

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF _____

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE:

A BILL

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

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

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

Sec. 39-50. Definitions.

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

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

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

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 Paragraph 21.1 of subsection (c) of section 39-50, D.R.M.C., as adopted herein shall be repealed effective July 1, 2011; provided, however, that the repeal of this paragraph shall not affect any civil nuisance abatement action filed pursuant to this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

COMMITTEE APPROVAL DATE: _____, 2010.

MAYOR-COUNCIL DATE: _____, 2010.

PASSED BY THE COUNCIL _____ 2010

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____ 2010

ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2010; _____ 2010

PREPARED BY: _____; DATE: _____

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

City Attorney

BY: _____, _____ City Attorney

DATE: _____