

**Chapter 9**  
**RESIDENTIAL GROWING, CULTIVATING AND**  
**PROCESSING OF MARIJUANA**

**SECTIONS:**

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**6-9-1: Primary Residence**

Marijuana may only be grown, cultivated, or processed at the primary residence of the person engaging in such activity, and only (1) for such person's own consumption and use, or (2) if the person is acting as a primary caregiver, then for the consumption and use of that person's ward(s). (Ord. 3-2019, eff. 2-5-2019)

**6-9-2: Physical Area Size**

The space used for the cultivating, or processing of marijuana, shall be limited to a contiguous 1000 cubic foot volume. (Ord. 3-2019, eff. 2-5-2019)

**6-9-3: Enclosed Area**

Any area used for the growing, cultivating, or processing of marijuana shall be fully enclosed and locked, ensuring accessibility only by the person growing, cultivating, or processing the marijuana for personal use, and to prevent access by children, visitors, casual passersby, or anyone not authorized to possess marijuana. (Ord. 3-2019, eff. 2-5-2019)

**6-9-4: Code Adherence**

Any area used for the growing, cultivating, or processing of marijuana shall comply with all applicable land use codes, building codes and fire codes, including plumbing, electrical and mechanical regulations and requirements. (Ord. 3-2019, eff. 2-5-2019)

**6-9-5: Outdoor Restrictions**

Marijuana shall not be grown, cultivated, or processed outdoors. (Ord. 3-2019, eff. 2-5-2019)

**6-9-6: Maximum Number of Plants**

At any given time, no more than 12 marijuana plants, in any stage of maturity, may be grown, cultivated, or processed in a residence regardless of how many persons 21 years of age or older may occupy said primary residence. This limitation, based on §18-18-406 (3)(a)(II)(A), C.R.S., supersedes the statutory provision that grants to each person 21 years of age or older the right to grow 6 marijuana plants for personal use, and also supersedes the statutory provision that grants to a primary caregiver the right to grow more than 12 plants for his or her patients. (Ord. 3-2019, eff. 2-5-2019)

**6-9-7: Compressed Flammable Gas**

No compressed flammable gas (e.g., butane) or flammable liquid may be used in when growing marijuana. For purposes of this section, “flammable liquid” means a liquid that has a flash point below one hundred degrees (100°) Fahrenheit, and includes all forms of alcohol and ethanol. (Ord. 3-2019, eff. 2-5-2019)

**6-9-8: Secured from Exterior View**

The growing, cultivating, or processing of marijuana shall not be perceptible from the exterior of the residence in which such activities occur. (Ord. 3-2019, eff. 2-5-2019)

**6-9-9: Odor Restrictions**

The smell or odor of marijuana growing, being cultivated, or being processed at a primary residence shall not be detectable by a person with a normal sense of smell from any adjoining residence, lot, parcel, tract of land, public right-of-way- or building unit. (Ord. 3-2019, eff. 2-5-2019)

**6-9-10: Rental Property Permission**

Any lessee or tenant who uses a rental property, in whole or in part, for growing, cultivating, or processing marijuana shall obtain written, notarized permission from the property owner prior to commencing such activity. (Ord. 3-2019, eff. 2-5-2019)

**6-9-11: PENALTY <sup>1</sup>**

Any person who violates any provision of this Ordinance No. 3-2019 after its effective date commits a misdemeanor and shall be fined a sum of not more than three hundred (\$300.00) for each offense and shall pay mandatory court costs of twenty-five dollars (\$25.00) for each court appearance. (Ord. 3-2019, eff. 2-5-2019, Ord. 5-2019, eff. 8-1-2019)

**6-9-12: Cumulative Penalties**

The remedies provided in this Ordinance shall be cumulative and in addition to any other federal, state or local remedy, criminal or civil, which may be available. (Ord. 3-2019, eff. 2-5-2019)

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<sup>1</sup> Title 6, Chapter 9, Section 11 is amended by repealing and reenacting in its entirety. (Ord. 5-2019, eff. 8-1-2019)