

Paris Marijuana Business License Ordinance

Authority & Applicability

This ordinance applies to all Adult Use Marijuana and Medical Marijuana Businesses in the Town of Paris, as that term is defined herein.

This ordinance is enacted pursuant to the Marijuana Legalization Act, 28-B M.R.S. c.1; Maine's Medical Marijuana Laws and Regulations, including but not limited to 22 M.R.S. c. 558-C; Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of the Home Rule Authority (30-A M.R.S. Section 3001 et seq.); and the provisions of the Planning and Land Use Regulations Act, (30-A M.R.S. section 4312 et seq).

Purpose

It is the purpose of this ordinance to regulate Adult Use Marijuana Businesses and Medical Marijuana Businesses in the Town of Paris in order to promote the health, safety and general welfare of the citizens of Paris by ensuring that such businesses are operating in compliance with all applicable state and local regulations.

Conflict With Other Ordinance

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

Repeal of prior Marijuana Ordinances

Adoption of this ordinance shall repeal the Recreational Marijuana Ordinance adopted on June 12, 2018, and the Medical Dispensary Ordinance adopted June 10, 2011.

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.

Effective date of Ordinance

The effective date of this ordinance shall be the date of adoption by the voters of the Town of Paris.

Definitions

For the purpose of this Ordinance, the term "Marijuana Business" means any Adult Use or Medical Marijuana Business.

For the purpose of this Ordinance, Adult Use Marijuana businesses, including Adult Use Marijuana Stores, Adult Use Marijuana Cultivation Facilities, Adult Use Manufacturing Facilities, and Adult Use Marijuana Testing Facilities, are defined as set forth in 28-B M.R.S. sec.102.

For the purpose of this Ordinance, Medical Marijuana businesses, including Medical Marijuana Cultivation Facilities, Medical Marijuana Manufacturing Facilities, and Medical Marijuana Testing Facilities are defined as set forth in 22 M.R.S. sec.2422.

For the purpose of this Ordinance, the term "Medical Marijuana Store" means a storefront operated by a registered caregiver, which is operated in a facility separate from her/his personal address for the purpose of selling medical marijuana to qualifying patients.

License Required

No person may establish, operate or maintain an Adult Use or Medical Marijuana Business without first obtaining a license from the Town of Paris. It is a violation of this Ordinance for any person to operate an Adult Use or Medical Marijuana Business without a valid Marijuana Business License issued from the Town pursuant to this Ordinance.

No license issued pursuant to this ordinance may be assigned or transferred to another entity. Any change in ownership or change in the officers of an owner shall require a new license. Licenses are limited to the premises for which they are issued and are not transferable to another location. The license shall be displayed in a conspicuous place in the marijuana establishment for which the license is issued. Licenses are in effect for one year.

In the event of a proposed sale of an Adult Use or Medical Marijuana Business, the prospective buyer may be given preference to obtain a new license to replace the seller's license within sixty (60) days prior to the sale. The prospective buyer must file an application with the fee and provide all the information required in this Ordinance. If the application is approved by the Town, the Municipal Officers shall specify that the license for same is contingent on the sale being completed and receipt of fees by the Town.

All Marijuana Businesses must be operated in accordance with State law.

Compliance with all Licenses issued and applicable regulations shall be enforced by the Paris Code Enforcement officer.

License Limits / Fees

The following License limits apply to the four (4) categories of Marijuana Businesses:

Marijuana Stores -

Paris will license up to two (2) Adult Use Marijuana Stores, and three (3) Medical Marijuana stores, each store not to exceed a total of fourteen hundred (1400) square feet in area. Retail space shall contain only one of the following: Medical Marijuana products or Adult Use Marijuana products.

Marijuana Cultivation is limited to three (3) Facilities:

Tier One Up to thirty (30) mature plants (and an unlimited number of immature plants and seedlings) or up to five hundred (500) square feet of plant canopy; or

Tier Two Up to 501-2000 square feet of plant canopy.

A licensee can have ownership of only one cultivation facility in Paris. Commercial outdoor cultivation is not permitted.

Nursery Cultivation is limited to (3) Facilities:

A nursery cultivation facility may cultivate immature marijuana plants with a canopy of not more than 1000 sq. ft. in compliance with 28-B MRS, sec. 501-3.

Area within a nursery where mature marijuana plants are also cultivated must be physically separated from the area where immature marijuana plants and seedlings are cultivated.

A nursery facility may sell and distribute to marijuana stores and other cultivation facilities only immature marijuana plants, seedlings, and marijuana seeds, in compliance with 28-B MRS, sec.501-3.

Marijuana Manufacturing is limited to (three) 3 Facilities:

Production of Edible Marijuana Products is permitted in licensed commercial kitchens. Marijuana extraction is permitted via manual, solvent-free methods only.

Marijuana Testing facilities are prohibited.

License Fees

All fees will be determined by the Board of Selectmen and will be included in the License application for a Marijuana Business.

Legal Limitations/ Set Backs

No License will be granted for any Marijuana Business in the following locations. Distance shall be measured from the property lines.

1. Within one thousand (1000) feet of any preexisting public or private school;
2. Within one thousand (1000) feet of any existing Marijuana Business;
3. Within five hundred (500) feet of a property used primarily for religious worship and related religious activities;
4. Within five hundred (500) feet of property used for permitted daycare use under 10-148 CMRc.32; and/or
5. Within five hundred (500) feet of the property lines of Moore Park, Paris River Park, Gouin Complex (SAD 17 Athletic Field), Paris Ball Fields (Rugg Complex), and /or any recreational area designated as a "municipal safe zone", pursuant to 30A MRS.

Note: For the purposes of this paragraph, "school" includes a public school, Title 20-A, section 1, subsection 24; a private school, as defined in Title 20-A, section 1, subsection 22; a public preschool program, as described in Title 20-A, section 1, subsection 23-A; or any other educational facility that serves children from pre-kindergarten to grade 12.

Application Procedure

Each applicant for a Marijuana Business License shall complete and file an application for an annual license on the form provided by the Town, together with the applicable nonrefundable application fee, as well as the following supporting materials:

1. Copy of the applicant's state license application and supporting documentation, as submitted to the state licensing authority.
2. Evidence of all state approvals or conditional approvals required to operate a Marijuana Business.
3. Evidence showing that the applicant has sufficient title, right or interest in the property in order to conduct the Marijuana Business, such as a deed or lease to the property.

Incomplete Application

If the Town determines that a submitted application is not complete, the applicant shall be notified within ten (10) business days of the additional information required to complete the application.

Lottery Procedure for Marijuana Businesses

In the event the number of applications received for Marijuana Business licenses exceeds the number of licenses available in a particular use category, the Town shall hold a lottery for the limited licenses. Complete applications received by a deadline established by the Town Manager will be entered into the lottery.

Applicants will be notified when a lottery is necessary. A drawing will take place at a time specified by the Town Manager and will be done in full view of all present at that time. Those applications that are drawn will be forwarded to the Board of Select Persons for a licensing decision.

Those not drawn will be considered in future drawings, pending any required updated Business Application information. Application Fee is good for one year from initial Application approval.

Code Enforcement Officer

The Code Enforcement Officer will determine whether an application is complete and will forward all complete applications to the Town Manager if a lottery is required. If no lottery is required, the CEO shall forward all complete applications to the Board of Select Persons for a licensing determination.

A Marijuana Business Licensee shall also obtain all necessary approvals for the property on which the activity will take place from the Code Enforcement Officer and /or the Planning Board as required by Town Ordinances.

Action on Application

(1) Public Hearing

The Town, upon receipt of the Code Enforcement Officer's acceptance of the application as complete, shall schedule a public hearing at a regular or special meeting of the Board of Select

Persons, and shall arrange for public notice of the public hearing in news media relevant to Paris residents, at least seven (7) days prior to the date of the scheduled public hearing.

(2) Board of Select Persons

The Board, after notice and public hearing, shall determine whether an applicant complies with the requirements set forth in this Ordinance.

Upon final determination by the Board, the license will be issued and filed with the Town Clerk.

Duty to Update

Any licensee issued a license under this ordinance shall have the duty to provide and maintain updated and accurate information regarding all the information provided pursuant to the application process within ten (10) business days of any change of status. Failure to provide and maintain current and accurate information may result in revocation of the applicant's license.

Standards for approval, denial, revocation

A license application for a Marijuana Business shall be denied, or an existing license may be revoked or suspended, by the Board of Select Persons after notice and hearing, if the applicant, or licensee:

- (1) Fails to meet the requirements of this ordinance.
- (2) Is not at least 21 years of age.
- (3) Has had a permit/ license for a marijuana business revoked by a municipality or by any other governing authority.
- (4) Has not acquired all necessary state and local approvals prior to issuance of the license.
- (5) Has been convicted of a disqualifying drug offense or convicted of a diversion of product offense.
- (6) Has provided false or misleading information in connection with the permit application.
- (7) If so proved in an investigation, has provided or sold marijuana or marijuana products to a person under the legal age of 21.
- (8) Allows use or consumption of marijuana or marijuana products on the premises.

General Standards

Security

Every Licensed Marijuana Business must meet the following security requirements:

- A. Shall have lockable doors and windows and shall be served by an alarm system.
- B. Shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four (24) hours per day, seven (7) days per week, and video shall be retained for a minimum of thirty (30) days. Such

records shall be made available to investigating agencies when investigating compliance or a complaint.

Ventilation

Every Licensed Marijuana Business must be in an enclosed structure and shall have an odor mitigation system installed and operational that will provide odor control sufficient to insure that no odors are perceptible off the premises or to neighboring tenants in the building (in the event a building has shared occupancy).

Safety and fire hazards

The owners of all Licensed Marijuana Businesses shall agree to be inspected annually by the Paris Fire Department.

Marijuana Cultivation and Manufacturing Facilities must comply with NFPA-1 Chapter 38 standards for "Marijuana Growing, Processing, or Extraction Facilities", and these standards will be utilized by the Paris Fire Department during their inspections of these premises. A Knox Box shall be installed at the structure's exterior entrance for emergency access, and all Knox Boxes shall be obtained and installed by the Paris Fire Department.

Signage

Signage for a Marijuana Business shall comply with State Law and the Paris Sign Ordinance.

Right of Access/ Inspection by law enforcement /CEO

Every Licensed Marijuana Business shall allow law enforcement officers and/or the CEO to enter the premises at reasonable times for the purpose of checking compliance with all applicable state laws, this ordinance, and conditions attached to License approvals. The law enforcement officers and/or the CEO shall also investigate all complaints of any violations of this ordinance.

Indemnification

All Marijuana Business Licenses shall contain the following statement: "By accepting a License, the licensee waives and releases the Town, its officers, elected officials, employees, attorneys, and agents from any liability from injuries, damages, or liabilities of any kind that result from any arrest or prosecution of any Marijuana Business owners, operators, employees, clients, or customers for a violation of local, state or federal laws, rules, or regulations.

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 of damage, or any loss of any kind

whatsoever arising out of or in any manner connected with the operation of a licensed Marijuana Business."

State Law

In the event the State of Maine adopts any additional or stricter law or regulation governing the sale, cultivation, manufacture, distribution, or testing of Adult Use Marijuana or Medical Marijuana, or marijuana products, the additional or stricter regulation shall control the establishment or operation of any Marijuana Business in Paris.

Violations

Any violation of this ordinance, including any failure to comply with any condition, shall be deemed to be a violation of 30-A MRS Sec. 4452.

The license holder shall have 7 days, from the date of official notification of the violation, to correct said violation. If, after 7 days, the violation has not been corrected, the license shall be suspended automatically; the future of the license will depend on the outcome of a subsequent hearing before the Board of Select Persons.

Appeals

An appeal from any final decision of the Board of Select Persons relative to this ordinance may be taken by any party to the Board of Appeals within 30 days of the decision.

Amendments

A. Initiation of Amendments

An amendment to this Ordinance may be initiated by:

1. The Municipal Officers, provided a majority of voters 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 election.

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.

C. Adoption of Amendment

An amendment of this Ordinance shall be adopted by a majority vote of registered voters in the Town of Paris.

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