

ORDINANCE NO. 1131

AN ORDINANCE AMENDING CHAPTER 30, SECTION 5, OF THE TOWN OF BERTHOUD DEVELOPMENT CODE, LIMITING THE AMOUNTS OF MEDICAL MARIJUANA WHICH MAY BE IN A PERSON'S POSSESSION ON PROPERTY WITHIN THE TOWN OF BERTHOUD

WHEREAS, Section 1, Ordinance No. 1129, is hereby amended with the addition of paragraphs 6, 7 and 8 to Section 30-5-105, subsection H.

WHEREAS, the Town of Berthoud Development Code establishes rules and regulations for businesses within a Zoning District; and,

WHEREAS, the Town Board of Trustees desires to amend Chapter 30 Section 5, of the Town of Berthoud Development Code,

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO:

Section 1: Chapter 30 of the Town of Berthoud Development Code, Section 5, subsection H shall be amended with the addition of paragraphs 6, 7 and 8:

Section 30-5-105 USES PERMITTED BY SPECIAL REVIEW

(6) The limits as to the quantity of medical marijuana a person may possess are set forth in Section 14 of Article XVIII of the Colorado Constitution (4) (a):

"A patient's medical use of marijuana, within the following limits, is lawful: (I) No more than two-ounces of a usable form of marijuana; and (II) no more than six marijuana plants, with three or fewer being mature, flowering plants that are producing a usable form of marijuana,"

subject to the exception that additional medical marijuana may be possessed if a patient is authorized to exceed the six-plant and two-ounce limit, pursuant to 12-43.3-901(4) (e) CRS. Without first receiving the applicable zoning approval for a licensed premises or optional premises, no owner or tenant of property within the Town of Berthoud may exceed the foregoing limits on medical marijuana.

(7) Until the applicable license required herein is approved, no patient who has been issued a registry identification card or, if applicable, that patient's registered caregiver may have under their control or possession, directly or indirectly, more than the six-plant, two-ounce limits as more specifically described above.

(8) Penalty Clause and Notice

(a) Penalty Clause - It shall be unlawful to fail to perform any act required herein, fail to pay any fee required herein, or to violate in any manner the requirements of this Ordinance. Each day a violation continues shall constitute a separate and distinct violation punishable by imprisonment of up to ninety (90) days, or a fine of \$300 or by both such fine and imprisonment for each day an offense continues.

(b) Notice - At least twenty-four (24) hours prior to the issuance of a summons and complaint to the owner(s) of real property the Town shall serve notice on the owner(s) pursuant to C.R.C.P. Rule 4, or by personal contact, requiring the owner(s) to comply with this ordinance within twenty-four (24) hours.

Section 2: Emergency Clause – Effective Date

This Ordinance shall take effect upon adoption by a majority of the Board of Trustees, based upon the Board's findings that the health, safety and welfare of the citizens of the Town of Berthoud and secondary impacts of these businesses to the community necessitate the immediate implementation of this ordinance.

Introduced, read, adopted, approved, signed and ordered published in full by the Board of Trustees of the Town of Berthoud this 12th day of April, 2011.

Town of Berthoud:



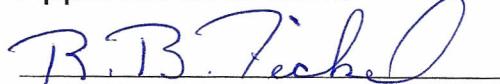
Tom Patterson, Mayor

ATTEST:



Mary Cowdin
Mary Cowdin Town Clerk

Approved as to form:



R. B. Fickel II, Attorney

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