

Chapter 164

Medical Marijuana Ordinance

[HISTORY: Adopted by the Town Council of the Town of Winslow 8-12-2019 by Ord. No. 10-2019. Amendments noted where applicable.]

§ 164-1 Title and scope.

This article shall be known and cited as the "Town of Winslow Marijuana Ordinance" and will be referred to hereinafter as "this article."

§ 164-2 Findings and intent.

- A. Implementing a system for the regulation of establishments for the sale, cultivation, manufacturing and testing for both adult-use recreational and medical marijuana is a complex function with significant administrative demands on the Town of Winslow.
- B. The purpose of this article is to ensure that possession and use of adult-use recreational and medical marijuana are 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.
- C. The Town of Winslow believes that any production, testing, processing or selling of adult-use recreational 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 recreational and medical marijuana throughout the municipality.
- D. Therefore, this article is adopted pursuant to the Marijuana Legalization Act, 28-B M.R.S.A. ch. 1; Maine's medical marijuana laws and regulations; Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of the Municipal Home Rule Authority (30-A M.R.S.A. § 3001 et seq.); and the provisions of the Planning and Land Use Regulation Act, 30-A M.R.S.A. § 4312 et seq.

§ 164-13 Definitions.

As used in this chapter, the following terms shall have the meanings indicated: The terms in this article shall have the same definitions as those contained in state statutes regulating medical and adult-use recreational marijuana.

ADULT-USE RECREATIONAL MARIJUANA

A cannabis product not otherwise defined as being for medical use as defined in 28-B M.R.S.A §102.

ADULT-USE RECREATIONAL MARIJUANA CULTIVATION FACILITY

A facility licensed to plant, propagate, grow, harvest, dry, cure, grade, trim or otherwise process cannabis for use or sale as defined in 28-B M.R.S.A §102(13).

ADULT-USE RECREATIONAL MARIJUANA ESTABLISHMENT

A cultivation facility, a products manufacturing facility, a testing facility, a cannabis store or a sample collector as defined in 28-B M.R.S.A §102.

ADULT-USE RECREATIONAL MARIJUANA MANUFACTURING FACILITY

A facility licensed to manufacture, label and package adult-use recreational cannabis and adult-use recreational cannabis products; and to sell adult-use recreational cannabis and adult-use recreational cannabis products to cannabis stores as defined in 28-B M.R.S.A §102(43).

ADULT-USE RECREATIONAL MARIJUANA STORE

A facility licensed to sell adult-use recreational cannabis, adult-use recreational cannabis products, immature cannabis plants and seedlings to consumers as defined in 28-B M.R.S.A §102(34).

ADULT-USE RECREATIONAL MARIJUANA TESTING FACILITY

A marijuana testing facility as defined in 28-B M.R.S.A §102(54).

MEDICAL MARIJUANA CAREGIVER STORE

A facility at which medical marijuana is sold by one or more persons meeting the definition of "registered primary caregiver" or "registered caregiver" as defined in 22 M.R.S.A. § 2422.

MEDICAL MARIJUANA CULTIVATION FACILITY

A facility or location at which medical marijuana is cultivated, either:

- A. By a registered dispensary as defined in 22 M.R.S.A. § 2422(6); or
- B. By one or more persons meeting the definition of "registered primary caregiver" or "registered caregiver" as defined in 22 M.R.S.A. § 2422.

MEDICAL MARIJUANA DISPENSARY

A registered dispensary as defined by 22 M.R.S.A. § 2422. No application for certificate of occupancy shall be approved for a medical marijuana dispensary unless it has been issued a valid registration certificate by the state pursuant to 22 M.R.S.A. § 2428(2) and meets all other state and local laws and regulations.

MEDICAL MARIJUANA ESTABLISHMENT

A medical marijuana cultivation facility, medical marijuana caregiver store, medical marijuana dispensary, medical marijuana manufacturing facility or a medical marijuana testing facility.

MEDICAL MARIJUANA MANUFACTURING FACILITY

A laboratory meeting the definition of "manufacturing facility" as defined in 22 M.R.S.A. § 2422.

MEDICAL MARIJUANA TESTING FACILITY

A marijuana testing facility as defined in 22 M.R.S.A. § 2422.

§ 164-24 Permit required.

A municipal permit is required for ~~medical~~ all marijuana establishments:

- A. The Code Enforcement Officer is authorized to issue a permit if the following conditions are met:
 - (1) The applicant is 21 years old or older and applies with the proper forms.
 - (2) The applicant possesses the necessary state permits.
 - (3) Must comply with all local and state laws.
- B. Permits are valid for one year.
- C. Permits are not transferable.

D. All adult-use recreational marijuana stores, medical marijuana stores and registered dispensaries must be operated from permanent locations.

E. Adult-use recreational marijuana stores, medical marijuana stores and registered dispensaries may not use vending machines for sales.

F. Exempt from licensing are:

(1) A person who cultivates marijuana exclusively for that person's own use or an immediate family member's use who is living within their household.

(2) A caregiver that is registered as "noncultivating" under state law.

§ 164-~~35~~ **Application Procedure: Permit fees; inspections.**

A. All applications for permits must be made on the Town of Winslow Application for Business Use form in order to determine whether the applicant meets the requirements of this article and requires a one-time application fee of \$25. Prior to application, the applicant must first obtain conditional approval from the appropriate State agency.

B. If approved the following annual license fees must be paid before the Code Enforcement Officer will issue a permit:

(1) For all adult-use recreational and medical marijuana stores there will be a fee of ~~\$250~~ \$4,000 for the initial one-year permit and ~~\$200~~ \$3,500 for annual renewal permits.

(2) For all adult-use recreational and medical marijuana manufacturing and testing facilities there will be a fee of \$750 for the initial one-year permit and \$500 for annual renewal permits.

(3) For all cultivation facilities, including registered medical marijuana caregiver facilities the following fees will apply:

[1] Tier 1: up to 30 mature plants (and an unlimited number of immature plants and seedlings) or up to 500 square feet of plant canopy \$250.

[2] Tier 2: 501 square feet to 2,000 square feet of mature plant canopy \$1,500

[3] Tier 3: 2,001 square feet to 7,000 square feet of mature plant canopy \$3,500

[4] Tier 4: 7,001 to 20,000 square feet \$5,000

[5] Every two years, Tier 4 renewal applicants that are already at 20,000 square feet may apply for a 7,000 square feet plant canopy increase if in compliance with applicable state law. Each two-year increase will require a license fee increase of \$2,000.

[6] Applicants for marijuana cultivation permits may not hold more than three such licenses or a total combined plant canopy in excess of 30,000 square feet.

~~B.C.~~ The Code Enforcement Officer will perform annual inspections to ensure compliance.

~~C.D.~~ The Code Enforcement Officer may conduct unannounced inspections during the year.

§ 164-~~46~~ **Security and oversight requirements.**

A. There shall be no outdoor cultivation, processing, curing, drying, selling, storage, or other display of marijuana at a ~~medical~~ marijuana establishment.

B. Video surveillance. All adult-use recreational and ~~medical~~ marijuana establishments, excepting registered medical marijuana caregiver facilities, shall:

- (1) have recorded video surveillance covering all plants and the entire exterior. The recorded video surveillance shall be operating 24 hours a day, seven days a week. Records of surveillance footage shall be kept for a minimum of 60 days.
- (2) Door and window combination video and motion-detector intrusion system with audible alarm, maintained in good working condition.
- (3) A locking safe affixed to the premises that is suitable for storage of all marijuana, marijuana products and cash stored overnight on the premises
- (4) 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.
- (5) Deadbolt locks on all exterior doors and any other exterior access points; except windows, which shall have locks.

- C. A ~~medical~~ marijuana establishment may not employ a person under the age of 21.
- D. For all ~~medical~~ marijuana establishments, the odor of marijuana must not be perceptible at any adjoining use of the property or on other parcels.
- (1) Registered cultivation facilities and primary caregiver cultivation facilities must implement appropriate ventilation and filtration systems to satisfy the aforementioned odor standard.
 - (2) Registered stores and dispensaries are not required to install filtration equipment on the licensed premises but must satisfy the aforementioned odor standard.
- E. All Medical marijuana establishments must comply with state law regarding pesticide application. Any application of pesticides must be performed by a person licensed by the state as a pesticide applicator.
- F. All signs must comply with § **300-63**, Signs..
- G. Signage at all adult-use recreational and medical marijuana stores designed to appeal to persons under 21 years of age is prohibited, and the following notices shall be posted in a conspicuous location:
- (1) Use of or on-site consumption of marijuana is illegal.
- (2) Open and public consumption of marijuana in the State of Maine is illegal.
- (3) The use of marijuana or marijuana products may impair a person's ability to drive a car or operate machinery.
- (4) No one under the age of 21 allowed. For medical use facilities add, "except a minor with a medical marijuana card between the ages of 18 and 21, or a minor under 18 years of age accompanied by a legal guardian."
- (5) Loitering prohibited
- H. No ~~medical~~ marijuana establishment shall be closer than 500 linear feet, measured in a straight line from the dispensary or facility building entrance, to the nearest point on the boundary of any property which is occupied by a school as of the effective date of this chapter.
- I. ~~Medical~~ Marijuana establishments may not operate as a home occupation.

J. Medical Marijuana Cultivation facilities shall be considered an agricultural use for zoning purposes.

§ 164-~~57~~ **Violations and penalties.**

Whoever violates the provisions of this chapter shall be fined \$500 for the initial violation, and \$1,000 for subsequent violations of this chapter, none of which may be suspended. The Town will also be awarded its reasonable attorney fees for prosecution of any violation.