

**ORDINANCE NO. 5403**

**AN ORDINANCE AMENDING CHAPTER 23 (OFFENSES – MISCELLANEOUS), ARTICLE I (IN GENERAL), SECTION 23-1 AND ARTICLE III (SUMPTUARY OFFENSES), SECTIONS, 23-34 AND 23-34.1 OF THE CODE OF ORDINANCES AND AMENDING CHAPTER 23 (OFFENSES – MISCELLANEOUS), ARTICLE III (SUMPTUARY OFFENSES) AND BY ADDING SECTION 23-34.3 TO THE CODE OF ORDINANCES**

WHEREAS, The City of Minot has previously enacted various Ordinances relating to the criminal offense of Possession of Marijuana and Possession of Marijuana Paraphernalia within the corporate limits of the municipality;

WHEREAS, The statutory provisions of NDCC 19-03.1-22.3 and 19-03.1-23, both of which relate to marijuana offenses, were amended by the 2019 North Dakota Legislative Session pursuant to HB 1050;

WHEREAS, The City of Minot desires to adopt and implement the changes made by the 2019 North Dakota Legislative Session relating to marijuana offenses within the corporate limits of the city;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINOT:**

§1. That the Code of Ordinances, City of Minot, North Dakota, is hereby amended by amending the definition for “Marijuana” under Section 23-1 of Article I (In General), Chapter 23 (Offenses – Miscellaneous), which said definition shall be amended to read as follows:

“Marijuana” means all parts of the plant 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 resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. The term marijuana does not include hemp, as defined by Title 4.1 of the North Dakota Century Code.

§2. Section 23-34 of Article III (Sumptuary Offenses), Chapter 23 (Offenses – Miscellaneous) of the Code of Ordinances, City of Minot, North Dakota, is hereby amended to read as follows:

It shall be unlawful to possess marijuana within the corporate limits of the city, unless the marijuana was obtained in accordance with chapter 19-24.1 of the North Dakota Century Code.

A person violating this section by possessing marijuana in an amount of less than one-half ounce [14.175 grams] is guilty of an infraction.

A person violating this section by possessing at least one-half ounce [14.175 grams] but not more than 500 grams of marijuana is guilty of a class B misdemeanor.

§3. That Article III (Sumptuary Offenses), Chapter 23 (Offenses – Miscellaneous) of the Code of Ordinances, City of Minot, North Dakota, is hereby amended by adding a section to be numbered 23-34.1, “Possession of Marijuana Paraphernalia,” which said section reads as follows:

It shall be unlawful to use or possess with the intent to use drug paraphernalia to ingest, inhale, or otherwise introduce marijuana into the human body, or possess with the intent to use drug paraphernalia to store or contain marijuana, within the corporate limits of the city. A person violating this section is guilty of an infraction.

§4. That Article III (Sumptuary Offenses), Chapter 23 (Offenses – Miscellaneous) of the Code of Ordinances, City of Minot, North Dakota, is hereby amended by adding a section to be numbered 23-34.3, “Ingestion of Marijuana,” which said section reads as follows:

It shall be unlawful for a person who is under twenty-one years of age to intentionally ingest, inhale, inject, or otherwise take into the body a controlled substance that is marijuana, unless the substance was medical marijuana obtained in accordance with chapter 19-24.1 of the North Dakota Century Code. A person violating this section is guilty of a class B misdemeanor.

§5. This Ordinance shall become effective on August 1, 2019.

PASSED FIRST READING: July 1, 2019

PASSED SECOND READING:

ATTEST:

APPROVED:

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Kelly Matalka, City Clerk

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Shaun Sipma, Mayor