



**M E E T I N G  
A G E N D A**  
ORDINANCE COMMITTEE  
TOWN OF CUMBERLAND, MAINE

*Shirley Storey King*

*Bob Vail*

*Mike Edes*

**Wednesday, July 7, 2021  
5:00 PM Council Chambers**

- I. Review of the Turner & Gorham Ordinances**
- II. Review of Language for Moratorium**
- III. Other Business**
- IV. Adjournment**

# DRAFT- 7-01-21

## TOWN OF ~~CUMBERLAND~~ ~~TURNER~~, MAINE MEDICAL MARIJUANA ESTABLISHMENT LICENSE FOR REGISTERED CAREGIVERS ORDINANCE

ADOPTED ~~TBD~~ ~~APRIL 6, 2019~~

**SECTION 1: PURPOSE AND AUTHORITY:** The purpose of this Ordinance is to provide procedures and standards relating to the operation of medical marijuana establishments and to require their annual licensing. This ordinance is enacted pursuant to authority granted under 30-A M.R.S. § 3001, 22 M.R.S. § 2423-A(14) and 22 M.R.S. § 2429-D.

**SECTION 2: DEFINITIONS.** As used in this ordinance, unless the context otherwise indicates, the following terms have the following meanings.

*Registered caregiver retail store.* “Registered caregiver retail store” means a registered caregiver authorized under state law to cultivate medical marijuana for qualifying patients that operates a retail store to sell medical marijuana to qualifying patients.

*Registered dispensary.* “Registered dispensary” means a dispensary authorized under state law to cultivate and dispense medical marijuana to qualifying patients and caregivers.

~~*Marijuana testing facility.* “Marijuana testing facility” means a public or private laboratory authorized under state law to test medical marijuana for contamination, potency or cannabinoid profile.~~

~~*Marijuana Manufacturing facility.* “Marijuana Manufacturing facility” means a Marijuana Manufacturing facility authorized under state law to manufacture marijuana products for medical use or to engage in marijuana extraction for medical use.~~

*Cultivation area.* “Cultivation area” means a Registered Caregiver’s indoor or outdoor area used for cultivation of marijuana for a qualifying patient that is enclosed and equipped with locks or other security devices that permits access only to a person authorized to have access to the area as defined in Title 22 Chapter 558-C of the Maine Revised Statutes.

*Medical marijuana establishment.* “Medical marijuana establishment” means a registered caregiver retail store, ~~marijuana testing facility, Marijuana Manufacturing facility,~~ or Cultivation area.

*State registration authority.* “State registration authority” means the authority created or designated by the State for the purpose of regulating and controlling registration for medical marijuana establishments.

*Registered caregiver* "Registered caregiver" means a caregiver who is registered by the Department of Administrative and Financial Services pursuant to section 2425-A.

*Disqualifying drug offense.* "Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more, but does not include (1) An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; or (2) An offense that consisted of conduct that would have been permitted under the Maine Medical Use of Marijuana Act.

**SECTION 3: LICENSE REQUIRED:** No person shall operate a medical marijuana establishment, nor shall any property owner permit the use of his or her premises to be operated as a medical marijuana establishment, without first obtaining a license from the ~~Board of Selectmen~~ Cumberland Town Council prior to commencing operations pursuant to this Ordinance.

- a. An applicant must complete a site plan review, and receive approval from the Planning ~~Board, Department~~ pursuant to the Town of ~~Turner-~~ Zoning Cumberland Site Plan Review Ordinance Section 5-Chapter 229
- b. Notwithstanding Section 3(a), if an applicant applies for a license, which will be located at a premises that has previously been through a site plan review, for the same type of medical marijuana establishment applicant is seeking to license the ~~Board of Selectmen~~ Planning Department may waive the site plan review requirement for the applicant.
- c. A license shall be for a period of one year from the date of its issuance.
- d. A license must be obtained prior to the opening of a medical marijuana establishment.
- e. Renewal of an existing license is governed by Section 9 of this Ordinance.
- f. Notwithstanding anything to the contrary within this Section a caregiver operating a preexisting Medical marijuana establishment in compliance with State law and Town Ordinances shall have ~~12-6 months~~ months from the date of enactment of this Ordinance to obtain a license pursuant to this Ordinance, and will not be subject to the requirements in Section 3(a) in order to obtain a license for said preexisting Medical marijuana establishment.

**SECTION 4: APPLICATION:** An applicant for a medical marijuana establishment license shall complete and file an application with the Code Enforcement Officer (CEO), or such other person designated by the Town Manager, on the provided form, and request to be placed on the ~~Board of Selectmen's~~ Town Council agenda no less than 30 days in advance of a regularly scheduled meeting, together with the applicable nonrefundable license fee, as well



as the following supporting materials:

- a. A copy of the applicant's state registration application and supporting documentation, as submitted to the state registration authority.
- b. Evidence of all state approvals or conditional approvals required to operate a medical marijuana establishment, including, but not limited to, a state registry identification card or registration certificate.
- c. If not included in the applicant's state registration application, a description of the form of ownership of the business enterprise together with attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the medical marijuana establishment.
- d. If not included in the applicant's state registration application, an affidavit that identifies all owners, officers, members, managers or partners of the applicant.
- e. A release for each applicant and for each officer, owner, member, manager or partner of the applicant seeking a license allowing the Town of Turner to obtain criminal records and other background information related to the individual.
- f. A statement as to the precise nature of the business with a description of the nature of all products and services offered to its customers.
- g. Evidence of all other approvals or conditional approvals required to operate the medical marijuana establishment, including Planning Board approval and any applicable food or victualer's license.
- h. Evidence of compliance with the requirements of Section 11 and evidence that the standards listed in Section 10 have been met.

If the ~~Board of Selectmen~~Town Council determines that a submitted application is not complete, they shall notify the applicant within ten (10) business days of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the Board of Selectmen's request, the application may be denied.

**SECTION 5: INVESTIGATION OF APPLICANT, OFFICERS, ETC:** Upon receipt of an application or of a notice of a change of any of the individuals listed in Section 4(d), the Town Clerk shall provide copies of the completed application to the CEO, or such other person designated by the Town Manager, for the purposes of reviewing the application and carrying out any necessary site review of the premises at which the establishment will be located.

- a. The CEO shall determine if an applicant's proposal could comply with all applicable town ordinances;



- b. The CEO may coordinate with any other Town employee, agent, or independent contractor to carry out any such inspection the CEO deems necessary to determine if applicant's proposal could be in compliance with Town Ordinances.
- c. The CEO shall have 21 days from the date a completed application is forwarded from the Board of Selectmen to complete a review of the applicant's premises and submit an affirmative, negative, or conditional report to the ~~Board of Selectmen~~ Town Council.

#### **SECTION 6: ACTION ON APPLICATION:**

- a. PUBLIC HEARING: Prior to granting a license, the ~~Board of Selectmen~~ Town Council shall hold a public hearing. Reasonable notice of the hearing shall be given by the Town Clerk to the applicant and shall be published at least once in a newspaper having a general circulation in the Town. At the public hearing, testimony of the applicant and of any interested person shall be heard.
- b. ISSUANCE OF LICENSES: After public hearing and within fifteen (15) days of said public hearing, the ~~Board of Selectmen~~ Town Council shall grant the license requested unless the issuance of the license would violate any prohibition in this Ordinance or any State law, Town Ordinance, Planning Board conditions of approval, or is otherwise contrary to the public health, safety or welfare. In granting a license, the ~~Board of Selectmen~~ Town Council may impose reasonable restrictions to protect property owners in the vicinity of the business premises from any nuisance aspects of the proposed Medical Marijuana Establishment including, without limitation, noise and hours of operation. The ~~Board of Selectman~~ Town Council may adopt the conditions of approval imposed by the Planning Board pursuant to their site plan review process as restrictions to of the applicant's premises by reference to said conditions. The applicant shall be informed in writing of the decision on the application and of the reasons for the decision.

**SECTION 7: STATUS AND DISPLAY OF LICENSE:** No license issued under this Ordinance may be assigned or transferred to another entity. Any change in ownership or change in the officers of an owner shall require a new license. Licenses are limited to the premises for which they are issued and are not transferable to another location. The license shall be displayed in a conspicuous place in the medical marijuana establishment for which the license is issued. An application for a new license pursuant to this Section may be treated as a new application pursuant to Section 4 or a renewal pursuant to Section 9 at the discretion of the ~~Board of Selectmen~~ Town Council.

**SECTION 8: DUTY TO UPDATE INFORMATION:** Any license holder issued a license under this Ordinance shall have the duty to maintain updated and accurate information regarding all of the information provided pursuant to the application process and as required in Section 4 of this Ordinance within ten days of any change of status. Failure to provide and maintain current and accurate information may result in revocation of the applicant's license.

**SECTION 9: RENEWALS:** Applications for renewal of licenses shall be submitted at least sixty (60) days prior to expiration of the existing license. Any license holder that fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted. License renewal applications shall be processed by the Town Clerk who shall circulate the application among appropriate Town agencies for comment. The Manager shall forward the application to the Board of Selectmen with a summary of the agency comments. Renewals shall be approved or denied by the Board of Selectmen Town Council.

**SECTION 10: STANDARDS FOR LICENSE DENIAL OR REVOCATION:**

Renewals of existing licenses shall be denied by the Board of Selectmen Town Council, and an existing license may be suspended or revoked by the Board of Selectmen Town Council after notice and hearing, if the applicant, or any owner of the applicant or license holder:

- a. Fails to meet the requirements of this ordinance;
- b. Has had a license for a marijuana establishment revoked by a municipality or by the State;
- c. Has not acquired all necessary State and local approvals prior to issuance of the license;
- d. Has been convicted of a disqualifying drug offense; or
- e. Has provided false or misleading information in connection with the license application.

**SECTION 11: OPERATING REQUIREMENTS:** In order to obtain a license pursuant to this ordinance, the applicant shall demonstrate to the Board of Selectmen Town Council that the following requirements will be met. A license holder shall comply with all of these requirements during the term of the license.

- a. *Fixed location.* All licensed premises shall be fixed, permanent locations. License holders shall not be permitted to operate medical marijuana establishments in other than the licensed premises, such as at farmer's markets, farm stands or kiosks.
- b. *Security.*
  - i. The licensed premises shall have lockable doors and windows and shall be served by an alarm system.
  - ii. Additional security requirements for Registered caregiver retail store, Marijuana Manufacturing facility, and Marijuana testing facility.
    1. The Registered caregiver retail store, Marijuana Manufacturing facility, or Marijuana testing facility shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such



records shall be made available to law enforcement agencies when investigating a criminal complaint.

2. The Registered caregiver retail store, Marijuana Manufacturing facility, or Marijuana testing facility shall have exterior spot lights with motion sensors covering the full perimeter of the building(s), subject to other ordinances and the Board of Selectmen's discretion.

c. *Ventilation.*

- i. The licensed premises shall comply with all odor and air pollution standards established by statute or ordinance, or as a condition of approval by the Planning Board.
- ii. All medical marijuana establishments shall have an odor mitigation system installed that has been approved by a Maine licensed engineer, indicating that the system will provide odor control sufficient to ensure that no odors are perceptible off the premises.

- d. *Waste disposal.* The licensed premises shall not dispose of waste and/or residue from the growth, cultivation, processing, and storage of medical marijuana in an unsecured waste receptacle not in its possession and control.
- e. *Loitering.* The facility owner/operator shall make adequate provisions to prevent patrons or other persons from loitering on the premises. It shall be the license holder's obligation to ensure that anyone found to be loitering or using marijuana or marijuana products in the parking lot or other outdoor areas of a licensed premises is ordered to leave.
- f. *Compliance with requirements of state and local law.* A medical marijuana establishment shall meet all operating and other requirements of state and local law. To the extent the state has adopted or adopts in the future any law or regulation governing medical marijuana establishments that conflicts in any way with the provisions of this Ordinance, the more restrictive shall control.

~~g. *Marijuana Manufacturing Facilities.* A Marijuana Manufacturing facility applicant must provide specific information about the extraction equipment to be used on the licensed premises, including how all fire and electrical standards will be met. Marijuana Manufacturing facility license holders shall not employ extraction methods that use fossil fuel based solvents, including but not limited to butane, hexane, and propane.~~

**SECTION 12: VIOLATIONS; PENALTIES.** In addition to revocation or suspension of a medical marijuana establishment license as provided in this Ordinance, the violation of any provision of this Ordinance may be punished, at the decision of the ~~Board of~~ Selectmen Town Council, by a fine of not less than \$500.00 nor more than \$2,500.00 for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the town may enjoin or abate any violation of this Ordinance. All fines and penalties, together with costs of prosecution of violations, which shall include the town's cost and attorney's fees, shall inure to the benefit



of the town. This section shall be enforced by the ~~Board of Selectman~~ Town Council, or their designee. Notice of violations by medical marijuana establishment license holders of other provisions of this Ordinance shall be provided to the ~~Board of Selectmen~~ Town Council.

**SECTION 13: LICENSE FEE AND COSTS.**

- a. The initial license fees for a Medical marijuana establishment shall be \$100.00. There shall be no renewal fee for an existing Medical marijuana establishment unless there has been a change in use resulting in initial application approval being required.
- b. Applicant shall be responsible for any costs incurred by the Town in the processing of an application, including but not limited to publication fees for any public hearing.
- c. The ~~Selectmen~~ Town Council shall have the authority to revise the annual license fees and renewal fees after holding a public hearing.

**SECTION 14: SEVERABILITY.** If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 15: APPEALS.** Appeals may be taken to the Maine Superior Court in accordance with Rule 80-B, Maine Rules of Civil Procedure.

# DRAFT- 7-01-21

## TOWN OF CUMBERLAND TURNER, MAINE MEDICAL MARIJUANA ESTABLISHMENT LICENSE FOR REGISTERED CAREGIVERS ORDINANCE

ADOPTED TBD APRIL 6, 2019

**SECTION 1: PURPOSE AND AUTHORITY:** The purpose of this Ordinance is to provide procedures and standards relating to the operation of medical marijuana establishments and to require their annual licensing. This ordinance is enacted pursuant to authority granted under 30-A M.R.S. § 3001, 22 M.R.S. § 2423-A(14) and 22 M.R.S. § 2429-D.

**SECTION 2: DEFINITIONS.** As used in this ordinance, unless the context otherwise indicates, the following terms have the following meanings.

*Registered caregiver retail store.* “Registered caregiver retail store” means a registered caregiver authorized under state law to cultivate medical marijuana for qualifying patients that operates a retail store to sell medical marijuana to qualifying patients.

*Registered dispensary.* “Registered dispensary” means a dispensary authorized under state law to cultivate and dispense medical marijuana to qualifying patients and caregivers.

~~*Marijuana testing facility.* “Marijuana testing facility” means a public or private laboratory authorized under state law to test medical marijuana for contamination, potency or cannabinoid profile.~~

~~*Marijuana Manufacturing facility.* “Marijuana Manufacturing facility” means a Marijuana Manufacturing facility authorized under state law to manufacture marijuana products for medical use or to engage in marijuana extraction for medical use.~~

*Cultivation area.* “Cultivation area” means a Registered Caregiver’s indoor or outdoor area used for cultivation of marijuana for a qualifying patient that is enclosed and equipped with locks or other security devices that permits access only to a person authorized to have access to the area as defined in Title 22 Chapter 558-C of the Maine Revised Statutes.

*Medical marijuana establishment.* “Medical marijuana establishment” means a registered caregiver retail store, ~~marijuana testing facility, Marijuana Manufacturing facility,~~ or Cultivation area.

*State registration authority.* “State registration authority” means the authority created or designated by the State for the purpose of regulating and controlling registration for medical marijuana establishments.

*Registered caregiver* "Registered caregiver" means a caregiver who is registered by the Department of Administrative and Financial Services pursuant to section 2425-A.

*Disqualifying drug offense.* "Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more, but does not include (1) An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; or (2) An offense that consisted of conduct that would have been permitted under the Maine Medical Use of Marijuana Act.

**SECTION 3: LICENSE REQUIRED:** No person shall operate a medical marijuana establishment, nor shall any property owner permit the use of his or her premises to be operated as a medical marijuana establishment, without first obtaining a license from the ~~Board of Selectmen~~ Cumberland Town Council prior to commencing operations pursuant to this Ordinance.

- a. An applicant must complete a site plan review, and receive approval from the Planning ~~Board, Department~~ pursuant to the Town of ~~Turner-~~ Zoning Cumberland Site Plan Review Ordinance Section 5-Chapter 229
- b. Notwithstanding Section 3(a), if an applicant applies for a license, which will be located at a premises that has previously been through a site plan review, for the same type of medical marijuana establishment applicant is seeking to license the ~~Board of Selectmen~~ Planning Department may waive the site plan review requirement for the applicant.
- c. A license shall be for a period of one year from the date of its issuance.
- d. A license must be obtained prior to the opening of a medical marijuana establishment.
- e. Renewal of an existing license is governed by Section 9 of this Ordinance.
- f. Notwithstanding anything to the contrary within this Section a caregiver operating a preexisting Medical marijuana establishment in compliance with State law and Town Ordinances shall have ~~12-6 months~~ months from the date of enactment of this Ordinance to obtain a license pursuant to this Ordinance, and will not be subject to the requirements in Section 3(a) in order to obtain a license for said preexisting Medical marijuana establishment.

**SECTION 4: APPLICATION:** An applicant for a medical marijuana establishment license shall complete and file an application with the Code Enforcement Officer (CEO), or such other person designated by the Town Manager, on the provided form, and request to be placed on the ~~Board of Selectmen's~~ Town Council agenda no less than 30 days in advance of a regularly scheduled meeting, together with the applicable nonrefundable license fee, as well



as the following supporting materials:

- a. A copy of the applicant's state registration application and supporting documentation, as submitted to the state registration authority.
- b. Evidence of all state approvals or conditional approvals required to operate a medical marijuana establishment, including, but not limited to, a state registry identification card or registration certificate.
- c. If not included in the applicant's state registration application, a description of the form of ownership of the business enterprise together with attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the medical marijuana establishment.
- d. If not included in the applicant's state registration application, an affidavit that identifies all owners, officers, members, managers or partners of the applicant.
- e. A release for each applicant and for each officer, owner, member, manager or partner of the applicant seeking a license allowing the Town of Turner to obtain criminal records and other background information related to the individual.
- f. A statement as to the precise nature of the business with a description of the nature of all products and services offered to its customers.
- g. Evidence of all other approvals or conditional approvals required to operate the medical marijuana establishment, including Planning Board approval and any applicable food or victualer's license.
- h. Evidence of compliance with the requirements of Section 11 and evidence that the standards listed in Section 10 have been met.

If the ~~Board of Selectmen~~Town Council determines that a submitted application is not complete, they shall notify the applicant within ten (10) business days of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the Board of Selectmen's request, the application may be denied.

**SECTION 5: INVESTIGATION OF APPLICANT, OFFICERS, ETC:** Upon receipt of an application or of a notice of a change of any of the individuals listed in Section 4(d), the Town Clerk shall provide copies of the completed application to the CEO, or such other person designated by the Town Manager, for the purposes of reviewing the application and carrying out any necessary site review of the premises at which the establishment will be located.

- a. The CEO shall determine if an applicant's proposal could comply with all applicable town ordinances;

- b. The CEO may coordinate with any other Town employee, agent, or independent contractor to carry out any such inspection the CEO deems necessary to determine if applicant's proposal could be in compliance with Town Ordinances.
- c. The CEO shall have 21 days from the date a completed application is forwarded from the Board of Selectmen to complete a review of the applicant's premises and submit an affirmative, negative, or conditional report to the ~~Board of~~ SelectmenTown Council.

#### **SECTION 6: ACTION ON APPLICATION:**

- a. PUBLIC HEARING: Prior to granting a license, the ~~Board of SelectmenTown~~ Council shall hold a public hearing. Reasonable notice of the hearing shall be given by the Town Clerk to the applicant and shall be published at least once in a newspaper having a general circulation in the Town. At the public hearing, testimony of the applicant and of any interested person shall be heard.
- b. ISSUANCE OF LICENSES: After public hearing and within fifteen (15) days of said public hearing, the ~~Board of SelectmenTown Council~~ shall grant the license requested unless the issuance of the license would violate any prohibition in this Ordinance or any State law, Town Ordinance, Planning Board conditions of approval, or is otherwise contrary to the public health, safety or welfare. In granting a license, the ~~Board of SelectmenTown Council~~ may impose reasonable restrictions to protect property owners in the vicinity of the business premises from any nuisance aspects of the proposed Medical Marijuana Establishment including, without limitation, noise and hours of operation. The ~~Board of~~ SelectmanTown Council may adopt the conditions of approval imposed by the Planning Board pursuant to their site plan review process as restrictions to of the applicant's premises by reference to said conditions. The applicant shall be informed in writing of the decision on the application and of the reasons for the decision.

**SECTION 7: STATUS AND DISPLAY OF LICENSE:** No license issued under this Ordinance may be assigned or transferred to another entity. Any change in ownership or change in the officers of an owner shall require a new license. Licenses are limited to the premises for which they are issued and are not transferable to another location. The license shall be displayed in a conspicuous place in the medical marijuana establishment for which the license is issued. An application for a new license pursuant to this Section may be treated as a new application pursuant to Section 4 or a renewal pursuant to Section 9 at the discretion of the ~~Board of~~ SelectmenTown Council.

**SECTION 8: DUTY TO UPDATE INFORMATION:** Any license holder issued a license under this Ordinance shall have the duty to maintain updated and accurate information regarding all of the information provided pursuant to the application process and as required in Section 4 of this Ordinance within ten days of any change of status. Failure to provide and maintain current and accurate information may result in revocation of the applicant's license.



**SECTION 9: RENEWALS:** Applications for renewal of licenses shall be submitted at least sixty (60) days prior to expiration of the existing license. Any license holder that fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted. License renewal applications shall be processed by the Town Clerk who shall circulate the application among appropriate Town agencies for comment. The Manager shall forward the application to the Board of Selectmen with a summary of the agency comments. Renewals shall be approved or denied by the Board of Selectmen Town Council.

**SECTION 10: STANDARDS FOR LICENSE DENIAL OR REVOCATION:**

Renewals of existing licenses shall be denied by the Board of Selectmen Town Council, and an existing license may be suspended or revoked by the Board of Selectmen Town Council after notice and hearing, if the applicant, or any owner of the applicant or license holder:

- a. Fails to meet the requirements of this ordinance;
- b. Has had a license for a marijuana establishment revoked by a municipality or by the State;
- c. Has not acquired all necessary State and local approvals prior to issuance of the license;
- d. Has been convicted of a disqualifying drug offense; or
- e. Has provided false or misleading information in connection with the license application.

**SECTION 11: OPERATING REQUIREMENTS:** In order to obtain a license pursuant to this ordinance, the applicant shall demonstrate to the Board of Selectmen Town Council that the following requirements will be met. A license holder shall comply with all of these requirements during the term of the license.

- a. *Fixed location.* All licensed premises shall be fixed, permanent locations. License holders shall not be permitted to operate medical marijuana establishments in other than the licensed premises, such as at farmer's markets, farm stands or kiosks.
- b. *Security.*
  - i. The licensed premises shall have lockable doors and windows and shall be served by an alarm system.
  - ii. Additional security requirements for Registered caregiver retail store, Marijuana Manufacturing facility, and Marijuana testing facility.
    1. The Registered caregiver retail store, Marijuana Manufacturing facility, or Marijuana testing facility shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such



records shall be made available to law enforcement agencies when investigating a criminal complaint.

2. The Registered caregiver retail store, Marijuana Manufacturing facility, or Marijuana testing facility shall have exterior spot lights with motion sensors covering the full perimeter of the building(s), subject to other ordinances and the Board of Selectmen's discretion.

c. *Ventilation.*

- i. The licensed premises shall comply with all odor and air pollution standards established by statute or ordinance, or as a condition of approval by the Planning Board.
- ii. All medical marijuana establishments shall have an odor mitigation system installed that has been approved by a Maine licensed engineer, indicating that the system will provide odor control sufficient to ensure that no odors are perceptible off the premises.

- d. *Waste disposal.* The licensed premises shall not dispose of waste and/or residue from the growth, cultivation, processing, and storage of medical marijuana in an unsecured waste receptacle not in its possession and control.
- e. *Loitering.* The facility owner/operator shall make adequate provisions to prevent patrons or other persons from loitering on the premises. It shall be the license holder's obligation to ensure that anyone found to be loitering or using marijuana or marijuana products in the parking lot or other outdoor areas of a licensed premises is ordered to leave.
- f. *Compliance with requirements of state and local law.* A medical marijuana establishment shall meet all operating and other requirements of state and local law. To the extent the state has adopted or adopts in the future any law or regulation governing medical marijuana establishments that conflicts in any way with the provisions of this Ordinance, the more restrictive shall control.

~~g. *Marijuana Manufacturing Facilities.* A Marijuana Manufacturing facility applicant must provide specific information about the extraction equipment to be used on the licensed premises, including how all fire and electrical standards will be met. Marijuana Manufacturing facility license holders shall not employ extraction methods that use fossil fuel based solvents, including but not limited to butane, hexane, and propane.~~

**SECTION 12: VIOLATIONS; PENALTIES.** In addition to revocation or suspension of a medical marijuana establishment license as provided in this Ordinance, the violation of any provision of this Ordinance may be punished, at the decision of the ~~Board of~~ Selectmen Town Council, by a fine of not less than \$500.00 nor more than \$2,500.00 for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the town may enjoin or abate any violation of this Ordinance. All fines and penalties, together with costs of prosecution of violations, which shall include the town's cost and attorney's fees, shall inure to the benefit

of the town. This section shall be enforced by the ~~Board of Selectman~~ Town Council, or their designee. Notice of violations by medical marijuana establishment license holders of other provisions of this Ordinance shall be provided to the ~~Board of Selectmen~~ Town Council.

**SECTION 13: LICENSE FEE AND COSTS.**

- a. The initial license fees for a Medical marijuana establishment shall be \$100.00. There shall be no renewal fee for an existing Medical marijuana establishment unless there has been a change in use resulting in initial application approval being required.
- b. Applicant shall be responsible for any costs incurred by the Town in the processing of an application, including but not limited to publication fees for any public hearing.
- c. The ~~Selectmen~~ Town Council shall have the authority to revise the annual license fees and renewal fees after holding a public hearing.

**SECTION 14: SEVERABILITY.** If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 15: APPEALS.** Appeals may be taken to the Maine Superior Court in accordance with Rule 80-B, Maine Rules of Civil Procedure.



Town of Cumberland

Medical Marijuana Caregiver Licensing Ordinance

Adopted: \_\_\_\_\_

**Section 1 - Title** This ordinance shall be known as and cited as the "Town of Cumberland ~~Gorham Adult Use and~~ Medical Marijuana Cargiver Licensing Ordinance" and will be referred to hereinafter as the " Ordinance." This Ordinance limits all ~~subject adult-use marijuana establishments and~~ medical marijuana caregiver businesses, as ~~both are~~ defined herein, to the zoning districts specified under the GorhamCumberland Zoning Ordinance, prescribes definitions and provides for permitting/licensing, regulation, and performance standards for such uses.

**Section 2 - Authority and Applicability** This Ordinance is adopted pursuant to the authority granted by 22 M.R.S.A. § 2429-D, 28-B M.R.S.A. § 101 et seq., as both may be amended or recodified, and the Town's home rule authority under Chapter VIII, Part 2 Section 1 of the Maine Constitution and 30-A M.R.S.A. § 3001, as may be amended or recodified.

**Section 3 - Purpose; Construction** The purpose of this Ordinance is to allow for the licensed operation of adult-use marijuana cultivation facilities, adult-use marijuana manufacturing facilities, adult-use marijuana testing facilities, ???? medical marijuana caregivers, ~~medical marijuana manufacturing facilities, and medical marijuana testing facilities in~~ GorhamCumberland, while ensuring that the same are operated safely and in accordance with state law. This Ordinance does not authorize the operation of adult-use marijuana stores as that term is defined in 28-B M.R.S.A. § 102(34), as may be amended or recodified. ~~In addition, this Ordinance does not authorize the operation of medical marijuana caregiver retail stores or medical marijuana dispensaries, as those terms are defined in 22 M.R.S.A. §§ 2422(1-F) and 2422(6) respectively, as may be amended or recodified. The operation of a medical marijuana caregiver within his/her primary residence, or in the primary residence of one or all of its officers or managers, is exempt from the licensing requirements of this Ordinance, but is still subject to the home occupation standards set forth in Section 2-15 of the Town of~~ GorhamCumberland Land Use and Development Code. This Ordinance does not, and shall not be interpreted to limit the rights and privileges afforded by the Maine Medical Use of Marijuana Act, 22 M.R.S.A. Chapter 558-C.

**Section 4 - Conflict with other ordinances; state law.** Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other ordinance, regulation or standard, the more restrictive provision shall apply. Nothing herein is intended to conflict with state law; whenever a provision of this Ordinance conflicts with state law the more restrictive provision shall apply. All applicants and licensees shall comply with all applicable state laws.



**Section 5 - Validity and severability** Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

**Section 6 - Effective Date** The effective date of this Ordinance shall be thirty (30) days from the date of adoption by the Town Council.

**Section 7 - Definitions** **Adult-use marijuana cultivation facility** - an adult-use "cultivation facility," as that term is defined in 28-B M.R.S.A. § 102(13), as may be amended or recodified. An adult-use marijuana cultivation facility includes a "nursery cultivation facility," as that term is defined in 28-B M.R.S.A. § 301(5), as may be amended or recodified. **Adult-use marijuana establishment** - an adult-use marijuana cultivation facility, an adult-use marijuana products manufacturing facility, or an adult-use marijuana testing facility, which uses are only allowed to operate in GorhamCumberland once properly licensed by the State of Maine and under the applicable sections of this Ordinance. **Adult-use marijuana products manufacturing facility** - an adult-use "products manufacturing facility," as that term is defined in 28-B M.R.S.A. § 102(43), as may be amended or recodified. **Adult-use marijuana testing facility** - an adult-use "testing facility," as that term is defined in 28-B M.R.S.A. § 102(54), as may be amended or recodified. **Agricultural Building** - a structure designed, constructed, and used to store farm machinery, supplies, implements, livestock, or crops. **Cultivate or cultivation** - the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale of adult-use or medical marijuana. **"Cultivation" or "cultivate"** does not include manufacturing, testing or marijuana extraction. **Manufacture, processing** - "manufacture," as that term is defined in 28-B M.R.S.A. § 102(26), as may be amended or recodified. **Manufacturing batch** - "batch," as that term is defined in 28-B M.R.S.A. § 102(5), as may be amended or recodified. **Marijuana** - "marijuana," as that term is defined in 28-B M.R.S.A. § 102(27), as may be amended or recodified. **Medical Marijuana Caregiver** - a "caregiver," as that term is defined in 22 M.R.S.A. § 2422(8-A), as may be amended or recodified. **Medical Marijuana Business** - a medical marijuana manufacturing facility, a medical marijuana testing facility, or a medical marijuana caregiver that operates in a location that is not that caregiver's primary residence, or in the case of a caregiver that is a registered entity, the primary residence of any of the entity's officers, partners, managers, or members. A medical marijuana business does not include or encompass a medical marijuana caregiver store or a medical marijuana dispensary, neither of which are authorized to operate in the GorhamCumberland. **Medical Marijuana Manufacturing Facility** - a medical marijuana "manufacturing facility," as that term is defined in 22 M.R.S. § 2422(4-R), and further specified in 22 M.R.S. § 2423-F, as both may be amended or recodified. **Medical Marijuana Testing Facility** - a medical "marijuana testing facility," as that term is defined in 22 M.R.S. § 2422(5-C), as may be amended or recodified. **Plant canopy** - "plant canopy," as that term is defined in 28-B M.R.S.A. § 102(41), as may be amended or recodified.

**Section 8 - Annual License required; distribution of licenses; renewal**

A. License Required. No person may establish, operate or maintain an adult-use marijuana establishment or a medical marijuana business without first obtaining an annual license from the Town Council. It is a violation of this Ordinance for any person or entity to operate, or cause to be operated, an adult-use marijuana establishment or a medical marijuana business without a valid license issued by the Town Council, pursuant to this Ordinance. Pursuant to 28-B M.R.S.A. §301 and §502, an applicant seeking to operate an adult-use marijuana establishment may submit an application for a license concurrent with an application for a conditional license by the State of Maine to operate a marijuana cultivation or manufacturing facility.

B. Limit on Number of Licenses; Licenses Not Transferable. The Town Council may only issue one (1) total adult-use marijuana establishment to a single business, individual, or owner. For the purposes of this restriction, a "business" or "owner" shall include a separate business entity where the majority of ownership interests are held by the same individual(s) or entity/entities. The Town Council is authorized to issue no more than ~~twenty (20) adult-use~~ 5 medical marijuana caregiver establishment licenses in accordance with this Ordinance and where allowed in the Land Use and Development Code. Licenses issued pursuant to this Ordinance are not transferable following a change in ownership of the licensee or a change in location of the licensed activity. Any change in ownership or change in officers of an owner of an adult-use marijuana establishment or medical marijuana business shall have a priority of review to maintain the issued license, provided that a completed license application is submitted prior to the change of ownership. ~~Adult-use Medical~~ marijuana caregiver establishment licenses shall be administered on a first come, first serve basis based upon the date the application is deemed complete. Home cultivation of adult use or medical marijuana for personal use is exempt from the licensing requirements of this Ordinance.

## **Section 9 - Application procedure**

A. An application for a license required by this Ordinance must be made on a form provided by the Town of ~~Gorham~~ Cumberland.

B. Applications for a license required by this Ordinance shall be procured from the Town Clerk, completed and signed by the applicant and filed with the Town Clerk, and if referred to the municipal officers shall bear the recommendation for approval or disapproval with reasons noted of the Code Enforcement Officer, the Police Chief and the Fire Chief, and such other departments as may be required by the Municipal Officers or other Town ordinances.

C. Applicants shall provide sufficient information to demonstrate that they meet all qualifications and standards established in this Ordinance.

### **D. Application Requirements**

1. If the applicant is a single individual, this person must sign the application for a license. If the applicant is a business entity, each person who has an interest in the business must sign the



application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.

2. The completed application for an adult-use marijuana establishment or medical marijuana business license shall contain the following information and shall be accompanied by the following documents:

- a. If the applicant is an individual: The individual shall state their legal name and any aliases, and submit proof that they are at least twenty- one (21) years of age.
- b. If the applicant is a partnership: The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least twenty-one (21) years of age.
- c. If the applicant is a corporation: The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least twenty-one (21) years of age.
- d. If the applicant is a limited liability company (LLC): The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least twenty-one (21) years of age.
- e. If the applicant intends to operate the adult-use marijuana establishment or medical marijuana business under a name other than that of the applicant, they must state the establishment or business name and submit the required registration documents.
- f. If the applicant, an officer, member or employee has been convicted of criminal activity under State and/or federal law, they must list the specified criminal activity involved, and the date, place, and jurisdiction of each conviction.
- g. If the applicant has had a previous license under this Ordinance or other marijuana-related license applications in another town, city or state denied, suspended or revoked, they must list the name and location of the facility for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and they must list whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this Ordinance, whose license has previously been denied, suspended or revoked, listing the name and location of the Marijuana Cultivation or Manufacturing Facility for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.

h. If the applicant holds any other permits/licenses under this Ordinance or other marijuana-related license from another town, city, or state the applicant shall provide the names and locations of such other permitted/licensed businesses.

i. The type of adult-use marijuana establishment, or medical marijuana business for which the applicant is seeking a license.

j. The location of the proposed adult-use marijuana establishment or medical marijuana business, including a legal description of the property, street address, and telephone number.

k. Sufficient documentation demonstrating possession or entitlement to possession of the proposed licensed premises of the adult-use marijuana establishment or medical marijuana business pursuant to a lease, rental agreement, purchase and sale agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.

l. The applicant's mailing address and residential address.

m. Recent passport-style photograph(s) of the applicant(s).

n. The applicant's driver's license.

o. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floor space to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.

p. A copy of a Town of Cumberland ~~Gorham~~ Tax Map depicting: (1) the subject property lines, and (2) the property lines of any preexisting public or private school within seven hundred and fifty (750) feet of the subject property, measured in accordance with this Ordinance. 3. Medical marijuana caregivers and other applicants submitting applications and supporting information that is confidential under 22 M.R.S.A. § 2425-A(12), as may be amended or recodified, and the Maine Freedom of Access Act, 1 M.R.S.A. § 403(3)(F), shall mark such information as confidential. An individual who possesses a valid Maine medical marijuana registered caregiver identification card need not identify themselves in an application for a license for a medical marijuana business. The cardholder must, however, identify themselves and provide the relevant cards to the Town Clerk for examination, but the identity of the cardholder shall not be a public record and the Town shall not share the identity of the cardholder, except as necessary by law in the performance of the Town's official functions. At the time of the application, the cardholder may appoint a representative to appear before the Town Council on their behalf. Advertisements for the requisite public hearing shall contain the location of the proposed medical marijuana business and the identity of the owner of the real estate and the identity of the designated representative.

## **Section 10 - Standards for license General**

1. All adult-use marijuana establishments and medical marijuana businesses shall comply with applicable state and local laws and regulations.



2. Adult-use marijuana establishments and medical marijuana businesses shall only be located within the zoning districts permitted in the ~~Gorham~~Cumberland Zoning Ordinance.

3. Adult-use marijuana establishments and medical marijuana businesses may not be located on property within seven hundred and fifty (750) feet of the property line of a preexisting public or private school (K12). For the purposes of this Ordinance, "school" includes a public school, private school, or public preschool program as defined in 20-A M.R.S.A. §1, or any other educational facility that serves children from prekindergarten to grade 12. Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the school property line and the property line of the parcel of land on which the adult-use marijuana establishment or medical marijuana business is located. If the adult-use marijuana establishment or medical marijuana business is located within a subdivision, the required setback shall be measured from the front door of the facility to the property line of the school. Presence of a town, city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

4. No outdoor cultivation, testing, or manufacturing or storage of marijuana, marijuana products, or related supplies is permitted, except as allowed by ordinance.

5. All adult-use marijuana establishments and medical marijuana businesses are required to operate in compliance with the state standards related to odor control and mitigation, as outlined in 18-691 C.M.R., ch. 1, § 2.4.2, as may be amended or recodified, and all adult-use marijuana establishments and medical marijuana businesses shall have odor mitigation systems such that odor is imperceptible from any adjoining property line.. A ventilation plan shall be required that provides for adequate ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation or manufacturing of marijuana or marijuana related products from being dispersed or released outside the building or lease line. The plan shall further provide for resulting smoke, vapor, fumes, gases and particulate matter from marijuana or its manufacturing or cultivation to be effectively confined to the any building or lease line.

6. All adult-use marijuana establishments shall obtain a State of Maine conditional license prior to operating in the Town of ~~Gorham~~Cumberland. All caregivers or other individuals or entities wishing to operate medical marijuana businesses must be licensed by the State of Maine prior to applying for licensure from the Town of Cumberland ~~Gorham~~, and must provide a copy of said license to the Town as part of its licensing application.

7. Operating Plan - All Adult-use marijuana establishments and medical marijuana businesses are required to submit an operation plan that at a minimum addresses the following: a. wastewater b. disposal of waste c. ventilation and odor d. parking e. landscaping

**Section 11 - License expiration and renewal** A separate license must be obtained for each adult-use marijuana establishment or medical marijuana business located on the same premises. Each license shall be effective for a period of one year from the date of its issuance. A

license must be obtained prior to the opening of adult-use marijuana establishment or medical marijuana business. Applications for renewal licenses shall be submitted at least sixty (60) days prior to expiration of the existing term. Any licensee that fails to submit a renewal application by the applicable deadline shall not have authority to operate until a new license is granted.

**Section 12 - Denial, suspension or revocation of license.** An application for any license under this Ordinance shall be denied to the following entities or persons:

1. A person or entity who fails to meet the requirements of this Ordinance.
2. A person or entity that has had a license for an adult-use marijuana establishment or a medical marijuana business revoked by the Town of ~~Gorham~~Cumberland or by the State of Maine.
3. A person or entity who has not acquired all necessary state approvals and other required local approvals prior to issuance of a license. The Town may suspend or revoke a license for any violation of this Ordinance, Chapter 1 or Chapter 2 of the Land Use and Development Code, or any other applicable building and life safety code requirements. The Town may suspend or revoke a license if the licensee has had a state license for an adult-use marijuana establishment suspended or revoked, or in the case of a medical marijuana business, the applicant has been disqualified as a caregiver, or otherwise had a needed license suspended or revoked by the State of Maine. The licensee shall be entitled to notice and a hearing before the Town Council prior to any suspension or revocation, provided, however, that any such hearing, including all documents related thereto, pertaining to a licensed medical marijuana caregiver business, shall be confidential and conducted in executive session.

**Section 13 - Right of Access/Background Check/Inspection**

- A. Every adult-use marijuana establishment and medical marijuana business licensee shall allow law enforcement officers and the ~~Gorham~~Cumberland Code Enforcement Officer ("CEO") to enter the premises at reasonable times for the purpose of checking compliance with all applicable State laws and this Ordinance.
- B. Every owner and employee of an adult-use marijuana establishment, medical marijuana manufacturing facility, or medical marijuana testing facility, applying for a license, shall contact the ~~Gorham~~Cumberland Police Department for the purposes of fingerprinting and criminal background checking.
- C. All medical marijuana caregivers shall provide to the Town a copy of all registered caregiver licenses issued to any and all officers, managers, and/or employees, and shall update the same annually.
- D. All licensees shall submit emergency contact information to the Police Department. E. Due to fire, explosion, and other hazards inherent in adult-use marijuana establishments and medical marijuana caregiver businesses, including, but not limited to, heavy electrical loads, hot lighting



fixtures, CO2 enrichment, and flammable contents, the owners and/or operators of all such facilities shall agree to be inspected annually by the ~~Gorham~~Cumberland Fire Department and have a Lock Box installed at the structure's exterior entrance for emergency access. Lock Boxes shall be obtained and installed in coordination with the ~~Gorham~~Cumberland Fire Department.

**Section 14 - Indemnification** By accepting a license issued pursuant to this Ordinance, the licensee waives and releases the Town, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of any adult-use marijuana establishment or medical marijuana business owners, operators, employees, clients, or customers for a violation of local, State or federal laws, rules, or regulations. By accepting a license issued pursuant to this Ordinance, the permittee/licensee agrees to indemnify, defend, and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims, and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of a an adult-use marijuana establishment or medical marijuana business licensed under this Ordinance.

#### **Section 15 - State Law**

In the event the State of Maine adopts any additional or stricter law or regulation governing the adult-use marijuana businesses, medical marijuana businesses, or medical marijuana caregivers, the additional or stricter regulation shall control. Compliance with all applicable State laws and regulations shall be deemed an additional requirement for issuance or denial of any license under this Ordinance, and noncompliance with State laws or regulations shall be grounds for revocation or suspension of any license issued hereunder.

#### **Section 16 - Advertisement and Public Hearing**

A. For new or renewal licenses requiring Town Council action, the Council shall hold a public hearing. At said hearing the Town Council shall determine whether the license applicant has satisfied all applicable licensing criteria as outlined in this Ordinance, and if so, shall authorize the issuance of such a license, with or without conditions.

B. Prior to any public hearing held in accordance with this Ordinance, the application shall be advertised by posting notice in two (2) or more public places and advertising in a local newspaper, at least seven (7) days prior to the public hearing.

C. In the case of an application for license by a medical marijuana caregiver, or any renewal thereof, the notice and public hearing shall be subject to the confidentiality provisions of Section 9

(D)(3) of this Ordinance, if applicable. Section 17 - License Fees Licensing fees for adult-use marijuana establishments and medical marijuana businesses shall be paid annually as set forth

below. All applications must be submitted with a nonrefundable/nontransferable \$500 fee. If an application is approved, the following license fees must be paid before the Town will issue a license:

Adult-Use Marijuana Manufacturing Facility: \$5,000

Adult-Use Marijuana Cultivation Facility:

Tier 1: 0 to 500 SF of plant canopy: Annual Permit/Licensing Fee: \$1,000.

Tier 2: 501 to 2,000 SF of mature plant canopy: Annual License Fee: \$1,500.

Tier 3: 2,001 to 7,000 SF of mature plant canopy: Annual License Fee: \$2,500.

Tier 4: greater than 7,000 SF of mature plant canopy: Annual License Fee: \$5,000.

Adult-Use Nursery Cultivation facility: Annual License Fee: \$1,000 (Plant canopies of individual Nursery Cultivations are capped at 1,000 SF, subject to the requirements and restrictions of State law.) Adult-Use Marijuana Testing Facility: Annual License Fee: \$3,000.

Medical Marijuana Caregiver (Non-Home Occupation): Annual License Fee:

Tier 1: 0 to 500 SF of plant canopy: Annual Permit/Licensing Fee: \$1,000.

Tier 2: 501 to 2,000 SF of mature plant canopy: Annual License Fee: \$1,500.

Tier 3: 2,001 to 7,000 SF of mature plant canopy: Annual License Fee: \$2,500.

\_\_\_\_\_Tier 4: greater than 7,000 SF of mature plant canopy: Annual License Fee: \$5,000.

Medical Marijuana Manufacturing Facility: Annual License Fee: \$5,000.

Medical Marijuana Testing Facility: Annual License Fee: \$3,000. Renewal applicants for adult-use marijuana cultivation licenses may seek an increase to a higher tier if they comply with the requirements in this section and State law. Section 18 - Enforcement; Violations Any violations of this ordinance, including failure to comply with any conditions, may be enforced in accordance with 30-A M.R.S.A. § 4452. Every day a violation exists constitutes a separate violation. Operation of any adult-use marijuana establishment or medical marijuana business without a town license shall be a violation of this Ordinance. Any party committing such a violation shall immediately cease operations, whether of a construction, renovation, or business nature, upon notification by the Code Enforcement Officer (CEO). Upon such CEO notification, and failure of the licensee or other individual or business to take the required remedial action in a timely manner, the Town can pursue fines and/or penalties under 30-A M.R.S.A. § 4452.



**Section 19 - Appeals** Any appeal of a decision of the Town made in connection with this Ordinance shall be to the Superior Court, in accordance with the requirements of Rule 80B of the Maine Rules of Civil Procedure