

ORDINANCE NO. 436

AN ORDINANCE AMENDING AND ENACTING ARTICLE IV, DIVISION 9 DRUG RELATED OFFENSES OF BEULAH ORDINANCE NO. 151 “AN ORDINANCE SETTING FORTH CERTAIN OFFENSES PROHIBITED WITHIN THE CITY OF BEULAH, WHICH ARE OFFENSES OF GENERAL APPLICABILITY; OFFENSES AGAINST PERSONS; OFFENSES AGAINST PROPERTY; AND OFFENSES AGAINST PUBLIC ORDER, HEALTH, SAFETY AND SENSIBILITIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA, AS FOLLOWS:

THAT DIVISION 9 “DRUG RELATED OFFENSES” SHALL BE ENACTED AS FOLLOWS:

IV. Article IV – Offenses Against Public Order, Health, Safety, and Sensibilities

Division 9. Drug Related Offenses

§ 4-17 Definitions.

Words and phrases used in this Ordinance shall have the meanings and be defined as provided in N.D.C.C. § 19-03.1-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

§ 4-18 Ingesting a Controlled Substance.

The provisions of N.D.C.C. § 19-03.1-22.3 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

A person who is under twenty-one years of age and intentionally ingests, inhales, injects, or otherwise takes into the body a controlled substance that is marijuana, unless the substance was medical marijuana obtained in accordance with N.D.C.C. chapter 19-24.1, is guilty of a class B misdemeanor.

§ 4-19 Possession of Marijuana.

The provisions of N.D.C.C. § 19-03.1-23 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Any person in possession of marijuana in an amount of less than one-half ounce [14.175 grams] is guilty of an infraction.
2. A person in possession of at least one-half ounce [14.175 grams] but not more than 500 grams of marijuana is guilty of a class B misdemeanor.

The municipal court may order a person who violates this section or section 4-20 to

undergo a drug evaluation by a licensed addiction counselor. The evaluation must indicate the prospects for rehabilitation and whether addiction treatment is required. If ordered, the evaluation must be submitted to the court before imposing punishment for a misdemeanor violation.

If a person pleads guilty or is found guilty of a first offense regarding possession of one ounce [28.35 grams] or less of marijuana and a judgment of guilt is entered, a court, upon motion, shall seal the record of that conviction if the person is not subsequently convicted within two years of a further violation of this division. Once sealed, the court record may not be opened even by order of the court.

§ 4-20 Unlawful Possession of Marijuana Paraphernalia.

The provisions of N.D.C.C. § 19-03.4-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

A person may not use or possess with the intent to use drug paraphernalia to ingest, inhale, or otherwise introduce into the human body marijuana or possess with the intent to use drug paraphernalia to store or contain marijuana in violation of N.D.C.C. chapter 19-03.1. A person violating this section is guilty of an infraction.

SAVINGS CLAUSE. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

SEVERABILITY. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

EFFECTIVE DATE. The Ordinance shall be in full force and effect after its final passage and approval and publication of its title and penalty clause.

DATED this 1st day of March, 2021.



TRAVIS FREY, Mayor

ATTEST:



HEATHER FEREBEE, City Auditor

First Reading: February 16, 2021
Second Reading: March 1, 2021
Publication Date: March 11, 2021
Effective Date: March 11, 2021