

ARTICLE VII

MEDICAL MARIJUANA MANUFACTURING OR DISTRIBUTION CENTER.

7.1 Purpose and Intent

The 2017 North Dakota Legislature enacted Senate Bill 2344, relating to the implementation of the North Dakota Compassionate Care Act, N.D.C.C 19-24.1 for the regulation of medical marijuana dispensaries and the cultivations and propagation of medical marijuana in North Dakota.

All persons, entities or organizations wishing to establish a Medical Marijuana Manufacturing Center(s) or Distribution Center(s) within Grant County must apply for and be granted a special use permit for said use.

- a. The use, cultivation, manufacturing, production, distribution, possession and transportation of marijuana remains illegal under federal law, and marijuana remains classified as a "controlled substance" by both North Dakota and Federal law;
- b. The Grant County Commission does not have the authority to, and nothing in this chapter is intended to, authorize, promote, condone or aid the production, distribution or possession of medical marijuana in violation of any applicable law;
- c. The Grant County Commission intends to regulate the use, acquisition, cultivation, manufacturing, and distribution of usable medical marijuana in a manner that is consistent with the North Dakota Century Code. The regulations are intended to apply to all medical marijuana operations in Grant County by any medical marijuana business permitted under state law. Medical marijuana cultivation and production can have an impact on health, safety, and community resources, and this chapter is intended to permit state-licensed Medical Marijuana Manufacturing Center(s) or Distribution Center(s) where they will have a minimal negative impact;
- d. To the extent that Medical Marijuana Manufacturing Center(s) or Distribution Center(s) are registered and authorized by the State of North Dakota to operate in Grant County, this Commission desires to provide for their regulation to protect the public health, safety and general welfare of the citizens of Grant County.
- e. This chapter is to be construed to protect the public over medical marijuana business interests. Operation of a medical marijuana business is a revocable privilege and not a right in Grant County. There is no property right for an individual or business to have medical marijuana in Grant County.
- f. The purpose of this chapter is to protect the public health, safety, and welfare of the residents and patients of Grant County by prescribing the manner in which medical marijuana businesses can be conducted in Grant County. Further, the purpose of this

chapter is to:

- i. Provide for a means of cultivating, manufacturing and distribution of usable Medical Marijuana to patients who qualify to obtain, possess, and use marijuana for medical purposes as prescribed by state law.
- ii. Create regulations that address the particular needs of the facilities, patients and residents of Grant County and comply with laws that may be enacted by the state regarding medical marijuana.

7.2 Definitions

Unless specified in this ordinance, all terms defined in N.D.C.C. § 19-24.1-01 or successors to that statute shall have the definitions provided therein.

7.3 Special Use Permit Requirements

In addition to the requirements applicable to all Special Use Permit applications, an application for a Special Use Permit for a Medical Marijuana Manufacturing Center(s) is only permitted in A-Agricultural or I-Industrial Zoned Districts, and a Medical Marijuana Distribution Center(s) is only permitted in I-Industrial or C-Commercial Zoned District and must include the following:

- a. A complete description of the products and services to be produced or sold by the Medical Marijuana Manufacturing Center(s) or Distribution Center(s).
- b. A notarized statement acknowledging that the applicant understands applicable federal laws, any guidance or directives issued by the U.S. Department of Justice, the laws of the State of North Dakota and the laws and regulations of Grant County applicable thereto concerning the operation of a Medical Marijuana Manufacturing Center(s) or Distribution Center(s). The written statement shall also acknowledge that any violation of any laws or regulations of the State of North Dakota or of Grant County, or any activity in violation of any guidance or directives issued by the U.S. Department of Justice, in such place of business, or in connection therewith, or the commencement of any legal proceeding relating to such Medical Marijuana Manufacturing Center(s) or Distribution Center(s) by federal authorities, may render the Special Use Permit subject to immediate suspension or revocation.
- c. A notarized statement that the applicant will hold harmless, indemnify, and defend Grant County against all claims and litigation arising from the issuance of a Special Use Permit including any claims and litigation arising from the Manufacturing Center(s) or Distribution Center(s), operation or ownership of the Medical Marijuana Manufacturing Center(s) or Distribution Center(s).
- d. A notarized acknowledgement that the applicant is seeking a Medical Marijuana Manufacturing Center(s) or Distribution Center(s) Special Use Permit and that the applicant understands and acknowledges that the burden of proving qualifications to

receive such a Special Use Permit is at all times on the applicant; that the granting of a Special Use Permit for a Medical Marijuana Manufacturing Center(s) or Distribution Center(s) is at the discretion of the Grant County Commission; and that the applicant agrees to abide by the decision of the Grant County Commission.

- e. The Grant County Commission may require additional plans, documents or other information prior to deeming the application complete.
- f. If the State of North Dakota or its electorate repeals the Compassionate Care Act or the act is otherwise declared void, all Medical Marijuana Manufacturing Center(s) or Distribution Center(s) Special Use Permits issued by the Grant County Commission will be deemed to have immediately expired.
- g. Once a Special Use Permit is obtained for a Medical Marijuana Manufacturing Center(s) or Distribution Center(s), any change in operation of the facility or in ownership shall require prior approval of the Grant County Commission.
- h. Any building modifications or alterations must be approved by the Grant County Commission.
- i. The fee for the Special Use Permit for a Medical Marijuana Manufacturing Center(s) or Distribution Center(s) shall be \$1,000.00, which is a non-refundable fee.
- j. The Special Use Permit for a Medical Marijuana Manufacturing Center(s) or Distribution Center(s) may be revoked for any noncompliance with any Grant County ordinance(s) or statute(s) of the State of North Dakota.

7.4 Design Standards:

All applicable State and Grant County standards and requirements shall apply in the design and operations of any Manufacturing Center(s) or Distribution Center(s).

- a. Each Medical Marijuana Manufacturing Center(s) or Distribution Center(s) must be located in a separate, permanent, stand-alone structure and have a minimum eight (8) foot high perimeter fence encompassing the parcel boundary.
- b. Each Medical Marijuana Manufacturing Center(s) or Distribution Center(s) must be located a minimum of 2,640 feet from a public or private preschool, kindergarten, elementary, secondary or high school, public park or playground, public community center, dependent care facility, homeless shelter, youth center, church, temple, or place of religious worship. The distance shall be measured from the exterior fence of the Medical Marijuana Manufacturing Center(s) or Distribution Center(s) to the property line of the protected use.
- c. Each Medical Marijuana Manufacturing Center(s) or Distribution Center(s) must be located a minimum of 500 feet from any residential district, or any residential dwelling, trailer, recreational vehicle or recreational district. The distance shall be measured from

the exterior fence of the Medical Marijuana Manufacturing Center(s) or Distribution Center(s) to the property line or dwelling of the protected use.

- d. The entire perimeter of a Medical Marijuana Manufacturing Center(s) or Distribution Center(s) structure must be well lit (minimum 1 candle foot) to prevent concealment in shadows around the structure for a minimum of 15 feet around each structure that is part of the Medical Marijuana Manufacturing Center(s) or Distribution Center(s). Further, everything within the fenced area shall have 24-hour surveillance cameras depicting the entire exterior of the Manufacturing Center(s) or Distribution Center(s) as well as cameras at the property entrance depicting vehicles and license plates of each vehicle entering the parking lot.
- e. Each Medical Marijuana Distribution Center(s) shall have at least 1 parking space per 250 sq. ft. of structure.
- f. Each Medical Marijuana Cultivation and/or Manufacturing Facility shall have at least 1 parking space for every 1000 sq. ft. of plant cultivation area and 1 parking space for each 250 sq. ft. of all other areas of the structure.
- g. With the exception of the specific Medical Marijuana Manufacturing Center(s) or Distribution Center(s) approved as part of a Special Use Permit, no other activity may occur within the facility or land parcel.
- h. No outdoor storage on-site shall be permitted.
- i. No drive-through window, drive-up window, or walk-up facilities shall be permitted.
- j. Regarding signage, there shall be no flashing, neon, or chase lights. No lighting effects beyond standard illumination.
- k. Waste generated from the growing, processing or dispensing of marijuana that contains marijuana or contains any element derived from the marijuana plant must be stored in a secured waste receptacle that is only accessible by agents of the compassion center and agents of the contracted waste collection company.

7.5 Dimensional Standards:

The Medical Marijuana Manufacturing Center(s) shall abide by the following standards, in addition to all standards set forth in the Grant County ordinance(s) or statute(s) of the State of North Dakota:

- a. The minimum lot size is three (3) acres.
- b. One (1) principal structure is allowed per site, with a maximum building floor area of 10,000 square feet for the principal structure.
- c. Accessory structures, directly related to the principal use, are allowed. Accessory structures may not be larger than twenty (20) percent of the total floor area of the

principal structure, and the sum of the floor area for all accessory structures may not be greater than fifty (50) percent of the total floor area of the principal structure.

- d. Principal and accessory structures must be set back a minimum of 100 feet from all lot lines. For the purposes of this section, a fence and a parking lot shall not be required to meet the 100 foot setback, but instead shall meet any applicable setback requirements established for the underlying zoning district.
- e. Growing and processing of marijuana is not allowed in the following:
 - i. Greenhouses and other transparent structures.
 - ii. Hoop houses and similar non-rigid or non-permanent structures.
- f. Noise generated from the use may not exceed 40 dB(A), measured at any property line, between the hours of 10:00 PM and 6:00 AM.
- g. Facility must be equipped with an air filtration system such that any odor, resulting from the growing or processing of marijuana, does not unreasonably interfere with the surrounding land owners' use and enjoyment of their property.
- h. Fencing (including, but not limited to, razor wire) shall be finished in a muted tone that blends with the surrounding natural landscape and shall not be constructed of temporary materials such as plastic sheeting, hay bales, tarps, etc.

The Medical Marijuana Distribution Center(s) shall abide by the following standards, in addition to all standards set forth in the Grant County ordinance(s) or statute(s) of the State of North Dakota:

- a. No Medical Marijuana Distribution Center(s) shall have operating hours earlier than 8:00 AM or later than 7:00 PM.
- b. A dispensary shall not be allowed to locate on a non-conforming lot nor in an existing structure on a non-conforming lot.
- c. No physician or psychiatrist shall issue a written certification for medical marijuana on the lot or tract on which the dispensary is located.
- d. The public area of the facility must be accessible to persons with disabilities.

7.6 Serviceability, Exclusions and Exceptions:

- a. The provisions of this chapter do not waive or modify any other provision of this ordinance with which Medical Marijuana Manufacturing Center(s) or Distribution Center(s) is required to comply. Nothing in this section is intended to authorize, legalize or permit the Manufacturing Center(s) or Distribution Center(s), operation or maintenance of any facility, building or use which violates any Grant County ordinance or statute of the State of North Dakota regarding public nuisances, Medical Marijuana, or

any federal regulations or statutes relating to the use of controlled substances.

- b. This chapter shall be null and void if any determination is made, after the adoption of the ordinance enacting this chapter, by any court of competent jurisdiction, that Ch. 19-24 N.D.C.C., is invalid, or shall be null and void to the extent any portion of such section is held invalid.
- c. Should any section, subsection, clause or provision of this chapter for any reason be held to be invalid or factually unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter, it being hereby expressly declared that this chapter, and each and every section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved, adopted and/or ratified irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases of this chapter be declared invalid or unconstitutional.