

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2013

COUNCIL BILL NO. CB13-0963
COMMITTEE OF

REFERENCE:

Special

Issues: Amendment 64

A BILL

For an ordinance prohibiting certain behavior concerning marijuana from occurring upon any city-owned property within one thousand feet of any school.

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.

(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.

(3) The term "*public place*" means a place to which the public or a substantial number of the public have access, and includes but is not

1 limited to streets and highways, transportation facilities, schools, places
2 of amusement, parks, playgrounds, and the common areas of public
3 and private buildings or facilities.

4
5 (c) It shall be unlawful for any person within one thousand feet of
6 the perimeter of any public or private elementary school, middle
7 school, junior high school, or high school to display, transfer,
8 distribute, sell, or grow marijuana upon any city-owned street or
9 sidewalk or upon any other property owned by the city.

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

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

26
27 (1) An owner of the property; or

28
29 (2) A person who has a leasehold interest in the property; or

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31 (3) Any other person who has been granted express or implied permission to
32 consume marijuana on the property by the owner or the lessee of the property.
33

1 ~~(e)~~ (f) Any violation of this section is hereby declared to be a non-
2 criminal violation and, upon an admission or finding or judgment of guilt
3 or liability by default or otherwise, the violator shall be subject to the
4 following maximum penalties:

5
6 (1) First violation: one hundred and fifty dollars (\$150.00).

7
8 (2) Second violation: five hundred dollars (\$500.00).

9
10 (3) Third and each subsequent violation: nine hundred and ninety-nine dollars
11 (\$999.00).
12

13 If the violator is under the age of eighteen (18) years of age at the time of the offense, any
14 fine imposed may be supplanted by treatment as required by the court.
15

16 COMMITTEE APPROVAL DATE: December 9, 2013.

17 MAYOR-COUNCIL DATE: N/A

18 PASSED BY THE COUNCIL _____ 2013

19 _____ - PRESIDENT

20 APPROVED: _____ - MAYOR _____ 2013

21 ATTEST: _____ - CLERK AND RECORDER,
22 EX-OFFICIO CLERK OF THE
23 CITY AND COUNTY OF DENVER
24

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

26
27 PREPARED BY: David W. Broadwell, Asst. City Attorney; DATE: December 12, 2013
28

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

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

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