

# Neighborhood Services Division

## Marijuana Grows in Residential Areas



Commerce City Code Municipal Code Section 12-6012

- Must be the person's primary residence.
- If the person cultivating or processing the marijuana is not the owner of the property, written permission must be received from the owner consenting to the activity.
- Must be inside the occupied dwelling. Multi-family dwellings, outdoor locations, sheds, detached garages, or other detached structure are not permitted.
- Must be separated from the remainder of the residence by solid walls and at least one locking door which is only accessible to the person responsible for the cultivation or processing of marijuana (must allow for egress from room without the use of a key, tool, special knowledge or effort).
- All access to the area, including windows, must be secure from unauthorized entrance.
- The space must allow for easy egress without the need for keys, tools, special knowledge or effort.
- The space cannot exceed 32 square feet and 10 feet in height. A minimum of 24" between the top of the plants and the ceiling must be maintained.
- Only light emitting diodes (LED), compact fluorescent lamps (CFL), or fluorescent lighting is permitted. All high-intensity discharge (HID), mercury-vapor, metal-halide, ceramic MH, sodium-vapor, high-pressure sodium (HPS), and Xenon short-arc lamps are prohibited.
- Using gas products (e.g., CO2, butane) or other flammable, combustible or hazardous material in the cultivation or processing (including extraction processes) of marijuana is prohibited.
- Chemicals used for cultivation cannot be stored in the habitable spaces of the residence being used for marijuana cultivation. These materials also cannot be stored in view from the public right-of-way or from a neighboring property.
- Cannot sell marijuana.
- Cannot be cultivated or processed in view from the exterior of the residence.
- Cannot cause unusual odor, smells, fragrances, or other olfactory stimulus.
- Cannot cause light pollution, glare, or brightness that unreasonably disturbs others.
- Cannot cause undue vehicular or foot traffic, including excess parking.
- Cannot cause excessive noise.
- Consent is presumed. By cultivating or processing marijuana in any structure within the city shall be deemed consent to the city, at reasonable hours, to enter and inspect the premises to assure compliance with the provisions of Section 12-6012.
- Building permits are required for alterations made to electrical systems, mechanical (heating/cooling) systems, plumbing systems and/or the building's structure (e.g., construction internal to the home such as creating or altering rooms and spaces).

*Please contact the Neighborhood Services Division, 303.227.8860, if you have any questions about marijuana grows in residential areas.*