

TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2024-242

**AN ORDINANCE AMENDING SECTIONS 10-251, 10-252 AND 10-254 OF THE
JOHNSTOWN MUNICIPAL CODE CONCERNING MARIJUANA REGULATION**

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, Article XIII of Chapter 10 of the Johnstown Municipal Code (“Code”) regulates offenses related to marijuana and references the *Colorado Medical Marijuana Code* at Article 43.3 of Title 12, C.R.S.; and

WHEREAS, the Colorado General Assembly repealed the *Colorado Medical Marijuana Code* and replaced it with the *Colorado Marijuana Code* at Article 10 of Title 44, C.R.S.; and

WHEREAS, the *Colorado Marijuana Code* comprehensively addresses and regulates both medical and recreational marijuana; and

WHEREAS, to conform with state law and omit obsolete statutory references from the Code, the Town attorney recommends that the Town Council amend Sections 10-251 and 10-252 of the Code; and

WHEREAS, the Town attorney also recommends that the Town Council amend Section 10-254 of the Code to clarify that the statutory exceptions apply to possession of marijuana by passengers in a motor vehicle; and

WHEREAS, the Town Council finds, determines and declares that this Ordinance is promulgated under the general police power of the Town and is in the best interests of the Town of Johnstown.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, AS FOLLOWS:

Section 1. Section 10-251. The definition of *Colorado Medical Marijuana Code* and *Medical Marijuana Card* contained in Section 10-251 of the Johnstown Municipal Code shall be repealed and, in their place, to be listed in alphabetical order, readopted to read as follows:

Colorado Marijuana Code means Article 10 of Title 44, C.R.S., as amended.

...

Medical marijuana card means a registry identification card duly issued pursuant to § 25-1.5-106, C.R.S., as amended.

Section 2. Section 10-252. Section 10-252 of the Johnstown Municipal Code shall be repealed and readopted to read as follows:

Sec. 10-252. Possession of marijuana and marijuana accessories.

- (a) No person under twenty-one (21) years of age shall possess marijuana or marijuana accessories unless such person has been issued a medical marijuana card. If such person has been issued a medical marijuana card, such person shall not possess more than two (2) ounces of marijuana unless otherwise authorized to do so by the Colorado Marijuana Code.
- (b) No person twenty-one (21) years of age or older shall possess more than one (1) ounce of marijuana unless such person has been issued a medical marijuana card. If such person has been issued a medical marijuana card, such person shall not possess more than two (2) ounces of marijuana unless otherwise authorized to do so by the Colorado Marijuana Code.

Section 3. Section 10-254(d). Section 10-254(d) of the Johnstown Municipal Code shall be repealed and readopted to read as follows:

Sec. 10-254. Public consumption or use of marijuana.

...

- (d) No person while in the passenger area of a motor vehicle shall: (1) use or consume marijuana; or (2) have in his or her possession an open marijuana container. For purposes of this Section, the terms shall have meanings set forth in Section 42-4-1305.5, C.R.S., as amended, and the exceptions therein shall apply. Nothing in this Section or in any section of this Code is intended to allow driving under the influence of marijuana or driving while impaired by marijuana or to supersede state law regarding the same, whenever enacted.

Section 4. Severability. If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and, to this end, the provisions and parts of this Ordinance are declared to be severable.

Section 5. Publication; Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado ("Charter") and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk. This Ordinance shall become effective upon final passage as provided by the Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.


INTRODUCED, AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this 12 day of March, 2024.

ATTEST:

By: 
Hannah Hill, Town Clerk



TOWN OF JOHNSTOWN, COLORADO

By: 
Troy D. Mellon, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this _____ day of _____, 2024.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Hannah Hill, Town Clerk

By: _____
Troy D. Mellon, Mayor