

ORDINANCE NO. 18-_____

AN ORDINANCE AMENDING SECTION 211 (PERSONAL CULTIVATION OF MEDICAL MARIJUANA) OF PART 2 (OTHER DANGEROUS WEAPONS AND SUBSTANCES) OF ARTICLE 7 (DANGEROUS WEAPONS AND SUBSTANCES) OF CHAPTER 9 (PUBLIC OFFENSES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO THE CULTIVATION OF MARIJUANA AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 211 (Personal Cultivation of Medical Marijuana) of Part 2 (Other Dangerous Weapons and Substances) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

9.7.211: ~~PERSONAL CULTIVATION OF MEDICAL MARIJUANA:~~

~~A. It shall be unlawful for any person to cultivate more than twelve (12) medical marijuana plants, with one-half (1/2) or fewer being mature, flowering plants, in contravention of subsection 7.3.105P of this Code.~~

A. It is unlawful for a person to knowingly cultivate, grow, or produce a marijuana plant or knowingly allow a marijuana plant to be cultivated, grown, or produced on land that the person owns, occupies, or controls.

B. Regardless of whether the marijuana plant(s) are for medical or recreational use, it is unlawful for a person to knowingly cultivate, grow, or produce more than twelve (12) marijuana plants, with one-half (1/2) or fewer being mature, flowering plants, on or in a residential property; or to knowingly allow more than (12) marijuana plants, with one-half (1/2) or fewer being mature, flowering plants to be cultivated, grown, or produced on or in a residential unit.

C. It shall be an affirmative defense to a violation of this section:

1. That the person is lawfully cultivating medical marijuana pursuant to a license issued the City of Colorado Springs and State of Colorado;

2. That the person is lawfully cultivating marijuana and/or medical marijuana in compliance with the Zoning Code.

D. A defendant raising an affirmative defense pursuant to subsection C shall provide written notice to the Court and prosecuting attorney not less than fourteen (14) days prior to trial.

BE. * * *

CF. * * *

Section 2. Any person convicted of violating Section 211 (Cultivation of Marijuana) of Part 2 (Other Dangerous Weapons and Substances) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) shall be punished as provided in Section 201 (General Penalty) and Section 202 (Minor Offenders) of Part 2 (General Penalty) of Article 1 (Administration) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended.

Section 3. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 4. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2018.

Finally passed: _____

Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk