

LISBON CODE OF ORDINANCES
CHAPTER 10-BUSINESSES
ARTICLE XI. – MEDICAL MARIJUANA ESTABLISHMENTS

Sec. 10-601. - Authority.

This article 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.

Sec. 10-602. - Purpose.

The purpose of this article is to provide procedures and standards relating to the operation of medical marijuana establishments and to require their annual licensing.

Sec. 10-603. - Definitions.

As used in this article, 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.

Manufacturing facility. "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.

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

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.

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.

Sec. 10-604. - 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 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.

Sec. 10-605. - Application.

Each applicant for a medical marijuana establishment license shall complete and file an application on the form provided by the town clerk, together with the applicable nonrefundable license fee, as well as the following supporting materials:

- (1) A copy of the applicant's state registration application and supporting documentation, as submitted to the state registration authority.
- (2) 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.
- (3) 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.

- (4) 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.
- (5) A release for each applicant and for each officer, owner, member, manager or partner of the applicant seeking a license allowing the Town of Lisbon to obtain criminal records and other background information related to the individual.
- (6) 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.
- (7) 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 medical marijuana establishment.
- (8) Evidence of an interest in the premises in which the medical 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.
- (9) Evidence of all land use approvals or conditional land use approvals required to operate the medical marijuana 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.
- (10) Evidence of all other approvals or conditional approvals required to operate the medical marijuana establishment, including any applicable food or victualer's license.
- (11) Evidence of compliance with the requirements of sections 10-611 and evidence that the standards listed in section 10-610 have been met.

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.

Sec. 10-606. - Investigation of applicant, officers, etc.

Upon receipt of an application or of a notice of a change of any of the individuals listed in subsection 10-605(4) 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:

- (1) The building inspector shall verify that the premises at which the establishment will be located complies with all applicable town ordinances including, but not limited to, the building code, electrical code, and plumbing code, and shall report findings in writing to the town clerk.
- (2) The code 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.
- (3) The health officer shall inspect the location or proposed location to determine whether all applicable ordinances relating to health and safety have been satisfied and shall report findings in writing to the town clerk.
- (4) 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 and safety have been satisfied and shall report findings in writing to the town clerk; and

- (5) The police chief or his/her agent shall investigate the application, including the criminal history record information authorized under subsection 10-605(5) and shall report findings in writing to the town clerk.

Sec. 10-607. - Action on application.

- (1) *Public hearing.* The town clerk upon receipt of a completed application and upon receipt of the reports required under section 10-606 above, shall schedule a public hearing at a regular or special meeting of the town council and shall arrange for public notice of the public hearing to appear in the newspaper of general circulation within the Town of Lisbon 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.
- (2) *Town council action.* The council, after notice and public hearing, shall determine whether the applicant complies with the requirements of this article. Upon such determination by the council, the town clerk shall be authorized to issue the license.

Sec. 10-608. - Status of license—Display.

No license issued under this article 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.

Sec. 10-609. - Duty to update information.

Any licensee issued a license under this article 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 10-605 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.

Sec. 10-610. - Standards for approval, denial, revocation.

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

- (1) Fails to meet the requirements of this ordinance.
- (2) Is not at least twenty-one (21) years of age.
- (3) Is not a resident of the state of Maine.
- (4) Has had a license for a marijuana establishment revoked by a municipality or by the state.
- (5) Has not acquired all necessary state and local approvals prior to issuance of the license.
- (6) Has been convicted of a disqualifying drug offense.
- (7) Has provided false or misleading information in connection with the license application.

Sec. 10-611. - Operating Requirements.

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

- (1) *Fixed location.*

All licensed premises shall be fixed, permanent locations. Licensees 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.

- (2) *Security.*

(a) The licensed premises shall have lockable doors and windows and shall be served by an alarm system that includes automatic notification to the Lisbon Police Department.

(b) 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.

(c) The licensed premises shall have exterior spot lights with motion sensors covering the full perimeter of the building(s).

(3) *Ventilation.*

(a) The licensed premises shall comply with all odor and air pollution standards established by ordinance.

(b) 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.

(4) *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.

(5) *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 article, the more restrictive shall control.

Sec. 10-612. - Violations; penalties.

In addition to revocation or suspension of a medical marijuana establishment license as provided in this article, the violation of any provision of this article 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 article. 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 Lisbon police chief, the Lisbon codes enforcement officer, and/or their designees. Notice of violations by medical marijuana establishment licensees of other provisions of this Code shall be provided to the police chief, town officers, and town attorney.

Sec. 10-613. - License fee.

The annual license fees shall be as follows:

Registered caregiver retail store:	\$ 250
Registered dispensary:	\$ 250
Manufacturing facility:	\$ 250
Marijuana testing facility:	\$ 250

Sec. 10-614. - Severability.

If any section, phrase, sentence or portion of this article 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.

Sec. 10-615. - Appeals.

An appeal from any final decision of the town council under this article may be taken by any party to Superior Court within thirty (30) days of the decision being appealed in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.