

LEBANON REGISTERED CAREGIVER LICENSING ORDINANCE

§1. Title.

This ordinance shall be known and cited as “Lebanon Registered Caregiver Licensing Ordinance” and will be referred to hereinafter as “this Ordinance.” This Ordinance provides for permitting/licensing and regulation of medical marijuana caregiver activity and standards for medical marijuana caregiver activity in the Town of Lebanon.

§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 registered caregiver activity, to provide procedures and standards relating to the operation of these businesses and the facilities in which they operate, 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 apply.

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 the permitting/licensing of registered caregiver activity in Lebanon, shall be the date of adoption by the voters at Town Meeting.

§6. Definitions.

As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

Disqualifying Drug Offense: "Disqualifying Drug Offense" means 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, but does not include (1) An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; (2) An offense that consisted of conduct that would have been permitted under the Maine Adult Use Marijuana Act; or (3) An offense that consisted of conduct that would have been permitted under the Maine Medical Use of Marijuana Act.

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.

Existing Resident Medical Marijuana Caregiver Business: "Existing Resident Medical Marijuana Caregiver Business" means an individual or entity that was operating in the Town of Lebanon with the Town's knowledge as of January 1, 2020 and whose current State-issued caregiver registration lists an address in Lebanon with frontage on Carl Broggi Highway.

Home Cultivation of Marijuana: "Home Cultivation of Marijuana" means (1) the cultivation of Marijuana for personal adult use by persons 21 years of age or older in accordance with the provisions of 28-B M.R.S. § 1502, as may be amended; and (2) the cultivation of medical Marijuana by an Exempt Caregiver or a Qualifying Patient.

Large Marijuana Manufacturing Facility: Any Medical Marijuana Caregiver Business 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 Medical Marijuana Caregiver Business 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.

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 Caregiver Business: "Medical Marijuana Caregiver Business" means a Licensed Caregiver Facility, Multiple Licensed Caregiver Facility, Registered Caregiver Home Operation, Small Marijuana Manufacturing Facility, or Large Marijuana Manufacturing Facility required to be licensed under this Ordinance. This Ordinance does not authorize any other categories of medical marijuana establishments.

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 a Registered Caregiver's primary residence where the Registered Caregiver conducts activities authorized by the State Registration Authority under 22 M.R.S. § 2423-A.

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 establishments.

Town Appointed Officer: An individual appointed by the Select Board who has the authority to inspect the operations of Registered Caregivers and enforce provisions of this and any other marijuana-related ordinances.

§7. Businesses allowed; Licenses required.

Pursuant to 22 M.R.S. §2429-D, registered caregiver activity is allowed, subject to the restrictions of this Ordinance and applicable state and local law.

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

Whenever a license expires and is not renewed, or the Town declines to renew a license, other license applications may be reviewed. The cap of permits/licenses per 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 license.

§8. Distribution of licenses; Priority licensing period

There shall be an initial “priority licensing period” available for Existing Resident Medical Marijuana Caregiver Businesses as defined by this Ordinance. If there are more Existing Resident Medical Marijuana Caregiver Business applicants than there are available licenses as outlined in Section 9 below, all Existing Resident Medical Marijuana Caregiver Businesses that meet the licensing criteria will receive licenses, and no additional licenses will be issued. Once the number of licensed businesses drops below the maximum number of licenses for a particular category, the licenses will become available according to the allotment in Section 9.

All Existing Resident Medical Marijuana Caregiver Businesses must submit their applications during the one-week priority licensing period, which will be announced following the enactment of this Ordinance. In order to qualify for the priority licensing period, the applicant for the license must be the individual or entity listed on the Registered Caregiver card issued by the State Registration Authority, or the individual or entity listed on the Registered Caregiver card must have an ownership interest in the entity applying for the license. Failure to submit a completed application during this time will result in a loss of this priority.

Following the priority licensing period, any applicant requesting an application for a license shall select one lottery number between one (1) and sixty nine (69), inclusive. Once a number has been selected by an applicant, it will not be available to other applicants of the same license type.

There shall be a second “priority licensing period” available for Registered Caregivers as defined by this Ordinance. In order to qualify for the priority licensing period, the applicant for the license must be the individual or entity listed on the Registered Caregiver card issued by the State Registration Authority, or the individual or entity listed on the Registered Caregiver card must have an ownership interest in the entity applying for the license. Monday and Tuesday will be reserved for Registered Caregivers who have been registered in Lebanon for at least 5 years consecutively prior to the date of application, and Thursday and Friday will be reserved for Registered Caregivers who have been registered in Lebanon for at least 3 years consecutively prior to the date of application. Registered Caregivers may apply for any type of Marijuana License (adult use and/or medical) outlined in Section 9 below provided licenses are available. This priority licensing period is subject to lottery as outlined in section 9 if required.

All Registered Caregivers must submit their applications during the one-week priority licensing period, which will be announced following the enactment of this Ordinance. Failure to submit a completed application during this time will result in a loss of this priority.

Applications will be processed in order of receipt of the completed application, including all applicable documentation and certified funds (cashier's check, bank check, or money order). If a lottery is required under Section 9, then applications subject to the lottery will not be processed until after the lottery is completed. Only applicants selected through the lottery process will be authorized to submit completed applications to the Town.

§9. Limitation on licenses; Lottery.

A. Number of licenses available.

The list below outlines the total number of licenses that will be available for each category of Medical Marijuana Caregiver Business in Lebanon. In the event that a greater number of valid license applications are submitted than can be issued within these limitations after the initial priority licensing period, a lottery shall be conducted to randomly determine which qualified applicants shall receive licenses. Registered caregiver home operations shall not be subject to the lottery, but shall pay an annual license fee as outlined in §19.

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|--------------------------------------|-----|
| Licensed Caregiver Facility | N/A |
| Multiple Licensed Caregiver Facility | 20 |
| Registered Caregiver Home Operation | N/A |

B. Lottery process.

If there are more applications requested than licenses available for the particular business type, the Town Appointed 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 at least seven (7) days prior to the date of the scheduled lottery.
- ii. Lottery winners shall be determined by the Maine Powerball Number that is drawn on the scheduled lottery date.
 - a. The power ball drawing used will be the first drawing held after the Public Notice.
 - b. The first number drawn will determine the first Application recipient. The holder of the number closest to the Powerball drawn will be deemed the winner.
 - c. In the event of a tie (two applicants are equidistant from the Powerball drawn)
 - i. If there are two or more licenses available, both applicants will receive an application.
 - ii. If there is only one license available, the lower number of the tied applicants will be the winner
- iii. Lottery drawings will continue until all available applications have been granted.

§10. Application.

Applicants authorized under Section 8 or Section 9 above, as applicable, shall complete and file an application on the form provided by the Town Appointed Officer along with the following supporting materials:

- a) Evidence of all state approvals required to operate the Medical Marijuana Caregiver Business.
- b) A release for each applicant and for each officer, owner, member, manager or partner of the applicant seeking a license allowing the Town of Lebanon to obtain criminal records and other background information related to the individual.
- c) Evidence of compliance with the requirements of this Ordinance.

Applicants will pay a non-refundable deposit of 10% of their license fee upon submission of their application. The applicant will pay the balance of the license fee at the time the license is issued.

Applicants will have ninety (90) days to complete their application, and submit it to the Town. If an applicant wished to extend this period by 90 days, they may do so by paying their license fee in full. This payment is non-refundable.

An applicant may request an additional extension by appealing to the Select Board. Additional extensions may not exceed a total of one (1) year from the date of the original application.

If an applicant fails to submit a completed application within ninety (90) days, or purchases an extension and fails to complete the application during the extra ninety (90) days, the application will be considered to be abandoned, and the license will be available to other applicants.

If the Town Appointed Officer determines that a submitted application is not complete, the Town Appointed Officer 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 Town Appointed Officer's request, the application may be denied.

§11. Action on application.

Public hearing. The Town Appointed Officer, upon receipt of a completed 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 appear in the newspaper of general circulation within the Town of Lebanon at least seven days prior to the date of the scheduled public hearing. Costs of the hearing notice shall be paid out of the license and processing fee.

Select Board Action. The Select Board, after notice and public hearing, shall determine whether the applicant complies with the requirements of this article. Upon such determination by the Select Board, the Town Appointed Officer shall be authorized to issue the license. The Select Board shall have the authority to impose any conditions on a license that may be necessary to insure compliance with the requirements of this Ordinance or to address concerns about operations that may be resolved through the conditions. The failure to comply with such conditions shall be considered a violation of the license.

§12. Duty to update information.

Any licensee issued a license under this ordinance shall have the duty to maintain updated and accurate information regarding all of the information provided pursuant to the application process within ten days of any change of status. Failure to provide and maintain current and accurate information may result in revocation of the applicant's license.

§13. Standards for approval, denial, revocation.

A license application for a Medical Marijuana Caregiver Business 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:

- a) Fails to meet the requirements of this Ordinance, including any applicable building and life safety code requirements.
- b) Is not at least twenty-one (21) years of age.
- c) Has had a license or registration for a marijuana establishment or medical marijuana establishment revoked by a municipality or by the state.
- d) Has not acquired all necessary state and local approvals prior to issuance of the license.
- e) Has been convicted of a Disqualifying Drug Offense.
- f) Has provided false or misleading information in connection with the license application.

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

- a) Number and types of complaints law enforcement received and/or investigated.
- b) Citizen complaints.
- c) Failing to correct or abate a violation that the Town is authorized to enforce.
- d) Failing to correct or abate any violation of this or state marijuana ordinances, rules, or regulations.

§14. Transferability of licenses.

No license issued under this Ordinance may be assigned or transferred to another individual or entity. The licensee may transfer ownership interests in the license to the extent authorized under state law. The licensee must complete an application to transfer ownership interests and provide a copy of the local authorization form and/or any other documentation required by the state to the Town.

Licenses are limited to the premises for which they are issued and are not transferable to another location. A licensee who seeks to move a licensed Medical Marijuana Caregiver Business to a new location shall acquire a renewal of the local license for the new location. When a licensee proposes both a relocation and any change in ownership interests, the licensee shall be required to fulfill all requirements of an application for a new license and will be subject to the limitation on the number of licenses as provided in this Ordinance.

§15. 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 establishments in other than the licensed premises, such as at farmer's markets, farm stands or kiosks.
- ii. All Medical Marijuana Caregiver Business locations must be approved by the Select Board.
- iii. No Medical Marijuana Caregiver 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 Caregiver Business is located.

C. Setbacks.

- i. Medical Marijuana Caregiver Businesses other than Registered Caregiver Home Operations 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 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 Caregiver 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 Caregiver Business may be located on the same parcel, provided all state and local requirements are met.

D. Security.

Security measures at all Medical Marijuana Caregiver Business premises other than Registered Caregiver Home Operations shall include, at a minimum, the following:

- i. Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week, with thirty (30) day video storage, to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises.
- ii. Door and window combination video and motion detector intrusion system with audible alarm and smart phone monitoring, maintained in good working condition.
- iii. A locking safe permanently affixed to the premises that is suitable for storage of all marijuana, marijuana products, and cash stored overnight on the licensed premises.
- iv. Exterior lighting that illuminates the exterior walls of the licensed premises during dusk to dawn, that is either constantly on or activated by motion detectors.
- v. Deadbolt locks on all exterior doors and any other exterior access points, excepting windows which shall have locks.
- vi. Methods to ensure that no person under the age of twenty-one (21) shall have access to Marijuana and Marijuana Products.

E. Odor mitigation.

- i. All Medical Marijuana Caregiver Businesses shall provide odor control measures so that odor generated on site is mitigated at the property line of the lot containing the Medical Marijuana Caregiver Business. Applications must demonstrate appropriate measures, such as carbon filtration, ventilation and exhaust systems, facility plans or other additional practices adequate to mitigate odors for the scale of operations for the uses proposed.
- ii. An odor mitigation/ventilation plan shall be included for all Medical Marijuana Caregiver Businesses that provides for adequate ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation or processing of marijuana or marijuana related products from being dispersed or released outside the premises. The plan shall further provide for resulting smoke, vapor, fumes, gases and particulate matter from marijuana or its processing or cultivation to be effectively confined to the premises.

F. Signs

- i. Only one sign is allowed per site. Multiple Medical Marijuana Caregiver Businesses may share a sign. Registered Caregiver Home Operations are prohibited from posting signs advertising their business.
- ii. All signs used by, and all marketing and advertising conducted by or on behalf of the Medical Marijuana Caregiver 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. Medical Marijuana Caregiver Businesses are prohibited from making any health or physical benefit claims through their signs, marketing, or advertisements.
- iii. All signage shall meet the requirements of Town's Advertising Ordinance and 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.
- iv. Portable signs or sandwich board signs located in the public right-of-way are prohibited.

G. Labeling

All Marijuana and Marijuana Products shall be labeled with the Marijuana Universal Symbol adopted by the State of Maine and shall comply with all applicable state laws and regulations.

H. Hours of Operation

Medical Marijuana Caregiver Businesses shall only be open to members of the public between the hours of 8:00 am and 11:00 pm.

I. Knox Boxes

Due to fire, explosion, and other hazards inherent in Licensed Caregiver 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, including any Multiple Licensed Caregiver Facility, 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 Caregiver 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 registered caregiver activity that conflicts in any way with the provisions of this article, the more restrictive shall control.

§16. 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 shall be approved by the Town. The waste disposal plan must cover, at a minimum, the following:

- i. Wastewater management and disposal;
- ii. Hazardous waste management and disposal; and
- iii. Plant waste management and disposal.

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 card issued by the State Registration Authority and the local license.

§17. 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 shall be approved by the Town. The waste disposal plan must cover, at a minimum, the following:

- i. Wastewater management and disposal;
- ii. Hazardous waste management and disposal; and
- iii. Plant waste management and disposal.

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 or entities that hold current Licensed Caregiver Facility licenses from the Town of Lebanon. The landlord of the Multiple Licensed Caregiver Facility must keep copies of valid local licenses and state 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.

§18. 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: "Use of or allowed on-site consumption of marijuana is illegal; Open and public consumption of marijuana in

the State of Maine is illegal; The use of marijuana or marijuana products may impair a person's ability to drive a car or operate machinery; No one permitted without a current medical marijuana card; Loitering 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.

§19. License fees.

If an application is approved, the following license fees must be paid before the Town will issue a permit/license.

The initial license fees and renewal fees shall be as follows:

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| Licensed Caregiver Facility/Registered Caregiver Home Operation | |
| 1-6 Mature Marijuana Plants | \$24.00 |
| 7-12 Mature Marijuana Plants | \$48.00 |
| 13-18 Mature Marijuana Plants | \$72.00 |
| 19-24 Mature Marijuana Plants | \$96.00 |
| 25-30 Mature Marijuana Plants | \$120.00 |
| 31-36 Mature Marijuana Plants | \$144.00 |
| 37-42 Mature Marijuana Plants | \$168.00 |
| 43-48 Mature Marijuana Plants | \$192.00 |
| 49-54 Mature Marijuana Plants | \$216.00 |
| 55-60 Mature Marijuana Plants | \$240.00 |
| Up to 500 square feet of Plant Canopy | \$1,000.00 |
| Multiple Licensed Caregiver Facility | \$0.35/square foot (total square footage of all structures on the lot) |

A Medical Marijuana Caregiver Business may obtain an add-on license for a Small Marijuana Manufacturing Facility under the Medical Marijuana Business Ordinance in accordance with the following fee schedule:

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| 1-6 Mature Marijuana Plants (add-on manufacturing license) | \$24.00 |
| 7-12 Mature Marijuana Plants (add-on manufacturing license) | \$48.00 |
| 13-18 Mature Marijuana Plants (add-on manufacturing license) | \$72.00 |

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| 19-24 Mature Marijuana Plants (add-on manufacturing license) | \$96.00 |
| 25-30 Mature Marijuana Plants (add-on manufacturing license) | \$120.00 |
| 31-36 Mature Marijuana Plants (add-on manufacturing license) | \$144.00 |
| 37-42 Mature Marijuana Plants (add-on manufacturing license) | \$168.00 |
| 43-48 Mature Marijuana Plants (add-on manufacturing license) | \$192.00 |
| 49-54 Mature Marijuana Plants (add-on manufacturing license) | \$216.00 |
| 55-60 Mature Marijuana Plants (add-on manufacturing license) | \$240.00 |
| Up to 500 square feet of Plant Canopy (add-on manufacturing license) | \$1,000.00 |

Non-lapsing account: Fees collected pursuant to this ordinance shall be maintained in a separate non-lapsing account from which appropriations may be made for costs associated with the administration and enforcement of this ordinance, including without limitation, staff time and legal fees.

§20. Term of license; Renewals.

A. Term of license.

The term of any license or permit 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. The annual renewal fee for a Licensed Caregiver Facility, Registered Caregiver Home Operation, and Small Marijuana Manufacturing Facility will correspond to the number of plants or plant canopy on the renewal application, as outlined in section 19 of this Ordinance.

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 fee within sixty (60) days prior to expiration date of 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.

§21. Right of access; Inspections

Every Medical Marijuana Caregiver 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 Caregiver Businesses shall be subject to mandatory annual inspections by the fire department and any designated town officers to ensure compliance. The Town Appointed Officer may perform inspections on a monthly basis at the discretion of the Select Board, Code Enforcement Office, and/or Fire Department.

Medical Marijuana Caregiver Businesses are responsible for providing any isolation/protective gear needed to allow inspectors to access any of the businesses 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 Caregiver Business is a violation of this ordinance, and is grounds for revocation of license.

§22. Violations; Penalties.

In addition to revocation or suspension of a Medical Marijuana Caregiver Business license as provided in this Ordinance, any person, including but not limited to, a Medical Marijuana Caregiver 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 Caregiver 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 (CEO). Upon such CEO 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, the Town Appointed Officer, and/or their designees.

§23. 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 Caregiver 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 permittee/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 permitted/licensed Medical Marijuana Caregiver Business.

§24. Appeals.

An aggrieved party may appeal any final licensing, denial, suspension, or revocation decision of the 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 8th, 2021
by a vote of YES: 394 NO: 362.

A True Attest Copy


Town Clerk