

**ORDINANCE NO. 3853**

**AN ORDINANCE PROHIBITING PURCHASE, POSSESSION OR CONSUMPTION OF MARIJUANA BY MINORS AND PROHIBITING POSSESSION OF DRUG PARAPHERNALIA**

**Recitals.**

Consumption of marijuana is harmful to the health, well-being, safety and development of minors. It can also lead to accidents, injuries and the commission of other crimes that might otherwise not occur or be avoided.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:**

The following Section 24-23 shall be added to Chapter 24 of the Code of Ordinances, City of Grand Junction, Colorado, to prohibit the purchase, possession or consumption of less than one ounce of marijuana by persons under the age of 21, as follows:

**Sec. 24-23. Purchase, possession, consumption of marijuana by persons under the age of 21.**

(1) It shall be unlawful for any person under the age of 21 years to purchase or possess one ounce or less of marijuana, and/or to consume any quantity of marijuana, except as allowed for medicinal purposes.

**Penalties**

(2) Each violation of this section 24-23, shall be punishable by useful public service, suspension of drivers' license, drug education classes, drug evaluation and treatment, fines, or any combination of these in the discretion of the court, subject to the following:

a. Useful public service of no less than 24 hours for any single offense shall be imposed.

b. Drivers license shall be suspended for a period of three (3) months for a first offense and up to one (1) year for subsequent offenses.

c. Fines of up to \$250 for a first offense, up to \$500 for a second offense and up to \$1000 for a third offense, may be imposed. Fines may be suspended on the condition of timely completion of useful public service and drug classes or treatment. This subsection (2)(c) shall not limit the discretion of the court to suspend fines for other reasons it deems appropriate. It is the intention of the City Council in adopting this subsection (2)(c) to establish a

preference for useful public service and drug education and/or treatment over fines.

(3) Each violation of this section 24-23 by a person who is 18 years of age or older may be punishable by up to 30 days in jail, in combination with or in lieu of any penalty provided for in subsection (2) of this ordinance, Section 24-23, in the discretion of the Court.

**Section 24-24. Possession and purchase of drug paraphernalia by persons under the age of 21 years.**

(1) It shall be unlawful for any person under the age of 21 years to knowingly purchase or possess drug paraphernalia.

(2) Drug paraphernalia as used in this section shall mean all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing marijuana into the human body in violation of this section, including but not limited to:

(a) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of marijuana in violation of this section;

(b) Scales and balances used, intended for use, or designed for use in weighing or measuring marijuana in violation of this section;

(c) Separation gins or sifters used, intended for use, or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana in violation of this section;

(d) Blenders, bowls, containers, spoons, and mixing devices use, intended for use, or designed for use in compounding marijuana with other substances, including but not limited to foods;

(e) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of marijuana;

(f) Containers and other objects used, intended for use, or designed for use in storing or concealing marijuana; or

(g) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana into the human body, such as:

(I) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(II) Water pipes;

(III) Carburetion tubes and devices;

(IV) Smoking and carburetion masks;

- (V) Roach clips, meaning objects used to hold a burning marijuana cigarette that has become too small or too short to be held in the hand;
- (VI) Chamber pipes;
- (VII) Carburetor pipes;
- (VIII) Electric pipes;
- (IX) Air-driven pipes;
- (X) Chillums;
- (XI) Bongs;
- (XII) Ice pipes or chillers.

(3) In determining whether an object is drug paraphernalia, a court, in its discretion, may consider, in addition to all other relevant factors, the following:

- (a) Statements by the owner or by anyone in control of the object concerning its use;
- (b) The proximity of the object to marijuana;
- (c) The existence of any residue of marijuana on the object;
- (d) Direct or circumstantial evidence of the knowledge of an owner, or of anyone in control of the object, or evidence that such person unreasonably should know, that it will be delivered to persons who he knows or reasonably should know, could use the object to facilitate a violation of this section;
- (e) Instructions, oral or written, provided with the object concerning its use;
- (f) Descriptive materials accompanying the object which explain or depict its use;
- (g) National or local advertising concerning its use;
- (h) The manner in which the object is displayed;
- (i) Whether the owner, or anyone in control of the object, is a supplier of like or related items to the community for legal purposes, such as an authorized distributor or dealer of tobacco products;
- (j) The existence and scope of legal uses for the object in the community;
- (k) Expert testimony concerning its use.

(4) In the event a case brought pursuant to this section is tried before a jury, the court shall hold an evidentiary hearing on issues raised pursuant to this section. Such hearing shall be conducted in camera.

#### **Penalties**

(5) Any person who violates this section 24-24 shall be punished by a fine of not more than one hundred dollars.

**All other provisions of Chapter 24 shall remain in full force and effect.**

PASSED for first reading this 7<sup>th</sup> day of December, 2005.

PASSED AND ADOPTED this 21<sup>st</sup> day of December, 2005 on Second Reading.



---

Bruce Hill  
President of the Council

Attest



---

Stephanie Tuin  
City Clerk

I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 3853 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 7<sup>th</sup> day of December, 2005 and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 21<sup>st</sup> day of December, 2005, at which Ordinance No. 3853 was read, considered, adopted and ordered published in full by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 23<sup>rd</sup> day of December 2005.

  
\_\_\_\_\_  
Stephanie Tuin  
City Clerk

Published: December 9, 2005  
Published: December 23, 2005  
Effective: January 22, 2006