



CITY OF CAÑON CITY

Planning and Zoning

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MARIJUANA CULTIVATION FOR PERSONAL USE

Marijuana can only be grown in a secure area within a detached single-family residence or in a detached accessory structure, like a garage or shed. Marijuana cannot be grown OUTSIDE

Maximum number of plants:

Recreational: [§17.05.020(C), CCMC] If grown by or for a single person twenty-one (21) years of age or older, a maximum of six (6) plants may be grown by or for such ... if grown by or for multiple persons twenty-one (21) years of age or older residing in the same primary residence, a maximum of twelve (12) plants may be grown by or for such persons.

Medical: [§5.56, CCMC] If grown by or for a single qualified patient who is authorized under state law to grow more than six (6) medical marijuana plants, a maximum of eight (8) plants may be grown. Otherwise, a single qualified patient may grow not more than six (6) medical marijuana plants. If grown by or for two or more patients occupying a single dwelling unit as their primary residence and at least one of those patients is authorized under state law to grow more than six (6) medical marijuana plants, a maximum of sixteen (16) medical marijuana plants may be grown. Otherwise, groups that include more than one patient, living in the same primary residence may not, as a group, grow more than twelve (12) medical marijuana plants.

If grown inside a single family dwelling unit:	If grown inside an accessory structure like a garage or shed:	ALL grows:
Grow area cannot be more than 100 sq. ft. and 10 feet in height Grow area can't be in a kitchen, bathroom or a primary bedroom No chemicals related to the grow can be stored in the dwelling unit	Must be permitted (application attached) Can't be more than 100 s.f. and 10 feet in height Must be 20 feet or more from a neighboring residence Must have a firewall assembly that meets minimum building code requirements for residential structures Must meet local zoning (including setbacks) codes	Must be secure Must comply with electrical, plumbing, building and fire codes No part of the grow can be within public view High intensity lighting is prohibited unless inspected and approved by State electrical inspector and annually inspected by Cañon City Area Fire District The use of compressed, flammable gas is prohibited Proper ventilation and filtration to prevent odors is recommended

Any violation of Chapters 15.56 or 17.05.020(C), CCMC, constitutes a nuisance

Section 17.05.020, Residential Use Specific Standards

C. Marijuana Cultivation for Personal Use.

1. Intent, Authority, Applicability, and Interpretation.

- a. **Intent.** This Section is intended to apply to the growing of medical and recreational marijuana in residential structures.
- b. **Authority.** The City's authority to adopt this Section is found in Articles XVIII, Sections 14 and 16 of the Colorado Constitution, the Local Government Land Use Control Enabling Act, Section 29-20-101, C.R.S.; Section 31-23-101, C.R.S. (municipal zoning powers); Sections 31-15-103, 31-15-401, C.R.S. (municipal police powers); Section 31-15-501, C.R.S. (municipal authority to regulate businesses); and the Home Rule Charter of the City of Cañon City.
- c. **Applicability.** This Section shall apply to all property within the City.
- d. **Interpretation.** Nothing in this Section shall be interpreted to permit the establishment or operation of any retail marijuana or medical marijuana businesses, as defined under the Colorado Marijuana Code (Title 44, Article 10 of the Colorado Revised Statutes), as may be amended, unless such businesses are expressly permitted by the City of Cañon City Municipal Code.

2. Prohibitions with Respect to Cultivation of Marijuana.

- a. Any person who is twenty-one (21) years of age or older may possess, cultivate, or process no more than six (6) marijuana plants for personal use, with no more than three (3) plants being mature, in a residential structure subject to the limitations in this Section.
- b. Any person who is eighteen (18) years of age and a patient or caregiver may cultivate, or possess, no more than twelve (12) marijuana plants for medical use, with no more than six (6) plants being mature, in a residential structure subject to the requirements in this Section.
- c. Any cultivation allowed under this section may only occur in a secured area, located in a residential structure that is the person's primary residence, or associated with the person's primary residence in the case of allowed accessory structures, or a residential structure that is the primary residence of another person, or associated with that other person's primary residence, and used with the written permission of that owner.
- d. The secured area in a detached single-family dwelling shall not exceed one hundred (100) square feet and a height of ten (10) feet.
- e. A detached accessory structure with a secured area must be located at least twenty (20) feet from any neighboring residential dwelling unit. The detached accessory structure may not greater than one hundred (100) square feet in area or more than ten (10) feet in height.
- f. The secured area within an attached or detached garage shall not be greater than one hundred (100) square feet.
- g. No kitchen, bathroom, or primary bedrooms within a detached single-family dwelling may be used for cultivation.
- h. No marijuana cultivation shall be conducted openly or publicly.
- i. No marijuana produced under this section shall be made available for sale.
- j. Any secured area within a garage or accessory structure, including all walls, doors, and the roof, shall be constructed with a firewall assembly of green board meeting the minimum building code requirements for residential structures and include material strong enough to prevent entry except through an open door.
- k. All high-intensity discharge (HID) lighting, including, but not limited to, Mercury-vapor lamps, Metal-halide (MH) lamps, Ceramic MH lamps, Sodium-vapor lamps, high-pressure Sodium (HPS) lamps and Xenon short-arc lamps, are prohibited with respect to the indoor cultivation of marijuana unless the electrical system to which such lamps are connected has been inspected and approved by a qualified State electrical inspector. Thereafter, as a condition to the continued use of HID lighting, the Cañon City Area Fire Protection District shall be invited by the person, no less often than once annually, to inspect such electrical system and associated HID lighting to determine whether such system and lighting are set up and operated in a manner that takes into account the reasonable safety needs of first responders

in the event of a fire. The dates and outcomes of such inspections shall be documented in writing by the Cañon City Area Fire Protection District and made available to the person and the City.

- l. No marijuana cultivation activity shall result in the emission of any gas, vapors, odors, smoke, dust, heat or glare that is noticeable at or beyond the property line of the structure at which the cultivation occurs. Sufficient measures and means of preventing the escape of such substances from a structure must be provided at all times. In the event that any gas, vapors, odors, smoke, dust, heat or glare or other substances exit a structure, the owner of the subject premises shall be liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition.
- m. The owner shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state, and local laws and regulations. In the event there is a lessee of the subject premises, the owner and the lessee shall be jointly and severally liable for such conditions.
- n. Other provisions of this chapter notwithstanding, a permit issued by the City (for which no fee shall be charged) is required for an accessory structure used for growing marijuana.
- o. It is unlawful for any person to use compressed, flammable gas as a solvent in the extraction of THC or other cannabinoid in any structure used or intended for use as a residence or any accessory structure associated with a structured used or intended for use as a residence.
- p. It is unlawful to cultivate marijuana in any structure without complying with applicable building and fire codes, applicable plumbing and electrical codes, and all applicable setbacks, bulk and other zoning requirements for the district within which the cultivation occurs, including, but not limited to, those specifying maximum lot coverage and height requirements.
- q. It is unlawful for any person to store chemicals used for cultivation inside of the habitable areas of a residence.
- r. It is unlawful for any person to conduct or permit the conduct of any marijuana cultivation activity that adversely affects the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gasses, noxious odors, traffic, vibration, or other similar impacts.
- s. It is unlawful for any person to conduct any marijuana cultivation or processing activity in a manner that involves the use or storage of chemicals, products, wastes or processes in a manner that is hazardous to the health or safety of nearby residents or to the health and safety of the occupants of the place where such marijuana is cultivated or processed.

3. Penalties.

- a. Any person who violates any provision of this section is guilty of a misdemeanor and upon conviction thereof shall be punished by a mandatory minimum fine that shall not be less than five hundred (500) dollars nor more than the maximum fine provided for at Section 1.28.010 of the City of Cañon City Municipal Code.
- b. Every day, or portion thereof, any nuisance exists or continues, shall constitute a separate offense. In determining whether to impose a fine in an amount greater than the mandatory minimum provided for in subsection a, the court shall take into account, whenever applicable, the number of marijuana plants being grown that are in excess of the number of plants, if any, that the convicted violator is authorized to cultivate under the provisions of this section and/or the area within which such plants are grown is in excess of one hundred (100) square feet. Fines in excess of the mandatory minimum are recommended when such violations involve plant counts and grow areas that exceed the maximum number of plants and maximum grow areas permitted under this section