

## ARTICLE XIV – ADULT USE CANNABIS BUSINESS ORDINANCE

### 1. Title

This ordinance shall be known and cited as the “Adult Use Cannabis Business Ordinance” and will be referred to hereinafter as “this Ordinance.” This Ordinance prescribes definitions of Adult Use Cannabis Businesses; provides for licensing and regulation of Adult Use Cannabis Businesses; and provides standards for Adult Use Cannabis Businesses.

### 2. Authority

This Ordinance is enacted pursuant to authority granted under the Cannabis Legalization act, 28-B M.R.S. Section 101 et seq.; the Town’s home rule authority under Article VIII, Part 2, Section 1 of the Maine Constitution 30-A M.R.S 53001 et. Seq and 30A-M.R.S. 301 et seq.

### 3. Purpose

It is the purpose of this Ordinance to authorize and regulate Adult Use Cannabis Businesses, to provide procedures and standards relating to the operation of these businesses, and to require their annual licensing in order to promote the health, safety and general welfare of the citizens of Wiscasset.

### 4. Conflict with other ordinances or statutes; 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, or State Law, the more restrictive provision shall apply.

If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

### 5. Effective Date

The effective date of this Ordinance, and the licensing of any adult use cannabis store, adult use cannabis cultivation facility, adult use cannabis products manufacturing facility, or adult use cannabis testing facility in Wiscasset thereunder, shall be the date of adoption by the voters at Town Meeting.

### 6. Definitions

As used in this article, unless the context otherwise indicated, the following terms shall have the following meanings.

**Adult Use Cannabis Cultivation Facility:** A facility licensed under state law to purchase cannabis plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use cannabis; to sell adult use cannabis to products manufacturing facilities, to cannabis stores and to other cultivation

facilities; and to sell cannabis plants and seeds to other cultivation facilities and immature cannabis plants and seedlings to cannabis stores.

**Adult Use Cannabis products Manufacturing Facility:** A facility licensed under state law to purchase adult use cannabis from a cultivation facility or other products manufacturing facility; to manufacture label and package adult use cannabis and adult use cannabis products; and to sell adult use cannabis and adult use cannabis products to cannabis stores and to other products manufacturing facilities.

**Adult Use Cannabis Store:** A facility licensed under state law to purchase adult use cannabis, immature cannabis plants and seedlings from a cultivation facility, to purchase adult use cannabis and adult use cannabis products from a products manufacturing facility, to sell adult use cannabis, adult use cannabis products from a products manufacturing facility and to sell adult use cannabis, adult use cannabis products, immature cannabis plants and seedlings to consumers.

**Adult Cannabis Testing Facility:** A facility licensed under state law to develop, research and test cannabis, cannabis products and other substances.

**Disqualifying Drug Offense:** A conviction for a violation of a state or federally controlled substance law that is a crime punishable by imprisonment for one year or more but does not include (1) an offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; (2) an offense that consisted of conduct that would have been permitted under the Maine Adult Use Cannabis Act; or (3) an offense that consisted of conduct that would have been permitted under the Maine Medical Use of Cannabis Act.

**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 in Title 7, Section 2231, subsection 1A, paragraph D or a cannabis product.

**Cannabis Business:** An adult Use Cannabis Cultivation facility, Adult Use Cannabis Products Manufacturing Facility, Adult Use Cannabis Store, or Adult Use Cannabis Testing Facility licensed under this ordinance.

**Cannabis Cultivation:** 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.

**Cannabis Manufacturing or Manufacture:** The production, blending, infusing, compounding or other preparation of cannabis and cannabis products, including, but not limited to, cannabis extraction or preparation by means of chemical synthesis. Manufacturing or manufacture does not include cultivation or testing.

**Cannabis product:** A product composed of cannabis or cannabis concentrate and other ingredients that is intended for use or consumption. Cannabis product includes, but is not limited to, an edible cannabis product, a cannabis ointment, and a cannabis tincture. Cannabis product does not include cannabis concentrate or a product containing hemp as defined in Title 7, Section 2231, subsection 1-A, paragraph D.

**Plant Canopy:** The total surface area within a cultivation area that is dedicated to the cultivation of mature cannabis plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all the area within the boundaries. If the surface area of the plant canopy consists of non-contiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the cultivation area that are used to cultivate immature cannabis plants and seedlings and that are not used at any time to cultivate mature cannabis plants.

**Person:** Person includes any individual corporation, partnership, or association.

## **7. Establishments allowed; Licenses required**

Pursuant to 28-B M.R.S. 5403, the operation of cannabis businesses is allowed, subject to the restrictions of this ordinance and applicable state and local laws and regulations. No person shall operate a cannabis business, nor shall any property owner permit the use of his or her premises to be operated as a cannabis business, without a valid license issued by the Town. A separate license must be obtained for each establishment located on the same premises.

Whenever a license expires and is not renewed, or the Town declines to renew a license, other license applications may be reviewed. The cap of licenses per each category shall be maintained.

## **8. Distribution of Licenses, Priority Licensing Period**

Applications will be processed in order of receipt of the completed application, including all applicable documentation and certified funds (cashier's check, bank check, or cash).

## **9. Limitation on Licenses**

### **A. Number of Licenses Available**

There is no limitation on the number of licenses the Town may issue for cannabis businesses.

## **10. Application**

Applicants shall complete and file an application on the form provided by the Town Clerk along with the following supporting materials:

### **A. Evidence of all state approvals or conditional approvals required to operate the cannabis business.**

B. A release for each applicant and for each officer, owner, member, manager, or partner of the applicant seeking a license allowing the Town of Wiscasset to obtain criminal records and other background information related to the individual.

C. Evidence of compliance with the requirements of this ordinance.

Applicants shall pay a non-refundable fee upon submission of their application. (See Fee Schedule)

If the Town Clerk determines that a submitted application is not complete, the Town Clerk shall notify the applicant within ten (10) business days of the additional information required to process the application. If such additional business information is not submitted within thirty (30) days of the Town Clerk's request, the application may be denied.

### **11. Action on Application**

**Public Hearing:** The Town Manager, upon receipt of a completed application for an available license category shall schedule a public hearing at a regular or special meeting of the Selectboard and shall arrange for public notice of the public hearing to appear in the newspaper of general circulation within the Town of Wiscasset at least seven days before the date of the scheduled public hearing. Costs of the hearing notice shall be paid out of the license and processing fee.

**Selectboard Action:** The Selectboard, after notice and public hearing, shall determine whether the applicant complies with the requirements of this article. Upon such determination by the Selectboard, the Town Clerk shall be authorized to issue the license. The Selectboard shall have the authority to impose any conditions on a license that may be necessary to ensure compliance with the requirements of this Ordinance or to address concerns about operations that may be resolved through the conditions. The failure to comply with such conditions shall be considered a violation of the license.

The Selectboard reserves the right to hire independent third-party consultants at the applicant's expense to review proposals to determine the impact to surrounding properties or public safety implications or to resolve any other issues regarding the proposal.

### **12. Display of Licenses, Required Notices**

State and local licenses shall be displayed in a conspicuous location within the cannabis business for which the licenses are issued.

The cannabis business must post a notice with the following text: "Use of or allowed on-site consumption of cannabis is illegal. Open and public consumption of cannabis in the State of Maine is illegal. The use of cannabis or cannabis products may impair a person's ability to drive a car or operate machinery. No one under the age of twenty-one (21) allowed. Loitering prohibited."

The required licenses and notices must be posted in a location that is highly visible to the public or, if the cannabis business is not open to the public, in a location where they are readily visible to employees and staff.

### **13. Duty to Update Information**

Any licensee issued a license under this ordinance shall have the duty to maintain updated and accurate information regarding all the information provided pursuant to the application process within ten days of any change of status. Failure to provide and maintain current and accurate information may result in revocation of the applicant's license.

### **14. Standards for Approval, Denial, Revocation**

A license application for a cannabis business shall be denied by the Selectboard, and an existing license may be suspended or revoked by the Selectboard after notice and hearing if the applicant or any owner of the applicant or licensee:

- A. Fails to meet the requirements of this ordinance, including any applicable building and life safety code requirements.
- B. Is not at least twenty-one (21) years of age.
- C. Has had a license or registration for a cannabis establishment or medical cannabis establishment revoked by a municipality or by the State.
- D. Has not acquired all necessary state and local approvals prior to issuance of the license.
- E. Has been convicted of a disqualifying drug offense.

### **15. In suspending, revoking, or refusing to renew a license for a cannabis business, the Selectboard may take into consideration:**

- A. number and types of complaints law enforcement received and/or investigated,
- B. citizen complaints,
- C. failure to correct or abate a violation that the Town is authorized to enforce, and
- D. failure to correct or abate any violation of this or State Cannabis ordinances, rules, or regulations.

### **16. Transferability of Licenses**

No license issued under this ordinance may be assigned or transferred to another individual or entity. Any change in ownership or change in the officers of a licensee shall require a new license. Licenses are limited to the premises for which they are issued and are not transferable to another location. A licensee who seeks to move a licensed cannabis business to a new location shall acquire a renewal of the local license for the new location.

### **17. Operating Requirements**

To obtain a license pursuant to this ordinance, the applicant shall demonstrate to the Selectboard that the following requirements will be met. A licensee shall comply with all these requirements during the term of the license.

**A. Fixed Location**

- i. All licensed premises shall be fixed, permanent locations. Licensees shall not be permitted to operate cannabis establishments in other than the licensed premises.
- ii. All cannabis business locations must be approved by the Select Board.
- iii. All cannabis stores shall be limited to the Commercial District on Route 1 from Birch Point Road to the Woolwich town line; cultivation, testing and manufacturing facilities shall be limited to the Rural district; cannabis stores, cannabis cultivation, cannabis products manufacturing facilities and cannabis testing facilities are prohibited in the Village 1 and Village 2 Districts.
- iv. No cannabis business shall be located inside a building containing residential units, including transient housing such as lodging houses, group homes, hotels, motels, and boarding houses.

**B. No Visibility to Public from Exterior**

- i. Outdoor cannabis cultivation and/or outdoor storage of cannabis, cannabis products, or related supplies is prohibited.
- ii. Cannabis, cannabis products, and related paraphernalia shall not be visible from outside the building in which the cannabis business is located.

**C. Setbacks**

- i. Cannabis businesses may not be located on property within one thousand (1,000) feet of the property line of a public or private school, public or private pre-school, pre-existing childcare facility, place of worship, a municipal "safe zone" per 30-A M.R.S. 3253, municipal ball field or the Town Hall. For purposes of this section, the term "school" means a "public school" as that term is defined in Title 20-A M.R.S. §1(24), as may be amended; a "private school" as that term is defined in Title 20-A M.R.S. 1(22), as may be amended; and/or a "public preschool program" as that term is defined in Title 20-A M.R. S. 1(23-A), as may be amended. The term "childcare facility" means a "childcare facility" as that term is defined in Title 22 M.R.S. §83011-A (IA) (B), as may be amended, and/or a "family childcare provider" as that term is defined in Title 22 M.R.S. 8301-A (I-A (C), as may be amended.
- ii. Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the

property line and the property line of the parcel of land on which the cannabis business is located. Presence of a town, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

iii. More than one cannabis business may be located on the same parcel provided all state and local requirements are met.

#### D. Security

Security measures at all cannabis business premises shall include, at a minimum, the following:

i. Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week, with forty-five (45) day video storage, to monitor all entrances, along with the interior and exterior of the premises, to discourage, and facilitate the reporting of, criminal acts and nuisance activities occurring at the premises.

ii. Door and window combination video and motion detector intrusion system with audible alarm and smart phone monitoring, maintained in good working condition.

iii. A locking safe permanently affixed to the premises that is suitable for storage of all cannabis, cannabis products, and cash stored overnight on the licensed premises.

iv. Exterior lighting that illuminates the exterior walls of the licensed premises during dusk to dawn, which is either constantly on or activated by motion detectors.

v. Deadbolt locks on all exterior doors and any other exterior access points, excepting windows which shall have locks.

vi. Methods to ensure that no person under the age of twenty-one (21) shall have access to cannabis and cannabis products.

#### E. Odor Mitigation

i. All cannabis businesses shall provide odor control measures so that odor generated on site is mitigated at the property line of the lot containing the cannabis business. Applications must demonstrate appropriate measures, such as carbon filtration, ventilation and exhaust systems, facility plans or other additional practices adequate to mitigate odors for the scale of operations for the uses sponsored.

ii. An odor mitigation/ventilation plan shall be included for adult use cannabis cultivation facilities, adult use cannabis products manufacturing facilities, and adult use cannabis testing facilities that provides for adequate ventilation to prevent pesticides, insecticides or other chemicals used in the cultivation or processing of cannabis or cannabis related products from being dispersed or released outside the premises. The plan shall further provide for resulting smoke, vapor, fumes, gases and

particulate matter from cannabis or its processing or cultivation to be effectively confined to the premises.

#### F. Signs

- i. Only one sign is allowed per site. Multiple cannabis businesses may share a sign.
- ii. All signs used by, and all marketing and advertising conducted by or on behalf of the cannabis business, may not involve advertising or marketing that has a high likelihood of reaching persons under 21 years of age or that is specifically designed to appeal particularly to persons under 21 years of age. Cannabis businesses are prohibited from making any health or physical benefit claims through their signs, marketing, or advertisements.
- iii. All signage shall meet the requirements of the Town's Sign Ordinance and may not use an image or images of the cannabis plant or plants, or parts thereof or pictorial representations of other cannabis products, by-products, or paraphernalia associated with the use or distribution of retail cannabis.
- iv. Portable signs or sandwich board signs located in the public right-of-way are prohibited.

#### G. Labeling

All cannabis and cannabis products shall be labeled with the Cannabis Universal Symbol adopted by the State of Maine and shall comply with all applicable state laws and regulations.

#### H. Hours of Operation

Cannabis businesses shall only be open to members of the public between the hours of 8 a.m. and 10 p.m.

Due to fire, explosion and other hazards inherent in cannabis cultivation facilities, cannabis testing facilities and cannabis 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 Wiscasset Fire 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 Wiscasset Fire Department.

#### I. Compliance with requirements of state and local law

A cannabis business shall meet all operating and other requirements of state and local law. To the extent the state has adopted or adopts in the future any law or regulation governing adult



use cannabis establishments that conflicts in any way with the provisions of this article, the more restrictive shall control.

## **18. Performance Standards for Adult Use Cannabis Cultivation Facilities**

### **A. Outdoor Cannabis Cultivation Prohibited**

Cannabis cultivation may only take place indoors. Outdoor cannabis cultivation and/or outdoor storage or processing of cannabis is expressly prohibited.

### **B. Maximum Plant Canopy**

Adult use cannabis cultivation facilities are limited to a maximum of 20,000 square feet of plant canopy on any lot.

Any adult use cannabis cultivation facility with greater than five hundred (500) square feet of plant canopy shall carry an insurance rider or bond naming the Town of Wiscasset as the beneficiary in the amount of \$1,000,000.00 to provide for payment of any site remediation needed should the business fail.

### **C. Signs**

Exterior signage must be attached to the building where the adult use cannabis cultivation facility is sited and shall include only the business name, address, and contact information. Signs are limited to a maximum of 6 inches tall by 18 inches wide.

### **D. Waste Disposal Plan**

Adult use cannabis cultivation facilities must implement a waste disposal plan that shall be approved by the Town. The waste disposal plan must cover, at a minimum, the following:

- i. Wastewater management and disposal,
- ii. Hazardous waste management and disposal, and
- iii. Plant waste management and disposal.

## **19. Performance Standards for Adult Use Cannabis Products Manufacturing Facilities and Adult Use Cannabis Testing Facilities**

### **A. Insurance Requirements**

Any adult use cannabis products manufacturing facility or adult use cannabis testing facility shall carry an insurance rider or bond naming the Town of Wiscasset as the beneficiary in the amount of \$1,000,000.00 to provide for payment of any site remediation needed should the business fail.

### **B. Signs**

Exterior signage must be attached to the building where the adult use cannabis products manufacturing facility or adult use cannabis testing facility is sited and shall include only the business name, address, and contact information. Signs are limited to a maximum of 6 inches tall by 18 inches wide.

C. Waste Disposal Plan

Adult use cannabis products manufacturing facilities and adult use cannabis testing facilities shall implement a waste disposal plan that shall be approved by the Town. The waste disposal plan shall cover, at a minimum, the following

- i. Wastewater management and disposal,
- ii. Hazardous waste management and disposal, and
- iii. Plant waste management and disposal.

**20. Performance Standards for Adult Use CANNABIS Stores**

A. Fixed Hours of Operation: Adult use cannabis stores must have fixed hours of operation during which they are open to members of the public over the age of 21. In no event may adult use cannabis stores be open to the public earlier than 8 a.m. or later than 10 p.m.

B. Prohibited Activities

The following activity is expressly prohibited:

- i. Vending machines for sales

C. Signs

- i. Adult use cannabis stores must have a clearly visible one (1) foot by one (1) foot sign attached to the building outside all entrances stating: "Must be 21 to enter."
- ii. Adult use cannabis stores may opt to have additional entrance restrictions included on the mandatory sign attached to the building outside any entrance with Code Enforcement Officer approval.
- iii. Any signage is limited to displaying the following information: name of business, logogram of business, business address, hours of operation and contact information. Other than the foregoing information, no advertising for cannabis or cannabis products shall be displayed on any sign in a publicly visible location.

D. Preventing Unauthorized Access

- i. All cannabis retail stores shall perform ID checks at the door. No individual without a valid ID under the age of 21 shall be allowed into the store.
- ii. A valid ID is defined as any ID that meets the requirements of Title 32, Chapter 117/19795.

#### E. License Fees

Applicable application fee/license fee/renewal fee for each establishment is set forth in the Fee Schedule as adopted by the Select Board.

- i. To change an existing medical cannabis business license to an adult use cannabis business license the applicant pays only the difference between the one time and annual fee for their current license and the fee for the upgraded license. Annual fees are prorated on a quarterly basis. Conversion is only possible if there is a license currently available in the category of license to which the business will be converted.
- ii. Non-lapsing account: Fees collected pursuant to this ordinance shall be maintained in a separate non-lapsing account from which appropriations may be made for costs associated with the administration and enforcement of this ordinance, including without limitation, staff time and legal fees.

#### **21. Term of License and Renewals**

- A. The term of any license or permit shall end one year from the date of issuance.
- B. Renewals shall be subject to the same review standards as applied to the initial issuance of the license. However, renewals shall not require site plan review.

All applications and renewals shall require a public hearing and approval of the Selectboard. As part of the application/renewal process the Selectboard shall consider compliance from prior years and based upon that review, may add conditions to any future license to correct, abate or limit past problems.

Licenses shall be renewed by appropriate application and payment of fee within sixty (60) days prior to expiration date of license. Any person failing to renew any annual license required by the provisions of this ordinance within thirty (30) days after the expiration of renewal date and continuing to operate is in violation of this ordinance. Failure to renew any annual license required by the provisions of this ordinance within thirty (30) days after the expiration or renewal date will result in loss of said license.

#### **22. Right of Access; Inspections**

Every cannabis business shall allow law enforcement officers, Town Manager or any other town officers as authorized by the Selectboard, Code Enforcement Office, and/or Fire Department to enter the premises at reasonable times for the purpose of checking compliance with all applicable state laws and local ordinances and regulations. All cannabis businesses shall be subject to mandatory annual inspections by the fire department and any designated town officers to ensure compliance. The Town Manager may perform inspections on a monthly basis at the discretion of the Selectboard, Code Enforcement Office, and/or Fire Department.

Cannabis businesses are responsible for providing any isolation/protective gear needed to allow inspectors to access any of the business's facilities. Failure to have such gear available is not a valid reason for refusing an inspection.

Refusing to allow an inspector to access any part of a cannabis business is a violation of this ordinance and is grounds for revocation of license.

### **23. Violations and Penalties**

In addition to revocation or suspension of a cannabis business license as provided in this ordinance, a person, including, but not limited to, a cannabis 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 fails to comply with any of its requirements shall be penalized in accordance with 30-A M.R.S. 4452.

Commencement of any cannabis 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 construction, renovation, or business nature, upon notification by the Code Enforcement Officer (CEO). Upon such CEO notification, the town may pursue fines and/or penalties under 30-A M.R.S. §4452.

Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the Town may enjoin or abate any violation of this ordinance. All fines and penalties, together with costs of prosecution of violations, which shall include the Town's cost and attorney's fees, shall inure to the benefit of the Town. This section shall be enforced by the Wiscasset Code Enforcement Officer, the Town Manager, and/or their designees.

### **24. 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 cannabis business owners, operators, employees, clients, or customers for a violation of local, state, or federal laws, rules, or regulations.

By accepting a license issued pursuant to this ordinance, the permittee/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 or in any manner connected with the operation of a permitted/licensed CANNABIS business.

### **25. Appeals**

An aggrieved party may appeal any final licensing, denial, suspension, or revocation decision of the Selectboard under this ordinance to Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.