

TOWN OF SUPERIOR  
ORDINANCE NO. O-9  
SERIES 2019

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR AMENDING SECTION 10-8-50 OF THE SUPERIOR MUNICIPAL CODE REGARDING THE DEFINITION OF OPEN AND PUBLIC CONSUMPTION OF MARIJUANA

WHEREAS, the Colorado General Assembly recently enacted Senate Bill 19-224, which creates a new state definition of "open and publicly" for criminal consumption of marijuana; and

WHEREAS, the Town wishes to adopt the state's definition in the Superior Municipal Code.

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

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

**Sec. 10-8-50. Possession of Marijuana.**

(a) For the purposes of this Section, the following terms shall have the following meanings:

\* \* \*

*Openly or publicly* means the consumption or growing of marijuana in a place observable by the public or a substantial number of the public to which the public or a substantial number of the public has access without restriction, including without limitation streets and highways, transportation facilities, places of amusement, parks, playgrounds, and the common areas of buildings and other facilities. "Openly or publicly" does not include any activity occurring on private residential property by the occupants thereof or their guests ~~commonly or usually open to or accessible by the general public, or to which members of the general public may resort, including, without limitation, public ways, streets, sidewalks, alleys, bicycle paths, trails, golf courses, public buildings, parks, open spaces, parking lots, shopping centers, places of business usually open to the general public and automobiles or other vehicles in or upon any such place or places, but excluding the interior or enclosed yard area of private homes, residences, condominiums or apartments. For purposes of this Section, openly or publicly expressly includes the consumption or growing of marijuana in any place or building not used for residential purposes where individuals gather to consume or grow marijuana, regardless of whether such place calls itself private or public or charges an admission or membership fee.~~

\* \* \*

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.

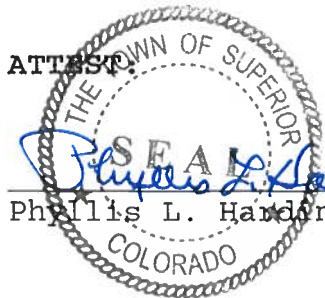
Section 3. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 26<sup>th</sup> day of August, 2019.

*Clint Folsom*

Clint Folsom, Mayor

ATTEST



Phyllis L. Harden, Town Clerk-Treasurer