

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1793
Series of 2013

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A BILL FOR AN ORDINANCE AMENDING SECTION 9-9-2 OF THE NORTHGLENN MUNICIPAL CODE REGARDING THE PERSONAL USE OF MARIJUANA PURSUANT TO ARTICLE XVIII, SECTION 16, OF THE COLORADO CONSTITUTION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 9-9-2 of the City of Northglenn Municipal Code is amended to read as follows:

Section 9-9-2. Possession of ~~Cannabis Sativa L~~ MARIJUANA.

(a) ~~The term “cannabis shall include all parts of the plant cannabis sativa L, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt derivative, mixture, or preparation of such plant, its seeds, or resin, but shall not include the mature stalks of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of its mature stalks, except the resin extracted there from, fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination. The term “cannabis concentrate” means hashish, tetrahydrocannabinols, or any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized, or tetrahydrocannabinols.~~ “MARIJUANA” MEANS ALL PARTS OF THE PLANT OF THE GENUS CANNABIS WHETHER GROWING OR NOT, THE SEEDS THEREOF, THE RESIN EXTRACTED FROM ANY PART OF THE PLANT, AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE PLANT, ITS SEEDS, OR ITS RESIN, INCLUDING MARIJUANA CONCENTRATE. “MARIJUANA” DOES NOT INCLUDE INDUSTRIAL HEMP, NOR DOES IT INCLUDE FIBER PRODUCED FROM THE STALKS, OIL, OR CAKE MADE FROM THE SEEDS OF THE PLANT, STERILIZED SEED OF THE PLANT WHICH IS INCAPABLE OF GERMINATION, OR THE WEIGHT OF ANY OTHER INGREDIENT COMBINED WITH MARIJUANA TO PREPARE TOPICAL OR ORAL ADMINISTRATIONS, FOOD, DRINK, OR OTHER PRODUCT.

(b) ~~It is unlawful for any person to possess eight ounces or less of cannabis or cannabis concentrate, as both are MARIJUANA AS hereinabove defined.~~

(c) ~~It is unlawful for any person openly or publicly to display one ounce or less of cannabis or cannabis concentrate, or consume any amount thereof. IT IS UNLAWFUL FOR ANY PERSON TO DISPLAY, CONSUME OR USE MARIJUANA IN ANY PUBLIC PLACE AS DEFINED IN SECTION 9-1-1(A)(15), UPON PROPERTY OWNED, OPERATED, LEASED OR MAINTAINED BY THE STATE~~

OR ANY POLITICAL SUBDIVISION OR AGENCY THEREOF, OR UPON PROPERTY OWNED, OPERATED, LEASED OR MAINTAINED BY THE CITY OF NORTHGLENN.

(d) The provisions of this section shall not apply to any person who possesses or uses ~~cannabis or cannabis concentrate~~ MARIJUANA pursuant to the Dangerous Drugs Therapeutic Research Act.

(e) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE PERSONAL USE OF MARIJUANA AND MARIJUANA ACCESSORIES BY ANY PERSON THAT IS TWENTY-ONE YEARS OF AGE OR OLDER TO THE EXTENT PROVIDED BY ARTICLE XVIII, SECTION 16(3) OF THE COLORADO CONSTITUTION.

(1) THE PERSONAL USE OF MARIJUANA AND MARIJUANA ACCESSORIES PURSUANT TO ARTICLE XVIII, SECTION 16(3) OF THE COLORADO CONSTITUTION SHALL NOT INCLUDE OPENLY OR PUBLICLY CONSUMING OR GROWING MARIJUANA OR CONSUMING MARIJUANA IN A MANNER THAT ENDANGERS OTHERS.

(2) FOR PURPOSES OF THIS SECTION, THE TERM "OPENLY AND PUBLICLY" MEANS THE CONSUMPTION OR GROWING OF MARIJUANA IN A PLACE COMMONLY OR USUALLY OPEN TO OR ACCESSIBLE BY THE GENERAL PUBLIC, OR TO WHICH MEMBERS OF THE GENERAL PUBLIC MAY RESORT, INCLUDING WITHOUT LIMITATION PUBLIC WAYS, STREETS, SIDEWALKS, ALLEYS, BICYCLE PATHS, TRAILS, PUBLIC BUILDINGS, PARKS, OPEN SPACES, PARKING LOTS, SHOPPING CENTERS, PLACES OF BUSINESS USUALLY OPEN TO THE GENERAL PUBLIC, AND AUTOMOBILES OR OTHER VEHICLES IN OR UPON ANY SUCH PLACE OR PLACES, BUT EXCLUDING THE INTERIOR OR ENCLOSED YARD AREA OF PRIVATE HOMES, RESIDENCES, CONDOMINIUMS OR APARTMENTS. FOR PURPOSES OF THIS SECTION, "OPENLY OR PUBLICLY" EXPRESSLY INCLUDES THE CONSUMPTION OR GROWING OF MARIJUANA IN ANY PLACE NOT USED FOR RESIDENTIAL PURPOSES WHERE INDIVIDUALS GATHER TO CONSUME OR GROW MARIJUANA, REGARDLESS OF WHETHER SUCH PLACE CALLS ITSELF PRIVATE OR PUBLIC OR CHARGES AN ADMISSION OR MEMBERSHIP FEE.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____,
2013.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____,
2013.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney