

TOWN OF GILCREST

ORDINANCE NO. 2017-09

TITLE: AN ORDINANCE AMENDING SECTIONS 18-522 AND 18-532 OF THE GILCREST MUNICIPAL CODE TO FURTHER LIMIT THE NUMBER OF PLANTS THAT MAY BE GROWN IN RESIDENTIAL STRUCTURES

WHEREAS, the Town of Gilcrest has previously adopted Sections 18-522 and 18-532 to regulate the growing of marijuana plants for both medical and recreational use in residential structures;

WHEREAS, the Colorado General Assembly passed House Bill 17-1220 ("HB 1220"), which provides for a State limitation of twelve (12) on the number of marijuana plants for both medical and recreational use that may be cultivated in a residential structure; and

WHEREAS, the Board of Trustees of the Town of Gilcrest desires to amend the Gilcrest Municipal Code for uniformity with the state law to have the same limits as set forth in HB 1220.

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF GILCREST, COLORADO, THAT:

Section 1. Section 18-522, subsection (2) of the Gilcrest Municipal Code, is hereby amended to read as follows:

Sec. 18-522. Growing of medical marijuana in residential structures.

...

(2) Such marijuana plants are cultivated, produced or possessed within a licensed patient's or registered caregiver's primary residence, as defined by Paragraph (7) below, *and no more than a total of twelve (12) total plants, whether for medical or for recreational use, may be cultivated within one primary residence.*

Section 2. Section 18-532 subsection (2) of the Gilcrest Municipal Code, is hereby amended to read as follows:

Sec. 18-532. Growing of marijuana in residential structures.

...

(2) 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 (9) below, *and no more than a total of twelve (12) total plants, whether for medical or for recreational use, may be cultivated within one primary residence.*

Section 3. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Gilcrest, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 5. Effective Date. This ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ IN FULL, AND ADOPTED this 3rd day of October, 2017.

PASSED by a vote of 6 for and 0 against, AND ORDERED PUBLISHED ONCE IN FULL this 17th day of October, 2017.

TOWN OF GILCREST, COLORADO



ATTEST:

Gail Odenbaugh
Gail Odenbaugh, Town Clerk

Jeff Nelson
Jeff Nelson, Mayor

APPROVED AS TO FORM:

Corey Y. Hoffmann, Town Attorney

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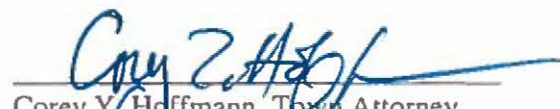



Jeff Nelson, Mayor

ATTEST:


Gail Odenbaugh, Town Clerk

APPROVED AS TO FORM:


Corey Y. Hoffmann, Town Attorney