

WHEREAS, the Director of Aviation recognizes an individual's right to use and possess marijuana pursuant to Article XVIII, Section 16, of the Colorado Constitution; and

WHEREAS, the Director of Aviation recognizes that Article XVIII, Section 16, of the Colorado Constitution permits persons, employers, corporations or any other entities who occupy, own or control a property to prohibit or otherwise regulate the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property; and

WHEREAS, the Director of Aviation recognizes that use and possession of marijuana is prohibited by federal law; and

WHEREAS, the Director of Aviation recognizes that for the safety and security of the traveling public, the Transportation Security Administration, the Federal Aviation Administration, and/or airlines have prohibited marijuana from being brought onto airplanes in carry-on and/or checked bags; and

WHEREAS, the Director of Aviation recognizes the need to protect the federal interests identified in the Department of Justice's guidance on its federal marijuana enforcement policy including preventing the diversion of marijuana from states where it is legal under state law in some form to other states, preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity, and preventing marijuana possession or use on federal property; and

WHEREAS, the Director of Aviation desires to ensure that the Municipal Airport maintains its status as a Federal Aviation Administration certificated airport and continues to comply with all applicable federal grant assurances; and

WHEREAS, the Director of Aviation is authorized by the Colorado Springs City Code to regulate and act as Manager of the Municipal Airport, to supervise its operation and control, to direct its use and occupancy, management, control, operation, care, repair and maintenance of airport structures and facilities and all land on which the Municipal Airport is located and operated; and

WHEREAS, the Director of Aviation finds that the possession of marijuana at the Municipal Airport constitutes a threat to the safety and security in the operational area and other premises of the airport;

NOW, THEREFORE, BE IT ADOPTED AND PROMULGATED BY THE DIRECTOR OF AVIATION PURSUANT TO SECTION 14.1.203 OF THE COLORADO SPRINGS CITY CODE:

Section 1. A new Chapter 2 entitled "Conduct of Persons Using the Airport" of the Colorado Springs Airport Rules and Regulations is created.

Section 2. A new Rule 201 of Chapter 2 (Conduct of Persons Using the Airport) is created to read as follows:

201 POSSESSION OF MARIJUANA IN PASSENGER TERMINAL FACILITY AND AIR OPERATIONS AREA (AOA) PROHIBITED

- A. It shall be unlawful for any person to possess, display, transfer, distribute, sell, transport, or grow marijuana in or upon the passenger terminal facility, any overhang area to the passenger terminal facility, or the Air Operations Area (AOA) of the Municipal Airport.
- B. Definitions. For the purposes of this Rule 201, the following terms have the following meanings:
 - a. "Air Operations Area (AOA)" means what it means as that term is defined in 49 C.F.R. section 1540.5, as amended.
 - b. "Marijuana" means and includes all parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or its resin. "Marijuana" does not include fiber produced from the stalks, oil or cake made from the seeds of the plant, or the sterilized seed of the plant which is incapable of germination, if these items exist apart from any other item defined as "marijuana" in this subsection.
 - c. "Municipal Airport" means and includes all properties presently leased or owned by the City and designated by the City Council or Mayor as a part of the Municipal Airport, including all of that property commonly known as "Peterson Field", and any properties which may be acquired by the City as a municipal aeronautical facility. "Municipal Airport" includes a terminal facility for development, promotion and accommodation of air commerce, air travel and air transportation.

d. "Passenger terminal facility" means and includes the building and structure located at 7770 Milton E. Proby Parkway in Colorado Springs, Colorado.

C. Any person who violates this Rule is subject to the procedures and penalties set forth in section 14.1.211 (Penalty) of Part 2 (General Provisions) of Article 1 (Municipal Airport) of Chapter 14 (Municipal Enterprises) and Part 2 (General Penalty) of Article 1 (Administration) of Chapter 1 (Administration, Personnel, and Finance) of the Colorado Springs City Code 2001, as amended.

Section 3. This Rule shall be in full force and effect upon publication as provided by section 14.1.203 of the Colorado Springs City Code 2001, as amended.

ADOPTED AND PROMULGATED THIS 10TH DAY OF JANUARY, 2014, IN COLORADO SPRINGS, COLORADO.



Dan Gallagher
Interim Director of Aviation

Delivered to Mayor on 1-8-14

Delivered to City Clerk on 1-8-14