



City of Libby

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City Ordinance Committee Agenda Wednesday, January 27, 2021 from 12:00 to 1:00pm City Hall, Council Chambers

1. Call Meeting to Order
2. Review/Recommendations of Marijuana Enforcement Ordinance
3. Other comments
4. Public Comment
5. Adjournment

To access this meeting electronically with ZOOM,

Dial: 253-215-8782

Meeting ID: 4042719951

Password: 151041

Posted: 1/22/21

ORDINANCE 1972

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBBY MONTANA ESTABLISHING CIVIL FINES PERTAINING TO THE USE, POSSESSION AND CULTIVATION OF MARIJUANA

WHEREAS the voters of the State of Montana approved Initiative I-190 and which decriminalized certain activities related to the use, possession and cultivation of marijuana, but also provided for the implementation of civil fines for the same,

NOW, THEREFORE, be it ordained by the City Council of the City of Libby, Montana that the following Ordinance be enacted effective March 18, 2021.

Restrictions on activities related to the use, possession and cultivation of Marijuana Title 9.57.00

9.57.10 The following activities related to the use, possession and cultivation of marijuana are hereby prohibited and unless otherwise specifically provided, any person or found in violation thereof is guilty of a municipal infraction and shall have imposed a civil fine or penalty as set forth herein and may be enforced by the City in the manner set forth in this Code:

9.57.20 A person who cultivates marijuana plants that are visible by normal, unaided vision from a public place in violation of subsection is subject to a civil fine not exceeding \$250 and forfeiture of the marijuana.

9.57.30 A person who cultivates marijuana plants or stores marijuana outside of a locked space is subject to a civil fine not exceeding \$250 and forfeiture of the marijuana.

9.57.40 A person who smokes marijuana in a public place, other than in an area licensed for that activity by the city or other agency with authority to do so, is subject to a civil fine not exceeding \$50.

9.57.50 For a person who is under 21 years of age and is not a registered cardholder, possession, use, ingestion, inhalation, transportation, delivery without consideration, or distribution without consideration of 1 ounce or less of marijuana is punishable by forfeiture of the marijuana and the underage person's choice between:

- A. a civil fine not to exceed \$100; or
- B. up to 4 hours of drug education or counseling in lieu of the fine.

9.57.60 For a person who is under 18 years of age and is not a registered cardholder, possession, use, transportation, delivery without consideration, or distribution without consideration of marijuana paraphernalia is punishable by forfeiture of the marijuana paraphernalia and the underage person's choice between:

- A. a civil fine not to exceed \$100; or

B. up to 4 hours of drug education or counseling in lieu of the fine.

9.57.70 Unless otherwise permitted under the provisions of Title 50, chapter 46, part 3, the possession, production, delivery without consideration to a person 21 years of age or older, or possession with intent to deliver more than 1 ounce but less than 2 ounces of marijuana or more than 8 grams but less than 16 grams of marijuana in a concentrated form is punishable by forfeiture of the marijuana and:

- A. for a first violation, the person's choice between a civil fine not exceeding \$200 or completing up to 4 hours of community service in lieu of the fine;
- B. for a second violation, the person's choice between a civil fine not exceeding \$300 or completing up to 6 hours of community service in lieu of the fine;
- C. for a third or subsequent violation, the person's choice between a civil fine not exceeding \$500 or completing up to 8 hours of community service in lieu of the fine; and
- D. for a person under 21 years of age, the person's choice between a civil fine not to exceed \$200 or attending up to 8 hours of drug education or counseling in lieu of the fine.