

Chapter 39

~~Marijuana~~Cannabis

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Town of Millinocket

Chapter 39

Retail ~~MarijuanaCannabis~~ Establishments and Retail ~~MarijuanaCannabis~~ Social Clubs**Section 39-1-1** Authority.

This ordinance is enacted pursuant to the ~~MarijuanaCannabis~~-Legalization Act, ~~7 28-B~~ M.R.S.A. c. ~~1 and 3 417~~; 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 ~~marijuanacannabis~~ establishments, including retail ~~marijuanacannabis~~ stores, retail ~~marijuanacannabis~~ cultivation facilities, retail ~~marijuanacannabis~~ products manufacturing facilities and retail ~~marijuanacannabis~~ testing facilities, and retail ~~marijuanacannabis~~ social clubs are defined as set forth in ~~7 M.R.S.A. § 2442- 28-B~~ MRSA §102-A

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

Manufacture or Manufacturing - the production, blending, infusing, compounding or other preparation of ~~marijuanacannabis~~ concentrate and ~~marijuanacannabis~~ products, including, but not limited to, ~~marijuanacannabis~~ extraction or preparation by means of chemical synthesis. Manufacture or manufacturing does not include hemp as defined title 7 MRSA §2231, subsection1-A, Paragraph D.

MarijuanaCannabis - the leaves, stems, flowers and seeds of a ~~marijuanacannabis~~ plant, whether growing or not. "Cannabis" includes cannabis concentrate but does not include hemp as defined title 7 MRSA §2231, subsection1-A, Paragraph D.

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

Section 39-1-3 Prohibition on ~~Retail~~ Adult Use ~~MarijuanaCannabis~~ Establishments and ~~Retail~~ Adult Use ~~MarijuanaCannabis~~ Social Clubs.

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

No person or organization shall develop or operate a business that engages in ~~retail adult use~~ or wholesale sales of an ~~retail adult use marijuanacannabis~~ product, as defined by ~~287~~ M.R.S.A. § ~~2442~~102-A (10).

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

Section 39-1-4 Effective date; duration.

This ordinance shall take effect ~~immediately~~ 30 days after ~~upon~~ 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

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Approved by Millinocket Town Council

Date Enacted:

Attest:

§39-2

TOWN OF MILLINOCKET

§39-2

Article 2

Medical

~~MarijuanaCannabis~~

Section 39-2-1 Medical ~~MarijuanaCannabis~~ Registered Dispensaries

A. No Medical ~~MarijuanaCannabis Registered Dispensary~~ Business as defined by 22 M.R.S. § ~~2422, 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 Medical ~~MarijuanaCannabis Registered Dispensary~~ Business shall be located within 200 feet of the property line upon which the ~~Dispensary~~ business is located and the nearest property line of any of the following which is in existence when an application for a Medical ~~MarijuanaCannabis Registered Dispensary~~ Business is made:

~~i. Church or other facility for religious worship, ii.~~

~~Licensed daycare facility~~

C. ~~No Medical MarijuanaCannabis Registered Dispensary shall be located within 50 feet of the property line of a private residence at the time application is made.~~

D. No more than two (2) Medical ~~MarijuanaCannabis Registered Facilities~~ storefronts, and two (2) ~~Dispensary~~ shall be located in the Town of Millinocket.

E. Medical ~~MarijuanaCannabis Registered Dispensary~~ Businesses shall only be open for business between the hours of 8:00a.m. and 8:00p.m. daily.

F. ~~All exhaust fans and vents shall be brought above the eave of the roof line by 12" or per the manufactures installation instructions.~~ All Cannabis Businesses shall be designed and equipped to prevent detection of cannabis odors from the property line.

G. Security measures at Medical ~~MarijuanaCannabis Registered Dispensary~~ 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 ~~marijuana~~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, and a key will be provided to the Millinocket Fire Department.

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

I. The operators of Medical ~~MarijuanaCannabis Registered Dispensary~~ Businesses shall obtain a ~~n annual~~ business license from the Town of Millinocket after a successful inspection has been conducted, and fee paid.

i. Inspection and permitting fees for Medical ~~MarijuanaCannabis Registered Dispensary storefront, medical marijuana~~cannabis cultivation, and medical ~~marijuana~~cannabis dispensary shall be ~~\$500.00 per year. \$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 ~~marijuana~~cannabis on or within the property of a Medical

~~MarijuanaCannabis Registered Dispensary is prohibited; provided, however, that a Medical MarijuanaCannabis Registered Dispensary employee who is a registered patient, as that term is defined in 22 M.R.S. § 2422 (12), as the same may be amended from time to time, may consume medical marijuana~~cannabis inside the building(s) on the licensed property, if such consumption occurs via oral consumption and not by smoking. For purpose of the subsection, the term “licensed property” shall include the lot or parcel of the land upon which the Medical ~~MarijuanaCannabis Registered Dispensary~~ is located.

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

i. All activities of Medical ~~MarijuanaCannabis Registered Dispensary~~ Businesses including, without limitation, cultivation, growing, processing, displaying, selling and storage shall be conducted indoors.

ii. No ~~marijuana~~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 regulation.

~~iv. All Medical MarijuanaCannabis Registered Dispensary~~ Businesses shall have in place an operation plan for proper disposal of ~~marijuana~~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 ~~MarijuanaCannabis Registered Dispensary~~ Businesses creates a public nuisance at common law; or

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

~~Registered Dispensary or Medical MarijuanaCannabis Cultivation Facility is injurious and dangerous to the health, comfort or property of individuals or the public.~~

ii. Compliance. No Medical ~~MarijuanaCannabis~~ ~~Registered-Dispensary Businesses~~ or ~~Medical MarijuanaCannabis Cultivation Facility~~ shall be exempt from complying with the odor management standards contained in this Ordinance. The odor standards apply to all existing and future Medical ~~Registered-Dispensary 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.~~K 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.~~K 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 ~~marijuanacannabis~~ establishment license or permit after notice and a public hearing.

~~iv. Exemptions-~~

a. ~~Complaints related to outdoor burning will be directed to and enforced by the Millinocket Fire Department as per 12 M.R.S. §9325.~~

b. ~~Smoke or odors originating from the use of outdoor grills or wood, pellet or coal stoves or furnaces.~~

Council Signatures:

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Enacted Date:

Attest:

Note:

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

Schedule of uses: Medical ~~MarijuanaCannabis~~ Registered Dispensary Planning Board approval

§39-3

CODE

§39-3

Town of Millinocket

Chapter 39.3

ADULT USE ~~MARIJUANA~~CANNABIS HOME CULTIVATION

Section 39-3-1. Purpose.

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

Section 39-3-2. Authority.

This Ordinance is enacted pursuant to the ~~MarijuanaCannabis~~ 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 ~~marijuana~~cannabis for recreational, non-medical purposes in accordance with the ~~MarijuanaCannabis~~ Legalization Act, 28-B M.R.S. §§ 101-~~1504~~ 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 marijuanacannabis.

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

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

“MarijuanaCannabis” means the leaves, stems, flowers and seeds of a marijuanacannabis plant, whether growing or not. **“MarijuanaCannabis”** does not include hemp as defined in Title 7, section 2231.

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

“Mature marijuanacannabis plant” means a marijuanacannabis 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 marijuanacannabis 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 ~~three (3)~~ six (6) mature marijuanacannabis plants, twelve (12) immature marijuanacannabis 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 marijuanacannabis 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 marijuanacannabis.

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

This ordinance regulates only home cultivation of adult use marijuanacannabis. It does not authorize the transfer, sale, manufacture or processing of home cultivated adult use marijuanacannabis. 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 MarijuanaCannabis 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 MarijuanaCannabis Legalization Act or any other applicable state law.

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

This ordinance does not apply to the cultivation of marijuanacannabis for medical use by a qualifying patient, a caregiver, a registered caregiver, or a registered dispensary as authorized by the Maine Medical Use of MarijuanaCannabis 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 MarijuanaCannabis Establishments

This ordinance does not authorize the commercial cultivation, manufacture, sale, or testing of marijuanacannabis 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:

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