

ORDINANCE NO. 18-52

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. \* \* \***

**EF. \* \* \***

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 8<sup>th</sup> day of May, 2018.

**Finally passed:** May 22<sup>nd</sup>, 2018

  
\_\_\_\_\_  
Council President

**Mayor's Action:**

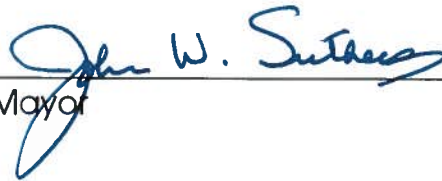
- Approved on May 24, 2018.
- Disapproved on \_\_\_\_\_, based on the following objections:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_  
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

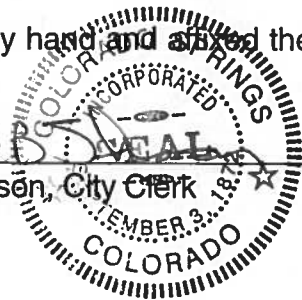


TJP

I HEREBY CERTIFY, that the foregoing ordinance entitled “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” was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on May 8<sup>th</sup>, 2018; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 22<sup>nd</sup> day of May, 2018, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and ~~signed~~ the seal of the City, this 24<sup>th</sup> day of May, 2018.

  
Sarah B. Johnson, City Clerk



1<sup>st</sup> Publication Date: May 11<sup>th</sup>, 2018

2<sup>nd</sup> Publication Date: May 30<sup>th</sup>, 2018

Effective Date: June 4<sup>th</sup>, 2018

Initial: SBS  
City Clerk