

**LEBANON ADULT USE MARIJUANA BUSINESS ORDINANCE**  
(as revised June 13, 2023)

**§1. Title.**

This ordinance shall be known and cited as the "Adult Use Marijuana Business Ordinance (as revised June 13, 2023)" and will be referred to hereinafter as "this Ordinance." This Ordinance prescribes definitions of Adult Use Marijuana Businesses; provides for licensing and regulation of Adult Use Marijuana Businesses; and provides standards for Adult Use Marijuana Businesses.

**§2. Authority.**

This Ordinance is enacted pursuant to authority granted under the Marijuana Legalization Act, 28-B M.R.S. §101 et seq.; the Town's home rule authority under Article VIII, Part 2, Section 1 of the Maine Constitution 30-A M.R.S. §3001 et seq., and 30-A M.R.S. §4301 et seq.

**§3. Purpose.**

It is the purpose of this Ordinance to authorize and regulate Adult Use Marijuana Businesses; to provide procedures and standards relating to the operation of these businesses; and to require their annual licensing in order to promote the health, safety, and general welfare of the citizens of Lebanon.

**§4. Conflict with other ordinances; Severability.**

Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other ordinance, regulation or standard, the more restrictive provision shall control.

This Ordinance supersedes the following Town of Lebanon ordinances:

- Ordinance Prohibiting Retail Marijuana Cultivation Facilities
- Ordinance Prohibiting Retail Marijuana Products Manufacturing Facilities
- Ordinance Prohibiting Retail Marijuana Stores
- Ordinance Prohibiting Retail Marijuana Testing Facilities

In cases where this Ordinance conflicts with the Lebanon Drug Paraphernalia Ordinance, this Ordinance shall take precedence.

If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**§5. Effective date; Retroactivity.**

The Effective Date of this Ordinance, and any amendments to this Ordinance, shall be their date of adoption by the voters of the Town of Lebanon at a referendum election or Town Meeting.

## **§6. Definitions.**

As used in this article, unless the context otherwise indicates, the following terms are defined below, and have the same meanings as are defined in the State of Maine Adult Use Cannabis Program Rule, 18-691 C.M.R. Chapter 1, provided that the terms "Marijuana" and "Marijuana Business" as used in this Ordinance have the same meaning as "Cannabis" and "Cannabis Establishment" as used in the State Rule.

**Adult Use Marijuana Cultivation Facility:** "Adult Use Marijuana Cultivation Facility" means a facility licensed under state law to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to products manufacturing facilities, to marijuana stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to marijuana stores.

**Adult Use Marijuana Products Manufacturing Facility:** "Adult Use Marijuana Products Manufacturing Facility" means a facility licensed under state law to purchase adult use marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; to collect and transport samples of marijuana, marijuana concentrate and marijuana products manufactured by that facility for mandatory testing; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

**Adult Use Marijuana Store:** "Adult Use Marijuana Store" means a facility licensed under state law to purchase adult use marijuana, immature marijuana plants and seedlings from a cultivation facility, to purchase adult use marijuana and adult use marijuana products from a products manufacturing facility, to collect and transport samples of marijuana, marijuana concentrate and marijuana products in that Adult Use Marijuana Store's possession for mandatory testing and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

**Adult Use Marijuana Testing Facility:** "Adult Use Marijuana Testing Facility" means a facility licensed under state law to develop, research and test marijuana, marijuana products and other substances.

**Home Cultivation of Marijuana:** "Home Cultivation of Marijuana" means cultivation for personal adult use by a person 21 years of age or older and is limited to cultivation of three (3) mature marijuana plants, twelve (12) immature marijuana plants, and an unlimited number of seedlings by each person 21 years of age or older who is domiciled on a parcel or tract of land.

**Marijuana:** "Marijuana" means the leaves, stems, flowers, and seeds of a marijuana plant, whether growing or not. "Marijuana" includes marijuana concentrate but does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or a Marijuana Product.

**Marijuana Business:** "Marijuana Business" means an "Adult Use Marijuana Cultivation Facility," "Adult Use Marijuana Products Manufacturing Facility," "Adult Use Marijuana Store," or "Adult Use Marijuana Testing Facility" licensed under this ordinance.

**Marijuana Cultivation:** "Marijuana Cultivation" means the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale. "Cultivation" or "cultivate" does not include manufacturing, testing or marijuana extraction.

**Marijuana Manufacturing or Manufacture:** "Manufacturing" or "Manufacture" of

marijuana means the production, blending, infusing, compounding or other preparation of marijuana and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation or testing.

**Marijuana Product:** "Marijuana Product" means a product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption. "Marijuana Product" includes, but is not limited to, an edible marijuana product, a marijuana ointment, and a marijuana tincture. "Marijuana Product" does not include marijuana concentrate or a product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**Plant Canopy:** "Plant Canopy" means the total surface area within a cultivation area that is dedicated to the cultivation of mature Marijuana plants. The surface area of the Plant Canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the Plant Canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area, the surface area of each tier or shelf must be included in calculating the area of the Plant Canopy. Calculation of the area of the Plant Canopy may not include the areas within the cultivation area that are used to cultivate immature Marijuana plants and seedlings and that are not used at any time to cultivate mature Marijuana plants.

#### **§7. Businesses allowed; Licenses required.**

Pursuant to 28-B M.R.S. §403, the operation of Marijuana Businesses is allowed, subject to the restrictions of this Ordinance and applicable state and local laws and regulations.

No person shall operate a Marijuana Business, nor shall any property owner permit the use of his or her premises to be operated as a Marijuana Business, without a valid license issued by the Town. A separate Town and State license must be obtained for each establishment located on the same premises.

Whenever a Marijuana Business license expires and is not renewed, and the Town declines to renew a Marijuana Business license, other license applications may be reviewed. The cap on Marijuana Business licenses for each category shall be maintained.

Exempt Caregivers, Qualifying Patients, and individuals engaged in Home Cultivation of Marijuana, as defined by this Ordinance, are not required to register with the Town or obtain a Marijuana Business license.

#### **§8. Submission of License Applications.**

Whenever a Marijuana Business license becomes available within the limits established for each category in Section 9, the Town shall post a notice on the Town's website of the category or categories of license available and shall provide at least thirty (30) days for submission of initial applications by applicants. Each party seeking to apply for the license shall submit to the Town an initial application along with an application fee pursuant to Section 20 of this Ordinance (see Table 1 – Fee Schedule) and select a lottery number between one (1) and sixty-nine (69) inclusive, on a form provided by the Town. Once a number has been selected by an applicant, it shall not be available to other parties requesting an application for the same license or license type. The numbers selected shall be kept confidential by the Town. If a lottery is required under Section 9, the requests for license applications subject to the lottery will not be processed by the Town until after the lottery has been conducted. Only those applicants selected through the lottery process

will be permitted to submit a final application to the Town.

The Town shall return the application fees submitted by the applicants who are not selected for submission of a final application. Application fees paid by the applicants who are selected for submission of a final application shall be non-refundable.

**§9. Limitation on licenses; Lottery.**

*A. Number of licenses available.*

The list below outlines the total number of licenses that are authorized for each category of Marijuana Business in Lebanon.

Adult Use Marijuana Store	4
Adult Use Marijuana Cultivation Facilities	
Tier 1 (≤ 500 sq. ft. of plant canopy)	5
Tier 2 (≤ 2000 sq. ft.) *	4
Tier 3 (≤ 7000 sq. ft.) *	4
Tier 4 (≤ 20,000 sq. ft.) *	2
Nursery (≤ 1000 sq. ft.)	3
Adult Use Marijuana Products Manufacturing Facility:	1
Adult Use Marijuana Testing Facility:	2

\* An applicant holding a Town license for a Tier 2, Tier 3 or Tier 4 Adult Use Marijuana Cultivation Facility may obtain a State license for a lower tier facility, provided that the square footage of plant canopy does not exceed the square footage permitted by the State license.

*B. Lottery process.*

If more applications are requested than the number of licenses available for the particular Marijuana Business type, the Town Code Enforcement Officer shall notify the Select Board that a lottery is needed. The lottery shall proceed as follows:

- i. The Select Board shall arrange for a public notice to appear on the Town's website and in a newspaper of general circulation in the Town of Lebanon at least seven (7) days prior to the date of the scheduled lottery.
- ii. Lottery winners shall be determined based on a comparison of the lottery numbers selected by the applicants under Section 8 and the first Maine Powerball Number that is drawn on or after the scheduled lottery date.
  - a. The winning applicant shall be the holder of the number closest to the first Powerball Number drawn.
  - b. In the event of a tie (e.g., two applicants' numbers are equidistant from the first Powerball Number drawn),
    - i. If there are two or more licenses available, both tied applicants will receive an application form.
    - ii. If there is only one license available, the tied applicant with the

lower number will be the winner.

- c. The lottery will continue based on the applicants whose numbers are closest to the first Powerball Number drawn, until applicants have been selected for the full number of available licenses.

#### **§10. Application.**

Applicants authorized under Section 8 or Section 9 above, as applicable, shall complete and file a final application on the form provided by the Town including the following supporting materials:

- a) Evidence of compliance with the location requirements of Section 16.A.iii, where applicable, and with the setback requirements of Section 16.C of this Ordinance; and
- b) Evidence of conditional license approval by the Maine Department of Administrative and Financial Services Office of Cannabis Policy (“OCP”); and
- c) Evidence of site plan review and approval, where applicable.

Applicants will have one (1) year to complete their final application and submit it to the Town. If an applicant fails to submit a complete final application within one (1) year, the application will be considered abandoned, provided that the Select Board may extend the time for filing a complete final application for good cause shown. If an application is abandoned, the Town will make that authorized license available to other applicants in accordance with Sections 8 and 9.

If the Code Enforcement Officer or other designee of the Select Board determines that a submitted final application is not complete, the Code Enforcement Officer or designee shall notify the applicant of the additional information required in order to process the application. If such additional information is not submitted within thirty (30) days of the Town’s request, the application may be denied by the Select Board, or by the Select Board’s designee.

#### **§11. Action on application.**

*Public hearing.* The Town Code Enforcement Officer or Select Board’s other designee, upon receipt of a complete final application, shall schedule a public hearing at a regular or special meeting of the Select Board and shall arrange for public notice of the public hearing to be posted on the Town’s website and published in a newspaper of general circulation within the Town of Lebanon at least seven (7) days prior to the date of the scheduled public hearing. Costs of the hearing notice shall be paid out of the non-lapsing account established pursuant to Section 20.

*Select Board Action.* The Select Board, after public hearing, shall determine whether the applicant complies with the requirements of Sections 10(a) through (c) of this Ordinance and has obtained a conditional license from the State. Upon such a determination by the Select Board, the Select Board shall be authorized to issue a provisional Town license to the applicant, conditioned on receipt of the non-refundable payment of the initial license fee in Section 20, Table 1, final approval by the State, and a subsequent finding by the Select Board or designee that the applicant has complied with all of the terms of this Ordinance and any other Town ordinances and regulations. Upon such a finding, the Select Board shall issue a final Town license to the applicant.

If the applicant has previously paid the full amount of the initial license fee for that category of Marijuana Business in connection with an application filed with the Town prior to June 13, 2023, the initial license fee shall be waived, and the applicant shall only pay the annual license renewal

fee for that category of Marijuana Business upon the issuance of the provisional Town license. The license fee paid at the time that a provisional Town license is issued shall apply to a full calendar year and no additional license renewal fee shall be due upon the issuance of a final Town license within that one-year period. The Select Board shall have the authority to impose any conditions on the provisional and final Town licenses that may be necessary to ensure compliance with the requirements of this Ordinance and any other Town ordinances and regulations and to address concerns about operations that may be resolved through such conditions. The failure to comply with such conditions shall be a violation of the license.

The Select Board may adjust the renewal of a Town license to a period that is shorter or longer than a calendar year in order to align the Town's license renewal date with the State's license renewal date. In that event, the applicant's license renewal fee shall be prorated based on the number of days that the renewed Town license will remain in effect.

#### **§12. Display of licenses; Required notices.**

State and local licenses shall be displayed in a conspicuous location within the Marijuana Business for which the licenses are issued.

The Marijuana Business must post a notice with the following text: "On-site use or 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) is allowed on the Marijuana Business premises. Loitering is prohibited."

The required licenses and notice must be posted in a location that is highly visible to the public or, if the Marijuana Business is not open to the public, in a location that is readily visible to the employees and staff of the Marijuana Business.

#### **§13. Duty to update information.**

Any party issued a license under this Ordinance shall have the duty to provide the Town with updated and accurate information regarding all of the information provided pursuant to the application process within ten (10) business days of any change. Failure to provide updated current and accurate information to the Town is grounds for suspension, revocation, or non-renewal of the license.

#### **§14. Standards for approval, denial, revocation.**

A conditional State license, together with all information submitted to the State in the application process, is required as part of the application for a Town license. The submission of a conditional State license will establish a rebuttable presumption that the applicant has met OCP's conditional licensing requirements under 28-B M.R.S. § 205(3), for the purpose of seeking local authorization. The conditional State license on its own does not grant any authority to operate a Marijuana Business in the Town of Lebanon.

An application for a provisional Town license for a Marijuana Business shall be denied by the Select Board if the applicant fails to meet the requirements of Sections 10(a) through (c) of this Ordinance, fails to pay all fees due under this Ordinance, or fails to obtain and maintain

in effect a conditional State license for the same premises. A final Town license may be denied, suspended, or revoked by the Select Board after notice and hearing, if the applicant, or any owner of the applicant or licensee:

- a) Fails to meet the requirements of this Ordinance, or any other applicable Town Ordinance, including any applicable location, setback, building and life safety code requirements.
- b) Has provided false or misleading information in connection with the license application.
- c) Has failed to update information as required in Section 13;
- d) Has failed to obtain or maintain in effect a State license; or
- e) Fails to pay any applicable Town license fee.

In suspending, revoking, or refusing to renew a license for a Marijuana Business, the Select Board may take into consideration:

- a) Number and types of complaints the Town or law enforcement officials have received and/or investigated.
- b) Citizen complaints.
- c) Failure to correct or abate a violation that the Town is authorized to enforce.
- d) Failure to correct or abate any violation of this Ordinance, any other applicable Town ordinance, or any State cannabis rule or regulation.

#### **§15. Transferability.**

##### *A. Transferability of licenses.*

A Marijuana Business licensee, including a sole proprietor, may transfer ownership and ownership interests, including partial ownership interests, in a local license only after the corresponding change in ownership of its State license has been approved by OCP pursuant to the Adult Use Cannabis Program Rule 18-691 C.M.R. Chapter 1. The local authorization form required by Section 2.11.1.C of the Rule approving a transfer of ownership by OCP shall be submitted to OCP by the Town only if:

- a. The license is current in the payment of all license fees and fines owed to the Town; and
- b. The license is in compliance with the terms of its existing license, this Ordinance and any other applicable Town ordinances; or alternatively,
- c. The proposed transferee posts a bond with the Town in the form of a cashier's check or irrevocable letter of credit, sufficient to ensure that the proposed transferee will 1) ensure that the licensee becomes current in the payment of all outstanding license fees and fines, and 2) ensure that the licensee will be brought into compliance with the terms of its license, this Ordinance and any other applicable Town ordinances.

The transfer of ownership in the Town license shall not be permitted until the transfer of ownership in the State license has been approved by OCP and the requirements of this section have been satisfied.

Licenses are limited to the premises for which they are issued and are not transferable to another location unless the Select Board, after notice and hearing, finds that the change in location will comply with the requirements of this Ordinance, the new location has received site plan review and

approval, if required, and the change in location will not adversely affect neighboring properties or other licensees. No change in location shall be permitted until the change in location has been approved by OCP and the requirements of this Section have been satisfied.

*B. Transferability of license application authorization.*

A party who has been authorized under this Ordinance to submit a Marijuana Business license application prior to June 13, 2023, but who has not submitted a complete final application for the license as of June 13, 2023, may transfer or assign their right to submit an application to a third party within one (1) year after June 13, 2023, provided that the transferor is current in the payment of all applicable fees and fines owed to the Town and the proposed transferee has obtained a conditional State license for the same category of Marijuana Business. The transferee must submit a complete final application for the license to the Town within one year of June 13, 2023.

**§16. 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 of these requirements during the term of the license.

*A. Fixed location.*

- i. All licensed premises shall be fixed, permanent locations. Licensees shall not be permitted to operate Marijuana Businesses in other than the licensed premises, such as at farmer's markets, farm stands or kiosks.
- ii. All Marijuana Business locations must be approved by the Select Board.
- iii. All Marijuana Stores, Marijuana Products Manufacturing Facilities, and Marijuana Testing Facilities must have frontage on Carl Broggi Highway.
- iv. No Marijuana Business shall be located inside a building containing residential units, including transient housing such as lodging, group homes, hotels, motels and boarding houses.

*B. No visibility to public from exterior.*

- i. Outdoor Marijuana Cultivation and/or outdoor storage of Marijuana, Marijuana Products, or related supplies is prohibited.
- ii. Marijuana, Marijuana Products, and related paraphernalia shall not be visible from outside the building in which the Marijuana Business is located.

*C. Setbacks.*

- i. Marijuana Businesses may not be located on property within two thousand (2,000) feet of the property line of a school, preexisting childcare facility, place of worship, or a municipal "safe zone" per 30-A M.R.S. §3253. For purposes of this section, the term "school" means a "public school" as that term is defined in Title 20-A M.R.S. § 1(24), as may be amended; a "private school" as that term is defined in Title 20-A M.R.S. § 1(22), as may be amended; and/or a "public preschool program" as that term is defined in Title 20-A M.R.S. § 1(23-A), as may be amended. The term "childcare facility" means a "childcare facility" as that term is defined in Title



22 M.R.S. § 8301-A (1-A) (B), as may be amended, and/or a "family child care provider" as that term is defined in Title 22 M.R.S. § 8301-A (1-A) (C), as may be amended.

- ii. Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the property line and the property line of the parcel of land on which the Marijuana Business is located. Presence of a town, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.
- iii. More than one Marijuana Business may be located on the same parcel, provided all state and local requirements are met.

#### *D. Security.*

Security measures at all Marijuana Business premises shall, at a minimum, comply with the requirements of the Adult Cannabis Program Rule 18-691 C.M.R. Chapter 1 (the "State Rule") and any other state requirements.

#### *E. Odor mitigation.*

Odor control and mitigation measures at all Marijuana Business premises shall, at a minimum, comply with the requirements of the State Rule and any other state requirements.

#### *F. Signs*

- i. All signs used by, and all marketing and advertising conducted by or on behalf of the Marijuana Business, 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. Marijuana Businesses are prohibited from making any health or physical benefit claims through their signs, marketing, or advertisements. Signage for Marijuana Businesses may not use an image or images of the marijuana plant or plants, or parts thereof or pictorial representations of other marijuana products, by-products, or paraphernalia associated with the use or distribution of retail marijuana.
- ii. All signage for Marijuana Businesses shall comply with the requirements of this Ordinance and the Town's then current Advertising Ordinance and Sign Ordinances. In the event of a conflict between ordinances, the more restrictive provision shall apply.

#### *G. Labeling*

All Marijuana and Marijuana Products shall be labeled in compliance with all applicable state laws and regulations.

#### *H. Hours of Operation*

Marijuana Businesses may not be open to members of the public except between the hours of 8:00 am and 11:00 pm.

#### *I. Knox Boxes*

Due to fire, explosion, and other hazards inherent in Marijuana Cultivation Facilities, Marijuana Testing Facilities, and Marijuana Manufacturing Facilities, including, but not limited to, heavy electrical loads, hot lighting fixtures, CO2 enrichment, extraction solvents (acetone, butane, propane, ethanol, heptane, isopropanol, CO2, etc.), high-pressure extraction methods (CO2, etc.), and flammable contents, the owners of all such facilities shall agree to be inspected annually by the Lebanon 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 Lebanon Fire Department.

*J. Waste Disposal Plan*

Waste disposal measures, including a waste disposal plan, where applicable, at all Marijuana Business premises shall, at a minimum, comply with the requirements of the State Rule and any other state requirements.

*K. Compliance with requirements of state and local law.*

A Marijuana Business shall meet all operating and other requirements of local ordinances and state laws and regulations. To the extent the state has adopted or adopts in the future any law or regulation governing Marijuana Businesses that conflicts in any way with the provisions of this Ordinance, the more restrictive provision shall control.

**§17. Performance Standards for Adult Use Marijuana Cultivation Facilities**

*A. Outdoor Marijuana Cultivation prohibited.*

Marijuana Cultivation may only take place indoors. Outdoor Marijuana Cultivation and/or outdoor storage or processing of Marijuana is expressly prohibited.

*B. Maximum Plant Canopy.*

An adult Use Marijuana Cultivation Facility may not exceed 20,000 square feet of Plant Canopy.

*C. Insurance requirements.*

Any Adult Use Marijuana Cultivation Facility with greater than five hundred (500) square feet of Plant Canopy shall carry an Environmental Impairment Liability (EIL) insurance rider naming the Town as an additional insured, or provide equivalent protection reasonably satisfactory to the Select Board, in the amount of \$1,000,000.00 to provide for payment of any site investigation, assessment and remediation costs that may be needed should the site be polluted or contaminated. The Select Board may modify or waive this requirement upon a showing that such EIL insurance or equivalent protection is not reasonably commercially available.

*D. Signs.*

Exterior signage must be attached to the building where the Adult Use Marijuana Cultivation Facility is sited, and may include only the business name, address, and contact information. Signs are limited to a maximum of 6 inches tall by 18 inches wide.

*E. Waste disposal plan.*

Adult Use Marijuana Cultivation Facilities must implement a waste disposal plan that complies with the State Rule and any other state requirements.

**§18. Performance Standards for Adult Use Marijuana Products Manufacturing Facilities and Adult Use Marijuana Testing Facilities**

*A. Insurance requirements.*

An Adult Use Marijuana Products Manufacturing Facility and an Adult Use Marijuana Testing Facility shall be subject to the provisions of Section 17.C governing insurance requirements.

*B. Signs.*

Exterior signage must be attached to the building where the Adult Use Marijuana Products Manufacturing Facility or Adult Use Marijuana Testing Facility is sited, and may include only the business name, address, and contact information. Signs are limited to a maximum of 6 inches tall by 18 inches wide.

*C. Waste disposal plan.*

Adult Use Marijuana Products Manufacturing Facilities and Adult Use Marijuana Testing Facilities must implement a waste disposal plan that complies with the State Rule and any other state requirements.

**§19. Performance Standards for Adult Use Marijuana Stores**

*A. Fixed hours of operation.*

Adult Use Marijuana Stores must have fixed hours of operation during which they are open to members of the public over the age of 21. In no event may Adult Use Marijuana Stores be open to the public earlier than 8:00 am or later than 11:00 pm.

*B. Prohibited activities.*

The following activities are expressly prohibited:

- i. Vending machines for sales;
- ii. Drive through sales or delivery windows; and
- iii. Shipping or delivery of any Marijuana or Marijuana Products directly to customers.

*C. Signs.*

- i. Adult Use Marijuana Stores must have a clearly visible one (1) foot by one (1) foot sign attached to the building outside all entrances stating: "Must Be 21 to Enter."
- ii. Adult Use Marijuana Stores may opt to have additional entrance restrictions included on the mandatory sign attached to the building outside any entrance with Code Enforcement Officer Approval.
- iii. Any signage is limited to displaying the following information: name of business; logogram of business; and business's address, hours of operation, and contact information. Other than the foregoing information, no advertising for Marijuana or Marijuana Products shall be displayed on any sign in a publicly visible location.

*D. Preventing unauthorized access.*

- i. All marijuana retail stores shall perform ID checks at the door. No individual without a valid ID under the age of 21 may be allowed into the store.
- ii. A valid ID is defined as any ID that meets the requirements of Title 32 Chapter 117 §19795.

## **§20. License fees.**

Except as otherwise provided in Section 11, if a final application is approved, the following license fees must be paid before the Town will issue a provisional or final Town license.

**Table 1. Fee Schedule**

<b>Marijuana Business Type</b>	<b>Application Fee</b>	<b>Initial License Fee</b>	<b>Annual License Renewal Fee</b>
<b>Adult Use Marijuana Store</b>	\$4,000	\$40,000	\$20,000
<b>Adult Use Marijuana Cultivation Facility:</b>			
Tier 1 ( $\leq 30$ adult plants, $\leq 500$ sq. ft. plant canopy)	\$250	\$2,500	\$2,500
Tier 2 ( $\leq 2,000$ sq. ft.)	\$500	\$5,000	\$5,000
Tier 3 ( $\leq 7,000$ sq. ft.)	\$1,000	\$10,000	\$7,500
Tier 4 ( $\leq 20,000$ sq. ft.)	\$1,500	\$15,000	\$10,000
Nursery ( $\leq 1000$ sq. ft.)	\$300	\$3,000	\$3,000
<b>Adult Use Marijuana Products Manufacturing Facility</b>	\$500	\$5,000	\$3,000
<b>Adult Use Marijuana Testing Facility</b>	\$500	\$5,000	\$3,000

### *A. Conversion from a Medical Marijuana Business license to an Adult Use Marijuana Business license or vice versa.*

To change an existing Medical Marijuana Business license to an Adult Use Marijuana Business license or vice versa, the applicant only pays the difference between the one time and annual fee for their current license and the fee for the upgraded license. Annual Fees are prorated on a quarterly basis.

Conversion from a Medical Marijuana Business to an Adult Use Marijuana Business, or vice versa, in the same category of use (Cultivation, Retail/Store, Manufacturing, or Testing) will be treated as a renewal rather than as a new application. Conversion of a license to another license in the same category of use (i.e., registered caregiver retail store to adult use marijuana store) is only possible if there is a license currently available in the category of license to which the business will be converted.

### *B. Non-lapsing account.*

Fees collected pursuant to this Ordinance, the Medical Marijuana Business Ordinance, and the Registered Caregiver Licensing Ordinance shall be maintained in a separate non-lapsing account from which expenditures may be made by the Select Board for costs associated with the administrative, defense, and enforcement of these Ordinances, including without limitation, staff

time and legal fees.

#### **§21. Term of license; Renewals.**

##### *A. Term of license.*

Except as provided in Section 11, the term of any license shall end one year from the date of issuance.

##### *B. Renewals.*

Renewals shall be subject to the same review standards as applied to the initial issuance of the license. However, renewals shall not require site plan review.

All final applications and renewals require a public hearing and approval of the Select Board. As part of the application/renewal process, the Select Board shall consider compliance from prior years, and based upon that review, may add conditions to any future license to correct, abate, or limit past problems.

Licenses shall be renewed by appropriate application and payment of the applicable license renewal fee (see Section 20, Table 1) within sixty (60) days prior to expiration date of the license. Any person failing to renew any annual license required by the provisions of this Ordinance within thirty (30) days after the expiration or renewal date and continuing to operate are in violation of this ordinance. Failure to renew any annual license required by the provisions of this Ordinance within thirty (30) days after the expiration or renewal date will result in loss of said license, provided that the Select Board may extend the period for license renewal for good cause shown.

#### **§22. Right of access; Inspections**

Every Marijuana Business shall allow law enforcement officers and town officers as authorized by the Select Board, Code Enforcement Office, and/or Fire Department to enter the premises at reasonable times for the purpose of checking compliance with all applicable state laws and local ordinances and regulations. All Marijuana Businesses shall be subject to inspection at least annually by the fire department and any designated town officers to ensure compliance. Town officers may perform inspections on a monthly or other basis at the discretion of the Select Board, Code Enforcement Office, and/or Fire Department.

Marijuana Businesses are responsible for providing any isolation/protective gear needed to allow inspectors to access any of the business's facilities. Failure to have such gear available is not a valid reason for refusing an inspection.

Refusing to allow an inspector to access any part of a marijuana business is a violation of this Ordinance and is grounds for suspension or revocation of a license.

#### **§23. Violations; Penalties.**

In addition to revocation or suspension of a Marijuana Business license as provided in this Ordinance, any person, including but not limited to, a Marijuana Business 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 penalized in accordance with 30-A M.R.S. §4452.

Commencement of any Marijuana Business without a Town license for same shall be a violation of this Ordinance. Any party committing such a violation shall immediately cease operations, whether of a construction, renovation, or business nature, upon notification by the Code Enforcement Officer. Upon such notification, the Town can pursue fines and/or penalties under 30-A M.R.S. §4452.

Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the Town may enjoin or abate any violation of this Ordinance. All fines and penalties, together with costs of prosecution of violations, which shall include the Town's costs and attorneys' fees, shall inure to the benefit of the Town. This section shall be enforced by the Lebanon Code Enforcement Officer or other designee of the Select Board.

**§24. Indemnification.**

By accepting a license issued pursuant to this Ordinance, the licensee waives and releases the Town, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of any Marijuana Business owners, operators, employees, clients, or customers for a violation of local, State or federal marijuana laws, rules, or regulations.

By accepting a license issued pursuant to this Ordinance, the licensee 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 licensed Marijuana Business.

**§25. Appeals.**

An aggrieved party may appeal any final application or license denial, suspension, revocation or non-renewal decision of the Select Board under this Ordinance to Superior Court in accordance with 30-A M.R.S. § 4482-A and the provisions of Rule 80B of the Maine Rules of Civil Procedure.

Adopted by the Town of Lebanon voters  
on June 13, 2023 by vote of Yes: 484  
NO: 364.

A True Attest Copy

  
Town Clerk