

ORDINANCE NO. 15-_____

AN ORDINANCE CREATING NEW SECTION 209 (MANUFACTURE OF MARIJUANA CONCENTRATES INVOLVING THE USE OF A COMPRESSED FLAMMABLE GAS, FLAMMABLE GAS, FLAMMABLE LIQUID, OR COMBUSTIBLE LIQUID AS A SOLVENT IN A RESIDENTIAL SETTING PROHIBITED) 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 MANUFACTURE OF MARIJUANA CONCENTRATES INVOLVING THE USE OF A COMPRESSED FLAMMABLE GAS, FLAMMABLE GAS, FLAMMABLE LIQUID, OR COMBUSTIBLE LIQUID AS A SOLVENT IN A RESIDENTIAL SETTING, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

WHEREAS, City Council recognizes an individual's right to use and possess marijuana pursuant to Article XVIII, Section 16, of the Colorado Constitution; and

WHEREAS, City Council recognizes that Article XVIII, Section 16, of the Colorado Constitution permits entities who occupy, own or control a property to prohibit or otherwise regulate the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property; and

WHEREAS, City Council recognizes that Colorado Revised Code Section 9-7-113 provides that "A local government may ban the use of a compressed, flammable gas as a solvent in the extraction of THC or other cannabinoids in a residential setting."

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

Section 1. The City Council hereby finds and determines that the manufacture of marijuana concentrates, including, but not limited to hash oil, involving the use of a compressed flammable gas, flammable gas, flammable liquid, or combustible liquid as a solvent in the extraction of Tetrahydrocannabinol (THC) or other cannabinoids in a residential setting poses a clear and present danger to the public health, safety, and welfare of the citizens, public safety personnel, and visitors of the City.

Section 2. A new Section 209 (Manufacture of Marijuana Concentrates Involving the use of a Compressed Flammable Gas, Flammable Gas, Flammable Liquid, or Combustible Liquid as a Solvent in a Residential Setting Prohibited) 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 created to read as follows:

9.7.209: MANUFACTURE OF MARIJUANA CONCENTRATES INVOLVING THE USE OF A COMPRESSED FLAMMABLE GAS, FLAMMABLE GAS, FLAMMABLE LIQUID, OR COMBUSTIBLE LIQUID AS A SOLVENT IN A RESIDENTIAL SETTING PROHIBITED:

A. It shall be unlawful for any person to manufacture marijuana concentrates, including, but not limited to the production of "Hash Oil" by the use of a compressed flammable gas, flammable gas, flammable liquid or combustible liquid as a solvent in the extraction of tetrahydrocannabinol and/or other cannabinoids in a residential setting within the city of Colorado Springs.

B. For the purposes of this section, the term "residential setting" means the use of a building or structure, or portion thereof, for sleeping purposes, where the occupants are transient or permanent in nature, including but not limited to houses, duplexes, boarding homes, hotels, motels, apartment houses, dormitories, live/work units or care facilities.

Section 3. Any person convicted of violations of Section 209 (Manufacture of Marijuana Concentrates Involving the use of a Compressed Flammable Gas, Flammable Gas, Flammable Liquid, or Combustible Liquid as a Solvent in a Residential Setting Prohibited) 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, shall be punished as provided in Sections 201 (General Penalty) and 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 4. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 5. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall 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 _____, 2015.

Finally passed: _____

Merv Bennett, Council President

Delivered to Mayor on _____.

Mayor's Action:

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

John W. Suthers, 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.

Merv Bennett, Council President

ATTEST:

Sarah B. Johnson, City Clerk