

Town of Rangeley

Marijuana Business Regulation Ordinance

Chapter 38 – A

Marijuana

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38A-1 Title

This ordinance shall be known and cited as the “**Town of Rangeley Marijuana Business Regulation Ordinance**” and shall be referred to hereinafter as “**this Ordinance**”. This Ordinance provides for permitting/licensing and regulation of Marijuana Businesses; prescribes definitions for Marijuana Businesses; and provides operational standards for Marijuana Businesses.

38A-2 Authority and Applicability

WHEREAS, implementing a system for the regulation of stores, cultivation, manufacturing, and testing of marijuana, a controlled substance, is a complex function with significant administrative demands on the Town of Rangeley; and

WHEREAS, the Town of Rangeley believes that any commercial production, processing, or selling of 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 28-B M.R.S. c. 1 for the adult use of marijuana and 22 M.R.S. c. 558-C for marijuana for medical use throughout the Town of Rangeley; and

NOW THEREFORE, this Ordinance is adopted pursuant to the Marijuana Legalization Act, 28-B M.R.S. c. 1; the Maine Marijuana for Medical Use Act, 22 M.R.S. c. 558-C; and Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of the Municipal Home Rule Authority (30-M.R.S. §3001 et seq.); and the provisions of the Planning and Land Use Regulation Act, 30-A M.R.S. §4312 et seq.

Persons or entities wishing to establish a Marijuana Business within the Town of Rangeley shall first obtain a permit/license from the Rangeley Code Enforcement Officer and Planning Board and shall be subject to the provisions of this Ordinance.

This Ordinance may not be construed to limit any privileges or rights of qualifying patients, caregivers or registered caregivers under the Maine Medical Use of Marijuana Act, except that registered caregiver retail stores not operating with municipal approval on December 13, 2018, are subject to the provisions of this Ordinance.

38A-3 Purpose

It is the purpose of this Ordinance to regulate Marijuana Businesses in order to promote the health, safety, and general welfare of the citizens of Rangeley, and to establish reasonable and uniform regulations for the appropriate location of Marijuana Businesses in Rangeley.

38A-4 Conflict with Other Ordinances; Severability

Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other ordinance, regulation or standard, the more restrictive provision shall apply.

38A-5 Effective Date

The effective date of this Ordinance shall be the date of adoption by the voters on Election Day, November 5, 2019.

38A-6 Validity and Severability

Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

38A-7 Definitions

- A. "Adult Use Marijuana Businesses" shall include adult use marijuana stores, adult use marijuana products manufacturing facilities, adult use marijuana cultivation facilities (including adult use marijuana nursery cultivation facilities), Marijuana Testing Facilities, each of which are defined as set forth in 28-B M.R.S. §102.
- B. "Cultivation or Cultivate" is defined as the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing or marijuana for use or sale. Does not include manufacturing, testing or marijuana extractions.
- C. "Cultivation Facility" is defined as an adult use cultivation facility, registered dispensary cultivation facility, or registered caregiver cultivation facility.
- D. "Inherently Hazardous Substance" is defined as a liquid chemical, compressed gas or commercial product that has a flash point at or lower than 38 degrees Celsius or 100 degrees Fahrenheit, including, but not limited to, butane, propane, diethyl ether. Does not include any form of alcohol or ethanol.
- E. "Manufacturing or Manufacture" is defined as the production, blending, infusing, compounding or other preparation of marijuana and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. Does not include cultivation or testing.
- F. "Marijuana Business" includes Adult Use Marijuana Businesses and Medical Marijuana Businesses.

- G. "Manufacturing Facility" is defined as either an adult use products manufacturing facility or a Medical Marijuana Manufacturing Facility.
- H. "Marijuana Extraction" is defined as the process of extracting marijuana concentrate from marijuana using water, lipids, gases, solvents or other chemicals or chemical processes.
- I. Marijuana Testing Facility is defined as a facility at which the research and analysis of marijuana, marijuana products or other substances for contaminants, safety or potency is conducted. Does not include cultivation or manufacturing.
- J. "Medical Marijuana Businesses" shall include Registered Dispensaries, Registered Dispensary Cultivation Facilities, Registered Dispensary Retail Stores, Medical Marijuana Manufacturing Facilities and Registered Caregiver Retail Stores.
- K. "Medical Marijuana Manufacturing Facility" is defined as set forth in 22 M.R.S. §2422.
- L. "Registered Caregiver Cultivation Facility" is defined as a facility at which a Registered Caregiver cultivates marijuana for medical use pursuant to 22 M.R.S. § 2423-A(2).
- M. "Registered Caregiver Retail Store" is defined as a location that is not the registered caregiver's primary residence that is maintained by a registered caregiver at which medical marijuana is dispensed to qualifying patient(s).
- N. "Registered Dispensary" is defined and set forth in 22 M.R.S. §2422.
- O. "Registered Dispensary Cultivation Facility" is defined as a facility at which a registered dispensary cultivates marijuana for medical use pursuant to 22 M.R.S. §2428.
- P. "Registered Dispensary Retail Store" is defined as a facility at which a registered dispensary dispenses marijuana for medical use to qualifying patient(s) pursuant to 22 M.R.S. §2428.
- Q. "Retail Stores" is defined to include adult use retail stores, Registered Caregiver Retail Stores or Registered Dispensary Retail Stores.

38A-8 License Required

No person may establish, operate or maintain a Marijuana Business without first obtaining a license from the Planning Board issued pursuant to this Ordinance and any other required permits, such as building permits or certificates of occupancy, from the Code Enforcement Officer. It is a violation of this Ordinance for any person to operate a Marijuana Business without a valid Marijuana Business license issued by the Town pursuant to this Ordinance. The license required by

this Ordinance shall be in addition to any other permits or approvals required under the Zoning Ordinance or any other ordinance of the Town of Rangeley.

Licenses shall be transferable, provided that, in the event of the proposed sale or transfer of a Marijuana Business, the tentative purchaser shall provide the Town, within sixty (60) days prior to the date of the sale, information showing compliance with the performance standards set forth herein. The tentative purchaser must also pay any required fees.

No person who is not a licensed Marijuana Business shall be permitted to cultivate marijuana plants or seedlings on a parcel or tract of land on which he or she is not domiciled.

38A-9 Application Procedure

- A. An application for a license must be made on the form provided by the Town and filed with the Planning Board, and all information requested on the form shall be provided, where applicable.
- B. All applicants must be qualified according to the provisions of this Ordinance. The application requests that the applicant provide information so the Town can determine whether the applicant meets the qualifications established in this Ordinance.
- C. Application to establish a Marijuana Business
 - 1. If the applicant who wishes to operate a Marijuana Business is a single individual, this person must sign the application for permit/license. If the applicant who wishes to operate Marijuana Business is a partnership or business, each person who has an interest in the partnership or business must sign the application for a permit/license as applicant. Each applicant must be qualified under the following Section and each applicant shall be considered a permittee/licensee if a permit/license is granted.
 - 2. The completed application for Marijuana Business permit/license shall contain the following information and shall be accompanied by the following documents:
 - a. If the applicant is an individual: The individual shall state their legal name, and any aliases, and submit proof that they are: for Adult Use Marijuana Business applicants, at least twenty-one (21) years of age; or for Medical Marijuana Business Applicants, registered with the State of Maine.
 - b. If the applicant is a partnership: The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that: for Adult Use Marijuana Businesses, all partners are at least twenty-one (21) years of age; or for Medical Marijuana Businesses, submit proof that all partners are registered with the Maine Department of Administrative and Financial Services.

- c. If the applicant is a corporation: The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and proof that all officers, directors and principal stockholders are, for Adult Use Marijuana Businesses, at least twenty-one (21) years of age; or for Medical Marijuana Businesses, proof that all officers, directors and principal stockholders are registered with the Maine Department of Administrative and Financial Services.
- d. If the applicant is a limited liability company (LLC): The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and, for Adult Use Marijuana Businesses, proof that all members are at least twenty-one (21) years of age; or for Medical Marijuana Businesses, proof that all members are registered with the Maine Department of Administrative and Financial Services.
- e. If the applicant intends to operate the Marijuana Business under a name other than that of the applicant, they must state the Marijuana Business' name and submit the required registration documents.
- f. If the applicant or an employee of the applicant has been convicted of criminal activity under State and/or federal law, the applicant must list the specified criminal activity involved, and the date, place and jurisdiction of each conviction.
- g. If the applicant has had a previous permit/license under this Ordinance or other similar Marijuana Business ordinances from another Town, City, or State suspended or revoked, they must list the name and location of the Marijuana Business for which the permit/license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation. The applicant must also list whether it has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is permitted/licensed under this Ordinance, whose permit/license has previously been suspended or revoked, listing the name and location of the Marijuana Business for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.
- h. If the applicant holds any other permits/licenses under this Ordinance or other similar Marijuana Business ordinance from another Town, City, or State and, if so, the names and locations of such other permitted/licensed businesses.
- i. The classification of permit/license for which the applicant is filing.

- j. The location of the proposed Marijuana Business, including a legal description of the property, street address, and telephone number.
 - k. The applicant's mailing address and residential address.
 - l. Recent passport-style photograph(s) of the applicant(s) or the members, owners or partners of the applicant.
 - m. The applicant's driver's license and Social Security numbers.
 - n. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floorspace to be occupied by the Marijuana Business, and parking plan. The sketch must be drawn to scale with marked dimensions.
 - o. A copy of a Town Tax Map depicting: the subject property lines and the property lines of other properties containing any existing Marijuana Businesses within 350 feet of the subject property; the property lines of any public school within 1000 feet of the subject property; 350 feet from property used for licensed daycare use; 350 feet from the property lines of any church and/or recreational areas designated for use by children up to eighteen (18) years in age; 350 feet from the property lines of property designated as municipal "safe zones" pursuant to 30-A M.R.S. §3253. For purposes of compliance with Section 38A-11(A) below, these setbacks are determined based on the existence of the above-referenced uses and facilities at the time the applicant applies for a license. Any above referenced use or facility that is permitted, constructed, or operated after the submission of the application need not be referenced.
3. All applicants (including all officers, director, managers, members, or partners) for any adult use marijuana business permit/license, excepting Commercial Marijuana Testing Facilities, must have been resident of the state for a period of not less than two years immediately preceding the date of the application per 28-B M.R.S.c.1. This requirement expires on June 1, 2020.

38A-10 Application and Permit/License Fees

A. All fees will be determined by the Board of Selectmen and be included in the fee schedule.

B. In reviewing the application, the Planning Board may hold a public hearing and shall issue a final decision on the application within thirty (30) days of determining the application complete or the date of the public hearing, whichever comes later.

38A-11 Standards for Permit/License

A. General

1. Adult Use Marijuana Businesses may not be operated on property located within the cited setbacks from the following uses or facilities existing on the date of submission of the application:
 - a. One thousand (1,000) feet of the property line of a public or private school (K12) per 28-A M.R.S. c. 1; or
 - b. 350 feet of the property line of property used for a licensed daycare under 10-148 CMR c. 32; recreational areas designated for use by children up to eighteen (18) years in age; or areas designated as a municipal "safe zones" pursuant to 30-A M.R.S. §3253.
 - c. 350 feet of the property line of a church.
2. A building containing one or more Marijuana Business(es) may not be located within 350 feet of another building containing one or more Marijuana Businesses.
3. More than one category of Marijuana Business may be located and operated within the same building, structure or portion thereof, if owned or operated by the same person or entity, and as long as all ordinance and application requirements are met.
4. Marijuana Businesses may be open for business only Monday through Saturday between the hours of 9:00 a.m. and 9:00 p.m., Sunday between the hours of noon to 6:00 p.m. locally prevailing time.
5. For the purpose of subsection A.2 and A.3 of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest property line of a property containing a building or structure used as the premises where Marijuana Business is conducted, to the nearest property line of the premises of a use listed in subsection A.2.
6. Security measures at all Marijuana Business premises shall include, at a minimum, the following:
 - a. Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week, with ten (10) day video storage, to monitor all entrances, along with interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises; and

- b. Door and window combination video and motion detector intrusion system with audible alarm and smart phone monitoring, maintained in good working condition; and
 - c. A locking safe permanently affixed to the premises that is suitable for storage of all marijuana, marijuana products, and cash stored overnight on the licenses premises' and 1 hour burn time safe requirement.
 - d. 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, and complies with applicable provisions of the lighting performance standards in the Town of Rangeley Zoning Ordinance; and
 - e. Deadbolt locks on all exterior doors and any other exterior access points, excepting windows which shall have locks and bars; and
 - f. Methods to ensure that no person under the age of twenty-one (21) shall have access to marijuana and marijuana products.
7. All signage shall meet the sign ordinance and may not use any pictorial representations of any portion of the cannabis plant, products, by-products, paraphernalia associated with the use or distribution of marijuana that exceeds twenty (20) percent of the area of any such sign.
8. All Cultivation Facilities shall have an odor mitigation system installed to provide sufficient odor control measures. No outdoor cultivation of marijuana is allowed. All marijuana cultivation must be done inside a fully enclosed weather-tight facility.
9. Required Notices: There shall be posted in a conspicuous location inside each Retail Store, at least one legible sign containing the following information:
- a. Use of or allowing on-site consumption of marijuana is illegal.
 - b. Open and public consumption of marijuana in the State of Maine is illegal.
 - c. The use of marijuana or marijuana products may impair a person's ability to drive a vehicle or operate machinery.
 - d. No purchases by anyone under the age of twenty-one (21) allowed.
 - e. Loitering prohibited.
10. No delivery of marijuana or marijuana products for retail sale shall be allowed; consumers must pick up at the retailer's location.

11. Due to fire, explosion, and other hazards inherent in Marijuana Cultivation Facilities and Manufacturing Facilities, including, but not limited to, heavy electrical loads, hot lighting fixtures, CO² enrichment, extraction solvents (acetone, butane, propane, ethanol, heptane, isopropanol, CO², etc.) high-pressure extraction methods (CO², etc) and flammable contents, the owners of all such facilities shall agree to be inspected annually by the Rangeley Fire Rescue Department and have a Knox Box installed at the structure's exterior entrance for emergency access Knox Boxes shall be obtained and installed in coordination with the Rangeley Fire Rescue Department.

B. Zoning

Notwithstanding any local ordinance to the contrary, (1) Cultivation Facilities, Manufacturing Facilities, Marijuana Testing Facilities, and Registered Dispensaries shall be a permitted use in the following zoning districts, as those districts may be modified: Woodland, Industrial, and Commercial; and (2) Retail Stores and Registered Dispensaries shall be a permitted use in the following zoning districts: Woodland, Commercial, and Village.

C. Right of Access/Background Check/Inspection

Every Marijuana Business shall allow law enforcement officers to enter the premises at reasonable times for the purpose of checking compliance with 20-B M.R.S. c. 1 and this Ordinance. Every owner and employee of a Marijuana Business applying for a license shall contact the Rangeley Police Department for the purpose of criminal background checking, and all premises managers for Marijuana Businesses shall submit emergency contact information to the Rangeley Police Department with a \$100.00 fee.

D. Indemnification

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 Business owners, operators, employees, clients, or customers, by any state or federal official, for a violation of Federal laws, rules and regulations. By accepting a license issued pursuant to this Ordinance, the licensee agrees 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 the Town's licensing of a Marijuana Business.

E. State Law

In the event the State of Maine adopts any additional or stricter law or regulation governing the sale, cultivation, manufacturing, distribution, or testing of Marijuana or Marijuana products, whether adult use or medical, the additional or stricter regulation shall control the establishment or operation of any Marijuana Business in Rangeley. Compliance with 28-B M.R.S. c. 1, 22 M.R.S. c. 558-C and/or any other applicable State law or regulation shall be deemed an additional requirement for issuance or denial of any permit/license under this Ordinance, and noncompliance with 28-B M.R.S. c. 1, 22 M.R.S. c. 558-C and/or any other applicable State law or regulation shall be grounds for revocation or suspension of any permit/license issued hereunder.

E. Appeals

A party aggrieved by any licensing decision by the Planning Board shall file an appeal and shall be heard by the Board of Appeals in accordance with Chapter 38 Zoning Ordinance.

38A-12 Enforcement

A. Violations

1. Any violation of this Ordinance, including failure to comply with any condition, shall be deemed to be a violation of 30-A M.R.S. §4452 and also Chapter 38. Every day a violation exists constitutes a separate violation. This will be included in the CEO's written notification.
2. Operation of any Marijuana Business without a Town license for same shall be a violation of this Ordinance. Any party committing such a violation shall immediately cease operations, whether of a construction, renovation, or business nature, upon notification by the CEO. Upon such CEO notification, the Town can pursue fines and/or penalties under 30-A M.R.S. §4452.

B. Code Enforcement Officer

1. If the CEO finds that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including but not limited to, discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement or mitigation of violations. Such a notice must include a statement of the party's right to appeal any such notice and the required process for such an appeal. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
2. The CEO shall keep a complete record of all essential transactions of the CEO, including Marijuana license applications submitted, license granted or denied,

revocation actions, revocation of licenses, appeals, court actions, violations investigated, violations found and fees collected.

C. Law Enforcement Officers

Law enforcement officers may, at any reasonable time and in accordance with applicable constitutional and other requirements, conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit/license approval, and shall investigate all complaints of alleged violations of this Ordinance.

D. Legal Actions

When the above notification and/or inspection actions do not result in the voluntary correction or abatement of the violation by the subject Marijuana Business, the Municipal Officers, upon receiving written notification from the CEO, may institute any and all actions and proceedings, either legal or equitable, including injunctions of violations and the imposition of penalties and/or fines in order to enforce the provisions of this Ordinance. The Municipal Officers or their authorized agent are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action.

E. Penalties/Fines

Any person, including but not limited to Marijuana Business owner, a property owner where such business is located, or any agent or contractor for same, who orders or conducts any activity in violation of this Ordinance, or upon failure to comply with any of its requirements, shall be penalized in accordance with 30-A M.R.S. §4452.

38A-13 Amendments

A. Initiation of Amendments

An amendment to this Ordinance may be initiated by:

1. The Municipal Officers, provided a majority of the Municipal Officers has so voted; or
2. Written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in the municipality at the last gubernatorial elections.

B. Public Hearing

The Municipal Officers shall hold a public hearing on the proposed amendment. Notification of the hearing shall be posted and advertised in a newspaper of general

circulation in the municipality at least seven (7) days prior to the hearing. Also, see state law pertaining to zone changes and legal procedures pursuant to the topic.

C. Adoption of Amendment

An amendment to this Ordinance shall be adopted by a majority vote of a Town Meeting.