

ORDINANCE 3051

AN ORDINANCE AMENDING
THE LAND DEVELOPMENT CODE
PROVIDING DEFINITIONS, REGULATIONS AND STANDARDS
TO GOVERN MEDICAL MARIJUANA
DISPENSARIES AND CULTIVATION

* * * * *

WHEREAS, on November 2, 2004, Montana voters adopted the Medical Marijuana Act, which is codified at § 50-46-101, MCA, et seq., and at that time and in subsequent legislative sessions the legislature failed to include language or authorize State agencies to promulgate administrative rules concerning a multitude of logistical issues surrounding the Act and the concerns of local governments about its application in their communities and the parameters under which a local government has authority to regulate its effects; and,

WHEREAS, the Medical Marijuana Act permits the cultivation, manufacture, delivery, transfer, and transportation of marijuana or paraphernalia by a qualified patient or a caregiver, as those terms are defined in the Act; and,

WHEREAS, establishments that grow, sell or distribute medical marijuana or paraphernalia are currently permitted within certain zoning districts established by the City of Great Falls; and,

WHEREAS, establishments that grow, sell, or distribute medical marijuana or paraphernalia could have a blighting or detrimental effect on neighborhoods or on nearby schools or recreational facilities, and can through such blighting effect create a public nuisance; and,

WHEREAS, the City Commission of the City of Great Falls, following a public hearing held February 2, 2010, adopted Ordinance 3049, imposing a temporary moratorium on the opening, operation, and licensing of any establishments that grow, sell, or distribute medical marijuana, and directing the study of new proposed ordinances to regulate such establishments; and,

WHEREAS, the City of Great Falls Planning Board/Zoning Commission has held a public hearing on the proposed regulations and standards to govern medical marijuana dispensaries and cultivation so as to protect the public health, safety and welfare; and,

WHEREAS, notice of amending the Land Development Code to add provisions to govern medical marijuana dispensaries and cultivation was published in the Great Falls Tribune, advising that a public hearing on these proposed amendments would be held on the 1st day of June, 2010, before final passage of said Ordinance herein.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GREAT FALLS, STATE OF MONTANA:

Section 1. That new definitions for the terms “caregiver”, “cultivation of marijuana”, “marijuana”, “medical marijuana dispensary”, and “qualifying patient” as presented in attached Exhibit “A”, are hereby added to Section 17.8.120 General definitions of the Land Development Code.

Section 2. Exhibit 20-1 of Chapter 20 of the Land Development Code is hereby amended to add Cultivation of marijuana under Agricultural Uses to be allowed as a permitted use in the I-1 Light industrial and I-2 Heavy industrial districts as represented in attached Exhibit “A”.

Section 3. Exhibit 20-1 of Chapter 20 of the Land Development Code is hereby amended to add Medical marijuana dispensary under Health Care to be allowed as a permitted use in the C-2 General commercial, C-4

Central business core, M-1 Mixed-use, M-2 Mixed-use transitional, I-1 Light industrial and I-2 Heavy industrial districts as represented in attached Exhibit "A".

Section 4. That a new Section 17.20.6.007 is hereby added to the Land Development Code providing specific standards for Cultivation of marijuana as presented in attached Exhibit "A".

Section 5. That a new Section 17.20.6.190 is hereby added to the Land Development Code providing specific standards for a Medical marijuana dispensary as presented in attached Exhibit "A".

Section 6. That Section 17.20.7.070 of the Land Development Code is hereby amended to preclude medical marijuana dispensaries as qualifying as home occupations and limiting the cultivation of marijuana as represented in attached Exhibit "A".

Section 7. That the terms "Cultivation of marijuana" and "Medical marijuana dispensary", as presented in attached Exhibit "A", are hereby added to Appendix F Land Use Definitions of the Land Development Code.

Section 8. It is determined that the herein proposed zoning amendments will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls.

Section 9. All Ordinances and parts of Ordinances in conflict herewith, are hereby repealed.

Section 10. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

APPROVED by the City Commission on first reading May 4, 2010.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading June 1, 2010.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

James W. Santoro, City Attorney

State of Montana)
County of Cascade : ss.
City of Great Falls)

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3051 in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Court House;
On the Bulletin Board, Great Falls Public Library

Lisa Kunz, City Clerk

(CITY SEAL)

EXHIBIT A

Chapter 8 INTERPRETATION, CONSTRUCTION, AND DEFINITIONS

17.8.120 General definitions

“Caregiver” means an individual, 18 years of age or older, who has agreed to undertake the responsibility for managing the well-being of a person with respect to the medical use of marijuana and has been issued a registry identification card by the Department of Public Health and Human Services of the State of Montana in accordance with § 50-46-103, MCA.

“Cultivation of marijuana” means the use of any structure or premises within the City wherein seven (7) or more marijuana plants are grown, cultivated or processed. The term does not apply to premises occupied by a dwelling unit wherein a qualifying patient being a permanent resident of the dwelling unit shall be allowed to possess and cultivate marijuana within the limitations stipulated by the Medical Marijuana Act § 50-46-101, MCA, et seq.

“Marijuana” means all plant material from the genus cannabis containing tetrahydrocannabinol (THC) or seeds of the genus capable of germination. (MCA 50-32-101(17)).

“Medical marijuana dispensary” means the use of any building or premises within the City by one or more registered caregivers to provide consultation services to qualifying patients and caregivers, and to distribute, transmit, give, dispense, or otherwise provide marijuana in any manner, with or without financial payment or consideration, to qualifying patients or caregivers, for use solely by the qualifying patient to whom it is sold or distributed to, in accordance with terms of § MCA, 50-46-101. In addition, devices, contrivances, instruments, and paraphernalia for inhaling or otherwise consuming marijuana including, but not limited to, rolling papers and related tools, water pipes, and vaporizers may lawfully be sold or provided only to qualifying patients or caregivers at a medical marijuana dispensary.

“Qualifying patient” means a person who has been diagnosed by a physician as having a debilitating medical condition and has been issued a registry identification card by the Department of Public Health and Human Services of the State of Montana in accordance with § 50-46-103, MCA.

Chapter 20
LAND USE
Article 3
ALLOWABLE USES

Sections:

17.20.3.010	Allowable uses within zoning districts
17.20.3.020	Similarity of uses
17.20.3.030	Uses not listed
17.20.3.040	Project classified in more than one land use category
17.20.3.050	Relationship of a principal use to an accessory use
17.20.3.060	Certain land uses shown as permitted may be a conditional use

17.20.3.010 Allowable uses within zoning districts

For the purposes of this Title, land uses are categorized as principal, accessory, and temporary. The land uses that are allowable in one or more districts are defined in Chapter 8 of this Title. Exhibit 20-1 through 20-3 lists the uses as allowed in one or more base zoning districts. The coding system, as described below, is used to identify the appropriateness of the land uses in each of the various base districts and the type of review if allowed.

- "P" indicates that the use is permitted in the district by right, provided that all other provisions of this Title are met. These uses do not undergo public review, but are reviewed at the administrative level to ensure compliance.
- "-" indicates that the use is not permitted in the district.
- "C" indicates that the use is permitted in the district as a conditional use.

17.20.3.020 Similarity of uses

Because the list of uses cannot include every conceivable type of activity, those uses that are listed shall be interpreted to include other uses that are of a similar nature and have similar impacts to the listed use.

17.20.3.030 Uses not listed

Those uses not listed, and which cannot be interpreted to be similar to any listed use, as provided for above, shall be prohibited.

17.20.3.040 Project classified in more than one land use category

In the event that the proposed project includes more than one land use category, the following rules shall apply:

1. **Prohibited and allowable uses in project.** If a proposed project includes both an allowable use(s) and a prohibited use(s), the prohibited portion of the project may not occur in the district.
2. **More than one review type or development standard in project.** If a proposed project includes more than one use, with different levels of approval, the strictest of the approval procedures shall apply to the whole project.

17.20.3.050 Relationship of a principal use to an accessory use

Before an accessory use may be established, the premises shall host a principal use.

17.20.3.060 Certain land uses shown as permitted may be a conditional use

A permitted land use (as shown in Exhibit 20-1, 20-2, 20-3) that emits air contaminants or potentially offensive odors outside of the building, or that handles radioactive materials, hazardous substances, hazardous waste, or regulated substances shall be considered a conditional use in every circumstance.

Exhibit 20-1. Principal uses by district

	R-1	R-2	R-3	R-5	R-6	R-9	R-10	C-1	C-2	C-3	C-4	C-5	M-1	M-2	PLI	POS	AI	I-1	I-2	Special Standards
Agricultural Uses																				
Agriculture, horticulture, nursery	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	17.20.6.005
Cultivation of marijuana																		P	P	17.20.6.007
Residential Uses																				
Mobile home/park	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	17.20.6.010
Residence, single-family detached	P	P	P	P	P	P	-	P	-	-	-	P	P	P	-	-	-	-	-	
Residence, zero lot line	-	-	P	P	P	P	-	P	-	-	-	P	P	P	-	-	-	-	-	17.20.6.020
Residence, two-family	-	C	C	P	P	C	-	P	-	-	-	P	P	P	-	-	-	-	-	17.20.6.040
Residence, multi-family	-	-	-	P	P	C	-	P	-	-	P	P	P	P	-	-	-	-	-	17.20.6.040
Residence, condominiums	-	-	-	P	P	C	-	P	-	-	P	P	P	P	-	-	-	-	-	17.20.6.050
Residence, townhouse	-	C	C	P	P	C	-	-	-	-	-	P	P	P	-	-	-	-	-	17.20.6.060
Residence, manufactured/factory-built	P	P	P	P	P	P	-	P	-	-	-	P	P	P	-	-	-	-	-	
Retirement home	-	C	C	P	P	C	-	P	-	-	P	P	P	P	-	-	-	-	-	
Special Care Facilities																				
Community residential facility, type I	P	P	P	P	P	P	-	-	-	-	-	P	P	P	-	-	-	-	-	
Community residential facility, type II	C	C	C	C	C	C	-	-	-	-	-	-	C	C	-	-	-	-	-	
Day care center	C	C	C	C	C	C	-	P	P	-	P	P	P	P	P	-	-	-	-	
Emergency shelter	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	-	-	-	-	
Family day care home	P	P	P	P	P	P	-	P	-	-	C	P	P	P	-	-	-	-	-	
Group day care home	P	P	P	P	P	P	-	P	-	-	C	P	P	P	-	-	-	-	-	
Nursing home	-	-	C	C	C	C	-	P	C	-	P	P	P	P	P	-	-	-	-	
Overnight Accommodations																				
Campground	-	-	-	-	-	-	-	-	C	P	-	-	-	-	-	-	P	-	-	17.20.6.070
Hotel/motel	-	-	-	-	-	-	-	P	P	P	P	C	P	P	-	-	P	-	-	
Food and Beverage Sales																				
Micro-brewery	-	-	-	-	-	-	-	-	P	-	P	C	C	C	-	-	P	P	-	
Restaurant	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	-	
Tavern	-	-	-	-	-	-	-	P	P	P	P	C	C	C	-	-	P	P	-	17.20.6.080
General Sales																				
Agriculture sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Auction sales	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	P	P	P	
Construction materials sales	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	P	P	P	
Convenience sales	C	-	-	-	-	-	-	P	P	P	P	C	-	-	-	-	P	P	P	
General sales	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	
Manufactured housing sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Off-site liquor sales	-	-	-	-	-	-	-	P	P	P	P	C	C	C	-	-	P	P	P	
Secondhand sales	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	P	P	P	
Shopping center	-	-	-	-	-	-	-	C	P	P	P	P	-	-	-	-	P	P	P	
Specialty sales	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	-	-	
General Services																				
Administrative services	-	-	-	-	-	-	-	P	P	P	P	P	P	P	C	-	P	-	-	
Commercial kennel	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	P	P	-	17.20.6.090
Financial services	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	P	-	-	
Funeral home	-	-	-	-	-	-	-	P	P	-	P	C	P	P	-	-	-	-	-	
General services	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	
Professional services	-	-	-	-	C	C	-	P	P	-	P	P	P	P	-	-	P	-	-	
Sexually-oriented business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	17.20.6.100
Veterinary clinic, large animal	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	P	P	P	
Veterinary clinic, small animal	-	-	-	-	-	-	-	C	P	-	-	-	P	P	-	-	P	P	P	17.20.6.110

continued

Exhibit 20-1. Principal uses by district - continued

	R-1	R-2	R-3	R-5	R-6	R-9	R-10	C-1	C-2	C-3	C-4	C-5	M-1	M-2	PLI	POS	AI	I-1	I-2	Special Standards
Rental and General Repair																				
Large equipment rental	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	P	P	P	
Small equipment rental	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	P	P	P	
General repair	-	-	-	-	-	-	-	P	P	-	P	P	-	-	-	-	P	P	P	
Vehicle Trade and Service																				
Vehicle fuel sales	-	-	-	-	-	-	-	C	P	P	P	P	-	-	-	-	P	P	-	17.20.6.120
Vehicle repair	-	-	-	-	-	-	-	-	P	P	C	P	-	-	-	-	P	P	-	
Vehicle sales and rental	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	P	P	-	
Vehicle services	-	-	-	-	-	-	-	C	P	P	P	P	C	P	-	-	P	P	-	
General Storage																				
Agricultural commodity storage facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	17.20.6.130
Fuel tank farm	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	
Mini-storage facility	-	-	-	-	-	-	-	-	-	C	-	-	-	C	-	-	P	P	P	
Freight terminal	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	P	P	P	
Warehouse	-	-	-	-	-	-	-	-	-	C	-	-	-	C	-	-	P	P	P	
Indoor Recreation / Sports / Entertainment																				
Casino, type I	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	P	P	P	17.20.6.140
Casino, type II	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	P	P	17.20.6.150
Indoor entertainment	-	-	-	-	-	-	-	-	P	-	P	C	C	C	C	-	P	-	-	
Indoor sports and recreation	-	-	-	-	-	-	-	-	P	-	P	C	C	C	C	C	P	P	-	
Outdoor Recreation / Sports / Entertainment																				
Golf course / driving range	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	P	P	-	-	
Miniature golf	-	-	-	-	-	-	-	-	P	C	-	-	-	C	-	-	P	C	-	
Outdoor entertainment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	C	-	
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recreational trail	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Community Services / Uses																				
Administrative governmental center	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	C	P	-	-	17.20.6.160
Animal shelter	-	-	-	-	-	-	-	-	C	C	-	-	C	C	C	-	P	P	-	
Cemetery	C	C	C	C	C	C	C	-	-	-	-	-	-	-	P	P	P	-	-	17.20.6.170
Civic use facility	C	C	C	C	C	C	C	-	P	-	P	P	P	P	P	C	-	-	-	
Community center	C	C	C	C	C	C	C	C	P	-	P	P	P	P	P	C	-	-	-	
Community cultural facility	C	C	C	C	C	C	C	P	P	-	P	P	P	P	P	C	-	-	-	
Community garden	P	C	C	C	C	C	C	-	-	-	-	-	P	P	P	P	P	C	C	
Public safety facility	C	C	C	C	C	C	C	C	P	C	P	P	P	P	P	-	P	P	-	17.20.6.180
Worship facility	C	C	C	C	C	C	C	P	-	-	C	P	P	P	-	-	P	-	-	
Health Care																				
Health care clinic	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	P	-	-	-	17.20.6.190
Health care facility	-	-	-	-	-	-	-	-	P	-	P	P	C	C	P	-	-	-	-	
Health care sales and services	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	-	-	-	-	
Medical marijuana dispensary	-	-	-	-	-	-	-	-	P	-	P	-	P	P	-	-	-	P	P	
Education																				
Commercial education facility	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	P	P	-	17.20.6.200
Educational facility (K-12)	C	C	C	C	C	C	C	C	-	-	-	C	C	C	P	-	-	-	-	
Educational facility (higher education)	-	-	-	-	-	-	-	C	C	-	-	C	C	C	P	-	P	-	-	
Instructional facility	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	P	P	-	

continued

Exhibit 20-1. Principal uses by district - continued

Solid Waste, Recycling And Composting																			Special		
	R-1	R-2	R-3	R-5	R-6	R-9	R-10	C-1	C-2	C-3	C-4	C-5	M-1	M-2	PLI	POS	AI	I-1	I-2	Standards	
Composting facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	17.20.6.210	
Recycling center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	17.20.6.220	
Solid waste transfer station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	17.20.6.230	
Telecommunications																					
Amateur radio station	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	17.20.6.240	
Telecommunication facility																				17.20.6.250	
Concealed facility	C	C	C	C	C	C	C	P	P	P	P	C	P	P	P	C	P	P	P		
Unconcealed facility	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	P	P	P		
Co-located facility	-	-	-	-	-	-	-	P	P	P	P	C	C	C	C	C	P	P	P		
Utilities																					
Utility installation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P		
Transportation																					
Airport	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	17.20.6.260	
Bus transit terminal	-	-	-	-	-	-	-	-	P	P	P	-	C	C	C	-	P	P	-		
Heli-pad	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	P	P	P		
Parking lot, principal use	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P		
Parking structure	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	-	P	P	P		
Railroad yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P		
Taxi cab dispatch terminal	-	-	-	-	-	-	-	-	P	P	P	-	P	P	-	-	P	P	-		
Contractor Yards																					
Contractor yard, type I	C	-	-	-	-	-	-	-	C	-	-	-	P	P	-	-	P	P	-	17.20.6.270	
Contractor yard, type II	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	P	P	P	17.20.6.280	
Industrial / Manufacturing																					
Artisan shop	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	-	17.20.6.290	
Industrial, heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P		
Industrial, light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P		
Industrial park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P		
Junkyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P		
Light manufacturing and assembly	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	P	P	P		17.20.6.300
Motor vehicle graveyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P		17.20.6.310
Motor vehicle wrecking facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P		17.20.6.320

- The use is not permitted in the district
- C The use is allowed through the conditional use process
- P The use is permitted in the district by right, consistent with the development standards contained in Article 6 of this chapter, as appropriate

Chapter 20 LAND USE

Article 6

SPECIAL STANDARDS FOR PRINCIPAL USES

Sections:

17.20.6.005	Agricultural, horticulture, nursery	17.20.6.170	Cemetery
17.20.6.007	Cultivation of marijuana	17.20.6.180	Worship facility
17.20.6.010	Mobile home park	17.20.6.190	Medical marijuana dispensary
17.20.6.020	Residence, zero lot line	17.20.6.200	Educational facility (K-12)
17.20.6.040	Residence, multi-family	17.20.6.210	Composting facility
17.20.6.050	Townhouse	17.20.6.220	Recycling center
17.20.6.060	Residence, manufactured/factory-built	17.20.6.230	Solid waste transfer station
17.20.6.070	Campground or recreational vehicle park	17.20.6.240	Amateur radio station
17.20.6.080	Tavern	17.20.6.250	Telecommunications facility
17.20.6.090	Commercial kennel	17.20.6.260	Heli-pad
17.20.6.100	Sexually-oriented business	17.20.6.270	Contractor yard, type I
17.20.6.110	Veterinary clinic, small animal	17.20.6.280	Contractor yard, type II
17.20.6.120	Vehicle repair	17.20.6.290	Junk yard
17.20.6.130	Mini-storage facility	17.20.6.300	Light manufacturing and assembly
17.20.6.140	Casino, type I	17.20.6.310	Motor vehicle graveyard
17.20.6.150	Casino, type II	17.20.6.320	Motor vehicle wrecking facility
17.20.6.160	Animal shelter		

17.20.6.007 Cultivation of marijuana

- A. Purpose.** To promote public health, safety and welfare by mitigating potential negative impacts associated with cultivation of marijuana including being a target of criminal activity and creation of a hazardous operating environment.
- B. Enclosed structure and code compliance.** Cultivation of marijuana shall only occur within an enclosed structure and shall not be visible from the exterior of the structure. Any structure utilized for cultivation of marijuana shall conform to all applicable codes of the City of Great Falls including building, electrical, mechanical, plumbing, and fire codes.
- C. Proximity to other specified uses.**
1. A structure or premises wherein cultivation of medical marijuana takes place shall not locate within 300 feet of an education facility (K through post-secondary), day care center, park, worship facility, recreation center, or any publicly owned or maintained building open for use to the general public. The distance shall be measured by direct line, without regard to intervening structures or streets, between closest property boundaries.
 2. A structure or premises wherein cultivation of medical marijuana takes place shall not locate within 300 feet of any other structure or premises wherein cultivation of marijuana takes place. The distance shall be measured by direct line, without regard to intervening structures or streets, between closest property boundaries.
 3. A structure or premises wherein cultivation of medical marijuana takes place shall not locate in a structure containing a dwelling unit or a hotel/motel.
 4. A structure or premises wherein cultivation of medical marijuana takes place shall not locate on premises operating a sexually oriented business or on premises wherein the sale or consumption of alcoholic beverages is occurring or is permitted.
- D. Security requirements.** The proprietor of a structure wherein cultivation of marijuana takes place shall provide adequate security on the premises including, but not limited to, the following:

1. Security surveillance cameras installed to monitor the interior and exterior of the premises to discourage and to facilitate the reporting of criminal acts and nuisance activities occurring at the premises. Security video shall be preserved for at least seventy two (72) hours by the proprietor;
2. Robbery and burglary alarm systems which are professionally monitored and maintained in good working conditions; and
3. Exterior lighting that illuminates the exterior walls of the structure and is compliant with Title 17, Chapter 40 of this code.

E. Ventilation. The structure wherein cultivation of marijuana is located shall be equipped with a ventilation system that filters out the odors of the marijuana so it is not detectable from the exterior of the structure or from within any adjoining premises. Approval of the system from the City's Building Official is required prior to the cultivation process beginning.

F. Employee Requirements. All persons working in a structure or premises used to grow, cultivate, process, or distribute medical marijuana must be a qualified patient or caregiver registered with the State of Montana.

G. Signage. All signage for an operation involved with cultivation of marijuana shall comply with the requirements of Title 17, Chapter 60 of this code together with the following restrictions:

1. No freestanding signs shall be allowed; and
2. No sign for an operation involved with cultivation of marijuana shall be displayed containing the word "marijuana", "cannabis", or any other word or phrase commonly understood to refer to marijuana or a graphic/image of any portion of a marijuana plant. In the event a question arises concerning the application of this signage requirement, the Director of Planning and Community Development shall be responsible for rendering a final interpretation.

H. Inspection of premises. Prior to issuance of an occupancy permit by the City, the premises at which the cultivation of marijuana will occur shall be inspected by the City's Building Official or his authorized representative and/or the City Fire Marshall or his designee to determine compliance with all applicable City building, fire and development codes. No occupancy permit shall be issued if the premises at which the cultivation of marijuana will occur does not comply with all applicable City building, fire and development codes. Throughout the term of the occupancy permit the City's Building Official or his authorized representative and/or the City Fire Marshall or his designee may inspect the premises at which the cultivation of marijuana occurs to determine continuing compliance with all applicable City building, fire and development codes. Access to such premises may be obtained by the City Building Official and/or City Fire Marshall in accordance with the applicable provisions of such codes or other applicable law.

17.20.6.190 Medical marijuana dispensary

A. Purpose.

1. Require that a medical marijuana dispensary be operated in a safe manner that does not endanger the public welfare;
2. Mitigate potential negative impacts that a medical marijuana dispensary might cause on surrounding properties and persons; and
3. Regulate the conduct of persons owning, operating, and using a medical marijuana dispensary in order to protect the public health, safety and welfare.

B. Limitation on dispensation of marijuana. No marijuana may be sold, given away, or transferred at a medical marijuana dispensary except to qualifying patients and to caregivers.

C. Proximity to other specified uses.

1. A medical marijuana dispensary shall not locate within 300 feet of an education facility (K through post-secondary), day care center, park, worship facility, recreation center, or any publicly owned or maintained building open for use to the general public. The distance shall be measured by direct line, without regard to intervening structures or streets, between closest property boundaries.
2. A medical marijuana dispensary shall not locate within 300 feet of any other medical marijuana dispensary. The distance shall be measured by direct line, without regard to intervening structures or streets, between closest property boundaries.
3. A medical marijuana dispensary shall not locate in a building containing a dwelling unit or a hotel/motel.

4. A medical marijuana dispensary shall not locate on premises operating a sexually oriented business or on premises wherein the sale or consumption of alcoholic beverages is occurring or is permitted.
- D. *Employee Requirements.* All persons working in a medical marijuana dispensary must be a qualifying patient or caregiver registered with the State of Montana.
- E. *Hours of operation.* A medical marijuana dispensary shall be closed to the public, and no consultation, demonstration, sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises between the hours of 9:00 p.m. and 7:00 a.m. A medical marijuana dispensary may be open seven (7) days a week.
- F. *On site cultivation, growing and processing.* Not more than six (6) marijuana plants may be grown, cultivated, or processed on or within the premises of a medical marijuana dispensary. Marijuana plants may be grown, cultivated, or processed solely for demonstration purposes. This restriction does not apply to medical marijuana dispensaries located on property zoned I-1 Light industrial or I-2 Heavy industrial district.
- G. *Display of medical marijuana.* No marijuana shall be displayed so as to be visible through glass, windows, or doors by a person of normal visual acuity standing at the outside perimeter of the medical marijuana dispensary.
- H. *On site consumption.* The consumption or inhalation of marijuana on or within the premises of a medical marijuana dispensary is prohibited.
- I. *Limitation on access by minors.* No individuals under the age of eighteen (18) shall be permitted in a medical marijuana dispensary with the exception of a qualifying patient who must be accompanied by his/her parent or guardian.
- J. *Required warnings to be posted.* There should be posted in a conspicuous location in each medical marijuana dispensary a legible sign containing the following warnings:
1. A warning that the diversion of marijuana for nonmedical purposes is a violation of state law;
 2. A warning that the marijuana is intended for use solely by the qualifying patient to whom it is sold or distributed, and that any re-sale or re-distribution of the marijuana to any third person is a criminal violation;
 3. A warning that the use of medical marijuana may impair a person's ability to drive a motor vehicle or operate machinery, and that it is illegal under state law to drive a motor vehicle or to operate machinery when under the influence of or impaired by marijuana;
 4. A warning that loitering in or around the medical marijuana dispensary is prohibited by state law; and
 5. A warning that possession and distribution of marijuana is a violation of federal law.
- K. *Signage.* All signage for a medical marijuana dispensary shall comply with the requirements of Title 17, Chapter 60 of this code together with the following restrictions:
1. No freestanding signs shall be allowed; and
 2. No sign for a medical marijuana dispensary shall be displayed containing the word "marijuana", "cannabis", or any other word or phrase commonly understood to refer to marijuana or a graphic/image of any portion of a marijuana plant. In the event a question arises concerning the application of this signage requirement, the Director of Planning and Community Development shall be responsible for rendering a final interpretation.
- L. *Security requirements.* The proprietor of a medical marijuana dispensary shall provide adequate security on the premises including, but not limited to, the following:
1. Security surveillance camera installed to monitor the main entrance along with the interior and exterior of the premises to discourage and to facilitate the reporting of criminal acts and nuisance activities occurring at the premises. Security video shall be preserved for at least seventy two (72) hours by the proprietor;
 2. Robbery and burglary alarm systems which are professionally monitored and maintained in good working conditions;
 3. A locking safe permanently affixed to the premises that is suitable for storage of cash and any processed marijuana to be stored overnight on the premises. Safes must have a minimum Underwriters Laboratories (UL) burglary rating of TL-30x6 and must be certified by UL as fire resistant; and
 4. Exterior lighting that illuminates the exterior walls of the business and is compliant with Title 17, Chapter 40 of this code.

M. Required record.

1. Each proprietor of a medical marijuana dispensary shall maintain an accurate and complete record of all marijuana sold or dispensed at the dispensary. The record shall contain the quantity of marijuana sold or dispensed and the date and time the marijuana was sold or dispensed.
2. The records described in subsection 1 above shall be available for inspection by the City of Great Falls Police Department.
3. Nothing in this section shall abrogate or affect: a) any applicable confidentiality provision of state or federal law, or b) any applicable statutory or constitutional prohibition against unreasonable searches and seizure of property. In the event of any conflict between this section and any applicable state or federal law, the applicable provision of state or federal law shall control.

N. Inspection of premises. Prior to issuance of an occupancy permit by the City, the premises at which the medical marijuana dispensary will be operated shall be inspected by the City's Building Official or his authorized representative and/or the City Fire Marshall or his designee to determine compliance with all applicable City building, fire and development codes. No occupancy permit shall be issued if the premises at which the medical marijuana dispensary will be operated does not comply with all applicable City building, fire and development codes. Throughout the term of the occupancy permit the City's Building Official or his authorized representative and/or the City Fire Marshall or his designee may inspect the premises at which the medical marijuana dispensary is operated to determine continuing compliance with all applicable City building, fire and development codes. Access to such premises may be obtained by the City Building Official and/or Fire Marshall in accordance with the applicable provisions of such codes or other applicable law.

Chapter 20 LAND USE

Article 7

SPECIAL STANDARDS FOR PRINCIPAL USES

17.20.7.070 Home occupation

- A. **Validity of use.** The individual primarily responsible for the home occupation must reside in a dwelling unit on the parcel.
- B. **Location and space limitation.** The home occupation shall occur entirely within the dwelling unit and space specifically designated for use of the home occupation shall occupy no more than 30 percent of the total floor area.
- C. **Employees.** No more than 1 nonresident employee may work on the property at a time. (Note: There is no restriction on the number of people that may be employed and that work off-site.)
- D. **Exterior character of the dwelling unit.** The exterior character of the dwelling unit shall not be substantially altered to accommodate the home occupation.
- E. **Storage of materials.** Exterior storage of materials or equipment is prohibited.
- F. **Signs.** Signage for home occupations must conform to the requirements in section 17.60.2.020(K) of chapter 60 of this Title.
- G. **Retail sales.** The indoor display or retail sales of those products manufactured or otherwise made on the premises are permitted. All other on-site sales are prohibited.
- H. **Limitations on business vehicles.** No vehicle used for the home occupation shall exceed a one-ton rate capacity. No more than one such vehicle shall be parked on the site.
- I. **Prohibited uses.** The following uses do not qualify as a home occupation: veterinary services, medical offices, animal boarding or grooming, barber, hair care, restaurant, vehicle repair, or any other similar high traffic generation activity. **A medical marijuana dispensary also does not qualify as a home occupation and the cultivation of marijuana within the premises occupied by a dwelling unit shall be limited to that allowed per qualifying patient as defined by the Medical Marijuana Act § 50-46-101, MCA, et seq. with the qualifying patient being a permanent resident of the dwelling unit.**

Appendix F LAND USE DEFINITIONS

AGRICULTURAL USES

“Agriculture, horticulture, nursery” means a place and/or building, or portion thereof, that is used or is intended for growing fruit, vegetables, flowers, and other plants typically grown on farming operations in the region.

“Cultivation of marijuana” means the use of any structure or premises within the City wherein seven (7) or more marijuana plants are grown, cultivated or processed. The term does not apply to premises occupied by a dwelling unit wherein a qualifying patient being a permanent resident of the dwelling unit shall be allowed to possess and cultivate marijuana within the limitations stipulated by the Medical Marijuana Act § 50-46-101, MCA, et seq.

HEALTH CARE

“Health care clinic” means a place and/or building, or portion thereof, that is used or is intended for providing medical services including prevention, diagnosis, treatment, or rehabilitation. The term includes dental clinics, doctor’s offices, and sports medicine facilities. The term does not include those uses as classified as a health care facility.

“Health care facility” means a place and/or building, or portion thereof, whether public or private, excluding federal facilities, whether organized for profit or not, that is used or is intended to provide health services, medical treatment, or nursing, rehabilitative, or preventative care to any person or individuals. The term does not include offices of private physicians or dentists. The term includes ambulatory surgical facilities, hospitals, kidney treatment centers, long-term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, residential treatment facilities, and adult day-care centers as defined in State law. (Source: 50-5-101, MCA)

“Health care sales and services” means a place and/or building or portion thereof, that is used or intended to provide for the sale of health care products and services. The term includes pharmacies, vision care facilities, hearing aid facilities, prosthetic facilities, etc.

“Medical marijuana dispensary” means the use of any building or premises within the City by one or more registered caregivers to provide consultation services to qualifying patients and caregivers, and to distribute, transmit, give, dispense, or otherwise provide marijuana in any manner, with or without financial payment or consideration, to qualifying patients or caregivers, for use solely by the qualifying patient to whom it is sold or distributed to, in accordance with terms of the Medical Marijuana Act, MCA, 50-46-101. In addition, devices, contrivances, instruments, and paraphernalia for inhaling or otherwise consuming marijuana including, but not limited to, rolling papers and related tools, water pipes, and vaporizers may lawfully be sold or provided only to qualifying patients or caregivers at a medical marijuana dispensary.