

ORDINANCE NO. 619-18

AN ORDINANCE SETTING FORTH REGULATIONS RELATING TO THE POSSESSION OF HABIT-FORMING AND DANGEROUS DRUGS IN THE CITY OF NORTH NEWTON, KANSAS; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ORDINANCE NO. 591-14

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NORTH NEWTON, KANSAS:

SECTION I. Marijuana and Tetrahydrocannabinol.

(a) Except as authorized by the Uniform Controlled Substance Act, K.S.A. 65-4101 et seq., and amendments thereto, it shall be unlawful for any person to possess or have under such person's control, Marijuana or Tetrahydrocannabinol.

(b) As used in this section:

(1) Marijuana means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, or preparation of the plant, its seeds, or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt or derivative mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake of the sterilized seed of the plant which is incapable of germination.

(2) Tetrahydrocannabinol means any material, compound, mixture, or preparation which contains any quantity of the synthetic equivalent of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers, Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers,

Delta 3,4 cis or trans tetrahydrocannabinol ,and their optical isomers. Compounds of these structures are covered, regardless of numerical designations of atomic positions, as are their salts, isomers, and salts of isomers.

SECTION II. Penalties:

- (1) On a first offense for violation of Section I, the convicted person shall be punished by a fine not less than \$250 or greater than \$1,000. In addition to such fine, the convicted person may be sentenced to serve a jail term of not more than 180 days. A first offence shall be a class B misdemeanor.
- (2) Upon a second conviction of Section I, or if the convicted person has a previous conviction of a substantially similar offense under Kansas law or other jurisdiction, the convicted person shall be punished by a fine not less than \$500 or greater than \$2,500. In addition to such fine, the convicted person may be sentenced to serve a jail term of not more than one year. A second offence shall be a class A misdemeanor.
- (3) Violation of Section I may be prosecuted in municipal court unless such person has two or more prior convictions for violation of Section I, or for a substantially similar offense under Kansas law or other jurisdiction.
- (4) If the court finds substantial and compelling reasons to do so, the court may suspend all or part of the minimum fine established by this section on such conditions as the court directs.

SECTION III. REPEALER.

Ordinance No. 591-14 is hereby repealed.

SECTION IV. EFFECTIVE DATE.

This ordinance shall take effect and be in force from and after its summary publication in NEWTON NOW, the official newspaper of said City.

PASSED AND ADOPTED by the Governing Body of the City of North Newton, Kansas, this 14th day of May, 2018.



RONALD D. BRAUN, Mayor

ATTEST:



PATRICIA S. REDDING, City Clerk

(SEAL)

