

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team
at MileHighOrdinance@DenverGov.org by **3:00pm on Monday**.

****All fields must be completed.****

Incomplete request forms will be returned to sender which may cause a delay in processing.

Date of Request: February 13th, 2015

Please mark one: Bill Request or Resolution Request

1. Has your agency submitted this request in the last 12 months?

Yes No

If yes, please explain:

2. Title: *(Include a concise, one sentence description – please include name of company or contractor and contract control number - that clearly indicates the type of request: grant acceptance, contract execution, amendment, municipal code change, supplemental request, etc.)*

Amend the Denver Revised Municipal Code to make it unlawful to cultivate more than thirty-six (36) marijuana plants on any non-residential zone lot in the city, except in a licensed marijuana cultivation facility. (This does not affect the 12 plant limit already in place for residential dwelling units.)

3. Requesting Agency: Denver Fire Department (with support from the Mayor's Office-Marijuana Policy)

4. Contact Person: *(With actual knowledge of proposed ordinance/resolution.)*

- | | |
|----------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| ▪ Name: Ashley Kilroy, Executive Director of Marijuana Policy | Chief Eric Tade |
| ▪ Phone: 720-865-9030 | 720-913-3491 |
| ▪ Email: ashley.kilroy@denvergov.org | eric.tade@denvergov.org |

5. Contact Person: *(With actual knowledge of proposed ordinance/resolution who will present the item at Mayor-Council and who will be available for first and second reading, if necessary.)*

- | | |
|----------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
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6. General description of proposed ordinance including contract scope of work if applicable:

This revision to the DRMC will addresses health and safety issues posed by large non-licensed marijuana grows. These non-licensed grows are not monitored through a registry or tracking system. They are not subject to regular inspections, but if the city learns of them, city inspectors conduct fire, building, mechanical, electrical inspections and investigate whether they are in a location zoned for plant husbandry. Inspectors have found significant code violations, overloaded electrical elements, fire hazards, illegal fumigation, and numerous other unsafe conditions in these marijuana grows. The non-licensed grows also provide a significant opportunity for diversion to the black market and gray market. DPD describes them as the biggest problem the DPD marijuana team faces.

This revision to the DRMC will make it unlawful to cultivate more than thirty-six (36) marijuana plants on any non-residential zone lot in the city, except in a licensed marijuana cultivation facility. (This does not affect the 12 plant limit already in place for residential dwelling units.) Limiting the size of these grows reduces possibility of the unsafe conditions and will make the non-licensed grow operations less attractive to organized crime. In addition, a bright line limit on the number of plants provides law enforcement with needed clarity to determine the lawfulness of the non-licensed grow operations.

****Please complete the following fields:** *(Incomplete fields may result in a delay in processing. If a field is not applicable, please enter N/A for that field.)*

a. Contract Control Number: NA

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____

- b. **Duration:** NA
- c. **Location:** Citywide
- d. **Affected Council District:** Citywide
- e. **Benefits:** Reduces safety, health and environmental hazards and reduces the potential for crime.
- f. **Costs:** NA

7. Is there any controversy surrounding this ordinance? (Groups or individuals who may have concerns about it?) Please explain.

Individuals who want to grow excessive amounts of marijuana in a non-licensed setting may oppose this proposal. Although the law generally limits individuals to 6 plants a person, there are some who believe incorrectly that they have a constitutional right to grow "collectively," in both the medical and recreational marijuana setting. In addition, there are some individuals who have medical cards with extended plant counts. Under this proposed ordinance, an individual has options to access their "constitutional" amount of marijuana including: growing their first 6 plants at home; growing an additional 36 plants in a properly zoned lot; and either buying the rest in the market, or obtaining additional grow spaces on other separately zoned lots to grow additional sets of 36 plants. This proposal is balanced and focused on mitigating the safety, health and environmental hazards as well as the potential for crime.

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Date Entered: _____