

Amendment to CB13-0736

concerning public display and consumption of marijuana

Councilwoman Robb

Nov. 25, 2013

I move to amend CB13-0736 by amending the definition of “publicly” in the following particulars:

1. On Page 2, Line 14, after the word “location” insert the words “on private non-residential property”.
2. On Page 2, Line 16, after the word “place” delete the “.” and insert “;or”
3. On Page 2, after Line16, insert a new subsection to read as follows:

“(c) Occurring or existing in any outdoor location on private residential property where the consumption of marijuana is clearly observable from a public street, highway or sidewalk.”

4. On Page 3, strike lines 11 through 20, deleting subsection (d).
5. On Page 3, line 22, strike (e) and insert (d).

[see language on the back]

PURPOSE OF THE AMENDMENT

Makes it illegal to consume marijuana “publicly”:

- on private residential property if observable from a public street, highway or sidewalk (you could consume it in your backyard, even if visible from an alley); and
- on non-residential property if observable from any public place.

Deletes the entire subsection allowing for outdoor consumption of marijuana on private residential property by homeowners and tenants and their guests.

(1) The term “openly” means occurring or existing in a manner that is unconcealed, undisguised, or obvious.

(2) The term “publicly” means:

(a) Occurring or existing in a public place; or

(b) Occurring or existing in any outdoor location **ON PRIVATE NON-RESIDENTIAL PROPERTY** where the consumption of marijuana is clearly observable from a public place., **OR**

(c) OCCURRING OR EXISTING IN ANY OUTDOOR LOCATION ON PRIVATE RESIDENTIAL PROPERTY WHERE THE CONSUMPTION OF MARIJUANA IS CLEARLY OBSERVABLE FROM A PUBLIC STREET, HIGHWAY OR SIDEWALK.

(d) It shall not be an offense under subsection (b) of this section if the consumption of marijuana is occurring on private residential property and the person consuming the marijuana is:

(1) An owner of the property; or

(2) A person who has a leasehold interest in the property; or

(3) Any other person who has been granted express or implied permission to consume marijuana on the property by the owner or the lessee of the property.