

‘2024 AMENDED CARRABASSETT VALLEY MARIJUANA BUSINESS LICENSING ORDINANCE TO ALLOW RETAIL MARIJUANA STORES’

§68.1. Title.

This ordinance shall be known and cited as ‘Carrabasset Valley Marijuana Business Licensing Ordinance to Allow Retail Marijuana Stores’ and will be referred to hereinafter as “this Ordinance”. This ordinance shall Outline the Requirements, Regulation, and Standards for ~~all Marijuana Uses~~ Retail Marijuana Stores within the Town of Carrabasset Valley” and will be referred to hereinafter as “this Ordinance”. This Ordinance limits all subject Adult Use Marijuana Businesses and Medical Marijuana Businesses to the zoning districts specified in the Carrabasset Valley Zoning Ordinance; prescribes definitions of these Adult Use Marijuana Businesses and Medical Marijuana Businesses; provides for permitting/licensing and regulation of Adult Use Marijuana Businesses and Medical Marijuana Businesses; and provides standards for Adult Use Marijuana Businesses and Medical Marijuana Businesses.

§68.2. Authority.

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 and Title 28-B.

§68.3. Purpose.

It is the purpose of this Ordinance to regulate Adult Use Marijuana Businesses and Medical Marijuana Businesses, to provide procedures and standards relating to the operation of these businesses and to require their annual licensing in order to promote the health, safety, and general welfare of the citizens of Carrabasset Valley.

§68.4. 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.

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.

§68.5. Effective Date.

The effective date of this Ordinance, and the permitting/licensing of the establishment or operation of any adult use marijuana store, adult use marijuana cultivation facility, adult use marijuana products manufacturing facility, adult use marijuana testing facility, medical

marijuana store, medical marijuana cultivation, medical marijuana manufacturing facility, or medical marijuana testing facility in Carrabassett Valley thereunder, shall be the date of adoption by the voters at Town Meeting.

§68.6. Definitions.

As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

Adult use marijuana: "Adult use marijuana" means marijuana cultivated, manufactured, distributed or sold by a marijuana establishment.

Adult use marijuana product: "Adult use marijuana product" means a marijuana product that is manufactured, distributed or sold by a marijuana establishment.

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; (2) An offense that consisted of conduct that would have been permitted under the Maine Adult Use Marijuana Act; or (3) An offense that consisted of conduct that would have been permitted under the Maine Medical Use of Marijuana Act.

Home cultivation of marijuana: "Home cultivation of marijuana" means cultivation for personal adult use by a person 21 years of age or older, and is limited to cultivation of three (3) mature marijuana plants, twelve (12) immature marijuana plants, and an unlimited number of seedlings by each person 21 years of age or older who is domiciled on a parcel or tract of land.

Marijuana cultivation: "Marijuana cultivation" means the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale. "Cultivation" or "cultivate" does not include manufacturing, testing or marijuana extraction.

Marijuana cultivation facility: "Marijuana Cultivation facility" means a facility licensed under state law 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. Cultivation facilities are categorized into tiers based on the number of adult plants and usable square footage for cultivation.

Marijuana establishment: "Marijuana establishment" means a cultivation facility, a products manufacturing facility, a testing facility or a marijuana store licensed under state law.

Marijuana manufacturing or manufacture: "Manufacturing" or "manufacture" of marijuana means the production, blending, infusing, compounding or other preparation of marijuana and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation or testing.

Marijuana product: "Marijuana product" means a product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption. "Marijuana

product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate.

Marijuana products manufacturing facility: "Marijuana products manufacturing facility" means a facility licensed under state law 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.

Marijuana store: "Marijuana store" means a facility, which occupies less than 4,000 square feet of total floor space, and is licensed under state law 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.

Marijuana testing facility: "Marijuana testing facility" means a facility licensed under state law to develop, research and test marijuana, marijuana products and other substances.

Medical marijuana establishment: "Medical marijuana establishment" means a registered caregiver retail store, medical marijuana testing facility, or medical marijuana manufacturing facility.

Medical marijuana testing facility: "Medical marijuana testing facility" means a public or private laboratory authorized under state law to test medical marijuana for contamination, potency or cannabinoid profile.

Medical marijuana manufacturing facility: "Medical marijuana manufacturing facility" means a manufacturing facility authorized under state law to manufacture marijuana products for medical use or to engage in marijuana extraction for medical use.

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.

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.

§68.7. Establishments allowed; Licenses required.

- A. Pursuant to 28-B M.R.S. §403, the operation of marijuana establishments is allowed, subject to the restrictions of this Ordinance and applicable state and local law.
- B. Pursuant to 22 M.R.S. §2429-D, the operation of medical marijuana establishments is allowed, subject to the restrictions of this Ordinance and applicable state and local law.
- C. No person shall operate a marijuana establishment, nor shall any property owner permit the use of his or her premises to be operated as a marijuana establishment, without a valid license issued by the Town. A separate license must be obtained for each establishment located on the same premises. Each license shall be for a period of one year from the date of its issuance. A license must be obtained prior to the opening of a marijuana establishment. Applications for renewal licenses shall be submitted at least

ninety (90) 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 license is granted.

- D. 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 a valid license issued by the Town. Each license shall be for a period of one year from the date of its issuance. A license must be obtained prior to the opening of a medical marijuana establishment. Applications for renewal licenses shall be submitted at least ninety (90) 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 license is granted.
- E. Whenever a permit/license expires and is not renewed, or the Town declines to renew a permit/license, other permit/license applications may be reviewed, but the cap of permits/licenses per each category shall be maintained. In the event of the proposed sale of a marijuana business, the tentative purchaser shall be given preference to obtain a new permit/license to replace the seller's permit/license within sixty (60) days prior to the date of sale. The tentative purchaser shall file an application with fee and provide all the information required in this Ordinance. If the application is approved by the Town, the Select Board shall specify that the permit/license for same is contingent on the sale being completed and the Town's receipt of license fees.
- F. The licensing requirements of this Ordinance do not apply to any medical marijuana establishment continuously operating with municipal approval since before December 13, 2018.
- G. Persons 21 years of age or older who, for personal adult use, cultivate marijuana on the parcel or tract of land within the Town of Carrabassett Valley where they are domiciled are not required to register with the Town or obtain a license.

Article 68.8. - Distribution of Licenses.

- A. Licenses for each category shall be apportioned by lottery. The Town Manager shall recommend to the Select Board when the license lottery shall be held and when applications shall be due in order to be included. The Town Manager shall arrange for public notice of the lottery to appear in the newspaper of general circulation within the Town of Carrabassett Valley at least seven business days prior to the date of the scheduled lottery.
- B. After the initial lottery to allot licenses, the Town Manager shall notify the Select Board when a license is not renewed, a license is revoked, or another circumstance arises where a license becomes available (or the cap on licenses has not been met). ~~lotteries shall take place once per year after — existing holders of licenses have had the opportunity to renew.~~
- C. ~~The License lotteryies shall be held as follows: will be held in two phases, with separate drawings held for two categories of licenses: Marijuana Stores (two licenses total) and Other Marijuana Uses (two licenses total).~~

1. After the Select Board establishes the date of the lottery and when applications are due, the Town Clerk shall post public notice of the lottery in a newspaper of general circulation within the Town at least 7 days prior to the date of the scheduled lottery.
2. Lottery drawings will continue until all applicants have been drawn. Applications will be listed in order drawn such that if one applicant cannot meet the requirements to obtain a license, the next applicant on the list may apply.

- ~~1. The first will be for residents of Carrabassett Valley only (proof of residency required, must be a current resident for at least six months). In the event of a dispute regarding residency status, the Town Clerk shall apply the same criteria for determining residency that is used in determining residency for voting purposes. This decision shall not be subject to appeal.~~
- ~~2. If there are any licenses remaining after the Carrabassett Valley residents drawing, a second drawing for non-residents will take place immediately after to apportion any remaining licenses.~~
- ~~3. If after this non-resident lottery drawing there are still licenses remaining, then those licenses will be held over until the next lottery.~~
- ~~4. Lottery drawings will continue until all applicants have been drawn. Applications will be listed in order drawn such that if one applicant cannot meet the requirements to obtain a license, the next applicant on the list may apply.~~

D. Applicants shall include certified funds with their application to pay a \$250 application fee if selected. If not selected those funds will be returned to the applicant.

E. Lottery applicants shall provide the following information:

1. A copy of the applicant's state registration application and supporting documentation, as submitted to the state registration authority.
2. Evidence of an interest in the premises in which the marijuana establishment will be located, together with the form of interest, along with the written consent of the owner of the premises for such use if the applicant is not the owner.

§68.9. Application.

Selected applicants (e.g. successful lottery participants) shall complete and file an application on the form provided by the Town Clerk, together with the applicable nonrefundable license fee as set forth in Section 68.18 below, as well as the following supporting materials:

- A. Evidence of all state approvals or conditional approvals required to operate an adult or medical marijuana establishment, including, but not limited to, a state registry identification card or registration certificate. The applicant shall have 90 days to provide this information. At the Select Board's discretion, an additional 90 days may be granted to provide this information for good cause shown for the delay. The applicant must provide proof of diligently pursuing state approvals.
- B. If not included in the applicant's state registration 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. Supporting documents, including but not limited to motor vehicle operator's license, motor vehicle registration, voter registration or utility bills shall be provided.
- C. A release for each applicant and for each officer, owner, member, manager or partner of the applicant seeking a license allowing the Town of Carrabassett Valley to obtain criminal records and other background information related to the individual.
- D. 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.
- E. A description of the premises for which the license is sought, including a plan of the premises and a list of all equipment, parts and inventory used in the operation of the establishment.
- F. Evidence of all land use approvals or conditional land use approvals required to operate the establishment, or applications that have been filed and are pending for the required approvals, including but not limited to building permit, conditional or special use approval, change of use permit and/or certificate of occupancy.
- G. Evidence of all other approvals or conditional approvals required to operate the establishment, including any applicable food or victualer's license.
- H. Evidence of compliance with the requirements of this Ordinance.
- I. ~~Evidence that all applicants (including all officers, directors, managers, members, or partners) for any Adult Use Marijuana business permit/license, excepting Marijuana Testing Facilities, have been residents of the State, and paid taxes in the State, for a period of four (4) years immediately preceding the date of the application per 28-B M.R.S. Section 102(48)(A). This requirement expires on June 1, 2021 per 28-B M.R.S. Section 202(2).~~

If the Town Clerk determines that a submitted application is not complete, the Clerk 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 Clerk's request, the application may be denied.

§68.10. 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 68.9 above, the Town shall provide copies of the completed application to the following staff members for purposes of conducting the investigations and issuing reports as listed below:

- A. The Code Enforcement Officer shall inspect the location or the proposed location to determine whether the applicable ordinances relating to land use issues and building and safety codes issues have been satisfied and shall report findings in writing to the Town Clerk.
- B. The Fire Chief or his/her agent shall inspect the location or proposed location to determine if all Town ordinances and any other applicable regulations concerning fire, health, and safety have been satisfied and shall report findings in writing to the Town Clerk; and
- C. The Police Chief or his/her agent shall investigate the application, including the criminal history record information and shall report findings in writing to the Town Clerk.

§68.11. Action on application.

- A. *Public hearing.* The Town Clerk upon receipt of a completed application and upon receipt of the reports required under § 68.10 above, shall schedule a public hearing at a regular or special meeting of the Select Board and shall arrange for public notice of the public hearing to appear in the newspaper of general circulation within the Town of Carrabassett Valley at least seven days prior to the date of the scheduled public hearing. Costs of the hearing notice shall be paid out of the license and processing fee.
- B. *Select Board action.* The Select Board, after notice and public hearing, shall determine whether the applicant complies with the requirements of this article. Upon such determination by the Select Board, the Town Clerk shall be authorized to issue the license.

§68.12. Status of license—Display.

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 marijuana establishment or medical marijuana establishment for which the license is issued.

§68.13. Duty to update information.

Any licensee 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 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.

§68.14. Standards for approval, denial, revocation.

A license application for a marijuana establishment or medical marijuana establishment shall be denied by the Select Board, and an existing license may be suspended or revoked by the Select Board after notice and hearing, if the applicant, or any owner of the applicant or licensee:

- A. Fails to meet the requirements of this Ordinance.

- B. Is not at least twenty-one (21) years of age.
- ~~C. Is not a resident of the State of Maine.~~
- D. Has had a license for a marijuana establishment or medical marijuana establishment revoked by a municipality or by the state.
- E. Has not acquired all necessary state and local approvals prior to issuance of the license.
- F. Has been convicted of a disqualifying drug offense.
- G. Has provided false or misleading information in connection with the license application.

§68.15. Operating Requirements.

In order to obtain a license pursuant to this Ordinance, the applicant shall demonstrate to the Select Board that the following requirements will be met. A licensee shall comply with all of these requirements during the term of the license.

A. Fixed location.

All licensed premises shall be fixed, permanent locations. Licensees shall not be permitted to operate marijuana establishments in other than the licensed premises, such as at farmer's markets, farm stands or kiosks.

B. Security.

1. The licensed premises shall have lockable doors and windows and shall be served by an alarm system that includes 24-hour monitoring acceptable to the Carrabassett Valley Police Department.
2. The licensed premises 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.
3. The licensed premises shall have exterior spotlights with motion sensors covering the full perimeter of the building(s).

C. *Ventilation.*

1. The licensed premises shall comply with all odor and air pollution standards established by ordinance.
2. All Adult Use and Medical Marijuana Establishments shall have Odor Control and Ventilation Systems installed and maintained in accordance with a design prepared by a Maine Licensed Mechanical Engineer such that the systems are sufficient to prevent all marijuana and marijuana-related odors from leaving the facility or premises.

D. *Loitering.*

The facility owner/operator shall make adequate provisions to prevent patrons or other persons from loitering on the premises. It shall be the licensee'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.

E. Compliance with requirements of state and local law.

A marijuana establishment or 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 marijuana establishments that conflicts in any way with the provisions of this article, the more restrictive shall control.

§68.16. Violations; penalties.

In addition to revocation or suspension of a marijuana establishment or a medical marijuana establishment license as provided in this Ordinance, the violation of any provision of this Ordinance shall be punished 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 Carrabassett Valley Police Chief, the Carrabassett Valley Code Enforcement Officer, and/or their designees. Notice of violations by marijuana establishment licensees of other provisions of this Code shall be provided to the Police Chief and Town Manager.

§68.17. Limitations on licenses. Lottery.

~~A total of four licenses shall be issued.~~ There shall be two licenses issued for Marijuana Stores. ~~and two additional licenses which shall be selected from the other license categories below.~~

Lottery Category One

Marijuana store: _____ 2

~~_____ Lottery Category Two~~

~~_____ Marijuana cultivation facilities: _____ 1~~

~~_____ Marijuana manufacturing facility: _____ 1~~

~~_____ Marijuana testing facility: _____ 1~~

~~_____ Registered caregiver retail store: _____ 1~~

~~_____ Medical marijuana manufacturing facility: _____ 1~~

~~_____ Medical marijuana testing facility: _____ 1~~

~~No new licenses shall be issued if issuance would bring the total number of valid licenses in all categories above to more than four (4) total. In the event that a greater number of valid license applications are submitted than can be issued within these limitations, a lottery shall be conducted to randomly determine which qualified applicants shall receive licenses.~~

68.18. License fees.

If an application is approved, the following license fees must be paid before the Town will issue a permit/license.

The initial license fees shall be as follows:

Marijuana store: \$ 1500.00

Annual renewal fees for each type of license shall be equal to 50% of the current applicable initial licensing fee.

The license fees for each type of license may be set by the Select Board and the schedule of fees shall be kept on file in the Town Clerk's office.

68.19. 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.

68.20. Appeals.

An appeal from any final decision under this Ordinance may be taken by any party to the Board of Appeals within thirty (30) days of a written decision issued hereunder.

EFFECTIVE DATE OF THIS ORDINANCE: Shall be immediately following affirmative vote of the voters of Carrabassett Valley.

ATTEST:

A true copy of an ordinance entitled: ~~'Carrabassett Valley Zoning Ordinance Amendments to allow Marijuana Cultivation, Manufacturing and Testing Businesses'~~ as certified to me by the ~~municipal officers of the Town of Carrabassett Valley on February 10th, 2020.~~

'2024 Amended Carrabassett Valley Marijuana Business Licensing Ordinance To Allow Retail Marijuana Stores'

Wendy Russell

Town Clerk of Carrabassett Valley

Dated: _____.