

ORDINANCE 2020-02

ORDINANCE ESTABLISHING REGULATIONS FOR PUBLIC USE AND DISPLAY OF MARIJUANA

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Twin Bridges, Montana (the "Town") as follows:

PURPOSE OF ORDINANCE: The purpose of this Ordinance is to identify uses of medical marijuana that are not permitted in the Town of Twin Bridges, including acts related to smoking, consuming, or displaying medical marijuana in certain public areas. Such acts are criminal acts subject to criminal penalties. This enforcement will help to protect the public's health, safety, and general welfare.

It is the intent of this ordinance that the visible or open display, smoking, or consumption of medical marijuana be confined to private property. Private property does not include property adapted and fitted for public travel or in common use by the public.

DEFINITIONS: The following definitions of terms shall apply unless the context clearly indicates another meaning or unless elsewhere expressly stated for specific application:

MARIJUANA: Has the meaning provided in Section 50-32-101 Montana Code Annotated (2019).

MEDICAL MARIJUANA: The uses of marijuana described in Title 50 Chapter 46 Part 3 Montana Medical Marijuana Act, Montana Code Annotated (2019). Other phrases herein such as the "use of medical marijuana" or "the medical use of marijuana" shall have the same meaning and includes the term "usable marijuana" as defined in 50-46-302(31)(a) and (b).

NONMEDICAL MARIJUANA: Use of nonmedical marijuana is currently illegal. Sections 45-9-102 and 50-32-101(18), Montana Code Annotated. Nonmedical marijuana includes any use of marijuana that is not authorized by Title 50 Chapter 46, Montana Code Annotated. If nonmedical marijuana use becomes legal, then any use of nonmedical marijuana shall be subject to the same prohibitions and restrictions described in this Ordinance.

PUBLIC DISPLAY OF MARIJUANA: The carrying or exhibiting of marijuana in any type of packaging that permits another to see the marijuana regardless of the form of the marijuana.

PUBLIC PLACES: In, on or upon the streets, avenues, alleys, parks, fairgrounds, and ways of the Town open to the public, within or without any vehicle.

PUBLIC SMOKING OR CONSUMPTION: The smoking or consumption of marijuana in, on, within or upon any motor vehicle or any public places in the Town.

VEHICLE: Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, street, dirt road, etc.

WAYS OF THE TOWN OPEN TO THE PUBLIC: Any highway, road, street, avenue, driveway, alley, lane, parking area, sidewalk, park trail or other public or private lane within the Town of Twin Bridges that is adapted and fitted for the use of the public and that is in common use by the public.

PUBLIC DISPLAY SMOKING OR CONSUMPTION OF MEDICAL MARIJUANA; PROHIBITED: No person authorized by title 50, chapter 46, Montana Code Annotated, to acquire, possess, cultivate, manufacture, deliver, transfer, or transport medical marijuana may, on the ways of the Town open to the public, in a vehicle, or public place display, exhibit, smoke or consume medical marijuana in an open or visible manner. A violation of this section is an absolute liability criminal offense.

STATE LAW SUPERSEDED AND APPLICABLE: The provisions of this ordinance shall supersede title 50, chapter 46, Montana Code Annotated only in so far as this chapter expands the limitations on the use of medical marijuana. All other provisions of State related to medical marijuana shall be applicable.

VIOLATION AND PENALTY: Any person who violates any provision of this ordinance shall be subject to the penalties set forth in Chapter 4 of the Code under General Penalty.

NO PRIVATE RIGHT OR ACTION: Nothing in this ordinance shall be construed to create a private right of action regarding the acquisition, possession, cultivation, manufacture, delivery, transfer, or transport of either marijuana or medical marijuana.

First passed and approved by the Council of the Town of Twin Bridges, Montana this _____ day of _____, 20_____.

Joseph Willauer, Mayor

Attest:

Kristi Millhouse, Town Clerk/Treasurer

Finally passed and approved by the Council of the Town of Twin Bridges, Montana this _____ day of _____, 20_____.

Joseph Willauer, Mayor

Attest:

Kristi Millhouse, Town Clerk/Treasurer