

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1756  
Series of 2011

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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 19 ENTITLED "GROWING OF MEDICAL MARIJUANA IN RESIDENTIAL STRUCTURES"

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

Section 1. Chapter 10 of the Northglenn Municipal Code is amended by the addition thereto of a new Article 19, to read as follows:

**ARTICLE 19**  
**GROWING OF MEDICAL MARIJUANA IN RESIDENTIAL STRUCTURES**

**Section 10-19-1.** Purpose. This Article 19 of Chapter 10 is intended to apply to the growing of medical marijuana in residential structures whether such growing is done by patients for their own use, or by primary caregivers.

**Section 10-19-2.** Growing of Medical Marijuana in Residential Structures. A primary caregiver for purposes of this Article 19 of Chapter 10 and consistent with Article XVIII, Section 14(1)(f) of the Colorado Constitution is defined as a natural person, other than the patient and the patient's physician, who is eighteen (18) years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating medical condition. In addition to other activities conducted on behalf of the patient, a primary caregiver, a patient or a group of patients cultivating marijuana plants for their own use may cultivate, possess, produce, use or transport marijuana or paraphernalia to administer marijuana for medicinal purposes, subject to the following.

(a) Such cultivation, production, or possession of marijuana plants must be in full compliance with all applicable provisions of Article XVIII, section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, C.R.S. §§12-43.3-101 et seq., and the Medical Marijuana Program, C.R.S. §25-1.5-106.

(b) Such marijuana plants are cultivated, produced, or possessed only within a licensed patient's or registered caregiver's primary residence, as defined by subsection (i) below.

(c) The cultivation, production, or possession 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, or possession 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 licensed patient or registered caregiver.

(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 patient or registered caregiver.

(3) Such cultivation, production, or possession of marijuana plants 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) Such cultivation, production, or possession of marijuana plants shall be considered a “home occupation” pursuant to Section 11-5-2(b)(69) as the same may be applicable to such use, except that in the case of a conflict between this Article 19 of Chapter 10 and Section 11-5-2(b)(69), the provisions of this Article 19 of Chapter 10 shall control.

(i) 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.

(j) For purposes of this ordinance, "a secure" area means an area within the

primary residence accessible only to the patient or primary caregiver. Secure premises shall be locked or partitioned off to prevent access by children, visitors, casual passersby, vandals, or anyone not licensed and authorized to possess medical marijuana.

(k) The cultivation, production, or possession of marijuana plants in a residential structure pursuant to this Article 19 of Chapter 10 is and shall be deemed consent by the primary caregiver or patient(s) upon reasonable notice for the City to inspect the premises to assure compliance with the provisions of this Article 19 of Chapter 10.

INTRODUCED, READ AND ORDERED POSTED this \_\_\_\_ day of \_\_\_\_\_, 2011.

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JOYCE DOWNING  
Mayor

ATTEST:

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JOHANNA SMALL, CMC  
City Clerk

PASSED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_, 2011.

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JOYCE DOWNING  
Mayor

ATTEST:

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JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

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COREY Y. HOFFMANN  
City Attorney