



TOWN OF WHITEFIELD

MORATORIUM ORDINANCE REGARDING MEDICAL MARIJUANA CULTIVATION, PRODUCTION, TESTING AND RETAIL SALES FACILITIES

WHEREAS, the cultivation, production, testing and retail sales of medical marijuana is an authorized, regulated program of the State of Maine; and

WHEREAS, there has been an increasing number of requests regarding the establishment or expansion of commercial facilities for the cultivation, production, testing and retail sales of medical marijuana; and

WHEREAS, State law specifically authorizes municipalities to regulate registered caregivers and commercial facilities for the cultivation, production, testing and retail sales of medical marijuana as long as such regulations do not prohibit or limit the number of registered caregivers in the municipality under Maine Medical Use of Marijuana Act, 22 M.R.S. § 2429-D; and

WHEREAS, operations related to the cultivation, production, testing and retail sales of medical marijuana raise a number of concerns related to public safety and welfare, including, but not limited to, potential adverse effects on neighborhoods, security of the facilities, and odors that may create a public nuisance or hazard; and

WHEREAS, the Town's existing ordinances do not provide an adequate mechanism to regulate and control medical marijuana cultivation, production, testing and retail sales facilities and are inadequate to prevent the potential for serious public harm from the future establishment of medical marijuana cultivation and production facilities; and

WHEREAS, the Town needs a reasonable amount of time to study the land use implications of medical marijuana cultivation, production, testing and retail sales facilities and to develop reasonable regulations governing their location and operation, and

WHEREAS, during the period of this Moratorium, the Town will work on developing appropriate land use regulations concerning medical marijuana cultivation, production, testing and retail sales facilities.

NOW THEREFORE, pursuant to the authority granted to it by 30-A M.R.S. § 4356, be it hereby ordained by the legislative body of the Town of Whitefield, Maine, as follows:

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

1. "Marijuana": means the leaves, stems, flowers, seeds, and other plant material harvested from the plant of the genus Cannabis, including, but not limited to, Cannabis sativa, Cannabis indica, and Cannabis ruderalis or their hybrids or seeds of those plants. "Marijuana" includes any product derived from any marijuana plant or plant material, including, but not limited to marijuana concentrate and marijuana products.
2. "Medical Marijuana": Marijuana as allowed per the Maine Medical Use of Marijuana Act.
3. "Medical Marijuana Cultivation and Production Facility": A facility used for cultivating, processing, and/or storing of medical marijuana by a registered caregiver at a location which is not the registered caregiver's primary year-round residence or their patient's primary year-round residence.
4. "Registered Caregiver": as defined by the Maine Medical Use of Marijuana Act, 22 M.R.S. § 2422(11).

5. “Registered Caregiver Retail Store”: means an establishment having the attributes of a typical retail establishment, such as, but not limited to, signage, regular business hours, accessibility to the public, and sales directly to the consumer of the product, that is used by a registered caregiver to offer marijuana for sale to qualified patients.

6. “Registered dispensary”: means an entity registered under the Maine Medical Use of Marijuana act 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.

7. “Testing facility”: means a public or private laboratory that is authorized under the Maine Medical Use of Marijuana Act to analyze contaminants in and the potency and cannabinoid profile of marijuana samples.

8. “Manufacturing facility”: means a facility or person engaged in the production, blending, infusing, compounding, or other preparation of marijuana, marijuana concentrate, or marijuana product for medical use, including, but not limited to, extraction or preparation by means of chemical synthesis.

APPLICABILITY AND PURPOSE: Notwithstanding the provisions of 1 M.R.S.A. § 302, this Ordinance shall apply to any proposal to establish, operate, or expand a medical marijuana cultivation, production, testing and/or retail sales facility, whether or not an application or a proceeding to establish or operate a business or operation for medical marijuana production facility submitted to the Town would be deemed a pending proceeding under 1 M.R.S.A. § 302.

MORATORIUM: The Town does hereby declare a moratorium on all medical marijuana cultivation, production, testing and retail sales facilities. During the time this Ordinance is in effect, no official, officer, board, body, agency, agent or employee of the Town of Whitefield shall accept, process or act upon any application for any approval, including but not limited to a building permit, certificate of occupancy, site plan review, conditional use, license, or any other approval, received after the effective date of this Ordinance relating to the establishment, operation, or expansion of a business or operation for a medical marijuana cultivation, production, testing and retail sales facility during the time this Moratorium Ordinance is in effect. No person shall establish or operate a business or operation for a medical marijuana cultivation, production, testing and retail sales facility within the Town on or after the effective date of this Ordinance nor shall expand the operations of any medical marijuana cultivation, production, testing and retail sales facility that was established or operated prior to the effective date of this Ordinance.

ENFORCEMENT, VIOLATION AND PENALTIES: This Ordinance shall be enforced by the Code Enforcement Officer of the Town of Whitefield. Any person who violates Section 3 of this Ordinance shall be subject to civil penalties and other remedies as provided in 30-A M.R.S.A. § 4452.

EFFECTIVE DATE: This Ordinance takes effect as of September 16, 2021, and shall expire on the 180th day thereafter, unless further extended by the Whitefield Select Board or until a new set of regulations is adopted by the Town, whichever shall first occur.

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

This Ordinance was approved by the voters of the Town of Whitefield at a special town meeting held on