



TOWN OF WHITEFIELD

MEDICAL MARIJUANA CULTIVATION FACILITIES LICENSING ORDINANCE

ARTICLE 1: PURPOSE

1. The cultivation of medical marijuana is an authorized, regulated program of the State of Maine; and
2. There have been an increasing number of requests regarding the establishment of multi-caregiver medical marijuana cultivation facilities; and
3. State law specifically authorizes municipalities to regulate registered caregivers for the cultivation 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
4. Operations related to the cultivation 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.

ARTICLE 2: AUTHORITY AND ADMINISTRATION

1. Authority: This Ordinance is adopted pursuant to and consistent with Title 30-A M.R.S. §3001 et seq., Title 22 M.R.S. §2423-A(14) and Title 22 M.R.S §2429-D.
2. Administration: This ordinance shall be administered by the Town of Whitefield's Select Board.

ARTICLE 3: APPLICABILITY

Notwithstanding the provisions of 1 M.R.S. §302, this Ordinance shall apply to any proposal to establish, operate or expand a medical marijuana cultivation facility at a location other than the caregiver's primary location of residence, whether or not an application or a proceeding to establish or operate a business or operation for a medical marijuana cultivation facility submitted to the Town would be deemed a pending proceeding under 1 M.R.S. §302.

Operation of a Medical Marijuana Cultivation Facility within the Town of Whitefield is limited to residents of the State of Maine only.

ARTICLE 4: NEW APPLICATIONS

Each applicant for a medical marijuana cultivation facility license shall complete and file an application on the form provided by the Town, together with the applicable non-refundable license fee, as well as the following supporting materials:

1. A copy of the applicant's State registration application and supporting documentation, as submitted to the State registration authority.
2. Evidence of all State approvals or conditional approvals required to operate a medical marijuana cultivation facility, including but not limited to a State registry identification card or registration certificate.



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3. If not included in the applicant's State registration application, 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 medical marijuana cultivation facility.
4. If not included in the applicant's State registration application, an affidavit that identifies 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. Supporting documents shall be provided. Such documents include, but are not limited to: motor vehicle operator's license, motor vehicle registration, voter registration or utility bills shall be provided.
5. A release for each applicant and for each officer, owner, member, manager or partner of the applicant seeking a license allowing the Town of Whitefield to obtain criminal records and other background information related to the individual.
6. A statement as to the precise nature of the business with a description of the nature of all products and services offered to its customers.
7. A description of the premises for which the license is sought, including a plan of the premises and a list of all equipment, parts and inventory used in the operation of the medical marijuana cultivation facility.
8. Copy of a deed, lease, purchase and sale agreement or other evidence of an interest in the premises in which the medical marijuana growing facility will be located along with the written consent of the owner of the premises for such use if the applicant is not the owner.
9. Evidence of all land use approvals or conditional land use approvals required to operate the medical marijuana cultivation facility or applications that have been filed and are pending for the required approvals, including but not limited to building permit(s), conditional or special use approvals, change of use permits and/or certificates of occupancy.
10. Evidence of all other approvals or conditional approvals required to operate the medical marijuana cultivation facility.
11. Evidence of compliance with the requirements of this ordinance and all other Ordinances of the Town, including any permits for those other ordinances from the Planning Board.

If the Town Clerk determines that a submitted application is not complete, the Clerk shall notify the applicant within ten (10) business days of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the Clerk's request, the application may be denied.



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ARTICLE 5: STANDARDS FOR APPROVAL

A license application for a medical marijuana cultivation facility shall be denied by the Select Board and an existing license may be suspended or revoked by the Select Board after notice and hearing if the applicant or any owner of the applicant or licensee:

1. Fails to meet the requirements of this ordinance.
2. Is not at least twenty-one (21) years of age.
3. Is not a resident of the State of Maine.
4. Has had a license for a marijuana establishment revoked by a municipality or by the state.
5. Has not acquired all necessary state and local approvals prior to issuance of the license.
6. Has been convicted of a disqualifying drug offense.
7. Has provided false or misleading information in connection with the license application.

ARTICLE 6: OPERATING REQUIREMENTS

In order to obtain a license pursuant to this ordinance, the applicant shall demonstrate (to the Select Board) that the following requirements will be met. A licensee shall comply with all these requirements during the term of the license.

1. **Fixed Location:** All licensed premises shall be fixed, permanent locations. Licensees shall not be permitted to operate a medical marijuana cultivation facility in any other than the licensed premises. This premises shall not be located within 1000 feet of any pre-existing public or private school or preschool, as defined in 20-M.R.S. 1. No outdoor cultivation, testing, manufacturing, or storage of medical marijuana will be allowed at this facility.
2. **Compliance with requirements of State of Maine and local Law:** A medical marijuana cultivation facility shall meet all operating and other requirements of State and local laws, ordinances, and regulations. To the extent the State of Maine or local ordinances currently adopted or adopted in the future are stricter than this ordinance, then the stricter law or ordinance shall apply.
3. **Display of License:** The current local license shall be displayed at all times in a conspicuous location within the licensed premises. All State of Maine license requirements must be met by the applicant and also displayed near this license.
4. **Security:** The licensed premises shall have lockable doors and windows and shall be served by an alarm system that notifies the owner/operator and the Lincoln County Sheriff's office. A video surveillance system shall be required and must be operating continuously, and such records must be available to law enforcement agencies when investigating a criminal complaint. The licensed premises shall have exterior spot lights with motion sensors covering the full perimeter of all buildings on the premises.



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5. Loitering: The facility owner/operator shall make adequate provisions to prevent any persons from loitering on said premises. It shall be the licensee's obligation to ensure that anyone found loitering or using marijuana or marijuana products in the parking lot or other outdoor areas of the licensed premises is ordered to leave.
6. Right of Access/Inspection: Due to fire, explosion, and other hazards inherent in medical marijuana cultivation facilities including but not limited to heavy electrical loads, hot lighting fixtures, CO2 enrichment and flammable contents, the owners and/or operators of all such facilities shall agree to an initial fire inspection as well as annual fire inspections by the Town of Whitefield Fire Department. A lock box shall be installed at the structure's exterior entrance for emergency access. The lock box shall be installed in coordination with the Town of Whitefield Fire Department.
7. All medical marijuana businesses shall have odor mitigation systems such that odor is imperceptible from any adjoining property line. A ventilation plan shall be required that provides for adequate ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation or manufacturing of marijuana or marijuana related products from being dispersed or released outside the building or lease line. The plan shall further provide for resulting vapor, fumes, gases and particulates to be effectively confined to the building or lease line.

ARTICLE 7: LIMITATION ON NUMBER OF LICENSES

There shall be only one license issued under this ordinance.

ARTICLE 8: LICENSE FEES

Fees shall be set by the Select Board as a part of their annual fee schedule.

ARTICLE 9: ENFORCEMENT, VIOLATION AND PENALTIES

This ordinance shall be enforced by the Code Enforcement Officer of the Town of Whitefield. Failure to apply for a license under this ordinance shall be deemed a violation of the ordinance. Any person who violates this ordinance shall be subject to civil penalties and other remedies as provided in 30-A M.R.S. §4452.

ARTICLE 10: APPEALS

An appeal to a final decision under this ordinance shall be made to the Town's Board of Appeals specifying exactly what sections of this ordinance that the appellant objects to with regards to the decision of the Board.

ARTICLE 11: 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.



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ARTICLE 12: DEFINITIONS

As used in this ordinance, the following terms have the following meanings:

1. **Commercial Medical Marijuana Cultivation Facility**: A facility used for the purpose of the cultivation of Medical Marijuana by a Licensed Medical Caregiver other than a home-based business.
2. **Cultivation or Cultivate**: The planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale.
3. **Disqualifying Drug Offense**: A conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more. It does not include:
 - A. An offense for which the sentence, including any term of probation, incarceration, or supervised release, was completed 10 or more years earlier; or [IB 2009, c. 1, §5 (NEW).]
 - B. An offense that consisted of conduct that would have been permitted under this chapter.
4. **Home Based Business**: The use of a personal private residence and surrounding property located in a town within the State of Maine for income-producing business purposes.
5. **Marijuana**: 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.
6. **Marijuana Business**: Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Testing Facility, Registered Dispensary, Registered Caregiver Retail Store, Adult Use Marijuana Cultivation Facility, Adult Use Marijuana Products Manufacturing Facility, Adult Use Testing Facility, or Adult Use Marijuana Store licensed under this Ordinance.
7. **Medical Marijuana**: Marijuana as allowed per the Maine Medical Use of Marijuana Act.
8. **Medical Marijuana Cultivation and Production Facility**: A facility licensed under this ordinance to cultivate, prepare, and package medical marijuana at a location that is not the residence of the Registered Caregiver or Qualifying Patient.
9. **Registered Caregiver**: As defined by the Maine Medical Use of Marijuana Act, 22 M.R.S. §2422(11).

Approved at Whitefield Annual Town Meeting March 19, 2022 and is effective as of this date.

Attested a True Copy, Yolanda Violette, Town Clerk