

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2013

COUNCIL BILL NO. CB13-0961
COMMITTEE OF

REFERENCE:

Special

Issues: Amendment 64

A BILL

For an ordinance de-criminalizing the offense of possession of marijuana by persons under the age of twenty-one.

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

Section 1. That section 38-175, D.R.M.C. shall be amended by deleting the language stricken and adding the language underlined, to read as follows:

Sec. 38-175. Possession or consumption of marijuana.

(a) It shall be unlawful for any person under the age of twenty-one (21) to possess one (1) ounce or less of marijuana. ~~If such person is under the age of eighteen (18) years of age at the time of the offense, no jail sentence shall be imposed and any fine imposed may be supplanted by treatment as required by the court.~~

(b) It shall be unlawful for any person to openly and publicly consume one (1) ounce or less of marijuana.

(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 where the consumption of marijuana is clearly observable from a public place.

1
2 (3) The term "*public place*" means a place to which the public or a
3 substantial number of the public have access, and includes but is not
4 limited to streets and highways, transportation facilities, schools, places
5 of amusement, parks, playgrounds, and the common areas of public
6 and private buildings or facilities.
7

8 (c) For the purposes of this section, section 38-175.5, and section 39-10,
9 the term "marijuana" shall mean and include all parts of the plant of the
10 genus *cannabis* whether growing or not, the seeds thereof, the resin
11 extracted from any part of the plant, and every compound, manufacture,
12 salt, derivative, mixture, or preparation of the plant, its seeds, or its resin,
13 including marijuana concentrate. "Marijuana" does not include industrial
14 hemp, nor does it include fiber produced from the stalks, oil, or cake
15 made from the seeds of the plant, sterilized seed of the plant which is
16 incapable of germination, or the weight of any other ingredient combined
17 with marijuana to prepare topical or oral administrations, food, drink, or
18 other product.
19

20 (d) It shall not be an offense under subsection (b) of this section if the
21 consumption of marijuana is occurring on private residential property and
22 the person consuming the marijuana is:
23

24 (1) An owner of the property; or

25
26 (2) A person who has a leasehold interest in the property; or

27
28 (3) Any other person who has been granted express or implied permission to
29 consume marijuana on the property by the owner or the lessee of the property.
30

31 (e) Any violation of ~~subsection (b)~~ of this section is hereby declared to
32 be a non-criminal violation and, upon an admission or finding or

1 judgment of guilt or liability by default or otherwise, the violator shall be
2 subject to the following maximum penalties:

3
4 (1) First violation: one hundred and fifty dollars (\$150.00).

5
6 (2) Second violation: five hundred dollars (\$500.00).

7
8 (3) Third and each subsequent violation: nine hundred and ninety-nine dollars
9 (\$999.00).

10
11 If the violator is under the age of eighteen (18) years of age at the time of the offense, any
12 fine imposed may be supplanted by treatment as required by the court.

13
14 COMMITTEE APPROVAL DATE: December 9, 2013.

15 MAYOR-COUNCIL DATE: N/A

16 PASSED BY THE COUNCIL _____ 2013

17 _____ - PRESIDENT

18 APPROVED: _____ - MAYOR _____ 2013

19 ATTEST: _____ - CLERK AND RECORDER,
20 EX-OFFICIO CLERK OF THE
21 CITY AND COUNTY OF DENVER
22

23 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2013; _____ 2013

24
25 PREPARED BY: David W. Broadwell, Asst. City Attorney; DATE: December 12, 2013
26

27 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
28 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
29 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
30 3.2.6 of the Charter.
31
32

33 Douglas J. Friednash, City Attorney for the City and County of Denver

34 BY: _____, Assistant City Attorney DATE: _____, 2013