

Town of Parsonsfield Medical Marijuana Land Use Ordinance

Municipal authorization needed. Authorize registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are not operating on the effective date of this section to operate in the municipality unless the municipal legislative body, as defined in Title 30-A, section 2001, subsection 9, has voted to adopt or amend an ordinance or approve a warrant article allowing registered caregiver retail stores, registered dispensaries, marijuana testing facilities or manufacturing facilities, as applicable, to operate within the municipality.

Article 1.

Shall the town allow Medical Marijuana Retail Stores, as defined in MRS Title 22, Chapter 558-C section 2423-A Subsection 2 paragraph P?

Explanatory note: Medical Marijuana Retail Stores: Registered Caregivers may:

P. Operate one retail store to sell harvested marijuana (and marijuana products) to qualifying patients for the patients' medical use in accordance with this chapter; and

Q. Be organized as any type of legal business entity recognized under the laws of the State.

Land Use: If passed, Medical Marijuana Retail Stores will be permitted as follows:

USE/STRUCTURE	V	VR	R	FF	LIO	PW	RC
<u>COMMERCIAL</u>							
Accessory Structure							
Medical Marijuana Retail Stores (less than 4000 sq.ft.)	R	R	R	N	N	R	N
Medical Marijuana Retail Stores (more than 4000 sq.ft.)	S	N	N	N	R	N	N

USE/Structure Legend:

V= Village VR=Village Residential R= Rural Residential FF= Forest & Farm
 LIO= Light Industrial PW= Public Water Protection RC= Resource Conservation

Permit Legend:

- P** = Allowed use requires building or use permit from CEO.
- R** = Use requires site plan review permit from Planning Board following site plan review (may be a minor or major review).
- C** = Use requires conditional use permit from Planning Board following conditional use review.
- S** = Use requires special exception permit from Planning Board following site plan review, provided that the applicant shows by substantial evidence:
 - A. There is no alternate site which is both suitable to the proposed use and reasonably available to the applicant.
 - B. That an environmental neighborhood impact report shows that there will be no adverse impacts on neighboring uses.
- N** = Prohibited use.

The town has the right revoke approval (with a 60 day notice) for any business with “Good cause”:

Good cause. "Good cause," for purposes of denial of an initial license application or denial of a renewal or reinstatement of a license application, means:

1. The licensee or applicant has violated, does not meet or has failed to comply with any of the terms, conditions or provisions of this chapter, any rules adopted pursuant to it or any supplemental relevant state or local law, rule or regulation; or
2. The licensee or applicant has failed to comply with any special terms, consent decree or conditions that were placed upon the license pursuant to an order of the state licensing authority or the relevant municipality.

A prohibition of Medical Marijuana Retail Stores would NOT affect personal use and possession of marijuana or existing medical marijuana permitted uses.

****If passed this ordinance will take effect immediately.****

A **YES** vote will allow Medical Marijuana Retail Stores.
 A **NO** vote will not allow Medical Marijuana Retail Stores.

Article 2.

Shall the town allow Medical Marijuana Retail Dispensaries, as defined in MRS Title 22, Chapter 558-C section 2428?

Explanatory note: Medical Marijuana Retail Dispensary: "Registered dispensary" or "dispensary" means an entity registered under section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

Land Use: If passed, Medical Marijuana Retail Dispensaries will be permitted as follows:

USE/STRUCTURE	V	VR	R	FF	LIO	PW	RC
<u>COMMERCIAL</u> Accessory Structure							
Medical Marijuana Retail Dispensary (less than 4000 sq.ft.)	R	R	R	N	N	R	N
Medical Marijuana Retail Dispensary (more than 4000 sq.ft.)	S	N	N	N	R	N	N

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R = Use requires site plan review permit from Planning Board following site plan review (may be a minor or major review).

C = Use requires conditional use permit from Planning Board following conditional use review.

S = Use requires special exception permit from Planning Board following site plan review, provided that the applicant shows by substantial evidence:

A. There is no alternate site which is both suitable to the proposed use and reasonably available to the applicant.

B. That an environmental neighborhood impact report shows that there will be no adverse impacts on neighboring uses.

N = Prohibited use.

The town has the right revoke approval (with a 60 day notice) for any business with “Good cause”:

Good cause. "Good cause," for purposes of denial of an initial license application or denial of a renewal or reinstatement of a license application, means:

3. The licensee or applicant has violated, does not meet or has failed to comply with any of the terms, conditions or provisions of this chapter, any rules adopted pursuant to it or any supplemental relevant state or local law, rule or regulation; or

4. The licensee or applicant has failed to comply with any special terms, consent decree or conditions that were placed upon the license pursuant to an order of the state licensing authority or the relevant municipality.

A prohibition of Medical Marijuana Retail Dispensaries would NOT affect personal use and possession of marijuana or existing medical marijuana permitted uses.

If passed this ordinance will take effect immediately.

A **YES** vote will allow Medical Marijuana Retail Dispensaries.
A **NO** vote will not allow Medical Marijuana Retail Dispensaries.

Article 3.

Shall the town allow Medical Marijuana testing facilities, as defined in MRS Title 22, Chapter 558-C section 2423-A?

Explanatory note: "Marijuana testing facility" means a public or private laboratory that:

A. Is authorized in accordance with section 2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and

B. Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the department.

Land Use: If passed, Medical Marijuana testing facilities will be permitted as follows:

USE/STRUCTURE	V	VR	R	FF	LIO	PW	RC
COMMERCIAL							

Accessory Structure							
Medical Marijuana testing facilities	R	R	R	R*	P	N	N

*Any structure utilized or built for a Medical Marijuana testing facility less than 1,000 square feet. Structures larger than 1,000 square feet will require (S) Special exception permit.

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- C = Use requires conditional use permit from Planning Board following conditional use review.
- S = Use requires special exception permit from Planning Board following site plan review, provided that the applicant shows by substantial evidence:
 - A. There is no alternate site which is both suitable to the proposed use and reasonably available to the applicant.
 - B. That an environmental neighborhood impact report shows that there will be no adverse impacts on neighboring uses.
- N = Prohibited use.

The town has the right revoke approval (with a 60 day notice) for any business with “Good cause”:

Good cause. "Good cause," for purposes of denial of an initial license application or denial of a renewal or reinstatement of a license application, means:

1. The licensee or applicant has violated, does not meet or has failed to comply with any of the terms, conditions or provisions of this chapter, any rules adopted pursuant to it or any supplemental relevant state or local law, rule or regulation; or
2. The licensee or applicant has failed to comply with any special terms, consent decree or conditions that were placed upon the license pursuant to an order of the state licensing authority or the relevant municipality.

A prohibition of Medical Marijuana testing facilities would NOT affect personal use and possession of marijuana or existing medical marijuana permitted uses.

If passed this ordinance will take effect immediately.

A **YES** vote will allow Medical Marijuana testing facilities.
A **NO** vote will not allow Medical Medical Marijuana testing facilities.

Article 4.

Shall the town allow Medical Marijuana Tier 1 Manufacturing facilities, as defined in MRS Title

22, Chapter 558-C Section 2423-F?

Explanatory note: Medical Marijuana Manufacturing facilities: “"Manufacturing facility" means a registered tier 1 or tier 2 manufacturing facility or a person or entity authorized to engage in marijuana extraction under section 2423-F.”

Manufacture or manufacturing: "Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.”

Tier 1 manufacturing facility: “A tier 1 manufacturing facility registered pursuant to subsection 8 may engage in the activities authorized under subsection 4 in accordance with rules adopted pursuant to subsection 10 and may possess up to 40 pounds of harvested marijuana and marijuana in various stages of processing at any one time.”

Land Use: If passed, Medical Marijuana Tier 1 Manufacturing facilities will be permitted as follows:

USE/STRUCTURE	V	VR	R	FF	LIO	PW	RC
<u>COMMERCIAL</u>							
Accessory Structure							
Medical Marijuana Tier 1 Manufacturing facilities	R	N	R	R*	P	N	N

*Any structure utilized or built for a Medical Marijuana Tier 1 manufacturing facility less than 1,000 square feet. Structures larger than 1,000 square feet will require **(S)** Special exception permit.

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- C** = Use requires conditional use permit from Planning Board following conditional use review.
- S** = Use requires special exception permit from Planning Board following site plan review, provided that the applicant shows by substantial evidence:
 - A. There is no alternate site which is both suitable to the proposed use and reasonably available to the applicant.
 - B. That an environmental neighborhood impact report shows that there will be no adverse impacts on neighboring uses.
- N** = Prohibited use.

The town has the right revoke approval (with a 60 day notice) for any business with “Good cause”:

Good cause. "Good cause," for purposes of denial of an initial license application or denial of a renewal or reinstatement of a license application, means:

3. The licensee or applicant has violated, does not meet or has failed to comply with any of the terms, conditions or provisions of this chapter, any rules adopted pursuant to it or any supplemental relevant state or local law, rule or regulation; or
4. The licensee or applicant has failed to comply with any special terms, consent decree or conditions that were placed upon the license pursuant to an order of the state licensing authority or the relevant municipality.

A prohibition of Medical Marijuana Tier 1 Manufacturing facilities would NOT affect personal use and possession of marijuana or existing medical marijuana permitted uses.

If passed this ordinance will take effect immediately.

A **YES** vote will allow Medical Marijuana Tier 1 Manufacturing facilities.
 A **NO** vote will not allow Medical Marijuana Tier 1 Manufacturing facilities.

Article 5.

Shall the town allow Medical Marijuana Tier 2 Manufacturing facilities, as defined in MRS Title 22, Chapter 558-C Section 2423-F?

Explanatory note: Marijuana Manufacturing facilities: “Manufacturing facility” means a registered Tier 1 or Tier 2 manufacturing facility or a person or entity authorized to engage in marijuana extraction under section 2423-F.”

Manufacture or manufacturing: "Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.”

Tier 2 manufacturing facility: “A Tier 2 manufacturing facility registered pursuant to subsection 8 may engage in the activities authorized under subsection 4 in accordance with rules adopted pursuant to subsection 10 and may possess up to 200 pounds of harvested marijuana and marijuana in various stages of processing at any one time.”

Land Use: If passed, Medical Tier 2 Marijuana manufacturing facilities will be permitted as follows:

USE/STRUCTURE	V	VR	R	FF	LIO	PW	RC
<u>COMMERCIAL</u>							
Accessory Structure							
Medical Marijuana Tier 2 manufacturing facilities	R	N	R	R*	P	N	N

*Any structure utilized or built for a Medical Marijuana Tier 2 manufacturing facility less than 1,000 square feet. Structures larger than 1,000 square feet will require **(S)** Special exception permit.

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Permit Legend:

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C = Use requires conditional use permit from Planning Board following conditional use review.

S = Use requires special exception permit from Planning Board following site plan review, provided that the applicant shows by substantial evidence:

A. There is no alternate site which is both suitable to the proposed use and reasonably available to the applicant.

B. That an environmental neighborhood impact report shows that there will be no adverse impacts on neighboring uses.

N = Prohibited use.

The town has the right revoke approval (with a 60 day notice) for any business with “Good cause”:

Good cause. "Good cause," for purposes of denial of an initial license application or denial of a renewal or reinstatement of a license application, means:

5. The licensee or applicant has violated, does not meet or has failed to comply with any of the terms, conditions or provisions of this chapter, any rules adopted pursuant to it or any supplemental relevant state or local law, rule or regulation; or

6. The licensee or applicant has failed to comply with any special terms, consent decree or conditions that were placed upon the license pursuant to an order of the state licensing authority or the relevant municipality.

A prohibition of Medical Marijuana Tier 2 manufacturing facilities would NOT affect personal use and possession of marijuana or existing medical marijuana permitted uses.

If passed this ordinance will take effect immediately.

A **YES** vote will allow Medical Marijuana Tier 2 manufacturing facilities.

A **NO** vote will not allow Medical Marijuana Tier 2 manufacturing facilities.