

# TOWN OF BROWNVILLE

## ADULT USE AND MEDICAL MARIJUANA ORDINANCE

Ordinance establishing licensing, land and property use regulations for Adult Use and Medical Marijuana Establishments, including marijuana stores, caregiver retail stores, testing facilities, products manufacturing facilities, registered dispensaries, and cultivation facilities.

Whereas, the Board of Selectmen finds that:

1. A citizen's initiative known as the Maine Marijuana Legalization Act, 28-B M.R.S. Chapter 1, otherwise modified the state-controlled substance Act to allow the legalization of adult use marijuana for persons over the age of 21, and;
2. The Maine Medical Use of Marijuana Act, 22 M.R.S. Chapter 558-C, allows for the medical use of marijuana for qualifying patients.
3. The laws allow municipalities to authorize the operation of Adult Use and Medical Marijuana Establishments in the municipality by "opting-in" through a Town Meeting vote, as well as license, limit the operation and location of adult use and medical marijuana establishments, and to adopt and enforce regulations for these facilities, which are at least as restrictive as state law and may include local licensing requirements, and;
4. The Town of Brownville desires to authorize the operation of Adult Use and Medical Marijuana Establishments and adopt permanent regulations at this time as provided herein as it applies to 28-B M.R.S. Chapter 1 and 22 M.R.S. Chapter 558-C, and;
5. The Town of Brownville will adopt permanent regulations at this time, while continuing to monitor the impacts and assess the additional information related to the operation of industries related to 28-B M.R.S. Chapter 1 and 22 M.R.S. Chapter 558-C, within the Town of Brownville as well as the state as a whole. The Selectmen of the Town of Brownville reserve the right to suggest additional amendments to the Adult Use and Medical Marijuana Ordinance in the future.

Whereas the Board of Selectmen concluded that:

Nothing in this Ordinance is intended to encourage any use or activity that violates Federal Law.

## **ORDINANCE**

### **Section 1**

The whereas provisions above shall constitute findings of facts that are incorporated by reference as if fully set forth herein:

#### **A. Purpose.**

Pursuant to the State of Maine Marijuana Legalization Act, 28-B M.R.S. Chapter 1, and the Maine Medical Use of Marijuana Act, 22 M.R.S. Chapter 558-C, Adult Use and Medical Marijuana Establishments are authorized in the Town of Brownville subject to the following regulations.

#### **B. Definitions.**

“Adult Use Marijuana Cultivation Facility” means a facility licensed by the State of Maine to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to products manufacturing facilities, to marijuana stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to marijuana stores.

“Adult Use Marijuana Establishment” means a cultivation facility, a products manufacturing facility, a testing facility or a marijuana store licensed by the State of Maine.

“Adult Use Marijuana Products Manufacturing Facility” means a facility licensed by the State of Maine to purchase adult use marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

“Adult Use Marijuana Store” means a facility licensed by the State of Maine to purchase adult use marijuana, immature marijuana plants and seedlings from a cultivation facility, to purchase adult use marijuana and adult use marijuana products from a products manufacturing facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

“Adult Use Marijuana Testing Facility” means a facility licensed by the State of Maine to develop, research and test marijuana, marijuana products and other substances.

“Caregiver Retail Store” means a store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.

“Medical Marijuana Establishment” means a caregiver retail store, registered dispensaries, testing facilities, and manufacturing facility licensed under the State of Maine.

“Medical Marijuana Manufacturing Facility” means a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in medical marijuana extraction under Maine law.

“Medical Marijuana Testing Facility” means a public or private laboratory that is authorized in accordance with Maine law to analyze contaminants in and the potency of cannabinoid profile of samples and is accredited pursuant to standard ISO/IEC/17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the department.

“Registered Dispensary” means an entity registered by the State of Maine that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana plants or harvested marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

### **C. License Required.**

- a) **License.** No person shall establish and operate an Adult Use or Medical Marijuana Establishment without first having obtained a license to conduct such a business from the Board of Selectmen. The provisions of this Ordinance and all applicable statutes adopted by the State of Maine shall apply. Licenses issued under this Section shall be approved at a Board of Selectmen meeting to be held with public notice and public hearing. The term of any license issued under this Section shall be one (1) year from the date of approval.
- b) **Submission Requirements.** Each applicant for a new or renewal license shall complete and file an application on a form prescribed by the Board of Selectmen, together with the annual license fee required by this Ordinance and the following submissions:
  1. A copy of the applicant's state license application, if applicable, and supporting documentation as filed with the state licensing authority and any amendments thereto.
  2. Evidence of all state approvals or conditional approvals required to operate an Adult Use or Medical Marijuana Establishment.
  3. If not included in the applicant's state license application, attested copies of the articles of incorporation and bylaws, if the applicant is a corporation, operating agreement if the applicant is a limited liability company, evidence of partnership if the applicant is a partnership, or articles of association and bylaws if the applicant is an association.
  4. If not included in the applicant's state license application, an affidavit that identifies all owners, officers, members, managers, or partners of the applicant, their ownership interests and their places of residence at the time of the application and for the immediately preceding three (3) years.
  5. Evidence of any other local approvals or conditional approvals required to operate an Adult Use or Medical Marijuana Establishment pursuant to the Town's Ordinances.

7. A description of the premises for which the license is sought, including a plan of the premises.

- c) **Fee.** The annual fee for an Adult Use or Medical Marijuana Establishment shall be two hundred dollars (\$200.00)
- d) **Denial.** A license under this Article shall be denied to the following persons:
  - 1. A person who fails to meet the requirements of this Ordinance. Where an applicant is an entity rather than a natural person, all natural persons with an ownership interest shall meet these requirements.
  - 2. A person who has had a license for an Adult Use or Medical Marijuana Establishment revoked by the Town or by the State.
  - 3. An applicant who has not acquired all necessary state approvals and other required local approvals prior to the issuance of a license.
- e) **Revocation.** The Board of Selectmen may suspend or revoke a license for any violation of this Ordinance or any other applicable building or life safety code requirements. The Town may suspend or revoke a license if the licensee has a state license for an Adult Use or Medical Marijuana Establishment suspended or revoked by the state. The licensee shall be entitled to notice and a hearing prior to any suspension or revocation.
- f) **Transfer of Ownership.** Licenses issued under this Ordinance are not transferable to a new owner. Any change in ownership or change in the officers of any corporation, limited liability company, partnership, or association, as applicable, shall require a new license. Adult Use and Medical Marijuana Establishments must obtain a new license within 90 days from a change in ownership or will be in violation of this Ordinance. Licenses are limited to the location for which they are issued and shall not be transferable to a different location. A licensee who seeks to operate in a new location shall acquire a new license for that location.

#### **D. Regulations**

Adult Use Marijuana Establishments may operate in the Town of Brownville pursuant to the following restrictions.

- a. Adult Use and Medical Marijuana Establishments must comply with all requirements of State Law.
- b. Adult Use and Medical Marijuana Establishments may not locate within 1,000 feet of the property line of a preexisting public or private school, municipal or school playground, or licensed child daycare facility.
- c. **Measurements.** Distance provided under this Ordinance shall be measured as the shortest distance between the perimeters of the parcel at issue.

d. **Compliance.** Adult Use and Medical Marijuana Stores are required to obtain necessary licenses and are required to comply with State Law.

**E. Violations and Penalties:**

This Ordinance shall be enforced by the Code Enforcement Officer, who may institute any and all actions to be brought in the name of the Town.

Any person who violates any of the provisions of this Ordinance shall be guilty of a civil offense and shall be subject to civil penalties in the minimum amount of \$100 and the maximum amount of \$2,500. Every day a violation exists constitutes a separate violation. Any such fine may be in addition to any suspension or revocation imposed in accordance with the provisions of this Ordinance. In any court action, the Town may seek injunctive relief in addition to penalties and shall be entitled to recover its costs of enforcement, including its attorney's fees.

*Attest true copy:*

*Kathy K. White*  
*Brownville Town Clerk*  
*9/2/2020*