“Parachute” or the “Town” is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Parachute Home Rule Charter; and

WHEREAS, by Article XVIII, Sections 14 and 16 of the Colorado Constitution, the voters of the State authorized the possession and use of marijuana for medical and retail/recreational purposes; and

WHEREAS, Colorado law prohibits the personal use of marijuana from being conducted openly and publicly, but provides no definitions for these terms; and

WHEREAS, the Town has exercised its right of local control in setting forth a system for the permitting and regulation of medical and retail marijuana businesses in the Town; and

WHEREAS, the Parachute Board of Trustees finds and declares that it is in the interest of the public health, safety, and welfare to redefine the terms “openly” and “publicly” to better inform the Town’s residents and visitors or the reasonable limitations on marijuana consumption within the Town.

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

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Town of Parachute Board of Trustees hereby amends Section 11.08.110 of the Parachute Municipal Code as follows, with double underlined text added and ~~strike through language deleted~~:

11.08.110 Open and public use of marijuana – Prohibited.

A. Except as described in § 18-1-711, C.R.S., a person who openly and publicly displays, consumes, or uses two (2) ounces or less of marijuana, as defined in Article XVIII, Section 16(2)(f) of the Colorado Constitution, commits a noncriminal municipal offense, and upon conviction thereof, shall be punished by a fine as set forth in Appendix A of this code and up to twenty-four (24) hours of useful public service. The open and public display, consumption, or use of more than two (2) ounces of marijuana or any amount of marijuana concentrate shall be deemed possession thereof and a violation, and shall be punished as provided for in this chapter or in the Colorado Revised Statutes.

~~B. As used in this section, “open and public” means a place open to the general public which includes a place to which the public or a substantial number of the public has access without restriction including but not limited to streets, highways, public sidewalks, transportation facilities including rest areas, places of amusement, parks, playgrounds, Town owned open space, common open space owned by owners’ associations, common areas of public buildings and facilities that are generally open or accessible to members of the public without restriction, parking lots and areas, and shopping centers or shopping areas.~~

~~BC. As used in this section, “openly” means occurring or existing in a manner that is unconcealed, undisguised, or obvious. any place other than within a residential dwelling.~~

~~CD. As used in this section, “publicly” means occurring or existing in a public place; or occurring or existing in any outdoor location on private non-residential property where the consumption of marijuana is clearly observable from a public place; or occurring or existing in any outdoor location on private residential property where the consumption of marijuana is clearly observable from a public street, highway, or sidewalk. any area other than inside a private dwelling unit.~~

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY by a vote of 5 to 0 of the Board of Trustees of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 14 day of December, 2017 and approved by the Mayor on the 14 day of December, 2017.

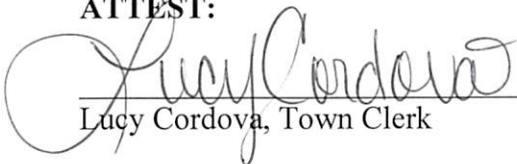
BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO

By:



Roy McClung, Mayor

ATTEST:



Lucy Cordova, Town Clerk

PUBLIC NOTICE

Public notice is hereby given that an Ordinance entitled:

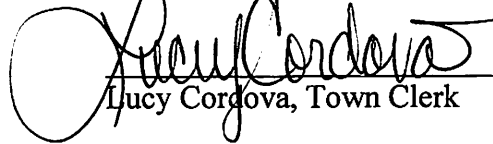
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was introduced before the Board of Trustees on December 14, 2017; that a copy of said Ordinance is posted at Town Hall; and that the Ordinance was approved at a regular meeting of the Board of Trustees held on December 14, 2017, and approved by the Mayor on December 14, 2017.

Copies of the adopted ordinance are available for inspection at the Town Hall, Parachute, Colorado and available on the internet at <http://www.parachutecolorado.com>.

Dated this 14 day of December, 2017.

TOWN OF PARACHUTE



Lucy Cordova, Town Clerk