

ORDINANCE NO. 15-\_\_\_\_\_

AN ORDINANCE ADDING SECTION 210 OF PART 2 (OTHER DANGEROUS WEAPONS AND SUBSTANCES) OF ARTICLE 7 (DANGEROUS WEAPONS AND SUBSTANCES) OF CHAPTER 9 (PUBLIC OFFENSES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO THE POSSESSION OF MARIJUANA PARAPHERNALIA BY PERSONS UNDER THE AGE OF EIGHTEEN (18)

WHEREAS, the State of Colorado has recognized that it is necessary educate Colorado youth about the dangers of marijuana and to actively promote programs that prevent the illegal use of marijuana by Colorado youth; and

WHEREAS, the State of Colorado has pursuant to C.R.S. § 18-13-122(3)(c) made possession of marijuana paraphernalia by minors a criminal offense; and

WHEREAS, C.R.S. § 18-13-122(11) authorizes any home rule municipality to enact any ordinance which prohibits minors from possessing marijuana paraphernalia, which ordinance is at least as restrictive or more restrictive than this section; and

WHEREAS, City Council has the home rule power and authority to enact ordinances which are necessary and proper for the protection of the health, safety and welfare of its citizens and children.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. The City Council hereby finds Section 210 of Part 2 (Other Dangerous Weapons and Substances) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs, shall be added as follows:

**POSSESSION OF MARIJUANA PARAPHERNALIA:**

- A. It shall be unlawful for any person under the age of eighteen (18) to have in the person's possession any item of marijuana paraphernalia.
- B. For purposes of this section, the term "marijuana paraphernalia" means equipment, products, or materials of any kind which are used, intended for use, or designed for use in propagating, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.
- C. Marijuana paraphernalia does not include equipment, products or material of any kind that are used or intended for use in compliance with Section 14 of Article XVIII of the Colorado Constitution and the implementing state statutes and administrative policies.
- D. In determining whether an object is marijuana paraphernalia, a judge, in its discretion, may consider, in addition to all other relevant factors, the following:
  - (1) Statements by an owner or by anyone in control of the object concerning its use;
  - (2) The proximity of the object to marijuana or other controlled substances;
  - (3) The existence of any marijuana residue or marijuana odor on the object;
  - (4) any article of marijuana paraphernalia with labeling indicating the uses of the article shall be admissible into evidence, and the information contained on any label of the article of marijuana paraphernalia shall be admissible into evidence and shall not constitute hearsay.

- E. It shall be prima facie evidence of a violation of this section if the prosecution presents evidence of a presumptive field test with a positive result for marijuana.
- F. It shall be prima facie evidence of a violation of this section if the prosecution presents evidence that the defendant was under the age of 18 and possessed marijuana paraphernalia anywhere in the City limits.

Section 2. Any person convicted of violations of Section 210 of Part 2 (Other Dangerous Weapons and Substances) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, shall be punished as provided in Section 202 (Minor Offenders) of Part 2 (General Penalty) of Article 1 (Administration) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs, 2001, as amended.

Section 3. This ordinance shall be in full force and effect after its final adoption and publication as provided by Charter.

Section 4. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this \_\_\_\_ day of \_\_\_\_\_ 2015.

Finally passed: \_\_\_\_\_  
\_\_\_\_\_  
Council President

Delivered to Mayor on \_\_\_\_\_.

**Mayor's Action:**

- Approved on \_\_\_\_\_.
- Disapproved on \_\_\_\_\_, based on the following objections:

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Mayor

**Council Action After Disapproval:**

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_.
- Council action on \_\_\_\_\_ failed to override the Mayor's veto.

\_\_\_\_\_  
Council President

ATTEST:

\_\_\_\_\_  
Sarah B. Johnson, City Clerk