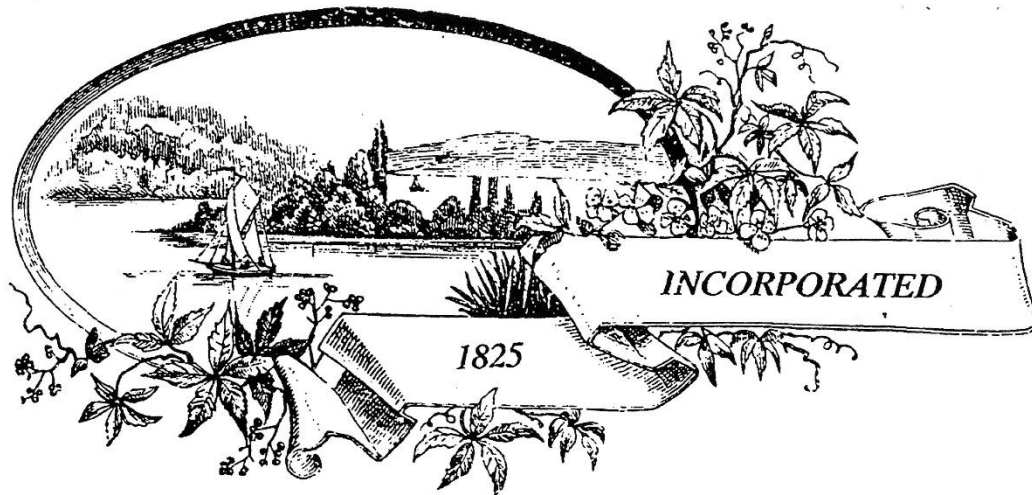


FRANKLIN



Medical Marijuana Ordinance

Of The

TOWN OF FRANKLIN, MAINE

Moratorium on Medical Marijuana	June 20, 2020
Moratorium Extension	December 14, 2020
Town Vote to allow Medical Marijuana	September 10, 2020
Draft Ordinance, Approved by Planning Board	March 11, 2021
Town Vote, Enacted/Adopted	March 26, 2021

Attest and Certified By: _____
Deborah T. Lurvey
Town Clerk, Franklin, Maine

Date: _____

Pages: _____

This ordinance shall be known and cited as the "Town of Franklin Medical Marijuana Ordinance" and will be referred to hereinafter as "the Ordinance." This Ordinance applies to the Town of Franklin, State of Maine. This ordinance also prescribes definitions of Medical Marijuana businesses and provides for permitting, licensing, and regulation of Medical Marijuana businesses and provides performance standards for Medical Marijuana businesses.

Article I -- General Provisions

1) Authority and Applicability

WHEREAS, implementing a system for the regulation of retail stores, cultivation facilities, manufacturing facilities, and testing facilities, which exist in order to facilitate the production and sale of medical marijuana, is a complex function with significant administrative demands on the Town of Franklin; and

WHEREAS, ensuring that the possession and use of Medical Marijuana is limited to qualifying patients, as that term is defined in Maine state statutes and regulations ("State law"), is necessary to protect those who have not yet reached adulthood from the effects of irresponsible use of marijuana; and

WHEREAS, the Town of Franklin believes that any production, processing, or selling of Medical Marijuana should be conducted in a safe and fair manner for the health, safety, and welfare of the community, which includes complying with provisions of all applicable laws and ordinances relating to medical use of marijuana throughout the Town of Franklin.

NOW THEREFORE, this Ordinance is adopted pursuant to all applicable State Statues.

2) Purpose

It is the purpose of this Ordinance to regulate the operation and location of Medical Marijuana businesses in order to promote the health, safety, and general welfare of the citizens of Franklin, and to establish reasonable and uniform regulations for the appropriate location of Medical Marijuana businesses in Franklin.

3) Conflict with Other Ordinances; State Law

- a) Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other statute, ordinance, regulation, standard, or rule, the more restrictive provision shall apply. Nothing herein is intended to conflict with State law; whenever a provision of this Ordinance conflicts with State law, the more restrictive provision shall apply. All applicants and licensees shall comply with all applicable State laws.

- b) In the event the State of Maine adopts any additional or stricter law or regulation governing the sale, cultivation, manufacture, distribution, or testing of medical marijuana or medical marijuana products, the additional or stricter regulation shall control the establishment or operation of any medical marijuana business in the Town of Franklin. Compliance with all applicable State laws and regulation 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.
- c) Except as otherwise specifically provided herein, this Ordinance incorporates the requirements and procedures set forth in the Maine Medical Use of Marijuana Act, 22 M.R.S., Chapter 558-C, as may be amended. In the event of a conflict between the provisions of this Ordinance and the provisions of the Maine Medical Use of Marijuana Act or other applicable State or local law or regulation, the more restrictive provision shall control.

4) Amendment

This Ordinance may be amended as follows:

- a) By a majority vote of the Town of Franklin legislative body if the proposed amendment is recommended by a majority vote of the Franklin Planning Board
- b) By a 2/3 majority vote of the Town of Franklin legislative body if the proposed amendment is not recommended by the Franklin Planning Board.

In either case, the Franklin Planning Board shall hold a public hearing at least 30 days prior to the meeting of the Town of Franklin legislative body. Notice of the hearing shall be posted in the Town Office at least thirteen (13) days in advance of the public hearing. The notice shall be published at least two (2) times in a newspaper that complies with Title 1, section 601 of the Maine Revised Statutes and that has a general circulation in Franklin. The date of the first publication shall be at least twelve (12) days before the public hearing, and the date of the second publication must be at least seven (7) days before the public hearing.

5) Effective Date

The effective date of this Ordinance, and the business licensing thereunder, shall be the date of adoption by majority vote of the Town of Franklin legislative body at a duly called town meeting or secret ballot referendum.

6) Validity and Severability

In the event that any article, section, subsection or any portions of this Ordinance is declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or other portion of this Ordinance.

7) Violations and Penalties; Consent Agreements Allowed

- a) The operation of any Medical Marijuana Establishment without the required local license, or in violation of this Ordinance, shall be a violation of this Ordinance.
- b) 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. Any such fine may be in addition to any suspension or revocation imposed in accordance with the Ordinance.
- c) Each day that a violation remains shall constitute a separate violation.
- d) In any court action initiated by the Town due to alleged violation of this Ordinance, the Town may seek injunctive relief in addition to penalties.
- e) The Town shall be entitled to recover its costs of enforcement including its attorney's fees.
- f) The Town Select Board, or its authorized agent, is hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering payment of penalties subject to factors such as negotiations with no court action.
- g) Any person, including but not limited to, a Medical Marijuana Establishment owner, a property owner where such business is located, or any agent or contractor for same, who orders or conducts any activity in violation of this Ordinance, or fails to comply with any of its requirements, shall be prosecuted in accordance with 30-A M.R.S. § 4452.

8) Appeals

- a) Any appeal of a decision of the Franklin Select Board shall be to the Maine Superior Court in accordance with the requirements of Rule 80B of the Maine Rules of Civil Procedure.
- b) Any appeal of a decision of the Franklin Planning Board under the provisions of this Ordinance shall be made to the Franklin Board of Appeals under the provisions of Article VI, Section 8 Appeals and Special Permits, Zoning Ordinance of the Town of Franklin, Maine.

9) Definitions

Except where specifically defined herein or defined by rule through the State of Maine Office of Marijuana Policy, all words used in this Ordinance shall carry their customary

meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is always mandatory; and "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

Harvested Marijuana: "Harvested marijuana", as that term is defined in 22 M.R.S. § 2422(3-C), as may be amended.

Inherently Hazardous Substances (HIS): "Inherently hazardous substance", as that term is defined in 22 M.R.S. § 2422(4-O), as may be amended.

Marijuana Concentrate: "Marijuana concentrate", as that term is defined in 22 M.R.S. § 2422(4-S), as may be amended.

Marijuana Extraction: "Marijuana extraction", as that term is defined in 22 M.R.S. § 2422(4-J), as may be amended.

Marijuana Drink: "Marijuana drink" means a liquid edible marijuana product with a concentration of less than 1 mg of THC per ounce of liquid.

Marijuana Plant: "Marijuana plant", as that term is defined in 22 M.R.S. § 2422(4-K), as may be amended.

Marijuana Product: "Marijuana product", as that term is defined in 22 M.R.S. § 2422(4-L), as may be amended.

Marijuana: "Marijuana" means the leaves, stems, flowers, and seeds of a marijuana plant, whether growing or not. "Marijuana" does not include industrial hemp as defined in Title 7 M. R. S. § 2231(1).

Medical Marijuana Establishment: "Medical marijuana establishment" means a Medical Marijuana Manufacturing Facility, Medical Marijuana Testing Facility, and a Registered Caregiver Retail Store as defined under this this Ordinance.

Medical Marijuana Manufacturing Facility: "Manufacturing facility", as that term is defined in 22 M.R.S. § 2422(4-R), as may be amended.

Medical Marijuana Testing Facility: "Marijuana testing facility", as that term is defined in 22 M.R.S. § 2422(5-C), as may be amended.

Medical Use: "Medical use", as that term is defined in 22 M.R.S. § 2422(5), as may be amended.

Plant Canopy: "Plant canopy", as that term is defined in 22 M.R.S. § 2422(7-B), as may be amended.

Qualifying Patient: A person that meets the specifications of and performs the activities

authorized by 22 M.R.S. § 2423-A(1), as may be amended.

Registered Caregiver: A person meets the specifications of and performs the activities authorized by 22 M.R.S. § 2423-A(2), as may be amended.

Registered Caregiver Retail Store: “Caregiver retail store”, as that term is defined in 22 M.R.S. § 2422(1-F), as may be amended. Marijuana may not be used on the premise of a registered caregiver retail store.

Registered Dispensary: “Registered dispensary” or “dispensary”, as those terms are defined in 22 M.R.S. § 2422(6), as may be amended.

Resident of the State: “Resident of the State”, as that term is defined in 22 M.R.S. § 2422(13-B), as may be amended.

School: Public schools, private schools, public preschool programs, state licensed child daycares, and any other educational facility that serves children from pre-kindergarten to grade 12.

State License: Any license, registration, or certification issued by the State Licensing Authority.

State Licensing Authority: The Maine Office of Marijuana Policy, or its designee.

Testing or Test: The research and analysis of marijuana, marijuana products, or other substances for contaminants, safety, or potency.

Tracking: A system implemented to track marijuana products from seed to sale.

Article II -- Licensing

1) Purpose

The purpose of this Article is to provide for and regulate the issuance of local licenses for Medical Marijuana Establishments as defined in this Ordinance and by the State of Maine under the Maine Medical Use of Marijuana Act, 22 M.R.S.A. Chapter 558-C as may be amended.

2) Prohibited Activities

No Medical Marijuana Establishment shall:

- a) be established or operated within the Town of Franklin without first receiving and then maintaining all approvals required under this Ordinance;
- b) conduct any activity for which it has not received the required State license or local license; or
- c) be established or operated in any area of Franklin other than within the General Purpose District as defined in the Zoning Ordinance of the Town of Franklin Maine and shown on the Town of Franklin Official Zoning Map.

Medical Marijuana Registered Dispensaries are expressly prohibited in Franklin.

3) License Required

- a) *State License.* A Medical Marijuana Establishment shall not operate until it is licensed by the State Licensing Authority pursuant to the requirements of 22 M.R.S. Chapter 558-C as may be amended and any applicable State regulations.
- b) *Local License.* A local license issued under the provisions of this Article is required for any Medical Marijuana Manufacturing Facility, Registered Caregiver Retail Store, or Medical Marijuana Testing Facility.

4) Review and Licensing Authority

- a) The Select Board for the Town of Franklin shall be the Review and Licensing Authority (“Authority”) under Article II of this Ordinance.
- b) The Authority shall impose any conditions on a license that may be necessary to ensure compliance with the requirements of this Ordinance or to address concerns about operations that may be resolved through the conditions. The failure to comply with such conditions shall be considered a violation of the license.

- c) No local license shall be granted by the Authority until the Planning Board, the Fire Chief, and the Code Enforcement Officer have all made a positive recommendation upon the applicant's ability to comply with this Article. Whenever inspections of the premises used for or in connection with the operation of a licensed business are provided for or required by ordinance or State law, or are reasonably necessary to secure compliance with any ordinance provision or State law, it shall be the duty of the applicant or licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the Town authorized to make the inspection at any reasonable time that admission is requested.

5) **Limit on Number of Licenses**

- a) No more than two (2) licenses for a Medical Marijuana Manufacturing Facility shall be issued by the Authority according to the provisions of this Ordinance. A new license cannot be issued unless less than two (2) valid local licenses are in effect.
- b) No more than two (2) licenses for a Registered Caregiver Retail Store shall be issued by the Authority according to the provisions of this Ordinance. A new license cannot be issued unless less than two (2) valid local licenses are in effect.
- c) No more than two (2) licenses for a Medical Marijuana Testing Facility shall be issued by the Authority according to the provisions of this Ordinance. A new license cannot be issued unless less than two (2) valid local licenses are in effect.

6) **License Fees**

Fees for a local license and license renewal shall be paid annually. The license fee for a Medical Marijuana Manufacturing Facility shall be five thousand dollars (\$5000). The license fee for a Registered Caregiver Retail Store shall be five thousand dollars (\$5000). The license fee for a Medical Marijuana Testing Facility shall be ten thousand dollars (\$10,000).

7) **License Application Procedure**

- a) *Initial Open Period.* Following the adoption of this Ordinance, the Authority shall set an initial application period of at least 60 days and not more than 90 days for applications to be submitted before reviewing or issuing any license under this Ordinance. After the initial open period, all applications for available licenses will be reviewed by the Authority as they are received according to the provisions of this Ordinance.
- b) *Form Provided.* Application for any license under this Article shall be made on a form as formally adopted by the Authority, a copy of this application may be obtained from the Franklin Office Administrator.

- c) *Application Made.* Applicants for a license under this Ordinance shall provide all information required by the form provided and any additional information requested by the Authority. Any falsification or substantive omission in the application process may be considered grounds for denial of any license under this Ordinance or revocation of any license under this Ordinance. No application shall be accepted from any applicant where the proposed Medical Marijuana Establishment location is currently in violation of the Zoning Ordinance of the Town of Franklin Maine or delinquent in taxes or liens to the Town of Franklin. No application shall be accepted from any individual, partnership, corporation, or limited liability corporation (LLC) which is delinquent in taxes or liens owed to the Town of Franklin.
- i) *Completed Application.* The completed application for a Medical Marijuana Establishment License shall contain the following information and shall be accompanied by the following documents:
- (1) If the applicant is an individual: The individual shall state a legal name and any aliases, and submit proof that they are at least twenty-one (21) years of age.
 - (2) If the applicant is a partnership: The partnership shall state its complete name, the names of all partners, whether the partnership is general or limited, and submit a copy of the partnership agreement, if any, and submit proof that all partners are at least twenty-one (21) years of age.
 - (3) If the applicant is a corporation: The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under state law, the names and capacity of all officers, directors and principal stockholders; the name of the registered corporate agent; the address of the registered office for service of process; and submit proof that all officers, directors and principal stockholders are at least twenty-one (21) years of age.
 - (4) If the applicant is a limited liability company (LLC): The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under state law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least twenty-one (21) years of age.
 - (5) If the applicant intends to operate the Medical Marijuana Establishment under an assumed name, the applicant must state the Medical Marijuana Establishment's assumed name and submit the required registration documents.
 - (6) If the applicant has had a previous license under this Ordinance or other similar Medical Marijuana Establishment license or applications in another town, city or state denied, suspended or revoked, the applicant must list the

name and location of the Medical Marijuana Establishment for which the license was denied, suspended or revoked; the date of the denial, suspension or revocation; and must list whether the applicant has been a partner in a partnership, an officer, director, or principal stockholder of a corporation, or a member of a LLC whose license has previously been denied, suspended or revoked, listing the name and location of the Medical Marijuana Establishment for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.

- (7) If the applicant holds any other permits/licenses under this Ordinance or other similar Medical Marijuana Establishment license from another town, city, or state, the applicant shall provide the names and locations of such other permitted/licensed businesses.
- (8) The type of Medical Marijuana Establishment for which the applicant is seeking a license.
- (9) The location of the proposed Medical Marijuana Establishment, including a legal description of the property, street address, and telephone number of the applicant.
- (10) Sufficient documentation demonstrating right, title, and interest to the proposed licensed premises of the Medical Marijuana Establishment pursuant to a lease, rental agreement, purchase and sale agreement, deed, or other arrangement for possession and use of the premises.
- (11) The applicant's mailing address and residential street address.
- (12) Recent passport-style photograph(s) of the applicant(s).
- (13) A copy of the applicant's driver's license, and in the case of an application made by a partnership, limited liability company, or corporation, the drivers' licenses of all partners, members, and officers.
- (14) Where a State license is required for the proposed Medical Marijuana Establishment, a copy of the applicant's State license application and supporting documentation as filed with the State Licensing Authority.
- (15) A copy of a Town Tax Map depicting the following: the subject property lines and the property lines of other properties within one thousand (1,000) feet of the subject property containing any preexisting schools as defined by this Ordinance.
- (16) Diagram of Premises. In an effort to clearly define the proposed licensed premises and the areas in which the manufacture, testing, storage, or sale of medical marijuana or medical marijuana products is requested for approval, the Town requires all applicants to submit a diagram of the premises to be licensed, and a survey plan produced by a licensed surveyor, in addition to a

completed license application. Diagrams shall be an architectural plan view scaled at one (1) inch = four (4) feet minimum resolution, attached to the application. The diagram should be as accurate as possible. Label the areas of your diagram including entrances, office area, kitchen, storage areas, restrooms, parking area, and all areas for which you are requesting approval.

- (17) Safety Data Sheets.** A Medical Marijuana Testing Facility shall provide safety data sheets for all products and/or chemicals to be stored or utilized on the premises which are considered hazardous under the most current OSHA Hazard Communication standard (HAZCOM GHS).
- ii) *Qualified Applicant.*** All applicants must be qualified according to the provisions of this Ordinance. Applicants shall provide sufficient information to demonstrate that they meet all qualifications and standards established in this Ordinance.
- iii) *Signed and Sworn.*** All applications made under this Article shall be signed and sworn as truthful.
- iv) *Application Fee Paid.*** All applications made under this Article shall be accompanied by an application fee as established by the Planning Board.
- d) *Complete Application.*** In the event that the Town Office Administrator determines that a submitted application is not complete, the Town Office Administrator shall notify the applicant within ten (10) business days that the application is not complete and shall inform the applicant of the additional information requires to process the application.
- e) *Notice and Hearing.*** The Authority shall hold a public hearing to review applications. Notice of this hearing shall be posted at the locations customarily used for the posting of warrants. Notice shall also be published at least two (2) times in a newspaper that complies with Title 1, section 601 and has a general circulation in Franklin. The date of the first publication shall be at least twelve (12) days before the hearing and the date of the second publication shall be at least 7 days before the hearing. Notice shall also be provided to owners of all properties within five hundred (500) feet of the proposed license property via first class mail to the address currently on file with the Town's Tax Assessor. All cost associated with the notices shall be paid by the applicant to the Town before the Public Hearing.
- f) *Awarding of Licenses.*** After the public hearing, the Authority may award a local license conditioned on site plan review and approval according to the standards contained in this Ordinance and any other applicable ordinances in effect at the time by the Town of Franklin Planning Board. Complete application for Planning Board review shall be made within ninety (90) days of local license approval. The Authority may revoke the local license if complete application to the Planning Board is not made within the time allotted.
- g) *Payment of Local License Fee.*** The fee for the local license shall be paid prior to the operation of a Medical Marijuana Establishment under this Ordinance, but no later

than thirty (30) days after final approval by the Planning Board. Failure to pay the local license fee in accordance with these provisions shall result in revocation of any and all local licenses and disqualify the entity from holding a license for a period of one (1) year.

8) License Expiration and Renewal

- a) Each local license issued shall be effective for one year from the date of issuance.
- b) Renewal applications must be submitted sixty (60) days prior to the date of expiration of the annual Local License on a form as formally adopted by the Authority, a copy of which may be obtained from the Franklin Office Administrator. Failure to submit a timely renewal application shall result in the revocation of the local license and open the license to the full application procedure including an Initial Open Period.
- c) When considering renewal of existing licenses, the number and type of complaints or violations brought against the license holder will be a contributing factor in renewal consideration. Violations include, but are not limited to code, fire safety, law enforcement, and compliance with State law. License renewals may be denied for any Medical Marijuana Establishment which was not in operation at the time of license renewal.

The Authority shall hold a public hearing to review renewal applications. Notice of this hearing shall be posted at the locations customarily used for the posting of warrants. Notice shall also be published at least two (2) times in a newspaper that complies with Title 1, section 601 and that has a general circulation in Franklin. The date of the first publication shall be at least twelve (12) days before the hearing, and the date of the second publication must be at least seven (7) days before the hearing.

- d) The Authority shall provide notice to owners of all properties within five hundred (500) feet of the license property via first class mail to the address currently on file with the Town's Tax Assessor. All cost associated with the notices shall be paid by the applicant to the Town before the Public Hearing.
- e) After the public hearing, the Authority may renew a local license.

9) Medical Marijuana Establishment Operating Requirements

The Licensee shall comply with all of the following requirements during the term of the local license:

- a) *Display of License.* The current local license shall be displayed at all times in a conspicuous location within the licensed premises.

- b) *Location.* All licensed premises shall be fixed, permanent locations. Licensees shall not be permitted to operate Medical Marijuana Establishments in temporary locations such as mall kiosks, farm stands, or from a motor vehicle.
- c) *Compliance with other laws.* A Medical Marijuana Establishment shall meet all operating and other requirements of State and local law and regulations. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing Medical Marijuana Establishments, the stricter law or regulation shall control.
- d) *Prohibition of Inherently Hazardous Substances.* The use of Inherently Hazardous Substances (IHS) as defined by 22 M.R.S. § 2422(4-O), as may be amended, is expressly prohibited in the Town of Franklin for all Medical Marijuana Facilities except for Medical Marijuana Testing Facilities.
- e) No Medical Marijuana Establishment shall be open to the public outside of the hours of 8:00am- 8:00pm. Owners or employees may still work at the Medical Marijuana Establishment outside of these hours.

10) Transfer of Ownership and Change of Location

- a) Licenses issued under this Article are not transferable to a new owner. Any change in ownership or change in partnership, officers, directors, principal stockholders, or members of a licensed Medical Marijuana Establishment shall require a new license but not result in termination of the current license unless the new license application is not approved by the Authority.
- b) Licenses issued under this Article may be transferred to a new location provided that the licensee goes through the same Planning Board review process required by this Article.

11) Denial; Suspension or Revocation of License.

- a) A local license under this Article or any renewal or amendment thereof, shall be denied to the following persons:
 - i) A person who fails to meet the requirements of this Article. Where an applicant is an entity rather than a natural person, all-natural persons with an ownership interest shall meet these requirements.
 - ii) A person who has had a license for a Medical Marijuana Establishment suspended or revoked by the Town of Franklin, another municipality, or by the State.
 - iii) An applicant who has not acquired all necessary State approvals and other required local approvals according to the provisions of this Ordinance.

- b) The Authority may suspend or revoke a license for any violation of this Ordinance, or violation of any other Town ordinance. The Town may suspend or revoke a license if the licensee has a State License for a Medical Marijuana Establishment suspended or revoked by the State. The Licensee shall be entitled to notice and a hearing by the Authority prior to any suspension or revocation.

Article III -- Additional Land Use Standards

1) Purpose

The purpose of this Article is to apply additional land use standards to Medical Marijuana Establishments to supplement the existing Zoning Ordinance of the Town of Franklin Maine (“ZOTF”), which seeks to maintain a safe, healthy, and attractive environment.

It is intended to regulate the construction of buildings, roads, signs, etc., and the uses to which buildings are put, so as to ensure that they do not cause damage to neighbors or to natural resources (such as ground water, wetlands, fish spawning grounds, aquatic life, bird and other wildlife habitat, etc.), and so that such developments do not create dangerous situations on the public roads or overload the public services of the Town.

The ZOTF also seeks to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources, to protect commercial, fishing, and maritime industries; to prevent and control water pollution; to protect freshwater and coastal wetlands, to conserve shore cover; to protect actual points of public access to inland and coastal waters; to conserve natural beauty and open space.

2) Review Required

A Medical Marijuana Establishment that is properly licensed pursuant to Article II of this Ordinance shall not operate until it is reviewed and receives site plan approval from the Town of Franklin Planning Board. In addition to review required under the ZOTF and any other current or future ordinance properly adopted by the Town, a Medical Marijuana Establishment licensed under this Ordinance must show it will meet the standards contained in this Article. The Planning Board may conduct this review in conjunction with any other required reviews.

3) Review Authority

The Planning Board for the Town of Franklin shall be the Review Authority under Article III of this Ordinance. The Code Enforcement Officer (“CEO”) for the Town of Franklin shall refer all entities intending to operate a business regulated under this Ordinance to the Planning Board for review. The CEO may provide support to the Planning Board in the review of applicants under this Ordinance.

4) Review Fees

In addition to any fees established under other ordinances, and in addition to the licensing fee established in Article II of this Ordinance, the Select Board/Planning Board may establish an additional planning board review fee for Medical Marijuana Establishments licensed under this Ordinance.

5) Review Procedure

- a) Reviews conducted under this Article shall be administered in the same manner prescribed in the ZOTF as may be amended.
- b) Additional Information Required. The Planning Board may request any additional information it finds necessary to ensure the provisions of this Ordinance are met.

The following information must be provided with the application to the Planning Board:

- i) *Diagram and Survey of Premises.* Diagrams and surveys of the licensed premises shall be submitted and shall clearly identify: (1) the legal boundaries of the premises, (2) the footprint of the existing/proposed building(s); (3) individual areas within the building(s) used for, among other things, manufacturing, testing, storage, or sale of medical marijuana or medical marijuana products, and (4) all other areas of the licensed premises including entrances, office area, kitchen, storage areas, restrooms, parking areas, and all areas for which you are requesting approval.
- ii) *Operating Plan.* Medical Marijuana Establishments must submit an operation plan that at a minimum addresses the following:
 - (1) Wastewater removal;
 - (2) Disposal of waste;
 - (3) Hours of Operation;
 - (4) Estimated number of employees;
 - (5) Whether the business will be seasonal;
 - (6) Emergency contact information;
 - (7) Storage plan for surplus products;
 - (8) A detailed description of Standard Operating Procedures in accordance with Maine state laws;
 - (9) Odor control; and
 - (10) Illumination/lighting control
- c) In addition to the standards contained in other ordinances, the Planning Board shall determine if the proposed activity will conform to the purposes, provisions, and standards of this Article.
- d) In issuing approval, the Planning Board may attach such restrictions and conditions as it deems necessary to ensure compliance with this Ordinance.

6) Additional Land Use Standards

- a) *Setbacks.*** The following setbacks shall apply to Medical Marijuana Establishments licensed under this ordinance. In cases where there are greater setbacks in other ordinances, the most restrictive setback shall apply.
- i)** No Medical Marijuana Establishment may be located on property within one thousand (1000) feet of the property line of a pre-existing school, as is defined in Article I of this Ordinance. Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the school property line and the property line of the parcel of land on which the Medical Marijuana Establishment is located.
 - ii)** Any building or structure in which a Medical Marijuana Establishment is located shall be set back a minimum of two hundred (200) feet from any property line or public road.
- b) *Signs.*** The following requirements are in addition to any local or State rules about signage.
- i)** A sign for a Medical Marijuana Establishment licensed under this Ordinance must be attached to the building that houses the Establishment and located within 6 feet of the entrance to the Establishment, as well as, to allow an additional unlighted sign up to 30" by 10" to direct customers to the location of the business.
 - ii)** All signs used by and all marketing and advertising conducted by or on behalf of the Medical Marijuana Establishment may not involve advertising or marketing that has a high likelihood of reaching persons under 21 years of age or that is specifically designed to appeal particularly to persons under 21 years of age. Signs, marketing, and advertising are prohibited from making any health or physical benefit claims. Illuminated signs shall only be illuminated during hours the Medical Marijuana Establishment is open to the public.
 - iii)** The exterior of all Registered Caregiver Retail Stores shall display a 1' x 1' image of any universal symbol for Medical Marijuana as adopted by the State's Office of Marijuana Policy.
 - iv) *Required Notices.*** There shall be posted in a conspicuous location inside each Registered Caregiver Retail Store at least one legible sign containing the following information:

"On-site consumption of marijuana is illegal. Open and public consumption of marijuana in the State of Maine is illegal. The use of marijuana or marijuana products may impair a person's ability to drive a car or operate machinery. No one under the age of twenty-one (21) may purchase marijuana or marijuana products except a minor with a duly issued medical marijuana card. Loitering is prohibited. The use of marijuana on National Park Property is prohibited.

Marijuana and marijuana products may only be consumed on private property."

- c) *Performance Standards.* In addition to all performance standards in the ZOTF and any other municipal ordinance, Medical Marijuana Establishments must meet the following standards:
- i) **Fixed Location.** All Medical Marijuana Establishments must be operated from a permanent structure with a fixed location.
 - ii) **Indoor Operation Only.** All activities of Medical Marijuana Establishments, including but not limited to, growing, processing, displaying, selling, and storage must be conducted indoors. Medical Marijuana Establishments are not permitted to conduct outdoor sales or services of any kind.
 - iii) **Ventilation and Odor Control.** For all Medical Marijuana Establishments, the odor of marijuana must not be detected offsite, i.e., must not be detected at premises that are not under the custody or control of the Medical Marijuana Establishment. To prevent and control marijuana odors, an odor control plan shall be submitted as part of the Planning Board application describing the odor(s) originating or anticipated to originate at the premises and the control technologies to be used to prevent such odor(s) from leaving the premises. The odor control plan shall, at a minimum, including the following:
 - (1) A facility floor plan that identifies the locations of all odor-emitting activities and sources. The plan shall also identify the location of doors, windows, vents HVAC systems, odor control systems, and other relevant information.
 - (2) A list of specific odor-emitting activities and sources, and a description of the processes that will take place at the facility, including but not limited to, vegetative flowering, processing, and storage.
 - (3) For each odor-emitting activity or source, a description of the administrative procedures as well as the engineering processes, technologies, and equipment the facility will use. Administrative controls shall include at a minimum management practices to isolate odor activities and sources, use of standard operating procedures, employee training, regular equipment inspections, and maintenance of inspection logs. Engineering controls shall include at a minimum building design features; use of equipment and technology to address each specific odor-emitting activity or source; a systems and equipment maintenance and replacement schedule; and evidence that proposed equipment and technology are sufficiently capable and appropriately sized consistent with marijuana industry best practices for control technologies designed to effectively mitigate odors.
 - iv) **Illumination Control Plan.** All Medical Marijuana Establishments shall have in place an operational plan for control of illumination used in operations, security, and

advertising. Lighting used for growing of marijuana must not exit the building.

- v) **Disposal Plan.** All Medical Marijuana Establishments shall have in place an operational plan for proper disposal of marijuana and related byproducts in a safe, sanitary, and secure manner and in accordance with all applicable federal, state, and local laws and regulations.

Dumpsters and trash containers must not be overflowing, and the surrounding area must be kept free of litter and trash. All dumpsters and containers shall be screened from public view. All trash receptacles on the premises used to discard medical marijuana products must have a metal cover or lid that is locked at all times when the receptacle is unattended and security cameras must be installed to record activities in the area of such trash receptacles.

- vi) **Security.** Sufficient and appropriate security measures to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana must be provided at all times. Security measures shall include, at a minimum, the following:

- (1) Security surveillance cameras installed and operating 24 hours a day, 7 days a week, to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities at the premises;
- (2) Door and window intrusion, robbery, and burglary and alarm systems with audible and police department notification components that are professionally monitored and maintained in good working order;
- (3) A locking safe or its functional equivalent permanently affixed to the premises that is suitable for storage of all marijuana and cash stored overnight on the premises;
- (4) Exterior lighting that illuminates the exterior walls of the premises;
- (5) Deadbolt locks on all exterior doors and locks or bars on any other access points; and
- (6) All security recordings shall be preserved for at least fourteen (14) days. All Medical Marijuana Establishments shall provide the CEO and Select Board or designee with the name and functioning phone number of a 24-hour on-call staff person to whom the Town may provide notice of any operating problems associated with the establishment.

- vii) **Drive-Through and Home Delivery.** Medical Marijuana Establishments are prohibited from having drive-through pick-up facilities or home-delivery services. However, Medical Marijuana Registered Caregivers may provide home delivery services.

viii) Inspections. The Code Enforcement Officer or his/her designee will inspect all Medical Marijuana Establishments to verify that the facilities are constructed and can be operated in accordance with the application submitted, the land use approval(s) issued, and the requirements of this Ordinance as well as local and State building codes and electrical codes. The Fire Chief or his/her designee will inspect all Medical Marijuana Establishments to verify that the facilities are constructed and can be operated in accordance of the requirements of all applicable fire codes. The initial inspection shall occur after the Medical Marijuana Establishment is ready for operation, but no marijuana or marijuana products will be allowed on the premises until the inspection is complete. Nothing herein shall prevent the Fire Chief or his/her designee from inspecting Medical Marijuana Establishments at random intervals and without advance notice provided that the inspection is during normal business hours of the Marijuana Establishment.

Appendix – Warrant Articles

Secret Ballot Vote – September 10, 2020

Question 1:

To authorize registered caregiver retail stores of medical marijuana establishments:

“Shall the town vote to authorize within the municipality the operation of medical marijuana registered caregiver retail stores, provided they operate in compliance with all applicable state and local requirements?”

Question Passed – Yes 69, No 64, Total 133

Question 2:

To authorize manufacturing facilities of medical marijuana establishments:

“Shall the town vote to authorize within the municipality the operation of medical marijuana manufacturing facilities, provided they operate in compliance with all applicable state and local requirements?”

Question Passed – Yes 69, No 64, Total 133

Question 3:

To authorize testing facilities of medical marijuana establishments:

“Shall the town vote to authorize within the municipality the operation of medical marijuana testing facilities, provided they operate in compliance with all applicable state and local requirements?”

Question Passed – Yes 70, No 63, Total 133

June 20, 2020 – Article Passed at Town Meeting**Article #73 - Moratorium Ordinance**

Shall an ordinance entitled “Moratorium Ordinance Regarding Medical Marijuana Retail Stores, Dispensaries, Testing Facilities, and Manufacturing Facilities” be enacted?

Information - The purpose of this article is to establish a 180-day moratorium on Medical Marijuana Stores, Dispensaries, Testing Facilities, and Manufacturing Facilities.

The article is a yes or no vote.

Yes – you wish to enact the moratorium,

No – you wish not to enact the moratorium.

The article is not a vote for Opting In or Opting Out of Medical Marijuana. The article is to allow the Planning Board time to draft an ordinance for the Town of Franklin Medical Marijuana Ordinances.

This article cannot be amended from the floor.

There will be a vote later this year for Opting In or Opting Out of Medical Marijuana Retail Stores, Dispensaries, Testing Facilities, and Manufacturing Facilities.

December 10, 2020 – Planning Board Request to Selectboard

The Planning Board requested from the Selectboard an extension on the Moratorium Ordinance on Medical Marijuana.

At the regular meeting of the Selectboard on December 14, 2020 the Selectboard voted 2-0 to extend the Moratorium Ordinance on Medical Marijuana for 180 days.

March 11, 2021 – Planning Board Approval of Draft Ordinance to Selectboard

The Planning Board approved the Draft of the Medical Marijuana Ordinance. The Draft is given to the Selectboard for a town Vote.

The Town Vote is a Secret Ballot vote on March 26, 2021.

March 26, 2021 – Secret Ballot Vote -- Question 4

“Shall the Medical Marijuana Ordinance be enacted?”

Question Passed – Yes 61, No 35, Blank 4, Total 100