

CITY OF SALIDA, COLORADO
ORDINANCE NO. 09
(Series of 2024)

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO,
AMENDING THE CITY CODE TO ADD SECTION 10-7-90 ENTITLED KNOWINGLY
ALLOWING UNDERAGE PERSONS TO POSSESS OR CONSUME ETHYL ALCOHOL
AND/OR MARIJUANA ON PRIVATE PROPERTY TO THE SALIDA MUNICIPAL
CODE**

WHEREAS, the City of Salida (the “City”), is a statutory city, duly organized and existing under the laws of the State of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety, and welfare; and

WHEREAS, the consumption of alcoholic beverages and marijuana by persons under the age of twenty-one (21) is known to be harmful to their health and development; and

WHEREAS, gatherings of person under the age of twenty-one (21) in which alcoholic beverages and/or marijuana are consumed are known to correlate with an increase of hospitalizations, emergency service responses, and illegal behaviors such as impaired driving, assault, and violence; and

WHEREAS, previous gatherings of underage persons in the City have been facilitated by adults who have provided private property of which to host the gatherings, and also the alcoholic beverages or marijuana which was consumed by the underage persons present, either directly or through lack of reasonable precaution; and

WHEREAS, therefore, the City prohibits any responsible person from knowingly allowing or permitting any person under twenty-one (21) years of age, except for those exempt under C.R.S. § 18-13-122, to possess or consume an alcoholic beverage or marijuana at a residence or other private property under their control.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, ORDAINS:

Section 1. The City Council incorporates the foregoing recitals as conclusions, determinations and findings by the City Council.

Section 2. Code Section 10-7-90. Knowingly allowing underage persons to possess or consume ethyl alcohol and/or marijuana on private property is hereby added to read as follows:

Sec. 10-7-90. – Knowingly allowing underage persons to possess or consume ethyl alcohol and/or marijuana on private property.

(a) Definitions

(1) “Responsible Person” means a person with control of the residence or other private property where underage consumption occurs, which may include but is not limited to:

- a) an owner of the residence or other private property;
- b) a tenant, lessee, or short-term renter of the residence or other private property;
- c) the person(s) in charge of the residence or other private property;
- d) the person(s) who organizes, supervises, conducts, or controls the gathering or any other person(s) accepting responsibility for the gathering.

(b) Violations

(1) It is a violation of this ordinance for any responsible person to knowingly allow or permit any person under twenty-one (21) years of age, except those exempt under C.R.S. § 18-13-122, to possess or consume an alcoholic beverage or marijuana at a residence or other private property under their control.

(c) Penalties

(1) A first violation of this section shall be punishable by a fine of up to \$250. A copy of the “Social Host Ordinance Pamphlet” shall be provided by the City to the responsible person, with details about consequences for further violations.

(2) A second violation of this section by the same responsible person within a three-year period shall be punishable by a fine of \$1,000 and 20 hours of community service. The fine and community service will be imposed but suspended upon voluntary completion by the responsible person of an educational course on youth substance use, which will be provided by the Chaffee County Department of Human Services or another suitable organization as designated by the Chaffee County Department of Human Services. If the course is not completed within one year from the date of the second violation the fine and community service will be imposed.

(3) A third or subsequent violation of this section by the same responsible person within a three-year period shall be punishable by a fine of no less than \$2,650 and no less than 40 hours or community service.

Section 3. Severability. The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

INTRODUCED ON FIRST READING on this 2nd day of July, 2024, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation by the City Council on this 5th day of July, 2024, and set for second reading and public hearing on the 16th day of July, 2024.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on the 16th day of July, 2024.

City of Salida

[SEAL]

Mayor Dan Shore

ATTEST:

City Clerk/Deputy City Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the 5th day of July, 2024, and BY TITLE ONLY, after final adoption on the 16th day of July, 2024.