

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1797
Series of 2013

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A BILL FOR AN ORDINANCE AMENDING CHAPTER 10 OF THE NORTHGLENN MUNICIPAL CODE BY THE ADDITION THERETO OF A NEW ARTICLE 20 ENTITLED “GROWING OF RECREATIONAL MARIJUANA IN RESIDENTIAL STRUCTURES FOR PERSONAL USE”

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The City of Northglenn Municipal Code is amended by the addition thereto of a new Article 20 of Chapter 10 to read as follows:

ARTICLE 20

GROWING OF RECREATIONAL MARIJUANA IN RESIDENTIAL STRUCTURES FOR PERSONAL USE

Section 10-20-1. Purpose. This Article 20 of Chapter 10 is intended to apply to the growing of recreational marijuana in residential structures for personal use to the extent authorized by Article XVIII, Section 16(3)(b) of the Colorado Constitution.

Section 10-20-2. Growing of Recreational Marijuana in Residential Structures. Any person, for purposes of this Article 20 and consistent with Article XVIII, Section 16(3)(b) of the Colorado Constitution, who is twenty-one (21) years of age or older that is cultivating marijuana plants for their own use, may possess, grow, process or transport no more than six (6) marijuana plants, with three (3) or fewer being mature, subject to the requirements that follow.

(a) Such possessing, growing, processing or transporting of marijuana plants for personal use must be in full compliance with all applicable provisions of Article XVIII, Section 16 of the Colorado Constitution.

(b) Such marijuana plants are possessed, grown, or processed within the primary residence of the person possessing, growing or processing the marijuana plants for personal use, as defined by subsection (h) below.

(c) The possession, growing and processing of such marijuana plants must not be perceptible from the exterior of the primary residence, including, but not limited to:

- (1) common visual observation, including any form of signage;
- (2) unusual odors, smells, fragrances, or other olfactory stimulus;

(3) light pollution, glare, or brightness that disturbs the repose of another; and

(4) undue vehicular or foot traffic, including excess parking within the residential zone.

(d) Such marijuana plants shall not be grown or processed in the common areas of a multi-family or attached residential development.

(e) Such cultivation, production, growing and processing of marijuana plants shall be limited to the following space limitations within a primary residence:

(1) Within a single-family dwelling unit (Group R-3 as defined by the International Building Code): A secure, defined, contiguous 150 square foot area within the primary residence of the person possessing, growing or processing the marijuana plants for personal use.

(2) Within a multi-family dwelling unit (Group R-2 as defined by the International Building Code): A secure, defined, contiguous 100 square foot area within the primary residence of the person possessing, growing or processing the marijuana plants for personal use.

(3) Such possession, growing and processing of marijuana plants shall not occur in any accessory structure, which accessory structures shall specifically include greenhouses.

(f) Such cultivation, production, or possession of marijuana plants shall meet the requirements of all adopted City of Northglenn building regulations, and other applicable regulations of the State of Colorado, the City of Northglenn, the North Metro Fire Rescue District, and the Tri-County Health Department, as the same may be amended from time to time.

(g) Such cultivation, production, or possession of marijuana plants shall meet the requirements of all adopted water and sewer regulations promulgated by the City.

(h) For purposes of this ordinance, “primary residence” means the place that a person, by custom and practice, makes his or her principle domicile and address and to which the person intends to return, following any temporary absence, such as vacation. Residence is evidenced by actual daily physical presence, use, and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking of meals, regular mail delivery, vehicle and voter registration, or credit, water, and utility billing. A person shall have only one primary residence. A primary residence shall not include accessory buildings.

(i) For purposes of this ordinance, "a secure" area means an area within the primary residence accessible only to the person possessing, growing or processing the marijuana plants for personal use. Secure premises shall be locked or partitioned off to prevent access by children, visitors, casual passersby, vandals, or anyone not authorized to possess marijuana.

(j) The possession, growing and processing of marijuana plants in a residential structure pursuant to this Article 20 of Chapter 10 is and shall be deemed consent by the person possessing, growing or processing the marijuana plants for personal use, upon reasonable notice, for the City to inspect the premises to assure compliance with the provisions of this Article 20 of Chapter 10.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2013.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2013.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney