

**ORDINANCE NO. 4
SERIES OF 2018**

**AN ORDINANCE AMENDING TITLE 10 OF THE TOWN OF VAIL MUNICIPAL
CODE BY THE ADDITION OF A NEW CHAPTER 4, CONCERNING THE
CULTIVATION OF MARIJUANA ON RESIDENTIAL PROPERTY**

WHEREAS, under Article XVIII, Section 16 of the Colorado Constitution, cultivation of both medical and recreational marijuana is generally limited to 6 plants, with 3 or fewer being mature;

WHEREAS, as a result of new legislation, without local regulation, the 6-plant limitation could be increased to 12 plants; and

WHEREAS, the Town Council finds and determines that it is in the best interest of the public health, safety and welfare to adopt local regulations to restrict the number of marijuana plants that may be cultivated on residential property to 6, and to adopt regulations to limit the impacts of such cultivation on surrounding areas.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VAIL, COLORADO THAT:

Section 1. Title 10 of the Vail Town Code is hereby amended by the addition of a new Chapter 4, to read as follows:

**Chapter 4
CULTIVATION OF MARIJUANA ON RESIDENTIAL PROPERTY**

10-4-1: PURPOSE:

The purpose of this Chapter is to regulate the cultivation of marijuana on residential property in the Town, regardless of whether the marijuana is for medical or recreational use.

10-4-2: DEFINITIONS:

For purposes of this Chapter, the following terms shall have the following meanings:

MARIJUANA: All parts of the plant of the genus Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate, but excluding industrial hemp, fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

RESIDENTIAL PROPERTY: A single-family dwelling, multi-family dwelling, two-family dwelling or other dwelling unit, as those terms are defined in Chapter 12 of

this Code, including any associated accessory structures and front, rear or side yards.

10-4-3: PLANT LIMIT:

Regardless of whether the marijuana is for medical or recreational use, it is unlawful for a person to knowingly cultivate more than six (6) marijuana plants on residential property or to knowingly allow more than six (6) marijuana plants to be cultivated on residential property.

10-4-5: LIMITATION ON IMPACTS:

The cultivation of marijuana on residential property shall not be perceptible from outside the residential property, including without limitation:

1. Common visual observation, including any form of signage;
2. Odor;
3. Light pollution or glare; or
4. Undue vehicle or foot traffic, including excess parking.

10-4-4: SAFETY REGULATIONS:

A. The cultivation of marijuana on residential property shall meet the requirements of all applicable building and life/safety codes.

B. The cultivation of marijuana on residential property shall comply with all applicable water and sewer regulations.

C. The use of flammable gas as a solvent in the extraction of tetrahydrocannabinol or any other cannabinoid is prohibited on any residential property.

D. The cultivation of marijuana on residential property is and shall be deemed consent by the person cultivating the marijuana, upon reasonable notice, for the Town to inspect the premises to determine compliance with this Chapter.

10-4-5: VIOLATION; PENALTY:

It is unlawful to violate any provision of this Chapter. Violations of this Chapter shall be subject to the penalties set forth in Section 1-4-1 of this Code.

Section 2. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

Section 4. The amendment of any provision of the Vail Town Code, as provided in this ordinance, shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

Section 5. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 6th day of February, 2018 and a public hearing for second reading of this Ordinance is set for the 20th day of February, 2018, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED this 20th day of February, 2017.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk