

MEDICAL MARIJUANA TESTING FACILITY ORDINANCE

I. PURPOSE AND AUTHORITY

- A. To regulate the permitting and operation of Medical Marijuana Testing Facilities within the Town of West Paris, as authorized by the Maine Medical Use of Marijuana Act, 22 M.R.S.A. section 2421 et seq., including all regulations or amendments thereto. The Town reserves the right for additional siting and permits requirements pursuant to Municipal Home Rule Authority and Title 30-A M.R.S.A. 3001 et seq.

II. DEFINITIONS

- A. **Medical Marijuana Testing Facility or Testing Facility** – Means a public or private laboratory authorized under State Law to test Medical Marijuana for contamination, potency, or cannabinoid profile.
- B. **Permit** – Means a document issued by the Town officially authorizing an applicant to operate a Medical Marijuana Testing Facility.
- C. **Resident** – Means a person who is domiciled in the State of Maine.
- D. **Town** – Means Town of West Paris.
- E. **License** – Means a license issued by the State of Maine to operate a Medical Marijuana Testing Facility.

III. NEW OR EXISTING BUILDING REQUIREMENTS

- A. **Code Enforcement Officer Review** – The West Paris Code Enforcement Officer shall review all applications for building permits for the construction of a new Medical Marijuana Testing Facility or permission for the change of use of an existing building to a Testing Facility.
- B. **Signage** – All signs in the Town of West Paris may not use a pictorial representation of any portion of a marijuana plant, products, or by-products associated with a Medical Marijuana Testing Facility.
- C. **Security** – Security requirements for a Medical Marijuana Testing Facility shall include:
 - 1. Lockable doors and windows to include intrusion alarms with audible notification components sending notification directly to the owner or

through a second party to the Oxford County Sheriffs' Department or other Maine Law Enforcement Agency.

2. Video surveillance capable of covering the exterior of the facility, interior, and all plants cultivated within the facility. The video surveillance system shall be operated with continuous recording twenty-four (24) hours per day, seven (7) 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. Security requirement for outdoor growing facilities shall meet State requirements for fencing and security.

D. **Permanent Location** – Each testing Facility shall be operated from a permanent location. No Testing Facility shall be permitted to operate from a movable, mobile, or transitory location.

IV. PERMIT APPLICATION

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

A. The applicant shall present one (1) of the following forms of identification upon submission of an application to operate a Testing Facility:

1. A valid State of Maine motor vehicle operators' license.
2. A current State of Maine Identification Card.
3. A United States Military Identification Card.
4. A valid Passport or Nexus Card.

B. The applicant shall provide the following information for all persons having a 10% financial interest or more in the Testing facility.

1. Name, address, and date of birth.
2. Acknowledgment and consent that the State of Maine has conducted a background investigation, including a criminal history check.

- C. The applicant shall provide sufficient documentation to demonstrate ownership of the proposed permitted premises or possession or entitlement to possession of the premises pursuant to a lease, rental agreement, or other arrangement.

V. PERMIT REQUIREMENT

Any person operating a Medical Marijuana Testing Facility within the Town must obtain a permit which shall be reviewed pursuant to the requirements set forth in this Ordinance, as well as the criteria and regulations as set forth in the Maine Medical Use of Marijuana Act, including all regulations or amendments thereto. Issuance of a conditional license by the State shall be considered evidence of compliance with State requirements.

All Permits for Testing Facilities shall require review and approval by the Town of West Paris Planning Board. The Planning Board will only consider applications which have received a conditional license from the State of Maine.

- A. Permits are valid for one (1) year.
- B. Permits will only be issued for a Testing Facility that is located no less than 1000 feet from a pre-existing church, private or public school, State licensed Day Care Center, or public athletic field, park, playground, or recreational facility.
- C. Permits, shall be kept current at all times.
- D. Applicant must be at least twenty-one (21) years of age.
- E. Permits shall be posted in a conspicuous location at the Testing Facility.
- F. Testing Facility Permits are not transferable.
- G. Upon receipt of an application for a new permit or renewal, the Town Planning Board shall review the application for approval within forty-five (45) days after receipt of the completed application.
- H. Incomplete, false, or misleading applications will not be processed.
- I. Initial and Renewal Permit fees charged under this Ordinance will be in accordance with Town of West Paris fee schedule. All fees are non-refundable and due upon receipt of the approved application.

VI. SUSPENSION OR REVOCATION

- A. After notice and hearing, the Planning Board may suspend, revoke or refuse to renew a permit for a Testing facility for failing to comply with this Ordinance and/or the Maine Medical Use of Marijuana Act.
- B. In suspending, revoking or refusing to renew a permit for a Testing Facility, the Planning Board may take into consideration:
 - 1. Number and types of complaints law enforcement received, investigated, and substantiated.
 - 2. Failing to correct or abate any violation that the Code Enforcement Officer is authorized to enforce.

VII. APPEALS

Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within thirty (30) days of the denial, suspension, or revocation, appeal the decision to the Town of West Paris Board of Selectmen. The Board of Selectmen may grant or reinstate the permit if it finds that the denial, revocation, or suspension was arbitrary or capricious, or that the denial, revocation, or suspension was not based on sufficient evidence or on a violation of any Ordinance, article, bylaw, or rule or regulation of the Town of West Paris or State of Maine.

VIII. REGULATIONS

Regulations pertaining to this Ordinance shall comply with the Maine Medical Use of Marijuana Act, including all regulations or amendments thereto.

IX. RIGHT OF ACCESS

Every operator of a Testing Facility shall allow law enforcement and code enforcement officers to enter the premises at reasonable times for the purpose of investigating compliance with this Ordinance.

X. INDEMNIFICATION

- A. By accepting a permit issued pursuant to this Ordinance, the permittee 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 Testing Facility owners, operators, employees, clients or customers for a violation of local, state or federal laws, rules or regulations.

- B. By accepting a permit issued pursuant to this Ordinance, all permittees, 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 permitted Testing Facility.

XI. STATE LAW

In the event the State of Maine adopts any additional or stricter laws or regulations governing Medical Marijuana Testing Facilities, compliance with any applicable State law or regulation shall be deemed an additional requirement for issuance or denial of any permit under this Ordinance. Furthermore, any noncompliance with any applicable State law or regulation shall be grounds for revocation or suspension of any permit issued hereunder.

XII. AMENDMENTS

This Ordinance may be amended by the Town after proper notice and Town meeting. Amendments shall take effect seven (7) days after passed by Town vote and remain in effect until further amended or repealed.

XIII. PENALTIES

This Ordinance shall be enforced by the Code Enforcement Officer. Violations of this Ordinance shall be subject to the enforcement and penalty provisions of 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 permitting a Testing Facility, this Ordinance becomes effective immediately upon approval by Town vote.

Adopted by the Town of West Paris on _____

ATTEST:

Town Clerk: _____

Printed Name

Signature.

MEDICAL MARIJUANA MANUFACTURING FACILITY ORDINANCE

I. PURPOSE AND AUTHORITY

To regulate the permitting and operation of Medical Marijuana Manufacturing Facilities within the Town of West Paris, as authorized by the Maine Medical Use of Marijuana Act 22 M.R.S. section 2421 et seq., including all regulations or amendments thereto. The Town of West Paris reserves the right for additional siting and permits requirements pursuant to Municipal Home Rule Authority and Title 30-A M.R.S.A. 3001 et seq.

II. DEFINITIONS

- A. **Medical Marijuana Manufacturing Facility or Manufacturing Facility:**
A facility licensed by the State of Maine to produce, blend, infuse, compound, or otherwise prepare marijuana and marijuana products, including but not limited to marijuana extraction or preparation by means of chemical synthesis. Manufacturing or manufacture does not include cultivation or testing.
- B. **Permit:**
A document issued by the Town officially authorizing an applicant to operate a Medical Marijuana Manufacturing Facility.
- C. **Town:**
Town of West Paris
- D. **License:**
A license issued by the State of Maine to operate a Medical Marijuana Manufacturing Facility

III. NEW OR EXISTING BUILDING REQUIREMENTS

- A. The West Paris Code Enforcement Officer shall review all applications for building permits for the construction of new Medical Marijuana Manufacturing Facilities or permission for the change of use of an existing building to a Medical Marijuana Manufacturing Facility.
 - 1. **Buffer strip:**
The Code Enforcement Officer may require a buffer strip of a minimum of seventy five (75) feet and up to one hundred fifty (150) feet between a marijuana manufacturing facility and abutting land where the Code Enforcement Officer deems that separation is desirable. The developer shall notify prospective buyers of the existence of these adjacent activities by noting them on recorded plans.

2. **Inherently Hazardous substance:**

A liquid chemical, a compressed gas, carbon dioxide, or commercial product that has a flash point at or lower than thirty eight (38) degrees celsius or one hundred (100) degrees Fahrenheit, including, but not limited to butane, propane, and diethyl ether. Inherently Hazardous Substance includes any form of alcohol or ethanol.

a. The Code Enforcement Officer will consider compliance with all State Regulations regarding these materials and all requirements

3. **Marijuana Manufacturing by-products:**

Water and other waste generated by any manufacturing process.

a. The Code Enforcement Officer will consider the proper and environmentally safe disposal of all manufacturing by-products.

B. Signage:

All signs in the Town of West Paris may not use a pictorial representation of any portion of a marijuana plant, products, or by-products associated with a Medical Marijuana Manufacturing Facility.

C. Security:

1. Security requirements for a Medical Marijuana Manufacturing Facility shall include:

a. Lockable doors and windows to include intrusion alarms with audible notification components sending notification directly to the owner or through a second party to the Oxford County Sheriff's Department or other Maine Law Enforcement Agency.

b. Video surveillance capable of covering the exterior of the facility, interior, and all plants cultivated within the facility. The video surveillance system shall be operated with continuous recording twenty-four (24) hours per day, seven (7) 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.

c. Security requirement for outdoor growing facilities shall meet the State requirements for fencing and security.

D. Permanent Location:

1. Each Medical Manufacturing Facility shall be operated from a permanent location. No Medical Manufacturing Facility shall be permitted to operate from a movable, mobile, transitory location.

- E. Ventilation:
 - 1. Any Medical Manufacturing Facility shall meet the minimum State requirements for ventilation.

IV PERMIT APPLICATION

- A. A person seeking a permit or renewal of a permit issued pursuant to this Ordinance shall submit an application to the Town Clerk or the Deputy Town Clerk on approved forms provided by the Town. Pursuant to 28-B M.R.S. section 402, an applicant seeking to operate a Medical Manufacturing Facility may not submit an application for a license unless the applicant has been issued a conditional license by the State of Maine to operate the Medical Manufacturing Facility.
- B. The applicant shall present one (1) of the following forms of identification upon submission of an application to operate a Medical Marijuana Manufacturing Facility.
 - 1. A valid State of Maine motor vehicle operator's license.
 - 2. A current State of Maine Identification Card.
 - 3. A United States Military Identification Card.
 - 4. A valid Passport or Nexus Card.
- C. The applicant shall provide the following information for all persons having a ten (10) percent or more financial interest in the Medical Marijuana Manufacturing Facility.
 - 1. Name, address, and date of birth.
 - 2. Acknowledgement and consent that the State of Maine has conducted a background investigation, including a criminal history check.
- D. The applicant shall provide sufficient documentation to demonstrate ownership of the proposed permitted premises or possession or entitlement to possession of the premises pursuant to a lease, rental agreement, or other arrangement.

V. PERMIT REQUIREMENT

- A. Any person operating a Medical Marijuana Manufacturing Facility within the Town must obtain a permit which shall be reviewed pursuant to the requirements set forth in this Ordinance, as well as the criteria and regulations, as set forth in Title 28-B M.R.S., including all regulations or amendments thereto. Issuance of a conditional license by the State shall be considered evidence of compliance with State requirements.

B. All permits for Medical Marijuana Manufacturing Facility shall require review and approval by the West Paris Planning Board.

1. Permits are valid for one (1) year.
2. Permits will only be issued for a Medical Marijuana Manufacturing Facility that is located no less than one thousand (1000) feet from the property line of a church, a pre-existing private or public school, state licensed day care center, public athletic field, park, playground, or recreational facility.
3. Permits shall be kept current at all times.
4. Applicant must be at least twenty-one (21) years of age or older.
5. Permits shall be posted in a conspicuous location at the Medical Marijuana Manufacturing Facility.
6. Medical Marijuana Manufacturing Permits are not transferable.
7. Upon receipt of an application for a new permit or renewal, the Town Planning Board shall review the application for approval within forty-five (45) days after receipt of the completed application.
8. Incomplete, false, or misleading applications will not be processed.

VI. PERMIT

A. Permit Fees:

Initial and Renewal Permit Fees charged under this Ordinance will be in accordance with the Town of West Paris fee schedule. All fees are non-refundable and due upon receipt of the approved application.

VII. SUSPENSION OR REVOCATION

- A. The Planning Board may suspend, revoke, or refuse to renew a permit for a Medical Marijuana Manufacturing Facility for failing to comply with this Ordinance and Title 28-B M.R.S.
- B. In suspending, revoking, or refusing to renew a permit for a Medical Marijuana Manufacturing Facility, the Planning Board may take into consideration:
 1. Number and types of complaints law enforcement received, investigated, and substantiated.
 2. Failing to correct or abate any violation that the Code Enforcement Officer is authorized to enforce.

VIII. APPEALS

Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within thirty (30) days of the denial, suspension, or revocation, appeal the decision to the Town of West Paris Board of Selectmen. The Board of selectmen may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety, or welfare or that the denial, revocation, or suspension was arbitrary or capricious, or that the denial, revocation, or suspension was not based on a preponderance of the evidence or on a violation of any Ordinance, article, bylaw, or rule or regulation of the Town of West Paris.

IX. REGULATIONS

Regulations pertaining to this Ordinance comply with Title 28-b M.R.S., including all regulations or amendments thereto.

X. RIGHT OF ACCESS

Every Medical Marijuana Manufacturing Facility shall allow Law Enforcement and Code Enforcement Officers to enter the premises at reasonable times for investigating compliance with this Ordinance and Title 28-B M.R.S.

XI. INDEMNIFICATION

- A. By accepting a permit issued pursuant to this Ordinance, the permit 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 Medical Marijuana Manufacturing Facility owners, operators, employees, clients or customers for a violation of Local, State or federal laws, rules or regulations.
- B. By accepting a permit issued pursuant to this Ordinance, all permits, 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 permitted Medical Marijuana Manufacturing Facility.

XII. STATE LAW

In the event the State of Maine adopts any additional or stricter laws or regulations governing a Medical Marijuana Manufacturing Facility, compliance with any applicable State law or regulation shall be deemed an additional requirement for issuance or denial of any permit under this Ordinance, Furthermore, any noncompliance with any applicable Stat law or regulation shall be grounds for revocation or suspension of any permit issued hereunder.

XII. AMENDMENTS

This Ordinance may be amended by the Planning Board after proper notice and Town meeting. Amendments shall take effect seven (7) days after passed by Town vote and remain in effect until further amended or repealed.

XIV. PENALTIES

This Ordinance shall be enforced by the Code Enforcement Officer. Violations of this Ordinance shall be subject to the enforcement and penalty provisions of Title 30-A M.R.S.A. section 4452.

XV. 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.

XVI. EFFECTIVE DATE

For the purposes of permitting a Medical Marijuana Manufacturing Facility, this Ordinance becomes effective immediately upon approval by Town Vote.

Adopted by the Town of West Paris on _____

ATTEST:

Town Clerk: _____
Printed Name

Signature

MEDICAL MARIJUANA CAREGIVER RETAIL STOREFRONT ORDINANCE

I. PURPOSE AND AUTHORITY

- A. To regulate the permitting and operation of Medical Marijuana Caregiver Retail Stores within the Town of West Paris, as authorized by the Maine Medical Use of Marijuana Act, 22 M.R.S.A. 52421 et seq., including all regulations or amendments thereto. The Town reserves the right for additional siting and permit requirements pursuant to Municipal Home Rule Authority and 30-M.R.S.A. 3001 et seq.

II. DEFINITIONS

- A. **Medical Marijuana Caregiver Retail Store or Retail Store:**
A storefront operated by a licensed medical marijuana caregiver, which is operated in a facility separate from his/her personal address for the purpose of selling medical marijuana and related products to qualifying patients.
- B. **Permit:**
A document issued by the Town officially authorizing an applicant to operate a Medical Marijuana Caregiver Retail Store.
- C. **Resident:**
A person who is domiciled in the State of Maine.
- D. **Town:**
Town of West Paris
- E. **License:**
A card or license issued by the State of Maine to operate a Medical Marijuana Caregiver Retail Store.

III. NEW OR EXISTING BUILDING REQUIREMENTS

- A. **Code Enforcement Officer Review:**
The West Paris Code Enforcement Officer shall review all applications for building permits for the construction of a new Medical Marijuana Caregiver Retail Store or permission for the change of use of an existing building to a Retail Store.
- B. **Signage**
All signage in the Town of West Paris may not use a pictorial representation of any portion of a marijuana plant, products, or by-products associated with a Medical Marijuana Caregiver Retail Store.

- C. **Security Requirements:**
Lockable doors and windows to include intrusion alarms with audible notification components sending notification directly to the owner or through a second party to the Oxford County Sheriff's Department or other Maine Law Enforcement Agency.

Video surveillance capable of covering the exterior and the 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 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.

- D. **Permanent Location:**
Each Medical Marijuana Caregiver Retail Store shall be operated from a permanent location. No Medical Marijuana Retail Store shall be permitted to operate from a movable, mobile, or transitory location.

IV. PERMIT APPLICATION FOR OPERATION

- A. A person seeking a permit or renewal of a permit issued pursuant to this Ordinance, shall submit an application to the Town Clerk or Deputy Town Clerk on approved forms provided by the Town.
- B. The applicant shall present one (1) of the following forms of identification upon submission of an application to operate a Medical Marijuana caregiver retail Store.
1. A valid State of Maine motor vehicle operator's license.
 2. A current State of Maine Identification Card.
 3. A United States Military Identification Card.
 4. A valid Passport or Nexus Card.
- C. The applicant shall provide the following information for all persons having a ten percent (10%) or more financial interest in the AUMRS.
1. Name, address and date of birth.
 2. Acknowledgment and consent that the State of Maine has conducted a background investigation, including a criminal history check.
- D. The applicant shall provide sufficient documentation to demonstrate ownership of the proposed permitted premises or possession or entitlement to possession of the premises pursuant to a lease, rental agreement, or other arrangement.

V. PERMIT REQUIREMENT

- A. Any person operating a Medical Marijuana Caregiver Retail Store within the Town must obtain a permit which shall be reviewed pursuant to the requirements set forth in this Ordinance, as well as the criteria and regulations as set forth in the Maine Medical Use of Marijuana Act, including all regulations or amendments thereto.
- B. A permit will only be issued for a Medical Marijuana Caregiver Retail Store that is located no less than one thousand (1,000) feet from the property line of a Church, a pre-existing private or public school, state licensed day care center, public athletic field, park, playground or recreational facility.
- C. Permits shall be kept current at all times.
- D. Permits are valid for one (1) year.
- E. Applicant must be twenty- one (21) years of age or older.
- F. Permits shall be posted in a conspicuous location at the Medical Marijuana Caregiver Retail Store.
- G. Medical Marijuana Caregiver Retail Store Permits are not transferable.
- H. Upon receipt of an application for a new permit or renewal, the Town Planning Board shall review the application for approval or denial within forty- five (45) days after receipt of the completed application.
- I. Incomplete, false or misleading applications will not be processed.
- J. Initial and Renewal Permit fees charged under this ordinance will be in accordance with the Town of West Paris fee schedule. All fees are non-refundable and due upon receipt of the application and the approved application.

VI SUSPENSION OR REVOCATION

- A. After notice and hearing, the Planning Board may suspend, revoke or refuse to renew a permit for a Medical Marijuana Caregiver Retail Store for failing to comply with this Ordinance and/or the Maine Medical Use of Marijuana Act.
- B. In suspending, revoking or refusing to renew a permit for a Medical Marijuana Retail Store, the Planning Board may take into consideration:

1. Number and types of complaints law enforcement received, investigated, and Substantiated.
2. Failing to correct or abate any violation that the Code Enforcement Officer is authorized to enforce.

VII. APPEALS

Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within thirty (30) days of the denial, suspension, or revocation, appeal the decision to the Town of West Paris Board of Selectmen. The Board of Selectmen may grant or reinstate the permit if it finds that the denial, revocation, or suspension was arbitrary or capricious, or that the denial, revocation, or suspension was not based on sufficient evidence or on a violation of any ordinance, article, bylaw, or rule or regulation of the Town of West Paris.

VIII. REGULATIONS

Regulations pertaining to this ordinance shall comply with the Maine Medical Use of Marijuana Act, including all regulations or amendments thereto.

IX. RIGHT OF ACCESS

Every operator of a Medical Marijuana Caregiver Retail Store shall allow law enforcement and code enforcement officers to enter the premises at reasonable times for substantiating compliance with this Ordinance.

X. INDEMNIFICATION

- A. By accepting a permit issued pursuant to this Ordinance, the permittee 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 Medical Marijuana Caregiver Retail Store owners, operators, employees, clients or customers for a violation of Local, State, or Federal laws, rules or regulations.
- B. By accepting a permit issued pursuant to this Ordinance, all permittees, 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, 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 permitted Medical Marijuana Caregiver Retail Store.

XI. STATE LAW

In the event the State of Maine adopts any additional or stricter laws or regulations governing Medical Marijuana Caregiver Retail Stores, compliance with any applicable State Law or Regulation shall be deemed an additional requirement for issuance or denial of any permit under this Ordinance. Furthermore, any noncompliance with any applicable State Law or Regulation shall be grounds for revocation or suspension of any permit issued hereunder.

XII. AMENDMENTS

This Ordinance may be amended by the Town after proper notice and Town Meeting. Amendments shall take effect seven (7) days after passed by Town vote and remain in effect until further amended or repealed.

XIII. PENALTIES

This Ordinance shall be enforced by the Code Enforcement Officer. Violations of this Ordinance shall be subject to the enforcement and penalty provisions of 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 allowing a Medical Marijuana Caregiver Retail Store, this Ordinance becomes effective immediately upon approval by Town vote.

Adopted by vote of the Town of West Paris on _____

ATTEST:

Town Clerk: _____
Printed Name

Signature

MEDICAL MARIJUANA CULTIVATION FACILITY ORDINANCE

I. PURPOSE AND AUTHORITY

- A. To regulate the permitting and operation of Medical Marijuana Cultivation Facilities within the Town of West Paris, as authorized by the Maine Medical Use of Marijuana Act, 22 M.R.S.A. section 2421 et seq., including all regulations or amendments thereto. The Town reserves the right for additional siting and permits requirements pursuant to Municipal Home Rule Authority and Title 30-A M.R.S.A. 3001 et seq.

II. DEFINITIONS

- A. **Medical Marijuana Cultivation Facility** – Means a facility licensed to cultivate, prepare, and package medical marijuana at a location that is not the residence of the Registered Caregiver or Qualifying Patient.
- B. **Permit** – Means a document issued by the Town officially authorizing an applicant to operate a Medical Marijuana Cultivation Facility.
- C. **Resident** – Means a person who is domiciled in the State of Maine.
- D. **Town** – Means Town of West Paris.
- E. **License** – Means a license issued by the State of Maine to operate a Medical Marijuana Cultivation Facility.

III. NEW OR EXISTING BUILDING REQUIREMENTS

- A. **Code Enforcement Officer Review** – The West Paris Code Enforcement Officer shall review all applications for building permits for the construction of a new Medical Marijuana Cultivation Facility or permission for the change of use of an existing building to a Cultivation Facility.

B. SIGNAGE

All signage in the Town of West Paris may not use a pictorial representation of any portion of a marijuana plant, products, or by products associated with a Medical Marijuana Cultivation Facility.

- C. **Security** – Security requirements for a Medical Cultivation Facility shall include:

1. Lockable doors and windows to include intrusion alarms with audible notification components sending notification directly to the owner or through a second party to the Oxford County Sheriff's Department or other Maine Law Enforcement Agency.
 2. Video Surveillance capable of covering the exterior of the facility, interior, and all plants cultivated within the facility. The video surveillance system shall be operated with continuous recording twenty - four (24) 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. Security requirement for outdoor growing facilities shall meet the State requirements for fencing and security.
- D. **Permanent Location** – Each Cultivation Facility shall be operated from a permanent location. No Cultivation Facility shall be permitted to operate from a movable, mobile, or transitory location.
- E. **Ventilation** – Any indoor operation of a Cultivation facility shall meet the minimum State requirements for ventilation.
- F. **Odors** – The applicant must submit an odor control plan. The Code Enforcement Officer will review the plan for compliance with any State of Maine Regulations.

IV. PERMIT APPLICATION

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

- A. The applicant shall present one (1) of the following forms of identification upon submission of an application to operate a Cultivation Facility:
1. A valid State of Maine motor vehicle operator's license.
 2. A current State of Maine Identification Card.
 3. A United States Military Identification Card.
 4. A Valid passport or Nexus Card.

- B. The applicant shall provide the following information for all persons having a 10% financial interest or more in the Cultivation Facility.
 - 1. Name, address, and date of birth.
 - 2. Acknowledgment and consent that the State of Maine has conducted a background investigation, including a criminal history check.
- C. The applicant shall provide sufficient documentation to demonstrate ownership of the proposed permitted premises or possession or entitlement to possession of the premises pursuant to a lease, rental agreement or other arrangement.

V. PERMIT REQUIREMENT

Any person operating a Medical Marijuana Cultivation Facility within the Town must obtain a permit which shall be reviewed pursuant to the requirements set forth in this Ordinance, as well as the criteria and regulations as set forth the Maine Medical Use of Marijuana Act, including all regulations or amendments thereto. Issuance of a conditional license by the State shall be considered evidence of compliance with State requirements.

All permits for Cultivation Facilities shall require review and approval by The West Paris Planning Board. The Planning Board will only consider applications which have received a conditional license from the State of Maine.

- A. Permits are valid for one (1) year.
- B. Permits will only be issued for a Cultivation Facility that is located no less than 1,000 feet from the property line of a pre-existing church, private or public school, state licensed day care center, public athletic field, park, playground or recreational facility.
- C. Permits shall be kept current at all times.
- D. Applicant must be at least twenty-one (21) years of age.
- E. Permits shall be posted in a conspicuous location at the Cultivation Facility.
- F. Cultivation Facility permits are not transferable.
- G. Upon receipt of an application for a new permit or renewal, the Town of West Paris Planning Board shall review the application for approval within forty-five (45) days after receipt of the completed application.

- H. Incomplete, false, or misleading applications will not be processed.
- I. Initial and Renewal Permit fees charged under this Ordinance will be in accordance with the Town of West Paris fee schedule. All fees are non-refundable and due upon receipt of the approved application.

VI. SUSPENSION OR REVOCATION

- A. After notice and hearing, the Planning Board may suspend, revoke or refuse to renew a permit for a Cultivation Facility for failing to comply with this Ordinance and/or the Maine Medical Use of Marijuana Act.
- B. In suspending, revoking, or refusing to renew a permit for a Cultivation Facility, the Planning Board may take into consideration:
 - 1. Number and types of complaints law enforcement received, investigated, and substantiated.
 - 2. Failing to correct or abate any violation that the Code Enforcement Officer is authorized to enforce.

VII. APPEALS

Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within 30 days of the denial, suspension, or revocation, appeal the decision to the Town of West Paris Board of Selectmen. The Board of Selectmen may grant or reinstate the permit if it finds that the denial, revocation, or suspension was arbitrary or capricious, or that the denial, revocation, or suspension was not based on sufficient evidence or on a violation of any ordinance, article, bylaw, or rule or regulation of the Town of West Paris or State of Maine.

VIII. REGULATIONS

Regulations pertaining to this Ordinance shall comply with the Maine Medical Use of Marijuana Act, including all regulations or amendments thereto.

IX. RIGHT OF ACCESS

Every operator of a Cultivation Facility shall allow law enforcement and code enforcement officers to enter the premises at reasonable times for the purpose of investigating compliance with this Ordinance.

X. INDEMNIFICATION

A. By accepting a permit issued pursuant to this Ordinance, the permittee 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 Cultivation Facility owners, operators, employees, clients or customers for a violation of Local, State or Federal laws, rules or regulations.

B. By accepting a permit issued pursuant to this Ordinance, all permittees, 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 permitted Cultivation Facility.

XI. STATE LAW

In the event the State of Maine adopts any additional or stricter laws or regulations governing Medical Marijuana Cultivation Facilities, compliance with any applicable State law or regulation shall be deemed an additional requirement for issuance or denial of any permit under this Ordinance. Furthermore, any noncompliance with any applicable State law or regulation shall be grounds for revocation or suspension of any permit issued hereunder.

XII. AMENDMENTS

This Ordinance may be amended by the Town after proper notice and Town meeting. Amendments shall take effect seven (7) days after passed by Town vote and remain in effect until further amended or repealed.

XIII. PENALTIES

This Ordinance shall be enforced by the Code Enforcement Officer. Violations of this Ordinance shall be subject to the enforcement and penalty provisions of 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 permitting a Cultivation Facility, this Ordinance becomes effective immediately upon approval by Town vote.

Adopted by vote of the Town of West Paris on _____

ATTEST:

Town Clerk: _____

Printed Name

Signature