

Article _____. Shall an ordinance entitled “Town of Parsonsfield Cannabis Facility Licensing Ordinance” be enacted?

(The proposed ordinance is available for review and inspection at the Town Clerk’s Office and will be available at Town Meeting.)

Town of Parsonsfield Cannabis Facility Licensing Ordinance

Section 1 - Title.

This Ordinance shall be known and may be cited as the “Cannabis Facility Licensing Ordinance.”

Section 2 - Purpose; authority; interpretation.

The purpose of this Ordinance is to provide for and regulate the issuance of local licenses for Cannabis Facilities in the Town of Parsonsfield. Such licensing shall provide for annual review of and reasonable control over the operations of Cannabis Facilities and ensure that life safety and nuisance concerns are properly addressed.

This Ordinance is adopted pursuant to the Town of Parsonsfield’s home rule authority, under Art. VIII, Part Second of the Maine Constitution, and 30-A M.R.S. § 3001. This Ordinance is also adopted consistent with the Town’s statutory authority pursuant to 22 M.R.S. § 2429-D and 28-B M.R.S. § 401, as those provisions may be amended or recodified.

This Ordinance permits, subject to licensure under this Ordinance, and receipt of all necessary approvals under other ordinances and codes enforced by the Town of Parsonsfield, the establishment and operation of a Cannabis Facility as that term is defined herein. Notwithstanding the foregoing, the adoption of this Ordinance shall not be interpreted to permit the establishment or operation of an Adult Use Cannabis Cultivation Facility (Tier 3 or Tier 4), a Medical Cannabis Caregiver Retail Store, a Medical Cannabis Manufacturing Facility, a Medical Cannabis Testing Facility, or a Registered Dispensary within the Town of Parsonsfield, as those terms are defined in Appendix A to the Land Use and Development Ordinance. Such uses are expressly prohibited.

This Ordinance does not, and shall not be interpreted to limit the rights and privileges afforded by the Maine Medical Use of Cannabis Act, 22 M.R.S. § 2421, et seq.

Section 3 - Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated:

Cannabis Facility: An Adult-Use Cannabis Products Manufacturing Facility, an Adult-Use Cannabis Cultivation Facility (Tier 1 or Tier 2), an Adult Use Cannabis Store, an Adult Use Cannabis Testing Facility, a Medical Cannabis Caregiver Facility, a Medical Cannabis Caregiver Retail Store, or a Medical Cannabis Manufacturing Facility, as those terms are defined in Appendix A of the Land Use and Development Ordinance, as may be amended.

Cannabis Product: A product composed of cannabis or cannabis concentrate and other ingredients that is intended for use or consumption.

Disqualifying Drug Offense: A “disqualifying drug offense,” as that term is defined in 22 M.R.S. § 2422(4) or 28-B M.R.S. § 102(15), as either provision may be amended.

Fee Schedule: The Town of Parsonsfield Fee Schedule, as adopted by the Select Board and as may be amended from time to time.

Inherently Dangerous Substance: An “inherently dangerous substance,” as that term is defined in 28-B M.R.S. 102(20), as may be amended.

Licensed Premises: The parcel of property, *i.e.*, a lot on the Tax Maps of the Town of Parsonsfield, where a Cannabis Facility is licensed to operate, consistent with a Cannabis Facility License issued by the Select Board under this Ordinance.

Section 4 - Effective date; initial licensing application deadline.

This Ordinance shall be effective upon adoption by Town Meeting. All Cannabis Facilities operating within the Town of Parsonsfield on the effective date of this Ordinance shall submit licensing applications to the Town Clerk within 120 days of the effective date. Failure to do so shall subject a Cannabis Facility to potential enforcement action and civil penalties, as detailed in Section 13 of this Ordinance.

Section 5 – License required; application procedure.

A. Beginning on the effective date of this Ordinance, but subject to the provisions of Section 4 above, no Cannabis Facility may operate within the Town of Parsonsfield without first receiving a Cannabis Facility License from the Select Board in a manner consistent with the procedures and requirements of this Ordinance. The operation of, or performance of conduct consistent with, a Cannabis Facility without first receiving a Cannabis Facility License from the Select Board shall be considered a violation of this Ordinance, subjecting the violating party to civil fines and other penalties as further outlined herein. Pursuant to 28-B M.R.S. § 301 and § 502, an applicant seeking to operate an adult use Cannabis Facility may submit an application for a license concurrent with an application for a conditional license by the State of Maine to operate an adult use Cannabis Facility.

B. The Select Board shall be empowered to issue licenses to individuals or businesses to operate Cannabis Facilities in the Town of Parsonsfield. Any applications presented to the Select Board for consideration shall bear the recommendation for approval or denial, with reasons noted, of the Code Enforcement Officer, and the Fire Chief of the Kezar Falls Fire Department, and such other department heads as may be required by the Select Board or under other Town ordinances. Cannabis Facility Licenses issued under this Ordinance shall be reviewed and approved, approved with conditions, or denied at a Select Board meeting to be held following public notice and public hearing.

C. Applications for a license required by this Ordinance shall be procured from the Town Clerk, completed and signed by the applicant, and filed with the Town Clerk. If the applicant is an individual, the individual must sign the application for a license. If the applicant is a business entity,

each person who has an interest in the business must sign the application for a license as co-applicants. Applications for new or renewal Cannabis Facility Licenses shall be accompanied by a non-refundable application fee in an amount set forth in the Fee Schedule. Such applications shall contain the following:

- (1) If the applicant is an individual, the individual shall state their legal name, any aliases, and mailing address, and shall submit a copy of a driver's license or other proof that they are at least twenty-one (21) years of age. If the applicant is a business entity, the applicant shall identify each person who has an interest in the business by complete name, and submit proof that all such persons are at least twenty-one (21) years of age.
- (2) Evidence of state registration and approvals required to operate as a Cannabis Facility, including but not limited to a caregiver registration card, and/or a conditional license for Adult Cannabis Facilities issued by the Maine Office of Cannabis Policy.
- (3) If the applicant is a business entity, a description of the form of ownership of the business enterprise together with attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the Cannabis Facility operation, along with proof that the business is in good standing and authorized to do business in the State of Maine.
- (4) The identities of all owners, officers, members, managers, or partners of the applicant, their ownership interests and their places of residence at the time of the application and for the immediately preceding three (3) years, and if any such person has been convicted of a crime under State and/or federal law, they must list the specified criminal activity involved, and the date, place, and jurisdiction of each conviction.
- (5) The location of the proposed Cannabis Facility, including a legal description of the property, street address and phone number.
- (6) Evidence of sufficient right, title or interest demonstrating possession or entitlement to possession of the proposed Licensed Premises, including without limitation a deed, lease, rental agreement, purchase and sale agreement or other arrangement for possession of the Licensed Premises. If the proposed Licensed Premises is not owned by the applicant, then a signed letter of approval from the proposed Licensed Premises' owner shall be provided.
- (7) A detailed visual depiction of the proposed Licensed Premises, including building footprint, interior layout with floor space to be occupied by the Cannabis Facility, and parking plan.
- (8) For Cannabis Facilities operating as stores, a narrative explaining how the applicant will ensure that the store will not sell, give, distribute or deliver cannabis or cannabis products to persons who are under the age of twenty-one (21) or to persons who appear to be under the influence of alcohol, inhalants, or other controlled substance.
- (9) For Cannabis Facilities operating as stores, a narrative explaining how cannabis and cannabis products will be displayed and sold.

(10) A copy of a Town of Parsonsfield tax map depicting: (1) the subject property lines, (2) the property lines of any preexisting public or private school or licensed daycare within 750 feet, and (3) the property lines of any other Cannabis Facility within 750 feet.

(11) An operations plan that, at a minimum, addresses the following:

- (a) hours of operation;
- (b) safety/security;
- (c) wastewater;
- (d) disposal of waste;
- (e) ventilation and odor; and
- (f) parking.

(12) If the applicant holds any other permits/licenses under this Ordinance or other cannabis-related license from another town, city, or state, the applicant shall provide the names and locations of such other permitted/licensed businesses.

(13) If the applicant (either individually or as a member of a business entity) has had a previous license issued by the Town under this Ordinance, or by any other town, city or state, denied, suspended or revoked, they must describe the circumstances involved, including the name and location of the facility for which the license was denied, suspended or revoked, the date of the denial, suspension or revocation, and the grounds for the denial, suspension or revocation.

D. Cannabis Facility License applicants submitting applications and supporting information that is confidential under 22 M.R.S. § 2425-A(12), as may be amended or recodified, and the Maine Freedom of Access Act, 1 M.R.S. § 403(3)(F), as may be amended, shall mark such information as confidential.

Section 6 - Public hearing; granting license; term; renewal.

A. The Select Board shall hold a public hearing within sixty (60) days of receipt of a complete application, as determined by the Town Clerk, for the purpose of determining whether the applicant has satisfied all applicable licensing criteria as set forth in this Ordinance, and if so, shall authorize the issuance of a Cannabis Facility License, with or without conditions. At such a public hearing, the testimony of the applicant and that of any interested members of the public shall be taken.

B. Property owners whose property lines are within 500 feet of the proposed Licensed Premises shall be notified in writing by the Town of the public hearing for the initial licensing application and all subsequent licensing renewals sought.

C. Prior to any public hearing held in accordance with this Ordinance, the application shall be advertised by posting notice in two (2) or more public places and by advertising on the Town's official website and social media channels.

D. Following a public hearing, the Select Board shall consider the application and determine whether the application is consistent with all provisions of this Ordinance. In line with this determination, applications for licensure shall be granted, granted with conditions, or denied by the Select Board. Conditions may be imposed on any Cannabis Facility License issued pursuant to this

Ordinance as deemed necessary by the Select Board to protect the health, safety, and welfare of the public and to achieve the goals and objectives of this Ordinance. A final decision on the application shall be rendered by the Select Board no more than forty-five (45) days after the public hearing has been closed.

E. A Cannabis Facility License shall be valid for a period of one (1) year from date of issuance and must be renewed annually. In order to remain active, a complete application for renewal shall be submitted to the Town Clerk no later than sixty (60) days prior to the expiration of the current Cannabis Facility License.

F. Applications for renewal of existing Cannabis Facility Licenses shall include all materials required by Section 5 of this Ordinance and shall be subject to all provisions of this Ordinance. Applications for the renewal of a Cannabis Facility License shall be submitted to the Town Clerk at least sixty (60) days prior to the expiration of the existing license and shall be considered by the Select Board in the manner prescribed for initial license applications in this Section. In considering applications for renewal of existing Cannabis Facility Licenses, the Select Board shall also consider any and all fire, EMS, and/or police reports, as well as all code enforcement complaints and notices of violation (if any), related to the Licensed Premises created during the previous licensing term. The Select Board shall solicit and consider the opinions of the Fire Chief and Code Enforcement Officer in its review of an application to renew a Cannabis Facility License.

Section 7 - License performance standards.

The following performance standards are applicable to all licensed Cannabis Facilities operating within the Town of Parsonsfield:

A. Setbacks. A parcel of property containing a Cannabis Facility may not be located less than 750 feet from the nearest lot line of a parcel of property containing:

- i. Another Cannabis Facility; or
- ii. A pre-existing public or private school or daycare licensed by the State of Maine.

B. Access. Convenient and safe access for ingress and egress of pedestrian and vehicular traffic exists.

C. Ventilation. All Cannabis Facilities shall install an odor mitigation system within the Licensed Premises. The odor control system installed shall be sufficient to ensure that no odors generated by the Cannabis Facility will be perceptible from any adjoining property line of the Licensed Premises, including public and private ways.

D. Waste Disposal. A waste disposal plan shall be submitted and approved by the Select Board. Any cannabis waste generated by the Cannabis Facility must be disposed of in a manner consistent with all rules promulgated by the Maine Office of Cannabis Policy, as the same may be amended from time to time. The Cannabis Facility shall not dispose of waste and/or residue from the growth, cultivation, processing, or storage of cannabis in an unsecured waste receptacle that is not under its possession and control.

- E. Loitering. The owner and/or operator of the cannabis facility shall make adequate provisions to prevent individuals from loitering on the Licensed Premises. It shall be the owner/operator's obligation to ensure that any person found loitering or using cannabis or cannabis products on the Licensed Premises is ordered to leave.
- F. Security. The Licensed Premises must meet the following security requirements:
- i. The Licensed Premises shall have lockable doors and windows and shall be served by an alarm system that includes both an audible alarm and both a sheriff's department and state police notification component.
 - ii. The Licensed Premises shall have video surveillance capable of covering the exterior and the interior of the Licensed Premises. 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 duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.
- G. Hours of Operation. Cannabis Facilities shall only be open for business to the general public (if at all) between the hours of 10 AM and 8 PM, Monday through Saturday.
- H. No Outdoor Operations. No activities performed under a Cannabis Facility License, including but not limited to the cultivation of cannabis, the production of cannabis and cannabis products, and the sale of cannabis or cannabis products to a customer of registered patient, may occur outdoors.
- I. Other Licenses and Permits. All Adult Use Cannabis Facilities shall obtain a State of Maine conditional license prior to operating in the Town of Parsonsfield. Any Registered Caregivers applying to operate Medical Cannabis Facilities must possess current registrations or licenses required by the State of Maine prior to applying for licensure from the Town of Parsonsfield, and must provide copies of said registrations and/or licenses to the Town as part of its application. All Cannabis Facilities must also possess and maintain a valid conditional use approval for the Cannabis Facility from the Parsonsfield Planning Board. All Cannabis Facilities located within the jurisdiction of the Saco River Corridor Commission, or a successor agency, shall receive all necessary approvals from that Commission or successor agency prior to beginning operation.

Section 8 - Insurance; indemnification.

- A. Each licensed Cannabis Facility shall procure and maintain occurrence-based commercial general liability insurance coverage in the minimum amount of \$1,000,000 per occurrence / \$2,000,000 aggregate for bodily injury, death, and property damage. Such coverage shall not include any bodily injury or property damage restrictions or exclusions associated with cultivation or sale of cannabis or cannabis products.
- B. Evidence of insurance required herein shall be a condition of the issuance of any Cannabis Facility License under this Ordinance, and shall be submitted to the Town as part of the applicant's license application. Certificates shall guarantee ten days' notice to the Town of termination of insurance or any material change from the insurance provider or agent. The Town's acceptance or

lack of such evidence shall not be construed as a waiver of the applicant's obligation to obtain and maintain such insurance as required by this Ordinance.

C. By accepting a Cannabis Facility License from the Town, the Cannabis Facility Licensee knowingly and voluntarily waives, releases, and discharges the Town from all claims, causes of action and demands, both known and unknown, which it has ever had, or may have against the Town, officers, agents, employees, representatives, insurers, successors, and assigns for any injuries, damages or liabilities, resulting from the arrest, prosecution or other consequence of the Cannabis Facility or its parties of control for a violation of local, state or federal laws, rules or regulations. By accepting a license issued pursuant to this Ordinance, the Cannabis Facility 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 Cannabis Facility licensed under this Ordinance.

Section 9 - Inspections.

A. A Cannabis Facility and its agents and employees shall, at any reasonable time, permit inspection of the Licensed Premises by agents or employees of the Town if necessary to ensure compliance with the provisions of this Ordinance or any other applicable portion of local ordinance or State law.

B. All Registered Caregivers shall provide to the Town a copy of all registered caregiver cards issued to any and all officers, managers, and/or employees, and shall update the same annually.

C. A Cannabis Facility shall submit emergency contact information to the York County Sheriff's Department and the Maine State Police.

D. A Cannabis Facility and its agents and employees shall submit to an annual inspection by the Kezar Falls 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 Kezar Falls Fire Department.

Section 10 - Decision on licensing application; revocation of license.

A. The Select Board shall, after notice and hearing, deny, suspend or revoke a Cannabis Facility License issued under this Ordinance if the Cannabis Facility, or any of the Cannabis Facility's officers, members, directors, or partners:

(1) Has failed to demonstrate compliance, or failed to maintain compliance, with all requirements of this Ordinance, with any other ordinance of the Town of Parsonsfield (including the Land Use and Development Ordinance), or with any applicable provision of state law or administrative regulation, including but not limited to 22 M.R.S. § 2421, et seq., or 28-B M.R.S. § 101, et seq., as may be amended or recodified;

(2) Has had a license for a Cannabis Facility issued under this Ordinance, or any other applicable State or local approval, suspended or revoked;

- (3) Has failed to acquire and/or maintain all necessary State and local approvals necessary for the operation of the Cannabis Facility, including, but not limited to, a caregiver registration (if applicable).
- (4) Has been convicted of a Disqualifying Drug Offense;
- (5) Has provided false or misleading information in connection with the license application; or
- (6) Has, after receiving written notice and demand, refused to allow the Licensed Premises to be inspected for compliance with this Ordinance, or has otherwise interfered with a Town officer, official, or employee's performance of their official duties.

B. Any applicant requesting a Cannabis Facility License from the Select Board shall be notified in writing of the Select Board's decision no more than fourteen (14) calendar days from the date of the Select Board's decision. In the event that a license application is denied, or is granted with conditions, the written decision shall provide the reasons for the denial or the conditional approval. The applicant may not reapply for a Cannabis Facility License for a premises within thirty (30) days after an application has been denied for that location.

Section 11 – Other Prohibited Activities

A. A Cannabis Facility shall not employ the use of inherently dangerous substances.

Section 12 - Appeals.

Any aggrieved party may appeal a decision of the Select Board under this Ordinance to grant, grant with conditions, deny, suspend, or revoke a Cannabis Facility License, to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure within thirty (30) days of the date of the decision.

Section 13 - Violations and penalties.

The Town of Parsonsfield, through its Code Enforcement Officer, shall enforce any violations of this Ordinance, including operation of any Cannabis Facility without a license, failure to comply with any conditions to or performance standards of a Cannabis Facility License, and refusal by a Cannabis Facility to permit inspection of a Licensed Premises. In addition to revocation and/or suspension of a Cannabis Facility License as provided in this Ordinance, any violations of this Ordinance shall be subject to a minimum fine of \$100.00 per day and a maximum fine of \$2,500.00 per day, pursuant to 30-A M.R.S. § 4452. Each day that a violation remains constitutes a separate violation. The Select Board, or its authorized agent, is authorized to initiate legal proceedings in Maine District Court to enjoin the unlawful operation of a Cannabis Facility, as provided in this Ordinance. If the Town is the prevailing party in such proceedings, the Town shall be entitled to recover its costs of enforcement, including its attorney's fees.

Section 14 - Waivers.

The Select Board may, in its discretion, waive any of the requirements under Section 5 of this Ordinance if it finds the submittal of certain materials is unnecessary or irrelevant to the review of a particular Cannabis Facility License application.

Section 15 - Transfer of license; conversion of type of license.

A Cannabis Facility License may not be assigned or transferred to another person or entity. Any change in ownership or change in officers of the Cannabis Facility requires a new license. The new owners of any Cannabis Facility, as defined in this Ordinance, shall apply to the Select Board for a new license prior to beginning operation. Cannabis Facility Licenses are limited to the premises for which they are issued and are not transferable to any other property. Any owner of a licensed Cannabis Facility who desires to relocate to a new location shall apply to the Select Board or its designee for a new license and, if approved, shall relinquish its license for the previous location. Cannabis Facility Licenses are limited to the type of Cannabis Facility for which they are granted. Any conversion of an existing Cannabis Facility to a new type shall require the property owner or Cannabis Facility operator to receive a new Cannabis Facility License.

Section 16 - Validity and severability.

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

Section 17 - State law.

In the event the State of Maine adopts any law or regulation governing Cannabis Facilities that conflicts with any provision of this Ordinance or the Land Use and Development Ordinance, the stricter regulation shall control. Compliance with all applicable State laws and regulations shall be deemed an additional requirement for issuance or denial of any license under this Ordinance, and noncompliance with State laws or regulations shall be grounds for revocation or suspension of any license issued hereunder.

Adopted July ____, 2024.