From:	Michelle Wright
To:	dencc - City Council; Faatz, Jeanne R. - City Council Dist #2; Lopez, Paul D. - City Council Dist #3; Lehmann, Peggy A. - City Council Dist #4; Susman, Mary Beth - City Council; Brown, Charlie - City Council District #6; Nevitt, Chris - City Council Dist #7; Brooks, Albus - City Council District 8; Montero, Judy H. - City Council District #9; Robb, Jeanne - City Council Dist. #10; Herndon, Christopher J. - City Council District 11; Shepherd, Susan K. - City Council District 1; kniechatlarge
Subject:	Public Comment on CB 15-0109
Date:	Friday, March 20, 2015 3:47:12 PM

Denver City Council,

It has been brought to my attention that CB 15-0109 will not be afforded a public hearing. I ask you to reconsider this decision. I share the same concerns as Rachel K. Gillette, Attorney at Law and NORML Executive Director explains below:

"We have no issue with reasonable limitations, preventing diversion, or creating safe conditions in the Denver community, but this ordinance goes way too far, simply re-criminalizing the possession of marijuana under the false pretext of "safety".

Especially problematic is the definition of "marijuana plant" contained in the ordinance. The ordinance so broadly and so poorly defines a "marijuana plant", it will be impossible for anyone to know when they have possibly violated the law.

"Marijuana plant includes" all parts of the plant genus cannabis, whether alive or dead", and any "seeds, leaves, stalks, and flowers". The ordinance makes it unlawful "to allow more than 36 marijuana plants…." (e.g a seed, a flower, a leaf, a stalk) "to be possessed or cultivated" on any zone lot. How does re-criminalizing marijuana promote safety within the Denver community? If a seed, a leaf, or a flower is a "marijuana plant" then, according to this ordinance, you may not possess, or allow to be possessed more than thirty six of them on any zone lot in the city. What?? Can't an adult possess up to an ounce?

What about hemp?

Not only is this ordinance overly vague, it simply creates an automatic pretext for the police, zoning enforcement, and any city law enforcement agency to harass otherwise law-abiding citizens. The ordinance, if passed, will force responsible adults who grow for personal use to only grow in their homes. The consequence being an increase in the number of illegal, unsafe, and non-compliant grows. In the Safety Committee meeting on the bill, the City spokesperson said "if someone wants to grow more than 36 plants, they can simply buy another zone lot." This is not at all realistic.

The ordinance seeks to revoke, without notice or due process, the permits and property rights of compliant caregivers, landlords, and responsible adult consumers. Remember, many property owners have already been permitted and inspected.

The ordinance is so vague, it creates a situation where any citizen can be charged with a crime, without any knowledge they may be in violation of the ordinance. In multi-family unit zone lot, though the zoning code allows 12 plants per residential dwelling, the ordinance states its illegal to grow "more than 36 "marijuana plants" (very broadly defined) on "any zone lot". It does not distinguish between residential and commercial. How could any property owner of a multi-unit building have any idea whether they have "allowed" for something that is illegal?

This ordinance is truly awful. CB 15-0109 is supposedly meant to promote safety, but instead, it

simply re-criminalizes and re-prohibits conduct explicitly authorized by the Colorado Constitution and Denver's voters."

Please reconsider allowing for public comment regarding this ordinance.

Thank you,

Michelle Wright

--

Michelle Wright, Co-Founder
The Cannabis Leadership Network
Phone: (719) 930-5691
Email: Michelle@cannabisleadership.com