

Whitewater Zoom is inviting you to a scheduled Zoom meeting.

Topic: Planning Commission Meeting

Time: July 7, 2021 07:00 PM Eastern Time (US and Canada)

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WHITEWATER TOWNSHIP PLANNING COMMISSION

AGENDA FOR REGULAR MEETING *July 7, 2021*

7:00 p.m., Whitewater Township Hall

Via ZOOM and in person

5777 Vinton Road, Williamsburg, MI 49690

Phone 231-267-5141/Fax 231-267-9020

1. Call to Order/Pledge Allegiance
2. Roll Call of Commission Members
3. Set/Adjust Meeting Agenda
4. Declaration of Conflict of Interest
5. **Public Comment:** Any person shall be permitted to address a meeting of the Planning Commission. Public comments shall be carried out in accordance with the following rules and procedures:
 - a. Comments shall be directed to the Commission, with questions directed to the Chair.
 - b. Any person wishing to address the Commission shall speak from the lectern and state his/her name and address.
 - c. Persons may address the commission on matters that are relevant to township planning and zoning issues.
 - d. No person shall be allowed to speak more than once on the same matter, excluding the time needed to answer Commission members' questions.
 - e. Public comment shall be limited to 3 minutes.
6. Public Hearing: None

PC agenda 07/07/2021

7. Approval of minutes of June 2, 2021
8. Correspondence:
9. Reports/Presentations/Announcements/Comments
 - a. Zoning Administrator, Hall
 - b. Chair, Mangus
 - c. Township Board Representative, Not Available
 - d. ZBA Representative, Not Available
10. Unfinished Business:
 - a. Major Home Occupation amendment
 - b. Master Plan consultant update
 - c. Marihuana amendment
11. New Business:
 - a. Article 5, Zoning Districts, discussion
12. Next Meeting August 4, 2021
13. Public Comment
14. Commission Discussion/Comments
15. Continuing Education items included in packet
16. Adjournment

Tabled Items: RC District, Event Barns

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who are planning to attend. Contact the township clerk at 231-267-5141.

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING
In-person and via ZOOM
June 2, 2021

Call to Order at 7:00 p.m.

Roll Call: In person: Dean, Jacobson, Mangus, Wroubel

No Board Representative or ZBA Representative available

Also in attendance: Zoning Administrator Hall and Recording Secretary MacLean

Set / Adjust Agenda: Site Plan Review before Unfinished Business

Declaration of Conflict of Interest: None.

Public Comment:

Linda Slopsema, 9693 MB Rd.: Addressing PC and Fire Chief Flynn. Continuing education as included in the packet. Various questions to be addressed by the township, fire department and planning commission. There is a lot to consider. Renee Savage, 9833 Pineneedle Lane: second Linda's points. Environmental impacts need to be addressed. Kim Elliott, 7692 Crisp Rd.: Love the area. Previously sent a letter. Concern about how fast this is moving and the quantities of licenses. Slow down. Township voted no a few years ago.

Public Hearing: None

Approval of Minutes:

MOTION by Dean, second by Jacobson to approve May 5, 2021, Meeting Minutes.

Roll call: Dean-yes; Jacobson-yes; Mangus-yes; Wroubel-yes; All in favor. Motion carried.

Correspondence: Linda Slopsema from April.

Reports:

Zoning Administrator Report, Hall: Working to get a report to the board highlighting what the PC has been working on. Observations passed on to the Board regarding Short Term Rentals and gravel mines. Getting inquiries about the M72 corridor. Have interest in a storage unit development. Building activity is up.

Chair's Report, Mangus: Have called GT County construction code with no return calls. GT County does have evaluation guidelines for marihuana standards. Looking to get more detailed information. Marihuana grow and processing waste water is not supposed to go into septic systems.

Township Board Rep.,: Not Available

ZBA Representative,: Not Available

Committee Reports: None.

Additional Items: None.

Unfinished Business:

1. Discussion regarding error in approved minutes of April 22, 2021. Statement correction: *The approved minutes indicate that the state standard is 500'. The state recommends 1000' from a school, religious facility or park. The township board opted to lower it to 500'.*
2. Zoning Ordinance Amendments regarding Marihuana as it was sent to the attorney. The attorney has reviewed, included the changes and it is ready for review. Hall will send the cover letter and the reviewed amendments to the commissioners.
Is there a preference to change the number of feet from a school or church? PC consensus to use the state 1000' standard and let the Board know that the PC recommends using the state standard.
We will be going through the attorney notes as part of the next regular meeting.
Home and facility on the same property is addressed in the attorney notes.

The PC will be blamed for moving too slow and for moving too fast. The PC will be blamed for being too lenient and for being too restrictive. We are the implementers. Recommend the public take their information to the

board also.

Comments: Kim Elliott: Appreciate that you are all listening to the public. Why is this even being discussed when a vote is coming up in eight weeks? Why are we paying attorney fees? We voted on this. How did we get to this point? This isn't just going to go away.

Mangus notes that the August ballot initiative only addresses recreational marihuana. The PC is working at the direction of the Board.

Renee Savage: Appreciate that the PC is keeping this civilized for our township. Concerned about the environmental impact. Who did the research and where did they get the information? You are our last stand. The Board is not listening.

Linda Slopsema: Appreciate the PC listening. I know 65 pages is a lot of information for continuing education. These are well written, detailed documents. 300 permits is a lot in a small area.

Concerned that the meeting minutes cannot be corrected. People review the minutes. A permanent record needs to be addressed.

Mangus: Find out if we can at least reference the June meeting minutes in the approved minutes of April 22.

ZA Hall indicates that the approved minutes are approved. Approved minutes cannot be corrected.

PC would like something like "See June 2, 2021, minutes regarding correction of fact." on the website with the minutes of April 22.

MOTION by Dean, second by Jacobson to add a notation referencing the June minutes with the April 22, 2021, minutes regarding the factual error.

Roll call: Jacobson-yes; Mangus-yes; Wroubel-no; Dean-yes. Motion carried.

ZA Hall, note of caution, even when additional information is received, once the decision is made, the decision is made.

3. Review of Township attorney's report of Marihuana zoning ordinance – No review, not available.
4. Master Plan consultant: ZA Hall: Spoke with Supervisor Popp. Projects need to be bid out at a certain dollar amount. Discussion: The PC has a specific budget. Need to contact the board to ask to waive the bid process. Although it was not formally sent out for a bid it was sent out via the ZA to get input, three responded and we chose one. Explain it to the Board and let them know that it is our recommendation to use our budget funds for this. The Master Plan (MP) requires some mandatory information that is not in our current plan. Hall and Mangus will communicate with the Board at their June 8 meeting. If it is approved we will get Grobbel the information and get him on the agenda as soon as possible.
5. Review / Prioritize tabled items: RC District review, we were working on a survey before covid hit. RC district is half of the land and a small percentage of the number of people of the township. The board's request was that the PC provide pros and cons. The five acre question was presented to the attorney. The summary of the summary from the attorney said that it has been in place for so long that it would likely hold up in court. The Event Barns item has been going on for a long time. Currently Event Barns are allowed in the Commercial District – we have addressed that. We need to address the specifics and standards. It is a gap in the ordinance. These items can be discussed during the MP review process. Consensus to get the public input during the MP review on both the Event Barns and the RC District. We can look at build outs to see the impact each of these items would have on the township. **MOTION** by Jacobson, second by Dean to move RC District review and event barns into the Master Plan review process. Roll call: Mangus-yes; Wroubel-yes; Dean-yes; Jacobson-yes. All in favor. Motion carried.

New Business (addressed before Unfinished Business)

1. Grand Traverse Plastics (GTP) Site Plan Review: Applicant requests to expand an existing use. Applicant proposes to expand an existing structure on parcel 28-13-004-012-32 by 25,506 sq. feet. GTP parcels: 28-13-004-012-32, 28-13-004-12-22 and 28-13-004-12-11 in the Industrial District John Asselin from AMAG, LLC GTP owns three industrial use buildings. This is a request for an expansion on one of them. Dean finds that it is a complete set of plans, pretty straight forward and sees that it should be approved.

Wroubel feels it should be approved.

Jacobson feels it straight forward and should be approved.

Elliott, from the audience, notes how neat they keep the business. Kudos.

ZA Hall: We had pre application meetings. Staff report included in the packet. This will have to go to the fire department for their site plan review.

Findings of fact: Whereas, based on the blue print and the ZA report the PC finds no issues with zoning standards. Whereas, this is an expansion of an existing business with a respected track record.

MOTION by Wroubel, second by Jacobson to approve the site plan based on the stated findings of fact. Whereas, based on the blue print and Zoning Administrator's report the Planning Commission finds no issues with zoning standards. Whereas, this is an expansion of an existing business with a respected track record.
Roll call: Jacobson-yes; Mangus-yes; Wroubel-yes; Dean-yes. All in favor. Motion carried.

Public Comment:

Kim Elliott: Recreational marihuana is what is up for vote. The township had previously opted out. Ask for public input.

Mangus notes: The Board officially adopts the amendment after the PC comes up with the zoning ordinance amendment. The number of licenses was decided by the Board. A referendum would need to be done separately on the zoning ordinance amendment approval. Elliott: Why wouldn't you wait a few days for the vote in August.

Vern Gutknecht, 6801 Bunkerhill Rd.: Bids and quotes are required. Grobbel is excellent for the MP work. Appreciate you and your role in the township. Government official issues and self-serving interest.

Rod Rebants, 648 Island View Dr.: Enlightening meeting. Happy to see the GTP plan go through. Grobbel has a stellar reputation and is good to work with on the MP review. Five acre discussion and the Island Lake area. Offering a guided tour of Woodland Trail, development on Supply Road.

Continuing Education: Information in packet.

Commission Discussion/Comments: None.

Next Regular Meeting is scheduled for July 7, 2021.

Agenda: Master Plan Review; Marihuana zoning ordinance amendments

Adjournment: 8:53 p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary

Wednesday, April 7, 2021

Whitewater Township
Grand Traverse County, Michigan

Ordinance No. _____

An Ordinance to amend the Whitewater Township Zoning Ordinance effective _____ by amending the Special Use provisions pertaining to a Major Home Occupation and to repeal all ordinances in conflict herewith

The Township of Whitewater Ordains:

Section 1. Purpose

The purpose of this ordinance is to remove language from the text of the Whitewater Township zoning ordinance that may conflict with enabling statutes as well as the purpose and intent of the ordinance in its entirety ...

Section 2. Amendment to Article XXV, Section 25.22, subsection C

Article XXV, Section 25.22, subsection C of the Whitewater Township Zoning Ordinance is hereby amended in its entirety, to read as follows:

25.22

(C) Special Use provisions for Major Home Occupations

Minimum Requirements:

1. At no time shall the number of vehicles on site impose a negative impact on adjacent uses. Frequent shipments or deliveries by vehicles having more than two drive axels are prohibited.
2. The occupation may offer for sale any article or service provided that the sale of any articles or services shall not have a negative impact on the surrounding areas with regard to noise, light, odors, etc.
3. Hours of operation shall be stipulated by the Planning Commission.
4. Signage size and number(s) shall be determined by the Planning Commission.
5. Home occupations shall only be permitted when endorsed by the property owner (if applicant is not the property owner). All application materials, site / plot plans, and final conditions shall be authorized by the property owner.
6. Such other conditions as may be determined by the Planning Commission.
7. The occupation shall be required to submit an annual permit for administrative review.

~~All annual permits shall be received by the Zoning Administrator by January 15.~~

~~In the event the Zoning Administrator determines that the occupation no longer complies with the original approval by the Planning Commission, the applicant will be required to submit a revised application for special use approval to the Planning Commission.~~

Section 3: Severability: Should any provisions of this Ordinance or any part thereof be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions hereof or of any other provisions of the Whitewater Township Zoning Ordinance.

Section 4: Repeal: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5: Effective date: This Ordinance shall be effective at 12:01 a.m. on the 8th day following its adoption and publication as required by law.

ZA DRAFT LANGUAGE

Draft Marihuana Zoning Ordinance as previously presented.

Draft Marihuana Zoning Ordinance Amendments

Articles 3, 6, 8, 9, 11, 25, and 37 4/24/21 Mangus

Article 3: Definitions

Residential Developments shall include subdivisions, condominium developments, and Planned Unit Developments (PUD) intended for residential use.

Marihuana Related Definitions:

Shall include all of the definitions contained in the Medical Marihuana Facilities Licensing Act (MMFLA), Public Act 281 of 2016, and Michigan Regulation & Taxation of Marihuana Act (MRTMA) and Michigan Department of Licensing and Regulatory Affairs (LARA) Rules and Regulations.

Licensed Marihuana Facility: A facility authorized and defined pursuant to the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, Michigan Regulation and Taxation of Marihuana Act which shall include the following:

- a. Residential Cultivation
- b. Grower
- c. Processor
- d. Secure Transporter
- e. Provisioning Center
- f. Safety Compliance Facility
- g. Excess Marihuana Grower

Residential Cultivation is the cultivation of medical marihuana by a Qualifying Patient or Primary Caregiver as defined by the Michigan Medical Marihuana Act, Initiated Law 1 of 2008. See Article 37.60.

Primary Caregiver means a person who has agreed to assist a patient with the medical use of marihuana and has a valid state license to do so. See Article 37.60.

Qualifying Patient is a person who had been diagnosed by a physician as having a debilitating medical condition being treated by marihuana. See Article 37.60

Medical Secure Transport is a commercial entity licensed to store and/or transport marihuana between facilities.

Processor is a commercial entity licensed to purchase marihuana from a grower and extract resin, package, create marijuana-infused products, or similarly prepare marihuana substances for sale.

Grower is a commercial entity licensed to cultivate, dry, trim, or cure and package marihuana for sale to a processor or provisioning center.

Draft Marihuana Zoning Ordinance Amendments

Articles 3, 6, 8, 9, 11, 25, and 37 4/24/21 Mangus

(Note to attorney:

Throughout this document we used the term “Marijuana Establishment”. Do we need to use the terms “facility and establishment” together or can you recommend another term that would encompass both? Or should we include our own definition of “Marihuana Establishments”.

Do we need any other terms defined here?)

District Amendments

Residential District R1

6.10 Permitted Uses

O. **Residential Cultivation** establishments subject to the standard of Article 37.60.

(Renumber balance of section)

Commercial District

8.11 Uses Permitted by Special Use Permit

Q. Medical Marihuana Grow Facility subject to the standards of Articles 37.60 and 25.22.E.

P. Medical Marihuana Processor Facility subject to the standards of Articles 37.60 and 25.22.E.

S. Recreational Marihuana Grow Establishment subject to the standards of Articles 37.60 and 25.22.E.

T. Recreational Marihuana Processor Establishment subject to the standards of Articles 37.60 and 25.22.E.

(Renumber balance of section)

Industrial

9.11 Uses Permitted by Special Use Permit

E Medical Marihuana Grow Facility subject to the standards of Articles 37.60 and 25.22.E.

Draft Marihuana Zoning Ordinance Amendments

Articles 3, 6, 8, 9, 11, 25, and 37 4/24/21 Mangus

F Medical Marihuana Processor Facility subject to the standards of Articles 37.60 and 25.22.E.

G Recreational Marihuana Grow Establishment subject to the standards of Articles 37.60 and 25.22.E.

H Recreational Marihuana Processor Establishment subject to the standards of Articles 37.60 and 25.22.E.

(Renumber balance of section)

Agricultural

10.11 Uses Permitted by Special Use Permit

C Medical Marihuana Grow Facility subject to the standards of Articles 37.60 and 25.22.E.

D Medical Marihuana Processor Facility subject to the standards of Articles 37.60 and 25.22.E.

E Recreational Marihuana Grow Establishment subject to the standards of Articles 37.60 and 25.22.E.

F Recreational Marihuana Processor Establishment subject to the standards of Articles 37.60 and 25.22.E.

(Renumber balance of section)

25.22 E S.U.P. Standards governing location and operation.

E. Marihuana Grow and Process Establishments – Any SUP application in the Commercial C, Industrial (N), or Agricultural (Ag) district and shall comply with the following standards and shall include the following information in addition to the existing requirement for site plan and SUP. All Residential Cultivation shall be governed by the standards in Article 37.60.

1. A waste disposal plan shall be included with all applications detailing plans for solid and liquid, chemical, plant, and byproduct disposal or processing which does not include on site incineration.
2. A security plan including the following:
 - a. A plan detailing the establishments plans for 24-hour security monitoring.

Draft Marihuana Zoning Ordinance Amendments

Articles 3, 6, 8, 9, 11, 25, and 37 4/24/21 Mangus

- b. A plan which ensures that all marihuana plants or products are contained in an enclosed, locked facility that restricts and prevents access by any unauthorized person and meets all state requirements.
3. Proposed hours of operation shall be specified in the application and are subject to Planning Commission approvals.
4. Lighting Plans detailing compliance with the following standards and those detailed in Article 29, External Lighting Regulations:
 - a. A Security Lighting Plan which takes into consideration neighboring properties.
 - b. Any artificial lighting must be shielded to prevent glare and light trespass and must not be visible from neighboring properties, adjacent streets or public right of ways.
 - c. All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other electrical, electromechanical, or electronic devices employed on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission ("FCC"), including but not limited to 47 CFR 15 (FCC Part 15) and 47 CFR 18 (FCC Part 18). Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Township.
5. No Marihuana Establishment shall be located within five-hundred (500) feet of any licensed educational institution or school, college or university, church or house of worship or other religious facility, or public or private park, if such uses are in existence at the time the Establishment is issued an initial permit, with the minimum distance between uses measured horizontally between the closest edge of any such building or use on the property. **(Note: Township Board wording)**
6. Any Marihuana Establishments shall comply with the underlying zoning in that district.
7. Any structure housing a Marihuana Establishments in any district shall maintain a total footprint of all buildings equal to or less than a 40% maximum coverage of the property.
8. Signage shall not indicate the nature of the establishment as a marihuana establishment and shall require a use permit unless approved through special use permit process.
9. No equipment or process shall be used which creates noise, dust, vibration, glare, fumes, odor or electrical interference detectable to the normal senses beyond the parcel boundary.
10. Marihuana Establishments shall be the only principal use located on the Permitted Property, except that the co-location of facilities and establishments is permitted, and the stacking of applicable licenses is permitted.
11. Location of all Marihuana Establishments in the **Agricultural District (Ag)** shall be guided by the following additional standards:
 - a. Any establishment in the Ag District shall be held to the Exterior Lighting Regulations, Article 29.
 - b. Any establishment in the Ag District may be required to include a landscape buffer adhering to the **Industrial District Standards** as defined in Landscape Standards, Article 33.
 - c. Any establishment in the Ag District shall be held to **the Industrial standards** in Article 34, Off Street Parking and Loading.
 - d. All Marihuana Establishment structures and operations shall maintain a two hundred (200) foot set back measured horizontally between the closest edge of any such building

Draft Marihuana Zoning Ordinance Amendments

Articles 3, 6, 8, 9, 11, 25, and 37 4/24/21 Mangus

or operation and the boundary line of any existing Residential Development, residential district, or district in which the use is not permitted.

- e. All Marihuana Establishment structures and operations shall maintain a three hundred (300) foot set back measured horizontally between the closest edge of any such building or operation and any existing residential dwelling not held in like ownership.
- f. Exceptions to the setback requirements may be considered by the planning commission for proposed marihuana facilities operating from an existing structure previously used for a commercial application.

(Note to attorney:

Line #10 Would the removal of this provision cause any legal difficulties? Several commissioners would like to strike #10 to allow a primary residence or possibly farming on the balance of the subject parcel. If this line needs to be included, could you give us an indication why, what does it do or protect?

Line #11 a, b, and c – Do we need to add Ag Marihuana Establishments to Article 29, 33, and 34 or does this address this application.)

Article 37.60 Residential Cultivation

37.60 Residential Cultivation

A. Residential Cultivation by a Qualifying Patient or Primary Caregiver shall be permitted in any district and shall be governed by the following standards:

- 1. All Commercial Recreational and Medical establishments shall be governed by the Special Use Permit standards in Article 25.22.E.
- 2. All marihuana plants or product must be contained within the dwelling, or enclosed structure which prevents access by unauthorized persons.
- 3. Only one individual may operate within a Residential Cultivation establishment.
- 4. The qualifying patient or Primary Caregiver must possess and maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or their successors.
- 5. Primary Caregivers shall comply with the standards set forth in accordance with MMA, MCL 33.26421, et seq as to the number of plants, ounces of usable Marihuana, record keeping, and security to prevent theft of stored product.
- 6. Residential Cultivation establishments shall obtain all necessary building, electrical, plumbing and mechanical permits for work required to house or maintain equipment used to support the cultivation, growing, or harvesting of Marihuana.
- 7. There shall be no external evidence, signage, odor, or lighting related to the Residential Cultivation operation detectable from the exterior of the property.
- 8. All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other electrical,

Draft Marihuana Zoning Ordinance Amendments

Articles 3, 6, 8, 9, 11, 25, and 37 4/24/21 Mangus

electromechanical, or electronic devices employed on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission ("FCC"), including but not limited to 47 CFR 15 (FCC Part 15) and 47 CFR 18 (FCC Part 18). Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Township.

9. No equipment or process shall be used which creates noise, dust, vibration, glare, fumes, odor or electrical interference detectable to the normal senses beyond the parcel boundary.

(Note to attorney: We did not want to include a requirement for Primary Caregivers to register with the Township. Does this cause a conflict with the requirements outlined in the Township GO 59 and 60 which appear to define a Primary Caregiver as a marihuana establishment and also require all marihuana establishments to have a township permit thus making them illegal if not registered with the township?)

Draft Marihuana Zoning Ordinance w/ questions presented to attorney.

Draft Marihuana Zoning Ordinance Amendments

Articles 3, 6, 8, 9, 11, 25, and 37 Kim Mangus

Could you please provide commentary on the following items as well as questions from other PC members? To avoid a violation of the OMA each PC member is providing their own questions. Legal precedent and references are not needed just a brief description of why these items were added or removed. Thank you. Kim Mangus

Marihuana Related Definitions:

Qualifying Patient is a person who had been diagnosed by a physician as having a debilitating medical condition being treated by marihuana. See Article 37.60

Processor is a commercial entity licensed to purchase marihuana from a grower and extract resin, package, create marijuana-infused products, or similarly prepare marihuana substances for sale.

Grower is a commercial entity licensed to cultivate, dry, trim, or cure and package marihuana for sale to a processor or provisioning center.

Is there anything factually wrong with these definitions? It is our intent to make an ordinance that is understandable to the public not just industry insiders. A reference to another law or statute does not accomplish that.

Commercial - Industrial - Agricultural

We prefer the wording below with references. Is there any reason that we cannot do this?

Is there any reason we cannot list each item separately, medical, rec, grow, processing?

We have no intention to extend this to the Village District. Why is it listed in your copy?

8.11 Uses Permitted by Special Use Permit

Q. Medical Marihuana Grow Facility subject to the standards of Articles 37.60 and 25.22.E.

25.22 E S.U.P. Standards governing location and operation.

A.2. A waste disposal plan shall be included with all applications detailing plans for solid and liquid, chemical, plant, and byproduct disposal or processing **which does not include on site incineration.**

Is there a reason that this was removed? If so, is there any way that we can add this restriction back into the ordinance?

Draft Marihuana Zoning Ordinance Amendments

Articles 3, 6, 8, 9, 11, 25, and 37 Kim Mangus

B.5. Location of all Marihuana Establishments in the **Agricultural District (Ag)** shall be guided by the following additional standards:

- a. All Marihuana Establishment structures and operations shall maintain a two hundred (200) foot set back measured horizontally between the closest edge of any such building or operation and the boundary line of any existing Residential Development, residential district, or district in which the use is not permitted.
- b. All Marihuana Establishment structures and operations shall maintain a three hundred (300) foot set back measured horizontally between the closest edge of any such building or operation and any existing residential dwelling not held in like ownership.

Is there a reason that these restrictions and allowances must be remove? These are our standards for protection of family homes within our Ag district.

- c. Exceptions to the setback requirements may be considered by the planning commission for proposed marihuana facilities operating from an existing structure previously used for a commercial application.

Is there a reason that this provision cannot be allowed within the ordinance?

37.60 Caregiver Cultivation

1. All Commercial Recreational and Medical establishments shall be governed by the Special Use Permit standards in Article 25.22.E.

Is there a reason that we cannot refer to the SUP standards to clarify that there are additional rules for commercial operations? The businesses will know but the public may not.

Is there anything that mandates including a permit, record, or registration of "Caregiver Cultivation Operations" within the township? With only 1-2 complains on record ever, the PC would prefer to not increase these regulation at this time.

Bob, These are the few questions
I have for the lawyer on our Mariguana
Business ordinance.

1. waste disposal, why was no on sit burning
of waste materials taken out?

#2 with so many security lights, Both Privat & Business
& The fact that these businesses by law have to
Have security lighting system, how can we
Mandate that no light can be visible from
an adjacent street or public right of way?

#3 under caregiver cultivation, line #5 Is this
a state law?

#4 referring to the lawyers notes, line 3 of
note #9

question #1 If we don't mention caregivers, are they subject
to these rules?

question #2 Do we legally have to mention caregivers
in these rules?

Thanks for Your Help. Mike Jacobson

Draft Marihuana Zoning Ordinance redline version from attorney.

WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
MARIHUANA BUSINESS COMMERCIAL MEDICAL MARIHUANA FACILITY AND
MARIHUANA
ESTABLISHMENT ZONING ORDINANCE AMENDMENT

ORDINANCE NO. _____

At a duly scheduled meeting of the Township Board of Whitewater Township, Grand Traverse County, Michigan, held at the Whitewater Township Hall on _____, 2021 at _____ p.m., Township Board Member _____ moved to adopt the following ordinance, which motion was seconded by Township Board Member _____:

An Ordinance to amend the Whitewater Township Zoning Ordinance, as amended, to provide for the ~~zoning~~ regulation of Commercial Medical Marihuana Facilities, Adult-Use Marihuana Establishments, and Primary Caregiver operations; and designate such Facilities, Establishments, and Operations as permitted or special uses; in order to maintain the public health, safety and welfare of the residents and visitors to Whitewater Township.

THE TOWNSHIP OF WHITEWATER ORDAINS:

Section 1. Amendment of Article III, Definitions: The Whitewater Township Zoning Ordinance, Article III, Definitions, shall be amended to add the following definitions:

COMMERCIAL MEDICAL MARIHUANA BUSINESS FACILITY OR "FACILITY" means anyone of the following ~~marihuana-related businesses licensed under the:~~

~~MMFLA or MRTMA:~~

PROVISIONING CENTER: ~~means a "provisioning center"~~ as that term is defined in the MMFLA; being a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers.

~~MARIHUANA RETAILER:~~ ~~means a "marihuana retailer"~~ **MMFLA PROCESSOR:** as that term is defined in the ~~MRTMA;~~

~~PROCESSOR BUSINESS:~~ ~~means both~~ MMFLA, being a licensee that is a "processor" as defined ~~commercial entity located in the MMFLA and this state that purchases marihuana from a "grower and that extracts resin from the marihuana processor" as defined in the MRTMA;~~

SECURE TRANSPORTER: ~~means both or creates a “secure transporter” as~~ marihuana-infused product for sale and transfer in packaged form to a provisioning center or another processor.

MMFLA GROWER: ~~as that term is defined in the MMFLA and a “marihuana secure transporter” as defined in the MRTMA;~~

GROWER BUSINESS: ~~means both, being a “grower” as defined in the MMFLA licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and a “packages marihuana for sale to a processor, provisioning center, or another grower” as defined in the MRTMA;~~

MMFLA SAFETY COMPLIANCE FACILITY: ~~means both a “as that term is defined in the MMFLA, being a licensee that is a commercial entity that takes marihuana from a marihuana facility or receives marihuana from a registered primary caregiver, tests the marihuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.~~

MMFLA SECURE TRANSPORTER: ~~as that term is defined in the MMFLA, being a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.~~

MARIHUANA ESTABLISHMENT OR “ESTABLISHMENT” ~~means one of the following:~~

MARIHUANA GROWER: ~~as that term is defined in the MRTMA, being a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.~~

MARIHUANA MICROBUSINESS: ~~as that term is defined in the MRTMA, being a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility”, but not to other marihuana establishments.~~

MARIHUANA PROCESSOR: ~~as that term is defined in the MRTMA, being a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.~~

MARIHUANA RETAILER: ~~as defined in the MMFLA and a “marihuana that term is defined in the MRTMA, being a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.~~

MARIHUANA SECURE TRANSPORTER: as that term is defined in the MRTMA, being a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

MARIHUANA SAFETY COMPLIANCE FACILITY ~~as defined in the MRTMA;~~

~~**MARIHUANA MICROBUSINESS:** as that term is defined in the MRTMA, being a person licensed to test marihuana, including certification for potency and the presence of contaminants.~~

DESIGNATED CONSUMPTION ESTABLISHMENT: as that term is defined by the Department of Licensing and Regulatory Affairs ~~or as may be defined in the MRTMA;~~

~~**EXCESS MARIHUANA GROWER:** as being a commercial space that term is defined licensed by the Department of Licensing and Regulatory Affairs LARA or the MRA and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license or as may be defined in the MRTMA.~~

EXCESS MARIHUANA GROWER: as that term is defined by the Department of Licensing and Regulatory Affairs, being a grower authorized to grow additional marihuana plants in increments of 2,000 or as may be defined in the MRTMA; ~~and.~~

MARIHUANA EVENT ORGANIZER: as that term is defined by the Department of Licensing and Regulatory Affairs, being a person authorized to hold a temporary marihuana event or as may be defined in the MRTMA.

TEMPORARY MARIHUANA EVENT: as that term is defined by the Department of Licensing and Regulatory Affairs being a state license held by a marihuana event organizer under the MRTMA, for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license or as may be defined in the MRTMA.

CAREGIVER CULTIVATION OPERATION: is the cultivation, storage, or distribution of medical marihuana by a Qualifying Patient or Primary Caregiver as defined by in accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008 ("MMMA").

RESIDENTIAL DEVELOPMENTS shall include subdivisions, condominium developments, and Planned Unit Developments (PUD) intended for residential use.

PATIENT: means a ~~registered "qualifying patient" or person who has been diagnosed by a "physician as having a debilitating medical condition and includes a visiting qualifying patient"~~ as those terms are defined by MCL 333.26423.

PRIMARY CAREGIVER: means a ~~Person~~person qualified under MCL 333.26423, and the rules promulgated therefore, including, but not limited to possession of a valid, unexpired registry identification card; to assist with a Patient's medical use of Marihuana, and authorized under the MMMA to operate as a Primary Caregiver.

OTHER MARIHUANA RELATED DEFINITIONS: other marihuana related terms undefined by this Township Zoning Ordinance will be given their meaning assigned by the Whitewater Township Ordinance Authorizing and Permitting Adult-Use Marihuana Establishments or the Whitewater Township Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities. Any other marihuana related terms undefined by other Whitewater Township ordinances shall be assigned their meaning contained in the Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008; the Medical Marihuana Facilities Licensing Act (MMFLA), Public Act 281 of 2016; the Michigan Regulation & Taxation of Marihuana Act (MRTMA), Initiated Law 1 of 2018; by the Marijuana Regulatory Agency (MRA); and by applicable Michigan Department of Licensing and Regulatory Affairs (LARA) Rules and Regulations.

Section 2. Amendment of Article 6, Section 6.10, Permitted Uses: The Whitewater Township Zoning Ordinance, Article 6 Residential R-1, Section 6.10, Permitted Uses, shall be amended to include the following:

I. Caregiver ~~Cultivation~~ Operations.

Section 3. Amendment of Article 8, Section 8.11, Uses Permitted by Special Use Permit: The Whitewater Township Zoning Ordinance, Article 8 Commercial District C and Village V, Section 8.11, Uses Permitted by Special Use Permit in the Commercial District, shall be amended to include the following:

S. MMFLA Grower ~~Businesses~~.

T. Marihuana Grower.

U. MMFLA Processor ~~Businesses~~.

V. Marihuana Processor

Section 4. Amendment of Article 9, Section 9.11, Uses Permitted by Special Use Permit: The Whitewater Township Zoning Ordinance, Article 9 Industrial District N, Section 9.11, Uses Permitted by Special Use Permit, shall be amended to include the following:

G. MMFLA Grower ~~Businesses~~.

H. Marihuana Grower.

I. MMFLA Processor ~~Businesses~~.

J. Marihuana Processor

Section 5. Amendment of Article 10, Section 10.11, Uses Permitted by Special Use Permit:
The Whitewater Township Zoning Ordinance, Article 10 Agricultural A-1, Section 10.11, Uses Permitted by Special Use Permit, shall be amended to include the following:

C. MMFLA Grower ~~Businesses~~.

D. Marihuana Grower.

E. MMFLA Processor ~~Businesses~~.

F. Marihuana Processor

Section 6. Amendment of Article 25, Section 25.22, Additional Conditions of Special Uses:
The Whitewater Township Zoning Ordinance, Article 25 Site Plan Review and Special Land Uses, Section 25.22, Additional Conditions of Special Uses, shall be amended to include the following:

E. SUP STANDARDS GOVERNING LOCATION AND OPERATION.

~~Grower and Processor Businesses:~~

E. COMMERCIAL MEDICAL MARIHUANA FACILITIES AND ADULT-USE MARIHUANA ESTABLISHMENTS.

Any SUP application ~~in the~~ for a Commercial ~~C, Industrial (N),~~ Medical Marihuana Facility or ~~Agricultural (Ag) district and~~ Marihuana Establishment shall comply with the following standards and shall include the following information in addition to the existing requirement for site plan and SUP.

A. SUP applicants shall provide the following:

1. Whether the Commercial Medical Marihuana ~~Business Facility or Marihuana Establishment~~ will be a principle or accessory use on the ~~property~~ parcel:
 - a. An SUP for a Commercial Medical Marihuana ~~Business Facility or Marihuana Establishment~~ may be granted as a principal or accessory use in the Agricultural District (Ag).
 - b. An SUP for a Commercial Medical Marihuana ~~Business Facility or Marihuana Establishment~~ may be granted as a principal use in the Commercial (C-1) or Industrial (N) districts.

2. A waste disposal plan detailing the lawful methods they will use to control waste or by-products from activities allowed under the License or Permit.
3. A security plan that details compliance with the following requirements:
 - a. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Permitted Premises; and
 - b. Robbery and burglary alarm systems that are professionally monitored and operated 24 hours a day, 7 days a week; and
 - c. A locking vault permanently affixed to the Permitted Premises that shall store all Marihuana and cash remaining in the Commercial Medical Marihuana Facility or Marihuana Establishment overnight, except for Marihuana actively grown in a Grower Facility or Establishment; and
 - d. All Marihuana in whatever form stored at the Permitted Premises shall be kept in a secure manner, and it shall not be exchanged, displayed or dispensed outside the Permitted Premises; and
 - e. All security recordings and documentation shall be preserved for at least seven (7) days by the Permit Holder and made available to any law enforcement agency upon request for inspection.
4. Lighting Plans detailing compliance with the following standards and those detailed in Article 29, External Lighting Regulations:
 - a. A Security Lighting Plan which takes into consideration neighboring properties.
 - b. Any artificial lighting must be shielded to prevent glare ~~and light trespass and must not~~ be visible directed away from ~~neighboring~~ adjacent properties, and must not adversely affect adjacent properties, streets, or public right of ways.
 - c. All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other equipment used on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission ~~and applicable state or federal law~~. Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Township.

5. Proposed hours of operation shall be specified in the application and are subject to Planning Commission approvals.

B. SUP permit holders for a Commercial Medical Marihuana Business Facility or Marihuana Establishment are subject to the following ~~conditions~~requirements:

1. No Commercial Medical Marihuana Business Facility or Marihuana Establishment shall be located within ~~five hundred (500)~~one thousand (1,000) feet of any licensed educational institution or school, college or university, church or house of worship or other religious facility, or public or private park, if such uses are in existence at the time the Commercial Medical Marihuana Business Facility or Marihuana Establishment is issued an initial permit, with the minimum distance between uses measured horizontally between the closest edge of any such building or use on the ~~property~~parcel.
2. Any structure housing a Commercial Medical Marihuana Business Facility or Marihuana Establishment in any district shall maintain a total footprint of all buildings equal to or less than a 40% maximum coverage of the ~~property~~parcel.
3. Signage shall not indicate the nature of the location as a Commercial Medical Marihuana Business Facility or Marihuana Business Establishment. A Commercial Medical Marihuana Facility or Marihuana Establishment can only have a sign if approved by the Township Planning Commission under the Additional Signage by Special Use process defined in Article 30.
4. A Commercial Medical Marihuana Business Facility or Marihuana Establishment's operations shall be operated in a manner that does not create ~~no disturbance detectable to the normal senses at or beyond its property line, including but not limited to processes that create excessive~~ noise, dust, ~~vibration~~vibrations, glare, fumes, ~~odor or~~ electrical interference, or odors that are detectable to a reasonable person of normal sensitivities beyond the parcel on which the use occurs.
5. ~~Marihuana Businesses~~Incineration shall not be permitted at any Commercial Medical Marihuana Facility or Marihuana Establishment.
- 5.6. A Commercial Medical Marihuana Facility or Marihuana Establishment located in the Agricultural District shall subject to the following additional standards:
 - a. ~~Any establishment~~Any Commercial Medical Marihuana Facility or Marihuana Establishment in the Agricultural District shall be held to the Exterior Lighting Regulations for Commercial and Industrial Zones as listed in Article 29.

- b. ~~Any establishment~~Any Commercial Medical Marihuana Facility or Marihuana Establishment in the Agricultural District may be required to include a landscape buffer adhering to the Industrial District Standards as defined in Landscape Standards, Article 33.
 - c. ~~Any establishment~~Any Commercial Medical Marihuana Facility or Marihuana Establishment in the Agricultural District shall be held to the Industrial standards in Article 34, Off Street Parking and Loading.
 - d. All Commercial Medical Marihuana Facility or Marihuana Establishment structures and operations shall maintain a two hundred (200) foot setback measured horizontally between the closest edge of any building or operation and the property line of any existing residential development, residential zoning district, or a district in which Commercial Medical Marihuana Facilities or Marihuana Establishments are not permitted.
 - e. All Commercial Medical Marihuana Facility or Marihuana Establishment structures and operations shall maintain a three hundred (300) foot setback measured horizontally between the closest edge of any building or operation and any existing residential dwelling not held in like ownership.
 - f. A variance may be sought as provided for in the zoning ordinance and where the Commercial Medical Marihuana Facility or Marihuana Establishment would operate from a structure previously used for commercial purposes.
- 6.7. In additions to these requirements a Commercial Medical Marihuana ~~Business Facility or Marihuana Establishment~~ shall comply with all state and local laws, regulations, and Ordinances, including without limitation other sections of the Township Zoning Ordinance, the MMFLA and the MRTMA to the extent such ordinances do not create obligations in conflict with this Ordinance.

Section 7. Amendment of Article 37, Supplementary Provisions: The Whitewater Township Zoning Ordinance, Article 37 ~~Temporary Buildings and Uses~~Supplementary Provisions, shall be amended to ~~include~~add the following Section 37.60 Caregiver Operation, providing as follows:

37.60 Caregiver ~~Cultivation~~Operation

A. Caregiver Cultivation Operations by a ~~Patient or~~ Primary Caregiver shall be governed by the following standards:

- 1. A Caregiver ~~Cultivation~~ Operation shall comply with the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq. ("MMA").

2. A Caregiver ~~Cultivation~~Operation shall be ~~considered~~ an Accessory Use of the ~~property~~premises.
3. There shall be no more than one Primary Caregiver Operation per premises. The Township may waive this limitation if an applicant for a Primary Caregiver Operation can provide written documentation in an application for a permit under this ordinance showing that a proposed Primary Caregiver Operation: (1) complies with the Zoning Ordinance; (2) is able to effectively meet the requirements of this ordinance; and (3) will not impose nuisances on neighboring properties or uses.
4. All medical marihuana must be contained within a separate enclosed, locked facility for each medical marihuana patient for which the medical marihuana caregiver is lawfully connected, in accordance with the MMMA. The enclosed, locked facility shall have secure windows and doors where applicable and the medical marihuana caregiver shall implement security measures to prevent theft of stored marihuana.
5. Distribution, growth or cultivation of medical marihuana, and all other related activity, must occur indoors.
6. The qualifying patient or Primary Caregiver must possess and maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or their successors.
7. Caregiver ~~Cultivation~~ Operations shall obtain all necessary building, electrical, plumbing, and mechanical permits ~~must be obtained~~ for any part of the structure in which electrical, wiring, lighting, or watering devices that support the cultivation, growing, or harvesting of marihuana are located.
8. All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other electrical, electromechanical, or electronic devices employed on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission ("FCC") Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Township.
9. Caregiver ~~Cultivation~~ Operations shall control any odor from the premises by regularly maintaining and operating an air scrubbing and carbon filtration system or other reasonably available odor control technology specifically approved for the Caregiver ~~Cultivation~~ Operation by the Planning Commission so that no odor from the acquisition, possession, cultivation, processing, transfer, or sale of marihuana is detectable at the property line of the ~~lot~~parcel.

10. A Caregiver ~~Cultivation~~ Operation shall be operated in a manner that does not create ~~no disturbance detectable to the normal senses at or beyond its property line, including but not limited to processes that creates~~ excessive noise, dust, ~~vibration~~ vibrations, glare, fumes, ~~odor, or~~ electrical interference, or odors that are detectable to a reasonable person of normal sensitivities beyond the parcel on which the use occurs.
11. There shall be no external evidence, signage, or lighting related to the Caregiver ~~Cultivation~~ Operation detectable from the exterior of the ~~property~~ premises.

SECTION 8. SEVERABILITY. The provisions of this Ordinance are hereby declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

SECTION 9. REPEAL. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 10. EFFECTIVE DATE. This Ordinance shall become effective seven (7) days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED:

Ron Popp, Whitewater Township Supervisor

AFFIDAVIT OF POSTING AND PUBLICATION

I hereby certify that:

- The above is a true copy of an Ordinance adopted by the Whitewater Township Board at a duly scheduled and noticed meeting of that Township Board held on [REDACTED], 2021, pursuant to the required statutory procedures.
- A summary of the above Ordinance was duly published in the [REDACTED] newspaper, a newspaper that circulates within Whitewater Township, on [REDACTED], 2021.
- Within one (1) week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
- Filed as an attested copy with the Grand Traverse County Clerk on [REDACTED], 2021.

ATTESTED:

Cheryl Goss, Whitewater Township Clerk

Draft Marihuana Zoning Ordinance clean version from attorney.

**WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
COMMERCIAL MEDICAL MARIHUANA FACILITY AND MARIHUANA
ESTABLISHMENT ZONING ORDINANCE AMENDMENT**

ORDINANCE NO. _____

At a duly scheduled meeting of the Township Board of Whitewater Township, Grand Traverse County, Michigan, held at the Whitewater Township Hall on _____, 2021 at _____ p.m., Township Board Member _____ moved to adopt the following ordinance, which motion was seconded by Township Board Member _____:

An Ordinance to amend the Whitewater Township Zoning Ordinance, as amended, to provide for the regulation of Commercial Medical Marihuana Facilities, Adult-Use Marihuana Establishments, and Primary Caregiver operations; and designate such Facilities, Establishments, and Operations as permitted or special uses; in order to maintain the public health, safety and welfare of the residents and visitors to Whitewater Township.

THE TOWNSHIP OF WHITEWATER ORDAINS:

Section 1. Amendment of Article III, Definitions: The Whitewater Township Zoning Ordinance, Article III, Definitions, shall be amended to add the following definitions:

COMMERCIAL MEDICAL MARIHUANA FACILITY OR “FACILITY” means one of the following:

MMFLA PROVISIONING CENTER: as that term is defined in the MMFLA, being a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers.

MMFLA PROCESSOR: as that term is defined in the MMFLA, being a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center or another processor.

MMFLA GROWER: as that term is defined in the MMFLA, being a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, or another grower.

MMFLA SAFETY COMPLIANCE FACILITY: as that term is defined in the MMFLA, being a licensee that is a commercial entity that takes marihuana from a marihuana facility or receives marihuana from a registered primary caregiver, tests the marihuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

MMFLA SECURE TRANSPORTER: as that term is defined in the MMFLA, being a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

MARIHUANA ESTABLISHMENT OR “ESTABLISHMENT” means one of the following:

MARIHUANA GROWER: as that term is defined in the MRTMA, being a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

MARIHUANA MICROBUSINESS: as that term is defined in the MRTMA, being a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

MARIHUANA PROCESSOR: as that term is defined in the MRTMA, being a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

MARIHUANA RETAILER: as that term is defined in the MRTMA, being a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

MARIHUANA SECURE TRANSPORTER: as that term is defined in the MRTMA, being a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

MARIHUANA SAFETY COMPLIANCE FACILITY: as that term is defined in the MRTMA, being a person licensed to test marihuana, including certification for potency and the presence of contaminants.

DESIGNATED CONSUMPTION ESTABLISHMENT: as that term is defined by the Department of Licensing and Regulatory Affairs being a commercial space that is licensed by LARA or the MRA and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license or as may be defined in the MRTMA.

EXCESS MARIHUANA GROWER: as that term is defined by the Department of Licensing and Regulatory Affairs, being a grower authorized to grow additional marihuana plants in increments of 2,000 or as may be defined in the MRTMA.

MARIHUANA EVENT ORGANIZER: as that term is defined by the Department of Licensing and Regulatory Affairs, being a person authorized to hold a temporary marihuana event or as may be defined in the MRTMA.

TEMPORARY MARIHUANA EVENT: as that term is defined by the Department of Licensing and Regulatory Affairs being a state license held by a marihuana event organizer under the MRTMA, for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license or as may be defined in the MRTMA.

CAREGIVER OPERATION: is the cultivation, storage, or distribution of medical marihuana by a Primary Caregiver in accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008 (“MMMA”).

RESIDENTIAL DEVELOPMENTS shall include subdivisions, condominium developments, and Planned Unit Developments (PUD) intended for residential use.

PATIENT: means a person who has been diagnosed by a physician as having a debilitating medical condition and includes a visiting qualifying patient.

PRIMARY CAREGIVER: means a person qualified under MCL 333.26423, and the rules promulgated therefore, including, but not limited to possession of a valid, unexpired registry identification card to assist with a Patient’s medical use of Marihuana, and authorized under the MMMA to operate as a Primary Caregiver.

OTHER MARIHUANA RELATED DEFINITIONS: other marihuana related terms undefined by this Township Zoning Ordinance will be given their meaning assigned by the Whitewater Township Ordinance Authorizing and Permitting Adult-Use Marihuana Establishments or the Whitewater Township Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities. Any other marihuana related terms undefined by other Whitewater Township ordinances shall be assigned their meaning contained in the Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008; the Medical Marihuana Facilities Licensing Act (MMFLA), Public Act 281 of 2016; the Michigan Regulation & Taxation of Marihuana Act (MRTMA), Initiated Law 1 of 2018; by the Marijuana Regulatory Agency (MRA); and by applicable Michigan Department of Licensing and Regulatory Affairs (LARA) Rules and Regulations.

Section 2. Amendment of Article 6, Section 6.10, Permitted Uses: The Whitewater Township Zoning Ordinance, Article 6 Residential R-1, Section 6.10, Permitted Uses, shall be amended to include the following:

I. Caregiver Operations.

Section 3. Amendment of Article 8, Section 8.11, Uses Permitted by Special Use Permit: The Whitewater Township Zoning Ordinance, Article 8 Commercial District C and Village V, Section 8.11, Uses Permitted by Special Use Permit in the Commercial District, shall be amended to include the following:

S. MMFLA Grower.

T. Marihuana Grower.

U. MMFLA Processor.

V. Marihuana Processor

Section 4. Amendment of Article 9, Section 9.11, Uses Permitted by Special Use Permit: The Whitewater Township Zoning Ordinance, Article 9 Industrial District N, Section 9.11, Uses Permitted by Special Use Permit, shall be amended to include the following:

G. MMFLA Grower.

H. Marihuana Grower.

I. MMFLA Processor.

J. Marihuana Processor

Section 5. Amendment of Article 10, Section 10.11, Uses Permitted by Special Use Permit: The Whitewater Township Zoning Ordinance, Article 10 Agricultural A-1, Section 10.11, Uses Permitted by Special Use Permit, shall be amended to include the following:

C. MMFLA Grower.

D. Marihuana Grower.

E. MMFLA Processor.

F. Marihuana Processor

Section 6. Amendment of Article 25, Section 25.22, Additional Conditions of Special Uses: The Whitewater Township Zoning Ordinance, Article 25 Site Plan Review and Special Land Uses, Section 25.22, Additional Conditions of Special Uses, shall be amended to include the following:

E. COMMERCIAL MEDICAL MARIHUANA FACILITIES AND ADULT-USE MARIHUANA ESTABLISHMENTS.

Any SUP application for a Commercial Medical Marihuana Facility or Marihuana Establishment shall comply with the following standards and shall include the following information in addition to the existing requirement for site plan and SUP.

A. SUP applicants shall provide the following:

1. Whether the Commercial Medical Marihuana Facility or Marihuana Establishment will be a principle or accessory use on the parcel:
 - a. An SUP for a Commercial Medical Marihuana Facility or Marihuana Establishment may be granted as a principal or accessory use in the Agricultural District (Ag).
 - b. An SUP for a Commercial Medical Marihuana Facility or Marihuana Establishment may be granted as a principal use in the Commercial (C-1) or Industrial (N) districts.
2. A waste disposal plan detailing the lawful methods they will use to control waste or by-products from activities allowed under the License or Permit.
3. A security plan that details compliance with the following requirements:
 - a. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Permitted Premises; and
 - b. Robbery and burglary alarm systems that are professionally monitored and operated 24 hours a day, 7 days a week; and
 - c. A locking vault permanently affixed to the Permitted Premises that shall store all Marihuana and cash remaining in the Commercial Medical Marihuana Facility or Marihuana Establishment overnight, except for Marihuana actively grown in a Grower Facility or Establishment ; and
 - d. All Marihuana in whatever form stored at the Permitted Premises shall be kept in a secure manner, and it shall not be exchanged, displayed or dispensed outside the Permitted Premises; and
 - e. All security recordings and documentation shall be preserved for at least seven (7) days by the Permit Holder and made available to any law enforcement agency upon request for inspection.

4. Lighting Plans detailing compliance with the following standards and those detailed in Article 29, External Lighting Regulations:
 - a. A Security Lighting Plan which takes into consideration neighboring properties.
 - b. Any artificial lighting must be shielded to prevent glare, be directed away from adjacent properties, and must not adversely affect adjacent properties, streets, or public right of ways.
 - c. All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other equipment used on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission and applicable state or federal law. Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Township.
 5. Proposed hours of operation shall be specified in the application and are subject to Planning Commission approvals.
- B. SUP permit holders for a Commercial Medical Marihuana Facility or Marihuana Establishment are subject to the following requirements:
1. No Commercial Medical Marihuana Facility or Marihuana Establishment shall be located within one thousand (1,000) feet of any licensed educational institution or school, college or university, church or house of worship or other religious facility, or public or private park, if such uses are in existence at the time the Commercial Medical Marihuana Facility or Marihuana Establishment is issued an initial permit, with the minimum distance between uses measured horizontally between the closest edge of any such building or use on the parcel.
 2. Any structure housing a Commercial Medical Marihuana Facility or Marihuana Establishment in any district shall maintain a total footprint of all buildings equal to or less than a 40% maximum coverage of the parcel.
 3. Signage shall not indicate the nature of the location as a Commercial Medical Marihuana Facility or Marihuana Establishment. A Commercial Medical Marihuana Facility or Marihuana Establishment can only have a sign if approved by the Township Planning Commission under the Additional Signage by Special Use process defined in Article 30.

4. A Commercial Medical Marihuana Facility or Marihuana Establishment's operations shall be operated in a manner that does not create excessive noise, dust, vibrations, glare, fumes, electrical interference, or odors that are detectible to a reasonable person of normal sensitivities beyond the parcel on which the use occurs.
5. Incineration shall not be permitted at any Commercial Medical Marihuana Facility or Marihuana Establishment.
6. A Commercial Medical Marihuana Facility or Marihuana Establishment located in the Agricultural District shall be subject to the following additional standards:
 - a. Any Commercial Medical Marihuana Facility or Marihuana Establishment in the Agricultural District shall be held to the Exterior Lighting Regulations for Commercial and Industrial Zones as listed in Article 29.
 - b. Any Commercial Medical Marihuana Facility or Marihuana Establishment in the Agricultural District may be required to include a landscape buffer adhering to the Industrial District Standards as defined in Landscape Standards, Article 33.
 - c. Any Commercial Medical Marihuana Facility or Marihuana Establishment in the Agricultural District shall be held to the Industrial standards in Article 34, Off Street Parking and Loading.
 - d. All Commercial Medical Marihuana Facility or Marihuana Establishment structures and operations shall maintain a two hundred (200) foot setback measured horizontally between the closest edge of any building or operation and the property line of any existing residential development, residential zoning district, or a district in which Commercial Medical Marihuana Facilities or Marihuana Establishments are not permitted.
 - e. All Commercial Medical Marihuana Facility or Marihuana Establishment structures and operations shall maintain a three hundred (300) foot setback measured horizontally between the closest edge of any building or operation and any existing residential dwelling not held in like ownership.
 - f. A variance may be sought as provided for in the zoning ordinance and where the Commercial Medical Marihuana Facility or Marihuana Establishment would operate from a structure previously used for commercial purposes.
7. In addition to these requirements a Commercial Medical Marihuana Facility or Marihuana Establishment shall comply with all state and local laws, regulations, and Ordinances, including without limitation other sections of the Township Zoning

Ordinance, the MMFLA and the MRTMA to the extent such ordinances do not create obligations in conflict with this Ordinance.

Section 7. Amendment of Article 37, Supplementary Provisions: The Whitewater Township Zoning Ordinance, Article 37 Supplementary Provisions, shall be amended to add the following Section 37.60 Caregiver Operation, providing as follows:

37.60 Caregiver Operation

A. Caregiver Operations by a Primary Caregiver shall be governed by the following standards:

1. A Caregiver Operation shall comply with the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq. (“MMMA”).
2. A Caregiver Operationshall be an Accessory Use of the premises.
3. There shall be no more than one Primary Caregiver Operation per premises. The Township may waive this limitation if an applicant for a Primary Caregiver Operation can provide written documentation in an application for a permit under this ordinance showing that a proposed Primary Caregiver Operation: (1) complies with the Zoning Ordinance; (2) is able to effectively meet the requirements of this ordinance; and (3) will not impose nuisances on neighboring properties or uses.
4. All medical marihuana must be contained within a separate enclosed, locked facility for each medical marihuana patient for which the medical marihuana caregiver is lawfully connected, in accordance with the MMMA. The enclosed, locked facility shall have secure windows and doors where applicable and the medical marihuana caregiver shall implement security measures to prevent theft of stored marihuana.
5. Distribution, growth or cultivation of medical marihuana, and all other related activity, must occur indoors.
6. The qualifying patient or Primary Caregiver must possess and maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or their successors.
7. Caregiver Operations shall obtain all necessary building, electrical, plumbing, and mechanical permits for any part of the structure in which electrical, wiring, lighting, or watering devices that support the cultivation, growing, or harvesting of marihuana are located.
8. All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other electrical, electromechanical, or electronic devices employed on the premises must meet and

fully comply with all applicable rules as required by the Federal Communications Commission ("FCC") Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Township.

9. Caregiver Operations shall control any odor from the premises by regularly maintaining and operating an air scrubbing and carbon filtration system or other reasonably available odor control technology specifically approved for the Caregiver Operation by the Planning Commission so that no odor from the acquisition, possession, cultivation, processing, transfer, or sale of marihuana is detectable at the property line of the parcel.
10. A Caregiver Operation shall be operated in a manner that does not create excessive noise, dust, vibrations, glare, fumes, electrical interference, or odors that are detectible to a reasonable person of normal sensitivities beyond the parcel on which the use occurs.
11. There shall be no external evidence, signage, or lighting related to the Caregiver Operation detectable from the exterior of the premises.

SECTION 8. SEVERABILITY. The provisions of this Ordinance are hereby declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

SECTION 9. REPEAL. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 10. EFFECTIVE DATE. This Ordinance shall become effective seven (7) days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED:

Ron Popp, Whitewater Township Supervisor

AFFIDAVIT OF POSTING AND PUBLICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Whitewater Township Board at a duly scheduled and noticed meeting of that Township Board held on [REDACTED], 2021, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the [REDACTED] newspaper, a newspaper that circulates within Whitewater Township, on [REDACTED], 2021.
3. Within one (1) week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. Filed as an attested copy with the Grand Traverse County Clerk on [REDACTED], 2021.

ATTESTED:

Cheryl Goss, Whitewater Township Clerk



SAFETY ISSUES FOR CANNABIS-RELATED FACILITIES

The number of states passing laws to permit the use of cannabis, or marijuana, for medicinal and recreational purposes continues to increase, and this has many jurisdictions trying to navigate uncharted territory. The first step in understanding what safety risks are present in a cannabis-related facility is knowing what type of facility is being proposed or inspected. Often, cannabis-related facilities will focus on one aspect of the industry: growing, processing, or selling. Each of these types of facilities presents unique hazards and related safety issues.

DID YOU KNOW? The term cannabis includes all forms of the plant, including marijuana and hemp.

CANNABIS FACILITIES AND NFPA 1

Not all hazards present in cannabis facilities are unique to the industry, so it is important to remember that the fire code, building code, and other applicable regulations might already have provisions for dealing with some of the hazards present. However, there are hazards unique to growing and processing facilities. These hazards are addressed in Chapter 38 of the 2018 edition of NFPA 1, *Fire Code*. This chapter contains requirements for fire inspectors to help ensure the safety of building occupants, the safety of firefighters, and the protection of property where cannabis is grown or processed.

OCCUPANCY CLASSIFICATION

The hazards in an occupancy vary based on the types of activities being conducted, the types of materials being

used, and the quantities of the materials being used. The most fundamental question when it comes to cannabis facilities is: what is the occupancy classification?

The occupancy classification of the facility should be based on the occupancy definitions found in Chapter 6 of NFPA 1 and the applicable building code. Depending on the facility and its use, some likely occupancy classifications for cannabis-related facilities may be:

- » Growing and processing facilities (including extraction rooms): Classified as industrial or storage.
- » Selling facilities: Classified as mercantile
- » Consumption facilities: May be classified as assembly or business depending on the occupant load

Just like other types of buildings, there could be more than one occupancy present. If that is the case, the building would need to be protected as a multiple occupancy building as outlined in Chapter 6 of NFPA 1. Similar to other types of facilities, the hazard of contents would also need to be evaluated. If the facility was found to have high hazard contents, which are contents that are likely to burn with extreme rapidity or are likely to explode, then the high hazard contents provisions would need to be applied. (See Chapters 60-75 of NFPA 1 as applicable.)

DID YOU KNOW? Cannabis growing, processing, and selling facilities are not distinct occupancy classifications.



SAFETY ISSUES FOR CANNABIS-RELATED FACILITIES (CONTINUED)

GROWING FACILITIES

Growing facilities are typically large warehouse type buildings subdivided into rooms. The grow rooms are closely monitored to provide exactly the right conditions for the plants. Usually, plants are moved throughout the building as they reach different stages and require different conditions for optimal growth.

While there are a number of things to consider when inspecting these types of facilities, two important questions to ask are the following:

1. What types of containers and trays are the plants growing in?
2. What types of fertilizers and fumigants are being stored and used?

The growing plants are typically not very combustible. They are kept under such moist conditions that flaming combustion would likely be difficult to achieve. However, the other materials present can and will impact fire growth. The types of containers and trays that the plants are growing in, as well as the growing medium, could impact things like the sprinkler system design. Fertilizer and fumigants could be hazardous materials, oxidizers, or hazardous to humans. Any of those types of materials could require additional requirements to be followed, such as those for high hazard contents.

Some common inspection issues are summarized in the table below along with topics to consider and where to find them in NFPA 1. Numbers in parenthesis are chapter numbers.

GROWING HAZARDS	SAFETY ISSUES	TOPICS TO CONSIDER
Egress	<ul style="list-style-type: none"> » A crowded area of plants moved often according to their grow cycles can become a maze for first responders and workers trying to exit » Lack of clear egress paths and clearly marked exit doors 	Means of Egress (14); Occupancy Fire Safety (20); Marijuana Growing, Processing, or Extraction Facilities (38)
Lights	<ul style="list-style-type: none"> » Extensive use of hot lighting systems often run for 24 hours a day and can be sources of ignition » Lighting systems hung using materials that could cause the lights to fall 	Building Services (11); Occupancy Fire Safety (20); Marijuana Growing, Processing, or Extraction Facilities (38)
Combustible Interior Finishes	<ul style="list-style-type: none"> » Areas separated by tarps or other flammable materials that could create fire hazards and egress issues » Wall and ceiling finishes can increase fire spread and smoke development 	Features of Fire Protection (12); Occupancy Fire Safety (20); Marijuana Growing, Processing, or Extraction Facilities (38)
High Electrical Loads	<ul style="list-style-type: none"> » High quantities of lighting, air conditioning, fans, and other systems that use a significant amount of electrical energy » Overloaded circuits and wiring that can spark fires 	Building Services (11); Occupancy Fire Safety (20); Marijuana Growing, Processing, or Extraction Facilities (38)
Fumigation and Fertilization	<ul style="list-style-type: none"> » Hazardous materials for fumigation or fertilization measures could present health and fire risks to employees and first responders » Systems installed to deliver fumigation and fertilization could increase the risk to the facility due to failures and leaks 	Marijuana Growing, Processing, or Extraction Facilities (38); Hazardous Materials—if used (60-75)
Illegal Locks/Barriers	<ul style="list-style-type: none"> » Noncompliant doors and locking mechanisms can hinder egress in a fire or other emergency 	Means of Egress (14); Occupancy Fire Safety (20); Marijuana Growing, Processing, or Extraction Facilities (38)
CO ₂ Enrichment	<ul style="list-style-type: none"> » Failures or leaks of CO₂ enrichment systems can pose health and safety risks to employees and first responders 	Marijuana Growing, Processing, or Extraction Facilities (38); Compressed Gases and Cryogenic Fluids (63)



SAFETY ISSUES FOR CANNABIS-RELATED FACILITIES (CONTINUED)

PROCESSING FACILITIES

Processing facilities are all the other types of facilities that transform the plant into products for consumption. One common type of processing facility is an extraction room. During the extraction process, chemicals are removed from the plant for use in other



cannabis-based products. The extraction process is commonly completed by using a solvent, such as LP-gas or carbon dioxide, to strip the oils holding these chemicals from plant clippings.

While there are a number of things to consider when inspecting these types of facilities, the following are two important questions to ask:

1. What hazardous materials are used in the facility?
2. How much of the hazardous material do they have within control areas?

Hazardous materials are used throughout the production of cannabis, mainly during the extraction process. Other chapters in NFPA 1 provide requirements for hazardous materials, including limitations on the maximum allowable quantities (MAQs), protection of areas that use excessive quantities of hazardous materials, separation of areas using hazardous materials, and safe practices for those materials in use. It is important to identify the types and quantities of the hazardous materials present to properly apply the other chapters of NFPA 1.

Some common inspection issues are summarized in the table below, along with topics to consider and where to find them in NFPA 1. Numbers in parenthesis are chapter numbers.

EXTRACTION PROCESS HAZARDS	SAFETY ISSUES	TOPICS TO CONSIDER
LP-Gas Extraction	<ul style="list-style-type: none"> » Bulk handling and mixing of gases » Off-gassing from products can occur and could be hazardous » Improperly designed, installed, or maintained equipment can create leaks or explosions 	Marijuana Growing, Processing, or Extraction Facilities (38); Liquefied Petroleum Gases and Liquefied Natural Gases (69)
CO ₂ Extraction	<ul style="list-style-type: none"> » Failures or leaks of CO₂ systems can pose health and safety risks to employees and first responders 	Marijuana Growing, Processing, or Extraction Facilities (38); Compressed Gases and Cryogenic Fluids (63)
Extraction Equipment	<ul style="list-style-type: none"> » Inconsistent or incomplete peer review for approved, non-listed extraction equipment » Inconsistent or inadequate personnel training » Inconsistent use of codes for equipment review » Lack of accredited certification programs for equipment operators » Undocumented or unapproved equipment modifications or maintenance 	Marijuana Growing, Processing, or Extraction Facilities (38)



SAFETY ISSUES FOR CANNABIS-RELATED FACILITIES (CONTINUED)



EXISTING FACILITIES

For existing facilities, it is important to keep in mind that this is an ever-changing industry. Although these types of facilities might be on a set inspection schedule, additional inspections could be required. Some examples of times when additional inspections could be needed are when any of the following changes occur at a facility:

- » Modifications to the grow area, rooms and storage areas, extraction equipment, process rooms, or processing equipment within a facility
- » Changes in occupancy
- » Changes in material used in a new or existing grower or processor facility

➔ **DID YOU KNOW?** UL 1389 is a new standard for listing extraction equipment.

There are inherent dangers in cannabis-related facilities and the more that is understood in how these facilities operate, the safer the facility, its workers, and responders will be. Outlined above are the very basics, but there is always more to consider especially for

an industry that is changing so rapidly. Other considerations include proper permitting, proper sprinkler system design, and how to inspect and regulate new extraction processes. Regardless of what role you have in this (building owner, inspector, first responder, etc.), there is a common goal: to maintain the highest level of safety in these types of facilities. Ensuring that facilities comply with the appropriate standards is one way of doing that.

Additional Reference Information

- » NFPA 1, *Fire Code*, 2018 edition
- » *Fire Code Handbook*, 2018 edition
- » NFPA 70®, *National Electrical Code®*, 2020 edition
- » UL 1389, *Standard for Plant Oil Extraction Equipment for Installation and Use in Ordinary (Unclassified) Locations and Hazardous (Classified) Locations*, 2019 edition

LEARN MORE

Visit nfpa.org/cannabis for the latest information.

DISCLAIMER: This material contains some basic information about NFPA 1, *Fire Code*. It identifies some of the requirements in these documents as of the date of publication. This material is not the official position of any NFPA Technical Committee or any referenced topic, which is represented solely by the NFPA documents on such topic in their entirety. For free access to the complete and most current version of all NFPA documents, please go to nfpa.org/docinfo. While every effort has been made to achieve a work of high quality, neither the NFPA nor the contributors to this material guarantee the accuracy or completeness of or assume any liability in connection with this information. Neither the NFPA nor the contributors shall be liable for any personal injury, property, or other damages of any nature whatsoever, whether special, indirect, consequential or compensatory directly or indirectly resulting from the publication, use of, or reliance upon this material. Neither the NFPA nor the contributors are attempting to render engineering or other professional services. If such services are required, the assistance of a professional should be sought.

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