

ORDINANCE NO. 1329

An Ordinance to Amend and Re-enact
Section 18-1-7, Possession of Marijuana, and
Section 18-1-8, Drug Paraphernalia (Marijuana),
of the Mandan Code of Ordinances

Be it Ordained by the Board of City Commissioners as follows:

Sec. 18-1-7. Possession of Marijuana.

(a) Any person in possession of one-half ounce of marijuana or more, as that term is defined by N.D.C.C. §19-03.1-01(18), within the City of Mandan, shall be charged with a Class B Misdemeanor.

(b) Any person in possession of less than one-half ounce of marijuana, as that term is defined by N.D.C.C. §19-03.1-01(18), within the City of Mandan, shall be charged with an infraction.

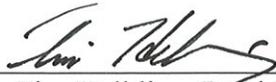
(c) Whenever a person pleads or is found guilty of a first offense regarding possession of one ounce or less of marijuana and a judgment of conviction is entered, the court, upon motion, shall seal that conviction from the record if the person is not subsequently convicted within two years of a further violation of this ordinance or like ordinance or statute in any other jurisdiction and has not been convicted of any other criminal offense. Once sealed, the court record may not be opened even by order of the court.

Sec. 18-1-8. Drug Paraphernalia (Marijuana).

(a) 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 subsection shall be charged with an infraction.

(b) A person who is under the age of twenty-one 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. The marijuana must have been ingested, inhaled, injected, or otherwise taken into the body in the City of Mandan or the marijuana must have been detected in the body of the accused in the City of Mandan.

By: 

Tim Helbling, President
Board of City Commissioners

Attest:



James Neubauer, City Administrator

First Consideration: November 5, 2019
Second Consideration and Final Passage: November 19, 2019
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