

ORDINANCE NO. 1989

INTRODUCED BY: AMADOR, BENSON, BULLOCK, CARSON, DOUGLAS, ELLIOTT, FORD, MCELDOWNEY, TETER

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 12 OF THE COMMERCE CITY REVISED MUNICIPAL CODE RELATING TO THEFT AND POSSESSION OF MARIJUANA

WHEREAS, Colorado voters approved Amendment 64 in the November 2012 election, providing that the possession, use, display, purchase and transport of one ounce or less of marijuana by a person twenty-one years of age or older shall not constitute a criminal offense under state or local law; and

WHEREAS, in the 2013 legislative session, the Colorado Legislature adopted House Bill 13-1160 which modified the penalties for theft according to the value of the item involved; and

WHEREAS, the City Council wishes to update the City ordinances to reflect these recent changes in state law.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

SECTION 1. Sections 12-3005, 12-3006, 12-3007, 12-3008, and 12-3009 are hereby amended by replacing the phrase “a value of less than one thousand dollars (\$1,000.00)” with the phrase “a value of less than two thousand dollars (\$2,000.00)”.

SECTION 2. Section 12-6008 is hereby amended to read as follows:

Sec. 12-6008. – Marijuana, synthetic cannabinoids, and drug paraphernalia.

(a) It shall be unlawful for any person under the age of twenty-one (21) to possess, consume, or use two (2) ounces or less of marijuana.

(b) It shall be unlawful for any person twenty-one years of age or older to possess, consume, or use more than one (1) ounce and less than two (2) ounces of marijuana.

(c) It shall be unlawful for any person to openly and publicly display, consume or use two (2) ounces or less of marijuana.

(d) It shall be unlawful for any person to use or possess any amount of any synthetic cannabinoid or salvia divinorum.

(e) It shall be unlawful for any person under the age of twenty-one (21) to knowingly possess drug paraphernalia. It shall be unlawful for any person twenty-one (21) years of age or older to knowingly possess any drug paraphernalia that is unrelated to the use of marijuana. In determining whether an object is drug paraphernalia, the court may consider those factors

enumerated and provided for by state law in addition to any other factors deemed relevant by the court.

SECTION 3. This ordinance shall take effect February 1, 2014.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE
ORDERED THIS 16th DAY OF NOVEMBER, 2013.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 6th DAY OF JANUARY, 2014.

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk