

**CITY OF RIFLE, COLORADO**  
**ORDINANCE NO. 15**  
**SERIES OF 2022**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO AMENDING SECTIONS 10-8-20 AND 10-8-140 OF THE CITY OF RIFLE MUNICIPAL CODE SETTING FORTH THE MUNICIPAL OFFENSE OF UNLAWFUL USE OR POSSESSION OF A CONTROLLED SUBSTANCE.

WHEREAS, the City of Rifle (“Rifle” or the “City”) is a home-rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Rifle Home Rule Charter; and

WHEREAS, Section 10-8-140 of the City of Rifle Municipal Code (the “Code”) defines the municipal offense of unlawful use of a controlled substance; and

WHEREAS, state law sets forth the offenses of both unlawful possession and unlawful use of a controlled substance and provides different penalties for possession and use; and

WHEREAS, the City Council desires to amend the Code to address both unlawful possession and use of controlled substances; and

WHEREAS, the City Council finds and determines that amending the language in Sections 10-8-20 and 10-8-140 of the Code as described herein is in the best interest of the public health, safety and welfare of the citizens of Rifle.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. The foregoing recitals are incorporated by reference as findings and determinations of the City Council.

2. Sections 10-8-20 and 10-8-140 of the Code are hereby amended as follows (deletions shown in ~~striketrough~~, additions shown in double underline):

**Sec. 10-8-20. Definitions.**

*Possession of a controlled substance* means that a person has or holds any amount of a controlled substance anywhere on his or her person, or that a person owns or has custody of a controlled substance or has a controlled substance within his or her immediate presence and control.



**Sec. 10-8-140. – Unlawful possession and use of a controlled substance**

- (a) Except as otherwise provided for offenses concerning marijuana and marijuana concentrates in this Article VIII of the Rifle Municipal Code, any person who possesses any controlled substance, except when it is dispensed by or under the direction of a person licensed or authorized by law to prescribe, administer, or dispense the controlled substance for bona fide medical needs, commits a Class A misdemeanor.
  
- (b) Except as otherwise provided for offenses concerning marijuana and marijuana concentrates in this Article VIII of the Rifle Municipal Code, any person who uses any controlled substance, except when it is dispensed by or under the direction of a person licensed or authorized by law to prescribe, administer, or dispense the controlled substance for bona fide medical needs, commits a Class A Class B misdemeanor.

INTRODUCED on July 20, 2022, read by title, passed on first reading, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado held on August 3, 2022, passed without amendment, approved, and ordered published in full as required by the Charter.

DATED this 3<sup>rd</sup> day of August, 2022.

CITY OF RIFLE, COLORADO

By: \_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

