

1 **CITY OF LITTLETON, COLORADO**

2  
3 **ORDINANCE NO. 30**

4  
5 **Series, 2018**

6  
7 **INTRODUCED BY COUNCILMEMBERS:**

8  
9 **AN ORDINANCE OF THE CITY OF LITTLETON,**  
10 **COLORADO, AMENDING TITLE 6, CHAPTER 4,**  
11 **SECTIONS 6-4-1 AND 6-4-104(D) OF THE LITTLETON**  
12 **CITY CODE**

13  
14 **WHEREAS,** House Bill 17-1220 allows for six marijuana plants per Colorado  
15 resident over the age of 21;

16  
17 **WHEREAS,** House Bill 17-1220 only allows for a maximum of 12 plants per  
18 residence unless certain requirements are met;

19  
20 **WHEREAS,** House Bill 17-1220 became effective on January 1, 2018; and

21  
22 **WHEREAS,** Littleton City Code §6-4-104 currently limits the maximum number  
23 of plants per person 21 years of age or older to six plants but does not limit the  
24 maximum number of plants that can be grown per residence.

25  
26 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**  
27 **THE CITY OF LITTLETON, COLORADO, THAT:**

28  
29 **Section 1:** Title 6, Chapter 4, Section 6-4-1 of the Littleton City Code shall be  
30 amended to read as follows:

31  
32 **6-4-1: DEFINITIONS:**

33  
34 **RESIDENTIAL PROPERTY:** A SINGLE DWELLING UNIT PROVIDING COMPLETE  
35 INDEPENDENT LIVING FACILITIES FOR ONE OR MORE PERSONS, INCLUDING  
36 PERMANENT PROVISIONS FOR LIVING, SLEEPING, EATING, COOKING, AND  
37 SANITATION. RESIDENTIAL PROPERTY ALSO INCLUDES THE REAL PROPERTY  
38 SURROUNDING A STRUCTURE, OWNED IN COMMON WITH THE STRUCTURE,  
39 THAT INCLUDES ONE OR MORE SINGLE UNITS PROVIDING COMPLETE  
40 INDEPENDENT LIVING FACILITIES.

41  
42 **Section 2:** Title 6, Chapter 4, Section 6-4-104(D) of the Littleton City Code shall  
43 be amended to read as follows:

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45 **6-4-104: POSSESSION AND CONSUMPTION OF MARIJUANA:**

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47 **(D) Cultivation:**

48  
49 1. Except for a person who lawfully cultivates medical marijuana pursuant to the

1 authority granted in section 14 of article XVIII of the state constitution, it shall be  
2 unlawful for a person under twenty one (21) years of age to knowingly cultivate,  
3 grow or produce marijuana plants or knowingly allow marijuana plants to be  
4 cultivated, grown or produced on land that the person owns, occupies or controls.  
5

- 6 2. Except for a person who lawfully cultivates medical marijuana pursuant to the  
7 authority granted in article XVIII, section 14, of the Colorado constitution, it shall be  
8 unlawful for a person twenty one (21) years of age or older to:  
9

10 (a) Knowingly cultivate or have growing at any one time in excess of six (6)  
11 marijuana plants PER RESIDENT, regardless of their stage of development;  
12 or  
13

14 (b) KNOWINGLY CULTIVATE, GROW, OR PRODUCE MORE THAN  
15 TWELVE (12) MARIJUANA PLANTS ON OR IN A RESIDENTIAL  
16 PROPERTY; OR TO KNOWINGLY ALLOW MORE THAN TWELVE (12)  
17 MARIJUANA PLANTS TO BE CULTIVATED, GROWN, OR PRODUCED  
18 ON OR IN A RESIDENTIAL PROPERTY; OR  
19

20 (c) To knowingly be cultivating or growing more than three (3) mature flowering  
21 marijuana plants at any one time; or  
22

23 (d) To knowingly cultivate or grow any marijuana plants in violation of  
24 provisions set forth in title 3 of this code; or  
25

26 (e) To knowingly cultivate or grow any marijuana plants in any area that is not an  
27 enclosed locked space, not in public view, and which space does not  
28 reasonably preclude access to those plants by persons not lawfully entitled to  
29 possess or grow such plants.  
30

31  
32 **Section 3:** Severability. If any part, section, subsection, sentence, clause or  
33 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the  
34 validity of the remaining sections of this ordinance. The City Council hereby declares that it  
35 would have passed this ordinance, including each part, section, subsection, sentence, clause or  
36 phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences,  
37 clauses or phrases may be declared invalid.  
38

39 **Section 4:** Repealer. All ordinances or resolutions, or parts thereof, in  
40 conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the  
41 repealer clauses of such ordinance nor revive any ordinance thereby.  
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43

44 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council  
45 of the City of Littleton on the 7<sup>th</sup> day of August, 2018, passed on first reading by a vote of \_\_\_\_  
46 FOR and \_\_\_\_ AGAINST; and ordered published by posting at Littleton Center, Bemis Library,

1 the Municipal Courthouse and on the City of Littleton Website.

2 PUBLIC HEARING on the Ordinance to take place on the 21<sup>st</sup> day of August,  
3 2018, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado,  
4 at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

5  
6 PASSED on second and final reading, following public hearing, by a vote of \_\_\_\_\_FOR  
7 and \_\_\_\_\_ AGAINST on the 21<sup>st</sup> day of August, 2018 and ordered published by posting at  
8 Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

9 ATTEST:

10 \_\_\_\_\_  
11 Wendy Heffner  
12 CITY CLERK

\_\_\_\_\_   
Debbie Brinkman  
MAYOR

13  
14 APPROVED AS TO FORM:

15  
16 \_\_\_\_\_  
17 Lena McClelland  
18 ASSISTANT CITY ATTORNEY  
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