

Fire Code Cannabis Amendment

Section 13.20.066 is added to the Marysville Municipal Code to read in its entirety as follows:

“13.20.066 Cannabis Growing, Processing, or Extraction Facilities

(a) Application.

(1) Chapter 13.20.066 shall apply to the growing and processing of cannabis within new and existing buildings.

(2) The use, storage, transfilling, and handling of hazardous materials shall comply with this chapter, and other applicable provisions of this Code.

(3) Chapter 13.20.066 shall not apply to the retail sale of cannabis where growing and processing does not occur.

(4) Where a material, its use, or associated process poses multiple hazards, all hazards shall be addressed in accordance with applicable requirements of this Code.

(5) The occupancy of buildings or portions of buildings where the growing or processing of cannabis occurs shall be in accordance with applicable building and fire codes.

(b) Permits. Permits, where required, shall comply with California Fire Code and applicable local standards.

(c) Fire Protection Systems.

Fire protection systems shall be provided in accordance with Chapter 9 California Fire Code.

(d) Means of Egress.

Means of egress shall be in accordance with Chapter 10 California Fire Code.

(e) Growing or Production of Cannabis.

(1) Ventilation for Light Fixtures. Light fixture ductwork shall be installed in accordance with the manufacturer and NFPA 90A.

(2) Odor Control. The use of ozone generators used for odor control shall comply with applicable standards as approved by the local AHJ.

(f) Interior Finish, Contents, and Furnishings.

(1) Interior finish, including the use of any plastic, mylar, or other thin film sheeting to enclose rooms or cover any walls or ceilings shall be in accordance with applicable codes and standards.

(2) Hanging of plastic from ceiling or from suspended overhead structures to create wall dividers shall not be permitted.

(g) Fumigation.

(1) General.

Any cannabis growing facility that is fumigated shall comply with 13.20.066.(g)(4)

(2) Sources of Ignition. Sources of ignition shall be shut off during the fumigation activity and remain shut off until the required ventilation is completed.

(3) Notification.

(4) The AHJ and fire department shall be notified in writing not less than 48 hours before the building, structure, or space is to be closed in connection with the utilization of any toxic or flammable fumigant.

(5) Notification, as required by (g)(3), shall include the following: The location of the enclosed space to be fumigated or fogged; The occupancy; The fumigants or insecticides to be utilized; the person or persons responsible for the operation; and the date and time at which the operation will begin.

(6) Written notice of any fumigation or insecticidal fogging operation shall be given to all affected occupants of the building, structure, or space in which such operations are to be conducted with sufficient advance notice to allow the occupants to evacuate the building, structure, or space.

(7) Written notice, as required by 13.20.066.(g)(3), shall inform the occupants as to the purposes, anticipated duration, and hazards associated with the fumigation or insecticidal fogging operation.

(8) Signage.

(9) Approved warning signs indicating the danger, type of chemical involved, and necessary precautions shall be posted on all doors and entrances to the premises, including interior rooms and areas.

(10) Signage shall be located at the exterior main entry and at the entries to those areas being fumigated indicating the duration of the fumigation.

(11) Watch Personnel.

(12) During the period fumigation is in progress a watchperson shall remain on duty at the entrance or entrances to the enclosed fumigated space until after the fumigation is completed and the building, structure, or space is properly ventilated and safe for occupancy.

(13) Sufficient watchpersons shall be provided to prevent any person from entering the enclosed space under fumigation unobserved.

(14) Occupancy During Fumigation.

(15) Occupants of the building, structure, or space to be fumigated, except the personnel conducting the fumigation, shall be evacuated from such building, structure, or space prior to commencing fumigation operations.

(16) Sealing of Building Structure, or Space. Paper, and other similar materials, used to wrap or cover a building, structure, or space in excess of that required for the sealing of cracks, casements, and similar openings shall meet the flame propagation performance criteria of Test Method 1 or Test Method 2 of NFPA 701.

(17) Maintenance of Openings. All openings to the building, structure, or space to be fumigated or fogged shall be kept securely closed during such operation.

(18) Venting and Cleanup. At the end of the exposure period the following procedures shall be followed: Fumigators shall safely and properly ventilate the premises and contents; Fumigant containers, residues, debris, and other materials used for such fumigation shall be properly disposed, and obstructions shall be cleared from gas-fired appliance vents.

(h) Pesticide Application.

- (1) A warning sign shall be provided to indicate that pesticides have been applied.
- (2) A record of pesticide application shall be provided and shall include the following: the pesticide product or chemical used; the date and time the pesticide was applied, and when the room or area is safe to reoccupy

(i) Processing or Extraction.

(1) General.

(2) Extraction Room.

(3) Extraction rooms in a cannabis extraction facility shall be constructed in accordance with the building code and this Code.

(4) For other than CO₂ and nonhazardous extraction process, the cannabis extraction equipment and process shall be located in a room of noncombustible construction dedicated to the extraction process and the room shall not be used for any other purpose.

(5) Cannabis extraction shall not be located in any building containing assembly, educational, day care, health care, ambulatory health care, residential board and care, residential, or detention and correctional facilities.

(6) Means of Egress. For extraction rooms using hazardous materials, each room shall be provided with at least one exit access door complying with the following: the door shall swing in the direction of egress travel; the door shall be provided with a self-closing or automatic closing device, and the door shall be equipped with panic or fire exit hardware.

(7) Staffing.

(8) For other than approved, unattended processes, the extraction process shall be continuously staffed.

(9) Staff monitoring the extraction process shall be trained in the following: the extraction process; the transfer of solvents, where applicable; and all emergency procedures.

(10) All staff training records shall be maintained on-site and made available to the AHJ upon request.

(11) Operator Training.

(12) In addition to the provisions of Section (i) above, the operator of the cannabis extraction equipment shall also receive training in safe operation of the equipment.

(13) Documentation of training required by (h) Section F (1) shall be maintained on-site and made available to the AHJ upon request.

(14) Signage.

(15) All applicable safety data sheets (SDS) shall be posted in the extraction room.

(16) The NFPA 704 hazard rating diamond sign and no smoking signs shall be posted on the exterior of the extraction room door.

(17) Applicable hazard warning signage shall be posted throughout the facility as applicable for emergency equipment.

(j) Systems, Equipment, and Processes.

(1) General.

(2) Systems, equipment, and processes shall be in accordance with sections j and k.

(3) Systems, equipment, and processes shall include, but are not limited to, vessels, chambers, containers, cylinders, tanks, piping, tubing, valves, fittings, and pumps.

(4) In addition to the requirements in (j), systems, equipment, and processes shall also comply with other applicable provisions of this Code, the California Building and Fire codes, and NFPA 90A.

(5) Systems or equipment used for the extraction of cannabis/cannabis oils and products from plant material shall be performed using equipment that has been listed or approved.

(k) Equipment.

(1) Where an explosion condition exists, heating equipment such as vacuum ovens, heating mantels, heat guns, or other equipment shall not be used to heat flammable or combustible liquids or oils containing liquefied petroleum gasses.

(2) Refrigerators, freezers, and other cooling equipment used to store or cool flammable liquids shall be listed for the storage of flammable/combustible liquids or be listed for Class I, Division 1 locations, as described in Article 501 of NFPA 70.

(3) LPG tanks shall comply with California Fire Code and applicable standards.

(l) Approval for Systems and Equipment with No Listing.

(1) Where the system used for extraction of cannabis oils and products from plant material is not listed, the system shall have a designer of record.

(2) The designer of record shall be a registered design professional.

(3) Documentation for Equipment with No Listing.

For systems and equipment not listed for the specific use, a technical report documenting the design or peer review of the equipment shall be prepared and submitted to the AHJ for review and approval.

(m) Change of Extraction Medium.

(1) Where the medium of extraction or solvent is changed from the material indicated in the technical report or as required by the manufacturer, the technical report shall be revised at the cost of the facility owner and submitted for review and approval by the AHJ prior to the use of the equipment with the new medium or solvent.

(2) If the original designer of record is not available, then the new designer of record shall comply with section (j).

(n) Equipment Field Verification.

(1) Prior to operation of the extraction equipment, the designer of record for the equipment shall inspect the site of the extraction process once equipment has been installed for compliance with the technical report and the building analysis.

(2) The designer of record performing the field verification shall provide a report of findings and observations of the site inspection to the AHJ for review and approval prior to the approval of the extraction process.

(3) The field inspection report authored by designer of record shall include the serial number of the equipment used in the process and shall confirm the equipment installed is the same model and type of equipment identified in the technical report.

(o) Liquefied Petroleum Gas (LPG) Extraction.

(1) General.

(2) Cannabis extraction facilities using liquefied petroleum gas solvents shall comply with section h and n.

(3) Exhaust.

An approved exhaust system shall be provided for LPG extractions.

(4) The exhaust systems shall be installed and maintained accordance with NFPA 91 or the mechanical code.

(5) All LPG extraction operations, including processes for off-gassing spent plant material and oil retrieval, shall be conducted within a chemical fume hood or enclosure in compliance with NFPA 91 or the mechanical code.

(6) Electrical.

(7) All conductive equipment and conductive objects within the exhaust room shall be bonded and grounded with a resistance of less than 1.0×10^6 ohms in accordance with NFPA 70.

(8) The area within a hood or enclosure used for LPG extractions shall be classified as a Class I, Division 1 hazardous location in accordance with NFPA 70.

Areas adjacent to Class I, Division 1 locations shall be classified in accordance with NFPA 70.

(9) All electrical components within the extraction room shall be interlocked with the hazardous exhaust system such that room lighting and other extraction room electrical equipment will only operate when the exhaust system is in operation.

(10) An automatic emergency power system shall be provided for the following items, when installed: extraction room lighting, extraction room ventilation systems, and solvent gas detection systems.

(p) Extraction Room Gas Detection System.

(1) An approved continuous gas detection system shall be provided.

(2) The gas detection system shall alert the extraction operator in an approved manner at a gas detection threshold no greater than 25 percent of the gas LEL/LFL.

(3) Gas detection systems shall be provided with constant non-interlocked power.

(q) Protection. An automatic suppression system shall be provided within hoods or enclosures, including ductwork, in accordance with the following: an automatic water sprinkler system that meets all applicable requirements of NFPA 13, a carbon dioxide extinguishing system that meets all applicable requirements of NFPA 12, a dry chemical extinguishing system that meets all applicable requirements of NFPA 17, or a gaseous agent extinguishing system that meets all applicable requirements of NFPA 2001

(r) Storage. LPG containers not in use shall not be stored within extraction rooms.

(s) Facility Piping Systems. LPG liquid piping systems shall be in compliance with NFPA 58.

(t) Flammable and Combustible Liquid Extraction.

(1) General. Cannabis extraction facilities using flammable and combustible liquid solvents shall comply with (s) (1) and (h)(1).

(2) Exhaust.

(3) Extraction and post oil processing operations, including dispensing of flammable liquids between containers, shall be performed in one of the following locations: a chemical fume hood in accordance with Chapter 7 of NFPA 45, or an approved exhaust system installed in accordance with NFPA 91 or the mechanical code.

(4) Unheated processes at atmospheric pressure using less than 16 oz (473 ml) of flammable liquids shall not be required to comply with (s)(2)(A).

(5) Classified electrical systems shall be in accordance with NFPA 70.

(6) All electrical components within the chemical fume hood or exhausted enclosure shall be interlocked such that the exhaust system shall be in operation for lighting and components to be used.

(7) Storage and Handling. The storage, use, and handling of flammable liquids shall be in compliance with this chapter and the California Fire Code.

(8) Heating of flammable or combustible liquids over an open flame shall be prohibited.

(u) Carbon Dioxide Extraction.

(1) General. Cannabis extraction facilities using carbon dioxide solvents shall comply with (h)(1) and (t).

(2) Storage and Handling. All CO₂ compressed gas cylinders shall be secured to a fixed object to prevent falling.

(v) CO₂ Gas Detection.

(1) An approved, listed CO₂ detector shall be installed in the CO₂ extraction room.

(2) Auto calibrating and self-zeroing devices or detectors shall be prohibited.

(3) The detector shall be set to alarm at 5000 ppm of CO₂ .

(w) CO₂ Discharges. The extraction equipment pressure relief devices and blow-off valves shall be piped to the exterior of the building.

(x) Transfilling.

Filling LPG extraction equipment supply containers shall be in compliance with NFPA 58 and applicable California Fire and Building codes. ”