

SECTION 2

COMMERCIAL MEDICAL MARIJUANA BUSINESS PERMIT

Sec. 12-6-12. Permit required.

It shall be unlawful for any person, persons or other business entity to operate as a commercial medical marijuana dispensary, commercial medical marijuana grower, commercial medical marijuana manufacturer, commercial medical marijuana processor within the corporate limits of the City of Krebs without first having obtained a permit there as provided herein.

The fees for the permits required hereunder shall be established by resolution of the City of Krebs.

Sec. 12-6-13. Additional licenses and permits may be required.

The permit requirement set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state or local law, including, by way of example, any applicable building permit.

Sec. 12-6-14. Permit does not provide any exception, defense, or immunity from other laws.

The issuance of any permit pursuant to this chapter does not create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marijuana.

Sec. 12-6-15. Separate permit required for each location.

A separate permit shall be required for each premises from which a commercial medical marijuana business is operated. Except as specifically provided in this article, no two or more different commercial medical marijuana businesses may be treated as one premises.

Sec. 12-6-16. Permit nontransferable.

A permit that has been issued by the City of Krebs for medical marijuana is nontransferable. A commercial medical marijuana business permit is not transferable or assignable, including, without limitation, not transferable or assignable to a different premise, to a different type of business, or to a different owner or permittee. A commercial medical marijuana business permit is valid only for the owner named thereon, the type of business disclosed on the application for the permit, and the location for which the permit is issued. The permittee of a commercial medical marijuana business permit are only those persons disclosed in the application or subsequently disclosed to the city in accordance with this article.

Sec. 12-6-17 through 12-6-24. Reserved.

Sec. 12-6-25. Ventilation, fire, and life safety requirements.

In addition to state and local building and fire codes, the following requirements shall be enforced:

1. Ventilation. A plan for ventilation of all medical marijuana facilities that describes the ventilation systems that will be used to prevent any odor of marijuana off the premises of the establishment must be submitted to the city. For retail and cultivation facilities, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises.

(a) The required outdoor ventilation rate required for each retail marijuana establishment or a medical marijuana cultivation facility will be as follows:

(1) For marijuana cultivation facilities, eight persons per 1,000 square feet with a ventilation rate of 60 cubic feet per minute per person.

(2) For retail marijuana stores, the licensed premises for marijuana transporters, retail marijuana testing facilities and medical marijuana testing facilities eight persons per 1,000 square feet with 15 cubic feet per minute per person.

2. Fire Separation Requirements. For Medical Marijuana Dispensaries, a minimum of a two-hour fire separation will be required between all medical marijuana dispensaries and any adjacent business, unless higher performance is required by applicable law.

3. Fire Suppression Requirements. For all buildings regardless of size containing Medical Marijuana Cultivation, Production, Storage, or Manufacturing a Type 13 Automatic Sprinkler System will be required.

4. Exterior Electrical Disconnect Required. For all buildings containing medical marijuana cultivation, production, storage or manufacturing, a NEMA Type 3 Electrical Disconnect will be required on the exterior of the building. The electrical disconnect must be labeled and in an accessible location.

Sec. 12.6.26 – 12.6.30. Reserved.