

TOWN OF GREENE MAINE
MARIJUANA ESTABLISHMENTS ORDINANCE

I. PURPOSE AND AUTHORITY

To regulate the location, licensing and operation of Marijuana Establishments as defined in this Ordinance and as authorized by the Marijuana Legalization Act, 28-B M.R.S. ch. 1 and the Maine Medical Use of Marijuana Act, 22 M.R.S. ch. 558-C. The Town also reserves the right to impose additional siting and licensing requirements pursuant to Municipal Home Rule Authority and Title 30-A M.R.S. § 3001.

II. DEFINITIONS

- A. Marijuana Establishments. For purposes of this Ordinance, marijuana establishments shall include adult use marijuana cultivation facilities, adult use marijuana products manufacturing facilities, adult use marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana manufacturing facilities, and medical marijuana testing facilities, and all other definitions relevant to this Ordinance as defined and set forth in 22 M.R.S. § 2422 and 28-B M.R.S. § 102 and the adult use and medical marijuana state agencies rules.
- B. General Development Zone. Means the area so designated on the Town of Greene Land Management District Map including Village I and Village II. as amended March 7, 2009.
- C. License. Means a document issued by the Town officially authorizing an applicant to operate a Marijuana Establishment.
- D. Town. Means Town of Greene Maine
- E. Recreational Area: Means areas designated by the Town for recreational use (Mission Field, Rec Field, Murch Field, Rhino Field and any other areas so designated)
- F. Medical Marijuana Cultivation Facility. Means a medical marijuana cultivation area used or occupied by one or more registered caregivers and a facility licensed under this ordinance to cultivate, prepare and package medical marijuana at a location that is not the residence of the registered caregiver or qualifying patient.

III. PERMIT APPLICATION

- A. Planning Board Review.

Permit applications for a Marijuana Establishment shall require review by the Greene Planning Board and include a mandatory public hearing. Siting requirements shall

also apply to any and all ancillary structures, mobile units, or any future types of dispensary mechanisms as yet contemplated within this ordinance.

B. Certificate of Occupancy.

No Certificate of Occupancy shall be granted for a Marijuana Establishment unless the premises concerned is in complete compliance with all Municipal Codes and State Regulations.

C. Signage.

All signage shall meet the requirements of Section 3-101.10 of the Town of Greene Land Use Ordinance and may not use any pictorial representations of any portion of a marijuana plant, products, by-products, or paraphernalia associated with the use or distribution of marijuana.

D. Security.

Security requirements for a Marijuana Establishment shall include:

1. Lockable doors and windows to include intrusion alarms with audible and police notification components sending notification directly to or through a second party to the Androscoggin County Sheriff's Office.
2. Video surveillance capable of covering the exterior and interior of the facility and all plants cultivated within the facility. The video surveillance system shall be operated with continuous recording twenty- four hours per day, seven days per week and such records of surveillance 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. Exterior spotlights with motion sensors covering the full perimeter of the facility.

E. Ventilation.

All Marijuana Establishments shall have an odor mitigation system installed. Applicant must demonstrate their systems ability to provide sufficient odor controlling measures.

F. Extraction.

All Product Manufacturing Facilities shall be limited to the extraction methods as stated within the Marijuana Legalization Act and the Maine Medical Use of Marijuana Act as well as the Adult Use Marijuana Program Rule 18- 691 C.M.R.,

Chapter 1 section 3.8.4 A. and B and the Medical Marijuana Manufacturing Facilities Rule 18-691 C.M.R. ch. 4, and as said provisions may be amended.

G. Location.

All Marijuana Establishments must be located within the Town of Greene's General Development Zone. In addition, no Marijuana Establishment shall be located within one thousand (1,000) feet of a church, school, day care facility or recreational area. Each Marijuana Establishment shall be operated from a permanent location. No Marijuana Establishment shall be permitted to operate from a moveable, mobile or transitory location.

IV. LICENSE APPLICATION

A person seeking a license or renewal of a license issued pursuant to this Ordinance shall submit an application to the Town Clerk on approved forms provided by the Town.

A. Application fees:

1. Adult Use and Medical Marijuana product manufacturing \$250.00.
2. Adult Use and Medical Marijuana cultivation facility (all Tiers) \$500.00.
3. Adult Use and Medical Marijuana testing facility \$250.00.
4. Extraction \$500.00

Application fees are non-refundable and due upon receipt of the completed application.

V. LICENSE REQUIREMENT

Any person operating a Marijuana Establishment within the Town must obtain a license which shall be granted on the same criteria and regulations as set forth in 28-B M.R.S. ch. 1 and 22 M.R.S. ch. 558-C, including all regulations or amendments thereto.

A. The Town license shall be granted contingent upon the applicant obtaining all required State licenses.

B. License classifications:

1. Adult use or medical marijuana cultivation facility;
2. Adult use or medical marijuana products manufacturing;
3. Adult use or medical marijuana testing facility;
4. Extraction

No adult use marijuana store or caregiver retail store will be allowed.

C. The Greene Planning Board shall review applications and issue licenses.

D. Licenses are valid for one (1) year.

- E. License shall be kept current at all times.
- F. License shall be posted in a conspicuous location at a Marijuana Establishment.
- G. Licenses are transferable as long as all state requirements are met.
- H. Upon receipt of an application for a new license, the Town shall schedule a public hearing on the application within forty-five (45) days of receipt of a completed application.
- I. Incomplete, false or misleading applications will not be processed.
- J. License renewal may be issued by the CEO.

VI. LICENSE FEES

License fees shall be tier based and reflect the state issued license of the facility. License fees are annual, non-refundable and due upon issuance of a license.

Tier 1	\$1000.00	Manufacture	\$1500.00
Tier 2	\$1500.00	Extraction	\$2500.00
Tier 3	\$2500.00	Edibles	\$2500.00
Tier 4	\$5000.00		

VII. SUSPENSION OR REVOCATION

- A. The Planning Board may, after notice and public hearing, suspend, revoke or refuse to renew a license for a Marijuana Establishment for failing to comply with this Ordinance and as set forth in 28-B M.R.S. ch. 1 and 22 M.R.S. ch. 558-C, including all regulations or amendments thereto.
- B. In suspending, revoking or refusing to renew a license for a Marijuana Establishment, the Planning Board may take into consideration:
 - 1. Number and types of complaints law enforcement received and investigated.
 - 2. Failing to correct or abate any violation of State Law or regulation and any provision that the Code Enforcement Officer is authorized to enforce.

VIII. RIGHT OF ACCESS

Every Marijuana Establishment shall allow law enforcement officers to enter the premises at reasonable times for the purpose of investigating compliance with this Ordinance and in 28-B M.R.S. ch. 1 and 22 M.R.S. ch. 558-C, including all regulations or amendments thereto. The Town

of Greene Code Enforcement Officer and Fire personnel shall have the right of access to ensure compliance with the provisions of this ordinance.

IX. INDEMNIFICATION

- A. By accepting a license issued pursuant to this Ordinance, the licensee waives and releases the Town, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of any Marijuana Establishment owners, operators, employees, clients or customers for a violation of local, state or federal laws, rules or regulations.
- B. By accepting a license issued pursuant to this Ordinance, all licensees, jointly and severally if more than one (1), agree to indemnify, defend and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of a licensed Marijuana Establishment.

X. STATE LAW

In the event the State of Maine adopts any additional or stricter law or regulation governing the sale, cultivation, distribution or testing of adult use or medical marijuana or marijuana products, the additional or stricter regulation shall control the establishment or operation of any marijuana products manufacturing, cultivation or marijuana testing facility in the Town. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this Ordinance. Noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

XI. TAX OPTION

All Marijuana Establishments shall be subject to the maximum municipal tax authorized by State statute as it may be enacted or amended.

XII. AMENDMENTS

This Ordinance may be amended by the Town of Greene after proper notice and public hearing. Amendments shall take effect after approval by the Town Meeting and remain in effect until further amended or repealed.

XIII. PENALTIES

This ordinance shall be enforced by the municipal officers or their designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of Title 30-A M.R.S.A Section 4452.

XIV. SEVERABILITY

If any provision of this Ordinance is determined invalid by a court of competent jurisdiction, such determination shall not render invalid the remaining portions of the Ordinance.

XV. EFFECTIVE DATE

For the purposes of licensing adult use and medical marijuana testing facilities, cultivation facilities and manufacturing facilities, this Ordinance becomes effective upon approval of the Greene Town Meeting.