

FILE

ORDINANCE NO. 938

AN ORDINANCE PERTAINING TO THE POSSESSION OF MARIJUANA; MAKING SUCH POSSESSION UNLAWFUL; PROVIDING PENALTIES AND, FIXING THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY, THE CITY COUNCIL OF ROSWELL, NEW MEXICO;

Section 1. Definition. "Marijuana" means all parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds. It does not include the mature stalks of the plant, hashish, tetrahydrocannabinols extracted or isolated from marijuana, 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 the mature stalks, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

Section 2. A. It is unlawful for any person intentionally to possess marijuana unless it was obtained pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by law.

B. Any person who is guilty of violating this section with respect to:

(1) One (1) ounce or less of marijuana shall be punished for the first offense by a fine of not less than fifty (\$50.00) dollars nor more than one hundred (\$100.00) dollars and by imprisonment for not more than fifteen (15) days and, for the second and subsequent offenses, guilty of a misdemeanor and shall be punished by a fine of not less than one hundred (\$100.00) dollars nor more than three hundred (\$300.00) dollars or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

Section 3. That if any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this ordinance.

Section 4. Effective Date. This ordinance shall be and become effective five (5) days after its publication.

PASSED, ADOPTED, SIGNED AND APPROVED on November 14, 1972.

CITY SEAL

Wm. F. Brainerd
WM. F. BRAINERD, Mayor

ATTEST:

W. M. Foster
City Clerk