

**Town of Readfield**  
**MARIJUANA ESTABLISHMENTS ORDINANCE**

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# **Marijuana Establishments Ordinance**

## **Article I Title:**

This ordinance shall be known and cited as the Town of Readfield “Marijuana Establishments Ordinance” and will be referred to hereinafter as “this Ordinance”. This Ordinance limits all Adult Use and Medical Marijuana Establishments to the rules and regulations contained herein, in addition to any zoning rules and regulations that may apply in the Town of Readfield Land Use Ordinance or other ordinances.

## **Article II Purpose and Authority:**

**WHEREAS**, implementing a system for regulation of Establishments for the sale, manufacturing, and testing for both Adult Use and Medical Marijuana, is a complex function with significant administrative demands on the Town of Readfield; and

**WHEREAS**, to ensure that possession and use of Adult Use and Medical Marijuana is limited to persons who are 21 years of age or older, except in the case of minors in possession of a Medical Marijuana Patient Card; and

**WHEREAS**, the Town of Readfield believes that any production, testing, processing, cultivation, or selling of Adult Use and Medical Marijuana should be conducted in a safe and fair manner for the health, safety, and welfare of the community, which includes complying with provisions of all applicable laws and ordinances relating to Adult Use and Medical Marijuana throughout the Town of Readfield;

**NOW THEREFORE**, this Ordinance is adopted pursuant to the Marijuana Legalization Act, Title 28-B M.R.S. c. 1; Maine’s Medical Marijuana laws and regulations, 22 M.R.S. c. 558-C; Article VIII, Part 2, Section 1 of the Maine Constitution; Municipal Home Rule Authority, 30-A M.R.S. §3001 et seq.; and the provisions of the Planning and Land Use Regulation Act, 30-A M.R.S. §4312 et seq..

## **Article III Definitions:**

The terms in this ordinance shall have the same definition as that contained in 22 M.R.S. § 2422, for medical marijuana establishments, and 28-B § M.R.S. The term “Marijuana Establishment” refers collectively to all medical and adult use retail marijuana stores, medical and adult use marijuana cultivation facilities, medical and adult use marijuana manufacturing facilities, and medical and adult use marijuana testing facilities, as authorized by the Town.

## **Article IV Permitted Establishments:**

Only Marijuana Establishments specifically authorized by an “opt-in” vote at a legally held Town Meeting shall be permitted. The permitted establishments are as follows:

<b>Establishment</b>	<b>Adopted by Vote</b>
Medical marijuana Manufacturing Facilities	July 14, 2020
Medical Marijuana Testing Facilities	July 14, 2020
Medical Marijuana Registered Caregiver Retail Stores	July 14, 2020
Adult Use Marijuana Cultivation Facilities	July 14, 2020

### **Article V License Required:**

No person may establish, operate or maintain an Adult Use or Medical Marijuana Establishment without first obtaining a license from the Town.

### **Article VI Application Procedure:**

#### **A. Application Process**

A Marijuana Establishment license application must be made on the form provided by the Town in order to determine whether the applicant meets the requirements of this and other ordinances. Prior to application to the Town, the applicant must first obtain conditional approval from the appropriate State agency. Licenses shall be valid for one year following the date of issuance.

Applications shall be submitted to the Code Enforcement Officer for initial review. Applications found to be complete by the Code Enforcement Officer shall be submitted to the Planning Board for review and approval in consideration of the terms of this Ordinance and provisions of the Land Use Ordinance. Applications will then be submitted to the Select Board for final review and approval. An application may be denied for failure to provide all required information and documentation in a timely fashion.

#### **B. Application and Annual License Fees**

All applications must be submitted with the appropriate fees shown below. If an application is approved, the following license fees must be paid before the Town will issue a license:

1. Adult Use and Medical Marijuana Stores: License Fee: \$1,500
2. Adult Use and Medical Marijuana Manufacturing/Extraction Facility: License Fee: \$1,500
3. Adult Use and Medical Marijuana Manufacturing/Consumable Facility (manufacturing facility in a kitchen setting, producing only consumable goods): License Fee: \$100

4. Adult Use and Medical Marijuana Testing Facility: License Fee: \$1,500

5. Adult Use and Medical Marijuana Cultivation:

Tier 1: More than thirty (30) mature plants (and an unlimited number of immature plants and seedlings) or 251-500 SF of plant canopy: License Fee: \$1,500

Tier 2: 501-2,000 SF of mature plant canopy: License Fee: \$2,500

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

Tier 4: 7,001-20,000 SF of mature plant canopy: License Fee: \$4,500

Renewal applicants for Adult Use and Medical Marijuana Cultivation licenses may seek an increase to a higher tier if they comply with the requirements of this section.

The same person may not hold more than three (3) licenses for Adult Use or Medical Marijuana Cultivation Facilities, or maintain a combined plant canopy in excess of 30,000 SF. For the purposes of this provision, Marijuana Cultivation facilities will be combined to determine whether the three licenses or 30,000 SF canopy limits are met if the ownership of the facilities is 50% or more in the same person(s) or entity(ies).

#### **C. Change of ownership; transferability**

Licenses shall not be transferable. A new owner of a Marijuana Establishment shall obtain licensure from the Town pursuant to this Ordinance prior to taking over operation of the Marijuana Establishment.

If there is any change to the name, status or ownership of a corporate entity holding the license under this Ordinance, the licensee shall promptly notify the Town and provide all pertinent documentation related to the change in entity. The Town shall evaluate the new information using the same process and standards applicable to new license applications. For the purposes of this paragraph a change in ownership is defined as a change to the person(s) or company(ies) holding at least 50% ownership of the licensed business.

### **Article VII Standards for License:**

#### **A. General**

1. All Adult Use and Medical Marijuana Establishments must be operated from permanent locations, which may utilize telephone and internet orders.

2. Adult Use and Medical Marijuana Establishments may not use vending machines for sales.
3. Adult Use and Medical Marijuana Establishments may not be operated on property located within:
  - a. Five hundred (500) feet of the property line of a public or preexisting private school (K-12) per 28-A M.R.S. §402.2.A; and/or
  - b. Five hundred (500) feet of the property line of a property used primarily for religious worship and related religious activities; property used for pre-existing licensed daycare use under 10-148 CMR c. 32; recreational areas designated for use by children up to eighteen (18) years in age; or areas designated as municipal "safe zones" pursuant to 30-A M.R.S. §3253.
4. Required setbacks under 3. a. & b. above shall be measured as the most direct, level, shortest, straight-line distance between property lines of a property containing a building or structure used as the premises where an Adult Use or Medical Marijuana establishment is conducted, to the nearest property line of the premises of a use listed in subsection A (3) shown above.
5. Medical Marijuana Establishments located and operating within Readfield under and in compliance with Maine's Medical Marijuana laws and regulations on or before December 13, 2018, who file applications for an Adult Use or Medical Marijuana Establishment license for locations that they currently operate within and have continuously operated within since December 13, 2018, are exempt from subsection 3 of this Section.
6. Security measures at all Adult Use and Medical Marijuana Establishment premises shall include, at a minimum, the following:
  - a. Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week, with ten (10) day video storage, to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises; and
  - b. Door and window combination video and motion detector intrusion system with audible alarm, maintained in good working condition; and
  - c. A safe, case or room secured with a keycode, deadbolt or padlock that is suitable for storage of all marijuana, marijuana products, and cash stored overnight on the licensed premises; and

- d. Exterior lighting that illuminates the exterior walls of the licensed premises during dusk to dawn, that is either constantly on or activated by motion detectors, and complies with applicable provisions of the lighting performance standards in the Town of Readfield Land Use Ordinance; and
- e. Deadbolt locks on all exterior doors and any other exterior access points, excepting windows which shall have locks; and
- f. For adult use facilities: methods to ensure that no person under the age of twenty-one (21) shall have access to marijuana and marijuana products.

## 7. Ventilation

All Adult Use and Medical Marijuana Establishments are required to be in compliance with any odor and nuisance provisions of the Town of Readfield Land Use Ordinance. No detectable odor of marijuana or of chemicals used in the manufacturing process may emit beyond the property line of a parcel containing an Adult Use or Medical Marijuana Establishment.

## 8. Required Notices

There shall be posted in a conspicuous location inside each Adult Use and Medical Marijuana Establishment, at least one legible sign containing the following information:

- a. *“Adult use of or on-site consumption of marijuana is illegal; Open and public consumption of marijuana in the State of Maine is illegal; The use of marijuana or marijuana products may impair a person’s ability to drive a car or operate machinery; No one under the age of twenty-one (21) allowed, Loitering prohibited”.*
- b. *Medical Use: “use of or on site consumption of marijuana is illegal; open and public consumption of marijuana in the state of Maine is illegal; the use of marijuana or marijuana products may impair a person’s ability to drive a car or operate machinery; no one under the age of twenty-one (21) allowed, except a minor with a medical marijuana card between the ages of eighteen (18) and twenty-one (21), or a minor under eighteen (18 years of age accompanied by a legal guardian; loitering prohibited”.*

## 9. Signs

All signs used by and all marketing and advertising conducted by or on behalf of the Marijuana Establishment may not involve advertising or marketing that has a high likelihood of reaching persons under 21 years of age or that is specifically designed to appeal particularly to persons under 21 years of age.

The signs, marketing, or advertising is prohibited from making any health or physical benefit claims.

All signage shall meet the requirements for signs under the Town's Land Use Ordinance.

## **B. Right of Access / Inspection**

Every Adult Use and Medical Marijuana Establishment shall allow Code Enforcement Officers and other municipal officials to enter the premises at reasonable times for the purpose of checking compliance with all applicable State laws and this Ordinance.

Due to fire, explosion, and other hazards inherent in Adult Use and Medical Marijuana Cultivation and Manufacturing Establishments, including, but not limited to, heavy electrical loads, hot lighting fixtures, CO<sup>2</sup> enrichment, extraction solvents (acetone, butane, propane, ethanol, heptane, isopropanol, CO<sup>2</sup>, etc.), high-pressure extraction methods (CO<sup>2</sup>, etc.), and flammable contents, the owners of all such establishments shall agree to be inspected annually by the Town of Readfield Code Enforcement Officer and Fire Chief, or their designee.

Adult Use and Medical Marijuana Cultivation and Manufacturing Establishments must comply with NFPA-1 Chapter 38 standards for *Marijuana Growing, Processing, or Extraction Facilities*, and these standards will be utilized by the Town of Readfield or their designee during its inspections of these premises.

## **C. 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 or Medical Marijuana Establishment 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 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 licensed Adult Use or Medical Marijuana Establishment.

## **D. State Law**

In the event the State of Maine adopts any additional or stricter law or regulation governing the sale, cultivation, manufacture, distribution, or testing of Adult Use or Medical Marijuana or marijuana products, the additional or stricter regulation shall control the establishment or operation of any Adult Use or Medical Marijuana Establishment in Readfield.

Compliance with 28-B M.R.S. c. 1, State laws and regulations pertaining to medical marijuana, and any other applicable State laws or regulations shall be deemed an additional requirement for issuance or denial of any license under this Ordinance, and noncompliance with 28-B M.R.S. c. 1 and any other applicable State law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

## **VIII Enforcement**

### **A. Violations**

1. Any person including, but not limited to an Adult Use or Medical Marijuana Establishment owner, a property owner where such business is located, or any agent or contractor for same, who orders or conducts any activity in violation of this ordinance shall be subject to a minimum civil penalty of \$100 and a maximum civil penalty of \$500. Each day a violation continues shall constitute a separate offense.
2. In addition to the civil penalty, the Town is entitled to injunctive relief.
3. In any successful prosecution the Town shall be rewarded its reasonable attorney fees.
4. The Town is authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action.
5. Actions for the violation of this Ordinance may be initiated by the Code Enforcement Officer or Town Manager.
6. Any violation of this Ordinance, violation of state law, loss of suspension of a state license, or provision of knowingly false information in a license application, may result in license suspension or revocation by the Select Board, after notice and hearing.



**B. Code Enforcement Officer (CEO)**

The primary enforcement person for the Town shall be the Code Enforcement Officer. If the CEO finds that any provision of this Ordinance is being violated, the CEO shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including but not limited to, discontinuance of illegal use of land, buildings, or structures, or work being done, removal of illegal buildings or structures, and abatement or mitigation of violations. A copy of such notices shall be maintained as a permanent record.

**C. Law Enforcement Officers**

Law enforcement officers, the Code Enforcement Officer, and the Fire Chief may at any reasonable time conduct on-site inspections of Adult Use and Medical Marijuana Establishments to ensure compliance with all applicable laws and conditions attached to license approvals and shall investigate all complaints of alleged violations of the Ordinance.

**Article IX Conflict with Other Ordinances; Severability:**

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.

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.

ENACTED: \_\_\_\_\_

CERTIFIED BY: \_\_\_\_\_  
Signature

CERTIFIED BY: \_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title