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JohnstownCO.gov

## TOWN COUNCIL CONSENT AGENDA COMMUNICATIONS

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**AGENDA DATE:** April 1, 2024

**SUBJECT:** Second Reading Of Ordinance No. 2024-242, Amending Sections 10-251, 10-252 And 10-254 Of The Johnstown Municipal Code Concerning Marijuana Regulation.

**ATTACHMENTS:** 1. Ordinance No. 2024-242

**PRESENTED BY:** Avi Rocklin, Town Attorney

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### **AGENDA ITEM DESCRIPTION:**

The Council approved Ordinance No. 2024-242 on first reading on March 18, 2024.

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and references the Colorado Medical Marijuana Code at Article 43.3 of Title 12, C.R.S. The Colorado General Assembly repealed the Colorado Medical Marijuana Code and replaced it with the Colorado Marijuana Code at Article 10 of Title 44, C.R.S. The Colorado Marijuana Code comprehensively addresses and regulates both medical and recreational marijuana. 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.

Consistent with Section 42-4-1305.5, C.R.S., Section 10-254 of the Code provides that 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. Notwithstanding the general prohibition, the state statute provides an exception for the following: (1) passengers, other than the driver or a front seat passenger, located in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation; (2) the possession by a passenger, other than the driver or a front seat passenger, of an open marijuana container in the living quarters of a house coach, house trailer, motor home or trailer coach is permitted; (3) the possession of an open marijuana container in the area behind the last upright seat of a motor vehicle that is not equipped with a trunk; and (4) the possession of an open marijuana container

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in an area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk. The Town attorney recommends that the Town Council amend Section 10-254 of the Code to clarify that the state statutory exceptions apply.

**STRATEGIC PLAN ALIGNMENT:**

- Safe & Welcoming community
  - *Provide and maintain public safety services and awareness in our community.*

**LEGAL ADVICE:**

The Town Attorney drafted the ordinance.

**FINANCIAL ADVICE:**

NA

**RECOMMENDED ACTION:** Approve Ordinance No. 2024-242 Upon Second Reading.

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*Reviewed and Approved for Presentation,*



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Town Manager