

1 BY AUTHORITY

2 ORDINANCE NO. \_\_\_\_\_

COUNCIL BILL NO. CB10-1039

3 SERIES OF \_\_\_\_\_

COMMITTEE OF REFERENCE:

4 SPECIAL ISSUES

5 A BILL

6 For an ordinance amending Article II of Chapter 37, D.R.M.C. to add the unlicensed  
7 operation of a medical marijuana dispensary as a class one public nuisance offense.  
8

9 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

10  
11 **Section 1.** That paragraph 21 of subsection (c) of section 37-50, D.R.M.C. shall be amended  
12 by deleting the language stricken, and that a new paragraph 21.1 shall be added to said subsection  
13 (c), to read as follows:

14  
15  
16 **Sec. 39-50. Definitions.**  
17

18 (c) *Public Nuisance, Class one (1):* Any parcel of real property, personal property,  
19 or motor vehicle on or in which any of the following illegal activity occurs, or which is  
20 used to commit, conduct, promote, facilitate, or aid the commission of or flight from  
21 any of the following activities. For purposes of this section, the illegal activity shall  
22 have the same definition as that contained in the section of the Colorado Revised  
23 Statute (C.R.S.), as amended, or the section of the Denver Revised Municipal Code  
24 (D.R.M.C.), as amended, listed after the illegal activity:

25  
26 21. Keeping, maintaining, controlling, renting, or making available property  
27 for unlawful distribution or manufacture of controlled substances, ~~to~~  
28 C.R.S. § 18-18-411; or the unlawful possession of materials to make  
29 amphetamine and methamphetamine, ~~to~~ C.R.S. § 18-18-412.5; or, the  
30 unlawful sale or distribution of materials to manufacture controlled  
31 substances, C.R.S. § 18-18-412.7; or possession of one or more  
32 chemicals or supplies or equipment with intent to manufacture a  
33 controlled substance, C.R.S. § 18-18-405; or

1                   21.1 Keeping, maintaining, controlling, renting, or making available property  
2                                   for the unlawful operation of a medical marijuana dispensary without a  
3                                   license, Art. XI, Chapter 24, D.R.M.C.; or  
4

5           **Section 2.** Paragraph 21.1 of subsection (c) of section 39-50, D.R.M.C., as adopted herein  
6 shall be repealed effective July 1, 2011; provided, however, that the repeal of this paragraph shall  
7 not affect any civil nuisance abatement action filed pursuant to this paragraph prior to July 1, 2011.

8 COMMITTEE APPROVAL DATE: December 1, 2010.

9 MAYOR-COUNCIL DATE: December 7, 2010.

10 PASSED BY THE COUNCIL: \_\_\_\_\_, 2010

11 \_\_\_\_\_ - PRESIDENT

12 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2010

13 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
14 EX-OFFICIO CLERK OF THE  
15 CITY AND COUNTY OF DENVER

16 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2010; \_\_\_\_\_, 2010

17 PREPARED BY: David W. Broadwell, Asst. City Attorney;           DATE: December 7, 2010

18 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
19 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
20 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §  
21 3.2.6 of the Charter.

22 David R. Fine, City Attorney

23 BY: \_\_\_\_\_, \_\_\_\_\_ City Attorney           DATE: \_\_\_\_\_, 2010