

**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1113**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO,
REVISING CHAPTER 10, ARTICLE VI, SECTION 10-113, OF THE
FREDERICK MUNICIPAL CODE, ENTITLED "POSSESSION OF
MARIJUANA."**

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF
THE TOWN OF FREDERICK, AS FOLLOWS:**

WHEREAS, on November 6, 2012, the voters of the State of Colorado passed Amendment 64. The Amendment makes it lawful for any person twenty-one years of age or older to possess or use one ounce or less of marijuana; and

WHEREAS, in consideration of Amendment 64, the Board of Trustees finds it necessary and appropriate to revise the provisions of the Frederick Municipal Code related to the possession of marijuana.

Section 1: Chapter 10, Article VI, Section 10-113 of the Frederick Municipal Code is hereby repealed in its entirety and re-enacted to read as follows:

10-113: POSSESSION OF MARIJUANA:

(a)(1) It shall be unlawful for any person twenty-one years of age or older to possess more than one ounce but less than two ounces of marijuana. This section is designated a noncriminal violation, subject to the penalties set forth at Frederick Municipal Code §1-72(a).

(2) It shall be unlawful for any person under the age of twenty-one years to possess two ounces or less of marijuana. This section is designated a noncriminal violation, subject to the penalties set forth at Frederick Municipal Code §1-72(a).

(3) It shall be unlawful for any person twenty-one years of age or older to openly and publicly display, consume or use more than one ounce but less than two ounces of marijuana. This section is designated a noncriminal violation, subject to the penalties set forth at Frederick Municipal Code §1-72(a).

(4) It shall be unlawful for any person under the age of twenty-one years of age to openly and publicly display, consume or use two ounces or less of marijuana. This section is designated a noncriminal violation, subject to the penalties set forth at Frederick Municipal Code §1-72(a).

(5) It shall be unlawful for any person to possess more than two ounces of marijuana but no more than six ounces of marijuana. This section is designated a

criminal violation, subject to the penalties set forth at Frederick Municipal Code §1-72(b).

(6) It shall be unlawful for any person to openly and publicly display, consume or use more than two ounces of marijuana. This section is designated a criminal violation, subject to the penalties set forth at Frederick Municipal Code §1-72(b).

(7) Open and public display, consumption, or use of any amount of marijuana shall be deemed possession thereof.

(8) In no case shall a person lawfully possessing and/or using marijuana, allow the odor of marijuana to be detected from any adjoining lot, parcel or tract of land not owned by the person lawfully possessing and/or using the marijuana, or from any adjoining public right-of-way.

Section 2: Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

Section 3: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

27th INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS November day of November, 2012.

TOWN OF FREDERICK

By: *Tony Carey*
Tony Carey, Mayor

ATTEST:

By *Meghan C. Martinez*
Meghan C. Martinez, Town Clerk

