



Legislation Text

File #: Ordinance 30-2018, **Version:** 2

Agenda Date: 08/21/2018

Subject:

An ordinance on second reading amending Title 6, Chapter 4, sections 6-4-1 and 6-4-104(D) of the Littleton City Code

Presented By: Lena McClelland, Assistant City Attorney
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REQUESTED COUNCIL ACTION:

Does city council support amending Title 6, Chapter 4 of the Littleton City Code to bring the limits on the number of marijuana plants that may be grown for personal use in line with the recently updated state law?

BACKGROUND:

House Bill 17-1220, which updated C.R.S. §18-18-406, became effective on January 1, 2018. It allows for six (6) marijuana plants per Colorado resident over the age of 21 and a maximum of 12 plants per residence unless certain requirements are met. Littleton City Code (§6-4-104) currently limits the maximum number of plants per person 21 years of age or older to six (6) plants but does not limit the maximum number of plants that can be grown per residence. Additionally, the city code does not include a definition for residential property as it pertains to this section of the code.

PRIOR ACTIONS OR DISCUSSIONS:

Council approved this ordinance on first reading on August 7, 2018.

STAFF ANALYSIS:

This ordinance would update city code to match the maximum number of plants allowed per residence allowed per state statute and create a definition for residential property. A city can pass stricter laws than the state.

While the city can allow for more plants per residence and currently has a limit of six (6) plants per resident, there is no limit on the number of plants per residence which could create a situation where a very large number of plants can be grown legally if there were multiple people over the age of 21 living in a single residence.

OPTIONS/ALTERNATIVES:

The city can pass stricter laws than the state and could choose to limit the number of plants to less than 12 per residence. The city can also expressly allow for the cultivation, growth, or production of more than 12 plants on or in a residential property.

FISCAL IMPACTS:

N/A

STAFF RECOMMENDATION:

Staff recommends updating the city code to match the recent updates to state law.

PROPOSED MOTION:

I move to approve Ordinance No. 30-2018 amending Title 6, Chapter 4, sections 6-4-1 and 6-4-104(D) of the Littleton City Code.