



Legislation Details (With Text)

File #: 16-467 **Version:** 3 **Name:**
Type: Ordinance **Status:** Mayor's Office
File created: 6/29/2016 **In control:** City Council
On agenda: 8/23/2016 **Final action:** 8/23/2016
Title: Ordinance No. 16-83 creating a new Appendix P (Indoor Flora Grow Operations in Residential Occupancies) to Chapter 8, Article 4, Part 1, Section 105 of the Code of the City of Colorado Springs 2001, as amended.

Presenter:
Ted Collas, Interim Fire Chief, CSFD
Brett Lacey, Fire Marshal, CSFD

Sponsors:

Indexes:

Code sections:

Attachments: 1. App-P_IndoorFloraGrow_ORD_FINAL, 2. LETTER_FBA_Support_Appendix_P_2016 06 23, 3. FireCode-App-P_IndoorFloraGrow_ORD_DRAFT-7-7-2016.pdf, 4. LETTER_CONO_Support_Appendix_P_2016 06 22, 5. PRESENTATION_Regulation_of_Flora_Grow_Operations_2016 07 27_v2, 6. Signed Ordinance 16-83.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|---------------------------|--------|
| 8/23/2016 | 2 | City Council | finally passed | Pass |
| 8/9/2016 | 2 | City Council | approved on first reading | Pass |
| 7/25/2016 | 2 | Council Work Session | referred | |

Ordinance No. 16-83 creating a new Appendix P (Indoor Flora Grow Operations in Residential Occupancies) to Chapter 8, Article 4, Part 1, Section 105 of the Code of the City of Colorado Springs 2001, as amended.

Presenter:

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Summary:

The City of Colorado Springs' Fire Department requests City Council's approval to the proposed ordinance to add a new Appendix P to the City's Fire Prevention Code.

The new Appendix P will regulate the aggregate areas in residential occupancies that contain excessive lighting and chemicals for indoor plant growth, production, consumption and/or sales to 150 square feet per premises.

This proposed ordinance supports the public health, safety, and welfare of residents and our community, as well as provides necessary protection for our emergency first responders. The

standards help provide a reasonable level of safety from fire and other hazards.

Previous Council Action:

Several City of Colorado Springs' ordinances mandate the number of marijuana plants that may lawfully be grown in a residential dwelling. However, members of City Council have not reviewed regulations or restrictions that inhibit vegetation or flora from being grown, cultivated, and sold in a residence that functions primarily as a greenhouse.

Background:

As concerns relating to illegal marijuana home grows became more prevalent, Colorado Springs Fire Department (CSFD) and Colorado Springs Police Department (CSPD) recognized that the improper use of residential structures to grow any variety of excessive flora may pose significant safety risks. These risks come from the potential to use grow lights, excessive electrical service loads, mold, chemical contamination, illegal and improper construction, etc.

Irrespective of the variety of plants that may be propagated and cultivated, representatives of regulatory agencies, additional public safety officials, and CSFD staff identified potential risks that may be involved in intensive flora grow operations within a residence. The outcome of this collaboration is the drafted fire code amendment, known as the flora ordinance.

The drafted flora ordinance regulates the aggregate areas that an intensive flora grow operation may contain in a residential structure and prohibits the same in motels, hotels, and apartments.

Public input was respected through an involved process that evaluated the draft's relevance, as well as what impact the draft may have on homeowners or tenants. The process also included warranted content modifications prior to its presentation to City Council.

Modifications were minor, and thus far, the proposed Flora ordinance's final draft has been unanimously supported by all parties involved.

Financial Implications:

Outside of what presently exists for fire code enforcement by existing CSFD staff, there are no financial implications.

Board/Commission Recommendation:

The City of Colorado Springs Fire Board of Appeals reviewed the proposed amendment and voted unanimously that it be forwarded to City Council for consideration and adoption.

Stakeholder Process:

This proposed ordinance was drafted with participation from partner agencies in public safety and other regulatory or support agencies. These organizations include: CSFD, CSPD, Colorado Springs Utilities, El Paso County Public Health, and Pikes Peak Regional Building Department. The drafted amendment was also reviewed by an ad hoc Flora Code Review Group whose sole purpose was to provide input on the document.

Flora Code Review Group participants consist of an architect, an engineer, a general contractor, an electrician, a licensed marijuana caregiver, a patient who utilizes medical marijuana, and a horticulture specialist.

All participants support the adoption of the proposed Flora ordinance.

Alternatives:

City Council may choose to approve, deny or modify the attached proposed ordinance.

Proposed Motion:

Motion to approve and adopt the proposed ordinance as written.

An ordinance creating a new Appendix P to the Fire Prevention Code in City Code Section 8.4.105 pertaining to Indoor Flora Grow Operations in Residential Occupancies.