

Chapter 39 Cannabis

Article 1

Recreational Cannabis

- § 39-1-1 Authority
- § 39-1-2 Definitions
- § 39-1-3 Prohibition on Retail Cannabis Establishments
- § 39-1-4 Effective Date; duration
- § 39-1-5 Penalties

Article 2

Medical Cannabis

- § 39-2-1 Medical Cannabis Registered Dispensaries

Article 3

Adult use Home Cultivation

- § 39-3-1 Purpose
- § 39-3-2 Authority
- § 39-3-3 Definitions
- § 39-3-4 Limitation on Adult Use Home Cultivation
- § 39-3-5 No Authorization for Activities Other Than Home Cultivation
- § 39-3-6 Home Cultivation Must Comply with State Law
- § 39-3-7 Not Applicable to Cannabis Cultivation for Medical Purposes
- § 39-3-8 No Local Authorization for Commercial Cannabis Establishments
- § 39-3-9 Effective Date; Duration
- § 39-3-10 Penalties

Town of Millinocket

Chapter 39**Retail Cannabis Establishments and Retail Cannabis Social Clubs****Section 39-1-1 Authority.**

This ordinance is enacted pursuant to the Cannabis Legalization Act, 28-B M.R.S.A. c. 1 and 3; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001.

Section 39-1-2 Definitions.

For purposes of this ordinance, retail cannabis establishments, including retail cannabis stores, retail cannabis cultivation facilities, retail cannabis products manufacturing facilities and retail cannabis testing facilities, and retail cannabis social clubs are defined as set forth in 28-B MRSA §102-A

Cultivation or Cultivate - the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of cannabis for use or sale. Cultivation or cultivate does not include manufacturing, testing, or cannabis extraction.

Manufacture or Manufacturing - the production, blending, infusing, compounding or other preparation of cannabis concentrate and cannabis products, including, but not limited to, cannabis extraction or preparation by means of chemical synthesis. Manufacture or manufacturing does not include hemp as defined title 7 MRSA §2231, subsection 1-A, Paragraph D.

Cannabis - the leaves, stems, flowers and seeds of a cannabis plant, whether growing or not. "Cannabis" includes cannabis concentrate but does not include hemp as defined title 7 MRSA §2231, subsection 1-A, Paragraph D.

Cannabis Business - Medical Cannabis Cultivation Facility, Medical Cannabis Manufacturing Facility, Medical Cannabis Testing Facility, Registered Dispensary, Caregiver Retail Store, Adult Use Cannabis Cultivation Facility, Adult Use Cannabis Products Manufacturing Facility, Adult Use Testing Facility, or Adult Use Cannabis Store licensed under this Ordinance.

Section 39-1-3 Prohibition on Adult Use Cannabis Establishments and Adult Use Cannabis Social Clubs.

Adult Use cannabis establishments, including retail cannabis stores, retail cannabis cultivation facilities, adult use cannabis products manufacturing facilities, and adult use cannabis testing facilities, and adult use cannabis social clubs, are expressly prohibited in the Town of Millinocket.

No person or organization shall develop or operate a business that engages in adult use or wholesale sales of an adult use cannabis product, as defined by 28 M.R.S.A. §102-A (10).

Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Cannabis Act, 22 M.R.S.A. c. 558-C.

Section 39-1-4 Effective date; duration.

This ordinance shall take effect 30 days after enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 39-1-5 Penalties.

This ordinance shall be enforced by the Code Enforcement Officer. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.

Council Signatures:

1

2

3

4

5

6

7

Approved by Millinocket Town Council

Date Enacted:

Attest:

§39-2

TOWN OF MILLINOCKET

§39-2

Article 2

Medical Cannabis

Section 39-2-1 Medical Cannabis Registered Dispensaries

A. No Medical Cannabis Business as defined by 22 M.R.S. § 2421-A shall be located within 1000 feet of the property line of a public or private school at the time application is made.

B. No more than two (2) Medical Cannabis storefronts, and two (2) Dispensary shall be located in the Town of Millinocket.

C. Medical Cannabis Businesses shall only be open for business between the hours of 8:00a.m. and 8:00p.m. daily.

D. All Cannabis Businesses shall be designed and equipped to prevent detection of cannabis odors from the property line.

E. Security measures at Medical Cannabis Businesses shall include the following at a minimum:

- i. Security surveillance cameras installed and in operation twenty-four (24) hours a day, seven (7) days a week to monitor all entrances, along with the interior and exterior of the dispensary or facility, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring on the property and must have a power backup in case of power outage.
- ii. Door and window intrusion, robbery and burglary alarm systems with an audible on-site system and Police Department notification components that are professionally monitored and maintained in good working condition, using hard line traditional telephone communications and cellular communication.
- iii. A safe, lockable room must be present in the building and suitable for the storage of all prepared and/or processed cannabis and cash stored overnight in the dispensary or facility.
- iv. Exterior lighting that illuminates all exterior walls and entrances of the licensed dispensary or facility; and
- v. Deadbolt locks on all exterior doors and locks or bars on any other access point all security recordings shall be preserved for thirty (30) days by management of licensed dispensary.
- vi. A Knox box will be installed on the exterior of the building.

H. Inspections of the property and buildings will be conducted yearly by the Code Enforcement Officer.

I. The operators of Medical Cannabis Businesses shall obtain a business license from the Town of Millinocket after a successful inspection has been conducted, and fee paid.

i. Inspection and permitting fees for Medical Cannabis storefront, medical cannabis cultivation, and medical cannabis dispensary shall be. \$2,000 for the initial one (1) year permit, and \$1,000 for the annual renewal permits.

J. The consumption, ingestion or inhalation of medical cannabis on or within the property of a Medical Cannabis Registered Dispensary is prohibited.

K. Visibility of activities; control of emissions; disposal plan for a Medical Cannabis Registered Facility shall be as follows:

- i. All activities of Medical Cannabis Businesses including, without limitation, cultivation, growing, processing, displaying, selling and storage shall be conducted indoors.
- ii. No cannabis or paraphernalia shall be displayed or kept in a dispensary or facility so as to be visible from outside the building (s).
- iii. Sufficient measures and means of preventing smoke, debris, dust, fluids and other substances from exiting a dispensary or facility must be provided at all times. Sufficient measures shall be provided

for the proper disposal of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable state and local laws and regulations.

iv. All Medical Cannabis Businesses shall have in place an operation plan for proper disposal of cannabis related byproducts.

L. Objectionable Odor Determination.

i. An odor will be deemed objectionable and is a public nuisance when any of the following occurs:

a. The odor generated by the Medical Cannabis Businesses creates a public nuisance at common law; or

b. The noxious exhalations or offensive smells from the Medical Cannabis Business extends beyond the property line.

ii. Compliance. No Medical Cannabis Businesses shall be exempt from complying with the odor management standards contained in this Ordinance. The odor standards apply to all existing and future Medical Businesses except as otherwise provided herein.

iii. Enforcement. In the event that the Code Enforcement Officer receives complaints that smells or odors are detectable beyond the property line, the following process shall be used to investigate and remedy the odor problem:

a. Within three (3) business days of receiving a complaint, the Code Enforcement Officer shall investigate the property to assess the situation and, if necessary, discuss odor compliance with the business operator, including but not limited to asking the business operator what is being done to mitigate odors. If the Code Enforcement Officer detects odor beyond the property lines, the Code Enforcement Department shall provide verbal and written warning to the business operator and instructions to comply with odor management provisions of this Ordinance. The Code Enforcement Officer shall require the business operator to remedy the odor problem and come into compliance with the provisions of this ordinance within five (5) business days.

b. If after five (5) business days the complaints persist and/or the Code Enforcement Officer continues to observe odor violations, the Code Enforcement Officer shall request the assistance of a law enforcement officer to investigate the complaints. If the Code Enforcement Officer and the law enforcement officer observe odor violations as described above, the Code Enforcement Officer shall notify the business operator of the violation in writing and require conformance within ten (10) business days.

c. If complaints persist and/or the Code Enforcement Officer and the Police Department continues to observe odor violations after the ten (10) business day period as described in Section 22.K.iii.b, the Code Enforcement Officer shall provide a second written notice of violation and require the business operator to submit a written report from a mechanical engineer with recommendations for modification/improvement of the ventilation system within thirty (30) days and installation of recommendations and compliance within forty-five (45) days.

d. If the business operator has not submitted the required report within thirty (30) days, or if the business operator has not submitted evidence of compliance within forty-five (45) days as described in Section 22. L. iii. c, the Code Enforcement Officer shall provide a third and final written notice of violation

and turn the matter over to the Town Attorney for enforcement and imposition of penalties pursuant to 30-A M.R.S. §4452.

e. If the business operator has not submitted the required report within thirty (30) days as described in Section 22. L. iii. c or if the business operator has not submitted evidence of compliance within forty-five (45) days, the Town Council may suspend or decline to renew any medical cannabis establishment license or permit after notice and a public hearing.

Council Signatures:

1

2

3

4

5

6

7

Enacted Date:

Attest:

Note:

To be added to the **Schedule of Uses in 125 Zoning Ordinance**

Schedule of uses: Medical Cannabis Registered Dispensary Planning Board approval

§39-3

CODE

§39-3

Town of Millinocket

Chapter 39.3

ADULT USE CANNABIS HOME CULTIVATION

Section 39-3-1. Purpose.

The purpose of this ordinance is to regulate the home cultivation of adult use cannabis within the Town of Millinocket.

Section 39-3-2. Authority.

This Ordinance is enacted pursuant to the Cannabis Legalization Act, 28-B M.R.S. § 1502(3).

Section 39-3-3. Definitions.

For purposes of this ordinance, the following terms have the following meanings.

“Adult use” means the use of cannabis for recreational, non-medical purposes in accordance with the Cannabis Legalization Act, 28-B M.R.S. §§ 101-1505.

“Domicile” means a person’s established, fixed, permanent or ordinary dwelling place or legal residence to which, whenever the person is absent, the person has the intention of returning. A person may have only one domicile.

“Cultivate or Cultivation” means the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of cannabis.

“Home Cultivation” means the cultivation of adult use cannabis for personal use in accordance with the Cannabis Legalization Act, 28-B M.R.S. § 1502.

“Immature cannabis plant” means a cannabis plant that is not a mature cannabis plant or a seedling.

“Cannabis” means the leaves, stems, flowers and seeds of a cannabis plant, whether growing or not.

“Cannabis” does not include hemp as defined in Title 7, section 2231.

“Cannabis plant” means all species of the plant genus *Cannabis sativa* L, including, but not limited to, a mother plant, a mature cannabis plant, an immature cannabis plant or a seedling. **“Cannabis Plant”** does not include hemp as defined in Title 7, section 2231.

“Mature cannabis plant” means a cannabis plant that is flowering does not include hemp as defined in Title 7, section 2231.

“Own or Owned” means to have legal title in fee simple, evidenced by a deed or equivalent instrument.

“Own” does not include rental agreements, leasehold interests, easements or rights of way, licenses or permissions to use real estate.

“Parcel of land” means all contiguous land in the same ownership. Lands located on opposite sides of a public or private road are considered one parcel of land.

“Person” means a natural person.

“Seedling” means a cannabis plant that is not flowering, ~~is less than 6 inches in height, and less than 6 inches in width.~~ is less than 24 inches in height and less than 24 inches in width. 28-B MRSA §102-A (59)

Section 39-3-4. Limitation on Adult Use Home Cultivation.

A person 21 years of age or older may, for personal use, cultivate no more than six (6) mature cannabis plants, twelve (12) immature cannabis plants, and an unlimited number of seedlings, either on the parcel of land where the person is domiciled, or on a parcel of land within the municipality which the person owns but where the person is not domiciled, but not both.

A person may not cultivate cannabis for personal adult use on a parcel of land within the municipality that is not owned by the person and on which the person is not domiciled.

A person under 21 years of age may not cultivate cannabis.

Section 39-3-5. No Authorization for Activities Other Than Home Cultivation

This ordinance regulates only home cultivation of adult use cannabis. It does not authorize the transfer, sale, manufacture or processing of home cultivated adult use cannabis. Activities beyond home cultivation are subject to all applicable state and local land use and licensing requirements.

Section 39-3-6. Home Cultivation Must Comply with State Law.

All home cultivation must be done in accordance with the cultivation requirements and personal limits established by the Cannabis Legalization Act, 28-B M.R.S. § 1502. This ordinance does not authorize any home cultivation or related activity to be conducted in a manner that is prohibited by the Cannabis Legalization Act or any other applicable state law.

Section 39-3-7. Not Applicable to Cannabis Cultivation for Medical Purposes

This ordinance does not apply to the cultivation of cannabis for medical use by a qualifying patient, a caregiver, a registered caregiver, or a registered dispensary as authorized by the Maine Medical Use of Cannabis Act, unless such qualifying patient, caregiver, registered caregiver, or registered dispensary is also a person engaging in home cultivation for personal adult use.

Section 39-3-8. No Local Authorization for Commercial Cannabis Establishments

This ordinance does not authorize the commercial cultivation, manufacture, sale, or testing of cannabis within the municipality by adult use establishment licensees as provided in 28-B M.R.S. § 402(1)(A), or caregiver retail stores, registered dispensaries, medical manufacturing facilities or testing facilities as provided in 22 M.R.S. § 2429-D(3).

Section 39-3-9. Effective Date; Duration.

This ordinance is effective immediately upon enactment by the municipal legislative body and shall remain in effect until it is amended or repealed.

Section 39-3-10. Penalties.

This ordinance shall be enforced by the Code Enforcement Officer. Violations of this ordinance are subject to the enforcement and penalty provisions of 30-A M.R.S. § 4452.

Date Enacted:

Attest:

Council Signatures:

| | |
|---|---|
| 1 | 2 |
| 3 | 4 |
| 5 | 6 |
| 7 | |