

ORDINANCE NO. 17-\_\_\_\_\_

AN ORDINANCE CREATING SECTION 212 (UNLAWFUL TRANSFER OF MARIJUANA) OF PART 2 (OTHER DANGEROUS WEAPONS AND SUBSTANCES) OF ARTICLE 7 (DANGEROUS WEAPONS AND SUBSTANCES) OF CHAPTER 9 (PUBLIC OFFENSES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO THE UNLAWFUL TRANSFER OF MARIJUANA AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

WHEREAS, the City of Colorado Springs ("City") is a home rule city and Colorado municipal corporation created and organized pursuant to Art. XX of the Colorado Constitution and the Charter of the City of Colorado Springs; and

WHEREAS, in the November 2012 general election, the voters of the State of Colorado approved Amendment 64; and

WHEREAS, Amendment 64 authorizes the City to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, marijuana retail stores, and retail marijuana establishments; and

WHEREAS, the City has exercised its local option and ordained it "unlawful for any person to operate a retail marijuana establishment within the City of Colorado Springs"; and

WHEREAS, throughout the City numerous persons utilize property on which retail marijuana transactions occur in contravention of state criminal and land use laws and municipal ordinances; and

WHEREAS, the State General Assembly made it unlawful for persons to transfer marijuana or marijuana concentrate at no cost to a person if the transfer is in any way related to remuneration for any other service or product; and

WHEREAS, the City desires to explicitly ordain that it is a criminal violation of the City Code to transfer marijuana or marijuana concentrate at no cost to a person if the transfer is in any way related to remuneration for any other service or product; and

WHEREAS, nothing in this section is meant to inhibit any individual's personal use or possession of marijuana pursuant to article XVIII, section 16(3)(a)(e) of the Colorado Constitution.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. A new Section 212 (Unlawful Transfer of Marijuana) of Part 2 (Other Dangerous Weapons and Substances) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, is created to read as follows:

**9.7.212: UNLAWFUL TRANSFER OF MARIJUANA**

A. It is unlawful for a person to transfer marijuana or marijuana concentrate at no cost to a person if the transfer is in any way related to remuneration for any other service or product.

B. As used in this section, marijuana and marijuana concentrate shall have the same meanings as set forth in section 9.7.206 of this part.

C. Evidence: In addition to any other competent evidence identifying a substance as marijuana, or marijuana concentrate, results of the field test known as the "Duquenois-Levine Reagent System" shall be admissible in evidence and shall be prima facie evidence of whether or not the substance tested was marijuana or marijuana concentrate.

Section 2. Any person convicted of violating Section 212 (Unlawful Transfer of Marijuana) of Part 2 (Other Dangerous Weapons and Substances) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) shall be punished as provided in Section 110 (Penalties) of Part 1 (General Provisions) of Article 1 (Administration and Enforcement) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended.

Section 3. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 4. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2017.

**Finally passed:** \_\_\_\_\_

\_\_\_\_\_  
Council President

**Mayor's Action:**

- Approved on \_\_\_\_\_.
- Disapproved on \_\_\_\_\_, based on the following objections:

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Mayor

**Council Action After Disapproval:**

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_.
- Council action on \_\_\_\_\_ failed to override the Mayor's veto.

\_\_\_\_\_  
Council President

ATTEST:

\_\_\_\_\_  
Sarah B. Johnson, City Clerk