

402.2.2 Definitions

Medical Marijuana: Medical Marijuana means marijuana used for “medical use,” as that term is defined herein.

Medical Marijuana Cultivation Facility: Medical Marijuana Cultivation Facility means a not-for-profit entity registered pursuant to the laws of the State of Maine and Section 6 of the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122), as may be amended from time to time, that is a Medical Marijuana Dispensary’s permitted additional location for the cultivation of marijuana. Any facility providing space for three or more marijuana growers/cultivators or an excess of 60 plants is also a Medical Marijuana Cultivation Facility for purposes of this Ordinance.

Medical Marijuana Dispensary: Medical Marijuana Dispensary means a “registered dispensary” as that term is defined in 22 M.R.S.A. § 2422(6), as may be amended from time to time.

Medical Use: “Medical use” means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered patient’s debilitating medical condition or symptoms associated with the registered patient’s debilitating medical condition.

Registered Patient: Registered patient means a “registered patient” as that term is defined in 22 M.R.S.A. § 2422(12), as may be amended from time to time.

Registered Primary Caregiver: Registered primary caregiver means a “registered primary caregiver” as that term is defined in 22 M.R.S.A. § 2422(11), as may be amended from time to time.

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Table 402.5.3 Table of Permitted Uses and Conditional Permitted Uses

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	Uses	RRA	LD	MD	BD	C	VC	VCP	BT-1	BT-2	WH1	WH2
<i>[renumber alphabetically]</i>	<u>Medical Marijuana Cultivation Facility*</u>				<u>C</u>	<u>C</u>	<u>C</u>					
<i>[renumber alphabetically]</i>	<u>Medical Marijuana Dispensary*</u>						<u>C</u>					

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402.8.7 Medical Marijuana Cultivation Facilities and Dispensaries

A. Location Criteria

Medical Marijuana Cultivation Facilities or Dispensaries shall only be located consistent with Table 402.5.3 of this Ordinance. In addition, no Medical Marijuana Cultivation Facility or Dispensary shall be sited within two hundred and fifty feet (250') of the lot lines of any of the following:

1. A church, synagogue, or other house of religious worship;
2. A school;
3. A lot zoned Residential or Medium Density prior to the application for the Medical Marijuana Cultivation Facility or Dispensary;
4. An athletic field, park, playground, or recreational facility;
5. Any juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation treatment center;
6. A licensed day care facility; or
7. A lot on which another Medical Marijuana Cultivation Facility or Dispensary is sited.

The distance cited in this subsection shall be measured between the lot line of the proposed site and the lot line of the site of the uses listed in numbers one (1) through seven (7) above at their closest points.

B. Hours of Operation

Medical Marijuana Dispensaries and Medical Marijuana Cultivation Facilities may be open for business only between the hours of 8:00 AM and 8:00 PM, local prevailing time.

C. Signage and Advertising

All signage and advertising for a Medical Marijuana Dispensary or a Medical Marijuana Cultivation Facility shall comply with the standards of Chapter 406, the Sign Ordinance. In addition, no signage or advertising shall use the word "marijuana", "cannabis", or any other word, phrase, or symbol commonly used or understood to refer to marijuana unless such word, phrase, or symbol is immediately preceded by the word "medical" in type and font that is at least as readily discernable as all other words, phrases, or symbols on the sign. Such signage and advertising must clearly indicate that the products and services are offered only for registered medical marijuana patients and registered primary caregivers.

D. Security Measures

Security measures at a Medical Marijuana Dispensary and a Medical Marijuana Cultivation Facility shall include, at a minimum, the following:

1. Security surveillance cameras installed and operating 24 hours a day, 7 days a week to monitor all entrances, and the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts, loitering and nuisance activities occurring at the premises;
2. Door and window intrusion robbery and burglary alarm systems with audible and law enforcement notification components that are professionally monitored and maintained in good working condition;

3. A locking safe permanently affixed to the premises that is suitable for storage of all prepared marijuana and cash stored overnight on the premises;
4. Exterior lighting that illuminates the exterior walls of the premises and complies with applicable ordinances of the Town;
5. Deadbolt locks on all exterior doors and locks or bars on any other access points (e.g. windows); and
6. All security recordings shall be preserved for at least seventy-two (72) hours by the Medical Marijuana Cultivation Facility or Dispensary. The Medical Marijuana Cultivation Facility or Dispensary shall provide local law enforcement or its designee with the name and functioning telephone number of a 24-hour on-call staff person to whom the Town/or local law enforcement may provide notice of any operating problems associated with the Medical Marijuana Cultivation Facility or Dispensary.

E. Qualified Caregivers and Patients

Processing, possession, and/or manufacturing of medical marijuana in any zoning district other than a zoning district that allows such uses as Medical Marijuana Cultivation Facilities and Medical Marijuana Dispensaries shall be limited to registered patients, registered primary caregivers, and medical cannabis collectives or cooperatives comprised of no more than two registered patients and/or their registered primary caregivers. Every member of the medical cannabis collective or cooperative shall possess an identification card, issued by the State of Maine.

F. On-site Consumption of Medical Marijuana

The consumption, ingestion, or inhalation of medical marijuana on, or within the premises of, a Medical Marijuana Dispensary or Cultivation Facility is prohibited.

G. Visibility of Activities; Control of Emissions; and Disposal Plan

1. All activities of Medical Marijuana Dispensaries and Cultivation Facilities, including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors.
2. No marijuana or paraphernalia shall be displayed or kept in a Medical Marijuana Dispensary or Cultivation Facility so as to be visible from outside the premises.
3. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the 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 federal, state and local laws and regulations.
4. All Medical Marijuana Dispensaries shall have in place an operational plan for proper disposal of marijuana and related byproducts.

H. Quiet Enjoyment

The cultivation of marijuana shall not adversely affect the health or safety of residences or nearby properties through the creation of mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or create a hazardous condition due to the use or storage of material, processes, products or waste.

I. Code Compliance

The Medical Marijuana Cultivation Facility and/or Dispensary must be in compliance with all State adopted codes applicable to municipalities, including, without limitation, National Electrical Code, Uniform Plumbing Code, National Fire Prevention Association (NFPA) Codes and Standards, and Maine Uniform Building and Energy Code.

J. Sale of Edible Products.

No food products shall be sold, prepared, produced or assembled by a Medical Marijuana Dispensary, except in compliance with all operating and other requirements of state and local law and regulation, including, without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area, and all marijuana must be labeled with a list of all chemical additives, such as non-organic pesticides, herbicides, and fertilizers used in the cultivation and production.

K. Other Laws Remain Applicable.

A Medical Marijuana Dispensary shall meet all operating and other requirements of state and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing medical marijuana dispensaries, the stricter law or regulation shall control.

L. Maximum Number Permitted.

The maximum number of Medical Marijuana Dispensaries permitted in the Town is one (1). No more than three (3) Medical Marijuana Cultivation Facilities may be located in the Town. No Medical Marijuana Cultivation Facility can be located on the same site as another cultivation facility nor can a Medical Marijuana Cultivation Facility be located on the same site as a Medical Marijuana Dispensary.

M. Planning Board Review Required

Application(s) for a Medical Marijuana Cultivation Facility and/or Dispensary shall be considered a Major Development, as defined in this Ordinance, and shall be reviewed in accordance with all applicable standards including those contained in Article 10 (Site Plan Review) Section 402.10.4.A which requires Planning Board Review.