

✓
STB
HP

LEBANON MEDICAL MARIJUANA BUSINESS ORDINANCE
(as revised June 13, 2023)

§1. Title.

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

§2. Authority.

This Ordinance is enacted pursuant to authority granted under the Maine Medical Use of Marijuana Act, 22 M.R.S. §2421 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 regulate Medical Marijuana Businesses, including registered caregiver activity, 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. In cases where this Ordinance conflicts with the Lebanon Drug Paraphernalia Ordinance, this Ordinance shall take precedence for Registered Caregiver Retail Stores only.

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.

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 unless the context otherwise indicates, shall be construed in a manner that is consistent with the corresponding definitions in the State of Maine Medical Use of Cannabis Program Rule, 18-691 C.M.R.

Chapter 2 and in the State of Maine Adult Use Cannabis Program Rule, 18-691 C.M.R. Chapter 1, provided that the term "Marijuana" as used in this Ordinance shall have the same meaning as "Cannabis" as used in the Adult Use Program Rule..

Adult Use Marijuana Business: "Adult Use 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 the Town's Adult Use Marijuana Business ordinance.

Exempt Caregiver: "Exempt Caregiver" means a natural person who cultivates Marijuana for no more than two family members or members of the Caregiver's household, is exempt from registration pursuant to 22 M.R.S § 2423-A(3)(C) and may not possess more than 8 pounds of Marijuana.

Home Cultivation of Marijuana: "Home Cultivation of Marijuana" means (a) the 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; and (b) the cultivation of medical marijuana by an Exempt Caregiver or Qualifying Patient.

Large Marijuana Manufacturing Facility: Any facility used for marijuana manufacturing with 250 square feet or more used for marijuana manufacturing. The space will be measured to include the total square footage of any room used in the manufacturing process.

Small Marijuana Manufacturing Facility: Any facility used for marijuana manufacturing with less than 250 square feet used for marijuana manufacturing. The space will be measured to include the total square footage of any room used in the marijuana manufacturing process.

Licensed Caregiver Facility: "Licensed Caregiver Facility" means a facility where a Registered Caregiver conducts activities authorized by the State Registration Authority under 22 M.R.S. § 2423-A that is not the Registered Caregiver's primary residence or accessory structure, nor is located on the same lot as the Registered Caregiver's primary residence.

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 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.

Mature Marijuana Plant: "Mature Marijuana Plant" means a marijuana plant that is flowering. "Mature Marijuana Plant" does not include marijuana concentrate or a product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

Medical Marijuana Business: "Medical Marijuana Business" means a Medical Marijuana Manufacturing Facility, Registered Caregiver Retail Store, Licensed Caregiver Facility, Multiple Licensed Caregiver Facility, or Registered Caregiver Home Operation, all required to be licensed under this Ordinance.

Medical Marijuana Manufacturing Facility: "Medical Marijuana Manufacturing Facility" means a manufacturing facility authorized under state law to manufacture marijuana products for medical use or to engage in marijuana extraction for medical use, including a Large Marijuana Manufacturing Facility and a Small Marijuana Manufacturing Facility as defined in this Ordinance.

Multiple Licensed Caregiver Facility: "Multiple Licensed Caregiver Facility" means a property on which space is leased to more than three Licensed Caregiver Facilities. The individual or entity having ownership or control over the property (referred to as the "landlord" in this Ordinance) shall be responsible for ensuring compliance with all applicable requirements for Multiple Licensed Caregiver Facilities as provided in this Ordinance.

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.

Qualifying Patient: "Qualifying Patient" means a person who possesses a valid written certification regarding medical use of Marijuana in accordance with 22 M.R.S. § 2423-B.

Registered Caregiver: "Registered Caregiver" means a caregiver who is required to be registered by the State Registration Authority pursuant to 22 M.R.S. § 2425-A, as amended, and its successor provisions.

Registered Caregiver Home Operation: "Registered Caregiver Home Operation" means licensed activities authorized by the State Registration Authority under 22 M.R.S. § 2423-A which are conducted by a Registered Caregiver on the Registered Caregiver's residential lot within the Registered Caregiver's primary residence or accessory structure.

Registered Caregiver Retail Store: "Registered Caregiver Retail Store" means a registered caregiver authorized under state law to cultivate medical marijuana for qualifying patients that operates a retail store to sell medical marijuana to qualifying patients.

State Registration Authority: "State Registration Authority" means the authority created or designated by the state for the purpose of regulating and controlling registration for Medical Marijuana Businesses – the Department of Administrative and Financial Services, Office of Cannabis Policy ("OCP").

§7. Businesses allowed; Licenses required.

Pursuant to 22 M.R.S. §2429-D, the operation of Medical Marijuana Businesses is allowed, subject to the restrictions of this Ordinance and applicable state and local laws and regulations.

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

Whenever a Medical Marijuana Business license expires and is not renewed, or the Town declines to renew a Medical Marijuana Business license, other license applications may be reviewed. The cap on Medical 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 Medical Marijuana Business license.

§8. Submission of License Applications.

Whenever a Medical Marijuana Business license becomes available within the limits established for each applicable 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 22 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 Medical Marijuana Business in Lebanon.

Medical Marijuana Manufacturing Facility, Large:	1
Registered Caregiver Retail Store	2
Licensed Caregiver Facility	N/A
Multiple Licensed Caregiver Facility	20

B. Lottery process.

If more applications are requested than the number of licenses available for the particular Medical 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, requiring frontage on Carl Broggi Highway, where applicable, and with the setback requirements of Section 16.C of this Ordinance;
- b. Evidence that the applicant is a registered caregiver who, at the time of submission of a final application, possesses a valid active registry identification card from the State pursuant to 22 M.R.S. § 2425-A, 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, where applicable.

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 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 22.

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. Upon such 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 22, Table 1, final approval by the State, where applicable, and a 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 Medical 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 a license 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 and registrations shall be displayed in a conspicuous location within the Medical Marijuana Business for which the licenses are issued.

The Medical 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 Medical Marijuana Business premises. No one age twenty-one (21) or older is allowed on the premises without a current medical marijuana card or registration; Loitering is prohibited."

The required licenses, registrations, and notices for the Medical Marijuana Business (other than a Registered Caregiver Home Operation) must be posted in a location that is highly visible to the public or, if the Medical Marijuana Business is not open to the public, in a location that is readily visible to employees and staff of the Medical 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.

The standards for approval of a provisional license and a final license are set forth in Section 11. An application for a Medical Marijuana Business license shall be denied by the Select Board if the applicant fails to meet the location and setback requirements of this Ordinance, fails to pay all fees due under this Ordinance, or fails to obtain and maintain in effect a any required State approval or authorization for the same premises. An existing 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 approval, authorization or registration; or
- e. Fails to pay any applicable Town license fee.

In suspending, revoking, or refusing to renew a license for a Medical 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; and
- 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

No license issued for a Licensed Caregiver Facility, Multiple Licensed Caregiver Facility, or a Registered Caregiver Home Operation may be assigned to another individual or entity. A Medical Marijuana Business

licensee for a Large Marijuana Manufacturing Facility or a Registered Caregiver Retail Store may transfer ownership in a local license only after the licensee provides the following to the Town:

- a. Documentation that the licensee is current in the payment of all license fees and fines owed to the Town; and
- b. Documentation that the licensee is in compliance with the terms of its existing license, this Ordinance and any other applicable Town ordinances; or alternatively,
- c. A bond posted with the Town by the proposed transferee 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; and
- d. Documentation that the proposed transferee is a registered caregiver who possesses a valid, active registry identification card satisfactory to OCP.

Upon receipt of the above documentation, the Town shall provisionally approve the transfer of the license to the proposed transferee, conditioned upon the proposed transferee receiving any and all applicable State approvals or authorizations. Upon a finding by the Select Board or designee that the proposed transferee has complied with all of the terms of this Ordinance and any other applicable Town ordinances and regulations and has received final authorization or approval by the State to operate pursuant to the license to be transferred, where applicable, the Select Board shall grant final approval of the license transfer. Unless specifically authorized by the Select Board, no transferee of a Medical Marijuana Business license may conduct activities pursuant to that license until the Select Board has granted final approval of the license transfer.

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.

§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 Medical Marijuana Businesses in other than the licensed premises, such as at farmer's markets, farm stands or kiosks.
 - ii. All Medical Marijuana Business locations must be approved by the Select Board.
 - iii. All Large Marijuana Manufacturing Facilities or Registered Caregiver Retail Stores must have frontage on Carl Broggi Highway.
 - iv. No Medical Marijuana Business other than a Registered Caregiver Home Operation 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 Medical Marijuana Business is located.

C. Setbacks.

- i. A Medical Marijuana Businesses other than a Registered Caregiver Home Operation may not be located on property within two thousand (2,000) feet of the property line of a school, preexisting child care facility, place of worship, or a municipal "safe zone" per 30-A M.R.S. §3253. For purposes of this Medical 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 "child care facility" means a "child care 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 Medical Marijuana Business is located. Presence of a town, county, or other political subdivision boundary within the state of Maine shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.
- iii. More than one Medical 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, comply with the requirements of the Maine Medical Use of Marijuana Program Rule 18-691 C.M.R. Chapter 2 (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. Registered Caregiver Home Operations are prohibited from posting any signs advertising their business.
- ii. All signs used by, and all marketing and advertising conducted by or on behalf of a Medical Marijuana Business other than a Registered Caregiver Home Operation, 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. Medical Marijuana Businesses are prohibited from making any health or physical benefit claims through their signs, marketing, or advertisements.
- iii. All signage for Medical 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 control.

G. Labeling

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

H. Hours of Operation

Medical 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 Medical Marijuana Manufacturing Facilities and Licensed Caregiver Facilities (including any Multiple Licensed Caregiver Facility), 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. Compliance with requirements of state and local law.

A Medical Marijuana Business shall meet all operating and other requirements of state and local law. To the extent the state has adopted or adopts in the future any law or regulation governing medical marijuana establishments that conflicts in any way with the provisions of this article, the more restrictive shall control.

§17. Performance Standards for Medical Marijuana Manufacturing Facilities

A. Insurance requirements.

Any Large Marijuana Manufacturing Facility 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.

B. Signs.

Exterior signage must be attached to the building where the Medical Marijuana Manufacturing 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.

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

§18. Performance Standards for Registered Caregiver Retail Stores

A. Site Requirements

- i. Registered Caregiver Retail Stores may not be operated from a Registered Caregiver's primary residence.
- ii. No more than one Registered Caregiver Retail Store shall be located on a single parcel of land.
- iii. All Registered Caregiver Retail Stores must have frontage on Carl Broggi Highway.
- iv. No Registered Caregiver Retail Store shall be located inside a building containing residential units, including transient housing such as lodging, group homes, hotels, motels, and boardinghouses.

B. Fixed hours of operation.

Registered Caregiver Retail Stores must have fixed hours of operation. In no event may Registered Caregiver Retail Stores be open to the public earlier than 8:00 am or later than 11:00 pm.

C. Prohibited activities.

The following activities are expressly prohibited:

- i. Vending machines for sales; and
- ii. Drive through sales or delivery windows.

D. Signs.

- i. Registered Caregiver Retail Stores must have a clearly visible one (1) foot by one (1) foot sign attached to the building outside all entrances stating: "No Admittance without a Valid Medical Marijuana Card."
- ii. Registered Caregiver Retail 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.

§19. Performance Standards for Licensed Caregiver Facilities.

A Registered Caregiver that owns or leases space on a separate lot from their primary residence must obtain a Licensed Caregiver Facility license from the Town of Lebanon.

Licensed Caregiver Facilities are subject to the performance standards provided in this section.

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. Customer Sales and Wholesale Transactions

- i. All sales, consultations, and other interactions with Qualifying Patients and/or other individuals with current registrations issued by the State Registration Authority must occur by appointment only.
- ii. Drive through services and/or delivery windows are expressly prohibited.

- iii. Delivery to Qualifying Patients within the Town of Lebanon may only occur between the hours of 8:00 am and 11:00 pm.

C. Signs.

Exterior signage must be attached to the building where the Licensed Caregiver 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.

D. Waste disposal plan.

Licensed Caregiver Facilities must implement a waste disposal plan that complies with the State Rule and any other state requirements.

E. Limitation on Plant Canopy.

Any individual Licensed Caregiver Facility license only authorizes cultivation of up to 500 square feet of Plant Canopy or the number of Mature Marijuana Plants indicated on both the Registered Caregiver's registry identification card issued by the State Registration Authority and the local license.

§20. Performance Standards for Multiple Licensed Caregiver Facilities

The landlord of any Multiple Licensed Caregiver Facility must obtain a license from the Town of Lebanon.

Multiple Licensed Caregiver Facilities are subject to the performance standards provided in this section.

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. Signs.

Exterior signage must be attached to the building where the Multiple Licensed Caregiver 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.

Multiple Licensed Caregiver Facilities must implement a waste disposal plan that complies with the State Rule and any other state requirements.

D. Limitation on size of facility.

The landlord of any Multiple Licensed Caregiver Facility may only lease up to 20,000 square feet of total building space to Registered Caregivers on any given lot.

E. Caregiver licensing requirements; Retention of records.

The landlord of a Multiple Licensed Caregiver Facility is only authorized to rent cultivation space to individuals who hold a current, valid Registered Caregiver registry identification card issued by OCP and a current Licensed Caregiver Facility license from the Town of Lebanon. The landlord of the Multiple Licensed Caregiver Facility must keep copies of valid local licenses and State Registered Caregiver

registrations from all Registered Caregivers renting space on the property for a period of ten (10) years. Any lease agreement between the landlord and any Registered Caregiver and/or Licensed Caregiver Facility must include terms that terminate the lease in the event that any required state or local license or registration expires, is revoked, or becomes void in any way.

F. Insurance Requirements.

A Multiple Licensed Caregiver Facility shall be subject to the provisions of Section 17.A governing insurance requirements.

§21. Performance Standards for Registered Caregiver Home Operations

A. Site Requirements

- i. Registered Caregiver Home Operations may only be operated from the Registered Caregiver's primary residence.
- ii. Registered Caregiver Home Operations may be required to provide odor control measures so that odor generated on site is mitigated at the property line of the lot containing the Registered Caregiver Home Operation.
- iii. A Registered Caregiver shall not allow another Registered Caregiver who is not a member of the same household to cultivate Marijuana in the Registered Caregiver's primary residence. Each Registered Caregiver that is a member of the household must obtain a separate Registered Caregiver Home Operation license for his or her medical marijuana cultivation in the primary residence.

B. Customer Sales and Wholesale Transactions

- i. All sales, consultations, and other interactions with Qualifying Patients and/or other individuals with current registrations issued by the State Registration Authority must occur by appointment only. The Registered Caregiver Home Operation shall not be open to the public.
- ii. Drive through services and/or delivery windows are expressly prohibited.
- iii. Delivery to Qualifying Patients within the Town of Lebanon may only occur between the hours of 8:00 am and 11:00 pm.

C. Signs and Notices

- i. Registered Caregiver Home Operations may not post any signs advertising their business to the public.
- ii. A notice must be placed within the area(s) in which any authorized Registered Caregiver activities occur 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 Medical Marijuana Business premises. No one aged twenty-one (21) or older is allowed on the premises without a current medical marijuana card or registration. Loitering is prohibited.

- iii. The Registered Caregiver's registration number issued by the State Registration Authority must be posted in a highly visible location within the area(s) in which any authorized Registered Caregiver activities occur so that the number is readily visible to customers, employees, and any other authorized visitors, including Town officials.

§22. License fees.

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

Table 1. Fee Schedule

Medical Marijuana Business Type	Application Fee	Initial License Fee	Annual License Renewal Fee
Registered Caregiver Retail Store	\$1,200	\$12,000	\$6,000
Medical Marijuana Manufacturing Facility, Large	\$640	\$6,400	\$3,000
Licensed Caregiver Facility/Registered Caregiver Home Operation			
Up to 6 Mature Plants	\$20	\$24	\$24
Up to 12 Mature Plants	\$20	\$48	\$48
Up to 18 Mature Plants	\$20	\$72	\$72
Up to 24 Mature Plants	\$20	\$96	\$96
Up to 30 Mature Plants	\$20	\$120	\$120
Up to 500 square feet of Plant Canopy	\$100	\$1,000	\$1,000
Multiple Licensed Caregiver Facility	\$100	\$0.35/square foot (total square footage of all structures on the lot)	\$0.35/square foot (total square footage of all structures on the lot)
Add-on Small Marijuana Manufacturing Facility			
Up to 6 Mature Plants	\$20	\$24	\$24
Up to 12 Mature Plants	\$20	\$48	\$48
Up to 18 Mature Plants	\$20	\$72	\$72
Up to 24 Mature Plants	\$20	\$96	\$96
Up to 30 Mature Plants	\$20	\$120	\$120
Up to 500 square feet of Plant Canopy	\$100	\$1,000	\$1,000

A Medical Marijuana Caregiver Business licensed under the Town's Registered Caregiver Licensing Ordinance may obtain an add-on license for a Small Marijuana Manufacturing Facility under this Ordinance in accordance with the above fee schedule, Table 1.:

The annual renewal fee for a Small Manufacturing Facility add-on license will correspond to the number of plants or plant canopy on the renewal application, as outlined in this section of the Ordinance.

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 shall pay only 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, or Manufacturing,) 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. An existing Medical Marijuana Business or Adult Use Marijuana Business only qualifies for conversion if the Town issued a license to the business under the Town's Adult Use Marijuana Business Ordinance or Medical Marijuana Business Ordinance. Other forms of municipal approval for the business (including, but not limited to, a building permit or any other written or oral approval from a Town official or appeals board) are not sufficient to apply for conversion under this section.

B. Non-lapsing account

Fees collected pursuant to this Ordinance, the Adult Use 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 administration, defense, and enforcement of these Ordinances, including without limitation, staff time and legal fees.

§23. 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 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 22, Table 1 – Fee Schedule) within sixty (60) days prior to the 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.

§24. Right of access; Inspections

Every Medical Marijuana Business shall allow law enforcement officers, the Town Appointed Officer, or any other 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 Medical 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 basis or other basis at the discretion of the Select Board, Code Enforcement Office, and/or Fire Department.

Medical 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 Medical Marijuana Business is a violation of this Ordinance and is grounds for suspension or revocation of a license.

§25. Violations; Penalties.

In addition to revocation or suspension of a Medical Marijuana Business license as provided in this Ordinance, any person, including but not limited to, a Medical 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 Medical 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 cost and attorney's 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.

§26. 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 Medical Marijuana Business owners, operators, employees, clients, or customers for a violation of local, State or federal 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 Medical Marijuana Business.

§27. Appeals.

An aggrieved party may appeal any final licensing, 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 a vote of Yes: 480 NO: 365.

A True Attest Copy


Town Clerk