

# **TOWN OF WILTON**

## **Adult Use and Medical Marijuana Stores, Cultivation Facilities, Manufacturing Facilities, and Testing Facilities Ordinance-DRAFT**

ENACTED:

CERTIFIED BY: \_\_\_\_\_

WILTON MARIJUANA ORDINANCE – FINAL DRAFT 8-4-20 Post Legal Advice and public hearing and workshop.

**Town of Wilton  
Article 1 -12 Land Use  
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**Adult Use and Medical Marijuana Stores, Cultivation Facilities,  
Manufacturing Facilities, and Testing Facilities Ordinance**

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WILTON MARIJUANA ORDINANCE – FINAL DRAFT 8-4-20 Post Legal Advice and public hearing and workshop on 6-11-2020.

**Article 1 Title:**

This ordinance shall be known and cited as the “Town of Wilton Adult Use and Medical Marijuana Stores, Cultivation Facilities, Manufacturing Facilities, and Testing Facilities Ordinance” and will be referred to hereinafter as “this Ordinance”. This Ordinance limits all subject Adult Use and Medical Marijuana businesses to the zoning districts specified under the Zoning Ordinance Table of Uses, prescribes definitions of Adult Use and Medical Marijuana businesses, provides for permitting/licensing and regulation of Adult Use and Medical Marijuana businesses, and provides standards for Adult Use and Medical Marijuana businesses.

**Article 2 Authority and Applicability:**

**WHEREAS**, implementing a system for the regulation of stores, cultivation, manufacturing, and testing for both Adult Use and Medical Marijuana, a controlled substance, is a complex function with significant administrative demands on the Town of Wilton; and

**WHEREAS**, ensuring that possession and use of Adult Use and Medical Marijuana is limited to persons who are 21 years of age or older, except in the case of minors in possession of a Medical Marijuana Patient Card, is necessary to protect those who have not yet reached adulthood from the effects of irresponsible use of a controlled substance; and

**WHEREAS**, the Town of Wilton believes that any production, processing, or selling of Adult Use and Medical Marijuana should be conducted in a safe and fair manner for the health, safety, and welfare of the community, which includes complying with provisions of all applicable laws and ordinances relating to Adult Use and Medical Marijuana throughout the Town of Wilton; and

**NOW THEREFORE**, this Ordinance is adopted pursuant to the Marijuana Legalization Act, 28-B M.R.S. c. 1; Maine’s Medical Marijuana laws and regulations, including but not limited to 22 M.R.S. c. 558-C; Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of the Municipal Home Rule Authority (30-A M.R.S. §3001 et seq.); and the provisions of the Planning and Land Use Regulation Act, 30-A M.R.S. §4312 et seq.

**Article 3 Purpose:**

It is the purpose of this Ordinance to regulate Adult Use and Medical Marijuana businesses in order to promote the health, safety, and general welfare of the citizens of Wilton, and to establish reasonable and uniform regulations for the appropriate location of Adult Use and Medical Marijuana businesses in Wilton.

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**Article 4 Application Process:**

**4.1 Adult Use**

Persons or entities wishing to establish an Adult Use Marijuana business within the Town of Wilton shall go through a 3 step process:

First, obtain a conditional license business use permit from the State of Maine Office of Marijuana Policy. This requires a criminal background check, finger printing, and individual identification card. Once the state conditional license is approved, then the process for local approval may begin. The state will issue an active license once local approval is received by the state.

Second, submit a Planning Board application for use permit with application fee for public hearing to the Wilton Planning Board for an adult marijuana business use permit, which will follow the site plan review process and hold a public hearing.

Third, once Planning Board has approved the adult marijuana business use application, the applicant will obtain permit/license from the Wilton Select Board (hereinafter “the Municipal Officers”), pay the permit/license fee and shall be subject to the provisions of this Ordinance.

Note, the permit/license issued by the Municipal Officers is subject to renewal each year with payment of the fees listed in Article 10 E by the Municipal Officers only, without the requirement of the Planning Board site plan review.

**4.2 Medical**

Persons wishing to establish a Medical Marijuana business within the Town of Wilton shall go through a 3 step process:

First submit an application and obtain a registered primary caregiver card from the State of Maine.

Second, submit a Planning Board application for use permit with application fee for public hearing to the Wilton Planning Board for an medical marijuana business use permit, which will follow the site plan review process and hold a public hearing.

Third, once Planning Board has approved the adult marijuana business use application, the applicant will obtain permit/license from the Wilton Select Board (hereinafter “the Municipal Officers”), pay the permit/license fee and shall be subject to the provisions of this Ordinance.

Note, the permit/license issued by the Municipal Officers is subject to renewal each year with payment of the fees listed in Article 10 E by the Municipal Officers only, without the requirement of the Planning Board site plan review.

This Ordinance may not be construed to limit any privileges or rights of a qualifying patient, caregiver, or registered caregiver under Maine’s Medical Marijuana laws and regulations, including but not limited to 22 M.R.S. c. 558-C, except that Medical Marijuana Stores operated by registered caregivers are subject to the provisions of this Ordinance.

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### **4.3 Co-Location of Adult Use and Medical Marijuana**

Adult use and Medical marijuana businesses may be in the same location provided each follow state regulations to clearly separate operations, and that there are different licensees for each enterprise.

### **Article 5 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.

### **Article 6 Effective Date:**

The effective date of this Ordinance, and the permitting/licensing of the establishment or operation of any Adult Use or Medical Marijuana Store, Adult Use or Medical Marijuana Cultivation Facility, Adult Use or Medical Marijuana Manufacturing Facility, or Adult Use or Medical Marijuana Testing Facility in Wilton thereunder, shall be the date of adoption by the voters at Town Meeting.

### **Article 7 Validity and Severability:**

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

### **Article 8 Definitions:**

For the purpose of this Ordinance, the term, “Marijuana Business” means any Adult Use or Medical Marijuana business as listed below.

For the purpose of this Ordinance, the term “Caregiver Retail Stores” includes storefronts operated by registered caregivers and medical marijuana dispensaries.

*Adult use cultivation facility* means a facility licensed under this ordinance to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to adult use products manufacturing facilities, to adult use 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 adult use marijuana stores.

*Adult use marijuana nursery cultivation facility* means a facility licensed under this ordinance to cultivate marijuana.

*Adult use marijuana store* means a facility licensed under this ordinance to purchase adult use marijuana, immature marijuana plants and seedlings from an adult use cultivation facility, to

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purchase adult use marijuana and adult use marijuana products from an adult use products manufacturing facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

*Adult use marijuana testing facility* means a facility licensed under this ordinance to develop, research and test adult use marijuana, adult use marijuana products and other substances.

*Adult use products manufacturing facility* means a facility licensed under this ordinance 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; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

*Cultivation or cultivate* means the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale.

*Harvested marijuana* means the plant material harvested from a mature marijuana plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use. "Harvested marijuana" includes marijuana concentrate and marijuana products.

*Immature marijuana plant* means a marijuana plant that is not a mature marijuana plant or a seedling.

*Manufacture or manufacturing* means the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.

*Marijuana* means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not.

*Marijuana business* means medical marijuana cultivation facility, medical marijuana manufacturing facility, medical marijuana testing facility, dispensary, caregiver retail store, adult use marijuana cultivation facility, adult use marijuana products manufacturing facility, adult use testing facility, or adult use marijuana store licensed under this ordinance.

*Medical marijuana cultivation facility* means a facility licensed under this ordinance to cultivate, prepare and package medical marijuana at a location that is not the residence of the registered caregiver or qualifying patient.

*Medical marijuana manufacturing facility* means a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in marijuana extraction under section 2423-F.

*Medical marijuana testing facility* means a public or private laboratory that:

- (1) Is authorized in accordance with 22 M.R.S.A. § 2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and
- (2) Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a third-party accrediting body or is certified, registered or accredited by an organization approved by the State of Maine.

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*Medical use* means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification under this chapter.

*Plant canopy* means the total surface area within the licensed premises of an Adult Use Marijuana Cultivation Facility that is authorized for use at any time by the cultivation facility licensee to cultivate 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 non-contiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used by the cultivation facility licensee, 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 licensed premises of a cultivation facility that are used by the licensee to cultivate immature marijuana plants and seedlings and that are not used by the licensee at any time to cultivate mature marijuana plants.

*Qualifying patient* means a person who has been a resident of the state for at least 30 days and who possesses a valid written certification regarding medical use of marijuana in accordance with section 2423-B.

*Registered caregiver* means a person or an assistant of that person that provides care for a qualifying patient and who is registered by the State of Maine pursuant to 22 M.R.S.A. § 2425-A.

*Caregiver retail store* means a facility licensed to sell harvested marijuana to qualifying patients for the patients' medical use.

*Registered dispensary* means an entity registered under 22 M.R.S.A. § 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

*Testing* or *test* means the research and analysis of marijuana, marijuana products or other substances for contaminants, safety or potency.

**Article 9 Permit/License Required:**

No person may establish, operate or maintain an Adult Use or Medical Marijuana business without first obtaining a permit/license from the Municipal Officers.

It is a violation of this Ordinance for any person to operate an Adult Use or Medical Marijuana business within the Town of Wilton without a valid Adult Use or Medical Marijuana business permit/license issued by the Town pursuant to this Ordinance.

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It is a violation of this Ordinance for any person to operate an Adult Use or Medical Marijuana business within the Town of Wilton without a valid Adult Use or Medical Marijuana business permit/license issued by the State pursuant to State Adult Use and Medical Marijuana laws and regulations.

Pursuant to 28-B M.R.S. §401 and 22 M.R.S. §2429-D , the Town has placed the following permit/license limits for the following four (4) categories of Adult Use and Medical Marijuana businesses: Stores - eight (8) total, four (4) Adult Use Retail and four (4) Medical Caregiver Retail; Cultivation Facilities - seven (7) total; Manufacturing Facilities - five (5) total; and Testing Facilities - two (2) total. Whenever a permit/license expires and is not renewed, or the Town declines to renew a permit/license, other permit/license applications may be reviewed, but the cap of permits/licenses per each category shall be maintained. Any medical caregiver retail in place upon the adoption of this ordinance may remain.

In the event of the proposed sale of a marijuana business, the tentative purchaser shall be given preference to obtain a new permit/license to replace the seller's permit/license within sixty (60) days prior to the date of the sale.

The tentative purchaser shall file an application with fee and provide all the information required in this Ordinance. If the application is approved by the Town, the Municipal Officers shall specify that the permit/license for same is contingent on the sale being completed and the Town's receipt of permit/license fees.

The holder of a permit/license for a Medical Caregiver Retail Store may exchange their permit/license for an Adult Use Marijuana Store permit/license in the same location, provided that there is an available permit/license for one of the 4 Adult Use stores. Said holder must file an application and pay a \$100 fee.

The holder of a permit/license for an Adult Use Marijuana Retail Store may exchange their permit/license for a Medical Caregiver Retail Store permit/license in the same location, provided that there is an available permit/license for one of the 4 Adult Use retail stores. Said holder must file an application and pay a \$100 fee.

All Adult Use and Medical Caregiver Retail Stores must be operated from permanent locations, which may utilize telephone and internet orders. No Adult Use delivery is allowed, Medical marijuana may be delivered to the patient.

Adult Use and Medical Marijuana Stores may not use vending machines for sales, may not have "drive-through" or "drive-up" window-serviced sales, and may not have internet-based sales with credit/debit card payment and delivery by USPS, UPS, FedEx, DHL, or any other global or local delivery service or courier.



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**Article 10 Application Procedure:**

**A.** An application for a permit/license must be made on Planning Board application for use permit with public hearing on the form provided by the Town.

**B.** All applicants must be qualified according to the provisions of this Ordinance and must have applied for and obtained a conditional license issued by the State of Maine Office of Marijuana Policy for an Adult Use Marijuana business or a Medical Marijuana Caregiver license. All payments to the Town of Wilton for property taxes, personal property taxes, water and sewer fees must be current. The application requests and the applicant shall provide information so the Town can determine whether the applicant meets the qualifications established in this Ordinance.

**C.** The Town will give first priority to applicants, who are property owners in the town of Wilton.

**D.** Applications to establish an Adult Use or Medical Marijuana business:

1. If the applicant who wishes to operate an Adult Use or Medical Marijuana business is a single individual, this person must sign the Planning Board application for use permit. If the applicant who wishes to operate an Adult Use or Medical Marijuana business is more than one individual, each person who has an interest in the business must sign the Planning Board application for use permit as applicant, attach extra sheets as needed. Each applicant must be qualified under the following Section and each applicant shall be considered a permittee/licensee if a permit/license is granted.
2. The completed application for an Adult Use or Medical Marijuana business permit/license shall be accompanied by the following documents:
  - a. The State of Maine conditional license for Adult Use Marijuana business along with copy of the application submitted to the State to obtain the license, or the State of Maine Medical Marijuana Caregiver license and a copy of the application submitted to the state to obtain the license. If the applicant is an individual: The individual shall state their legal name and any aliases, and submit proof that they are at least twenty-one (21) years of age.
  - b. If the applicant is a partnership: The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least twenty-one (21) years of age.

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- c. If the applicant is a corporation: The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least twenty-one (21) years of age.
- d. If the applicant is a limited liability company (LLC): The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least twenty-one (21) years of age.
- e. If the applicant intends to operate the Adult Use or Medical Marijuana business under a name other than that of the applicant, they must state the business' name and submit the required registration documents.
- f. If the applicant has had a previous permit/license under this Ordinance or other similar marijuana business ordinances from another Town, City, or State denied, suspended or revoked, they must list the name and location of the marijuana business for which the permit/license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and they must list whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this Ordinance, whose permit/license has previously been denied, suspended or revoked, listing the name and location of the marijuana business for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.
- g. If the applicant holds any other permits/licenses under this Ordinance or other similar marijuana business ordinance from another Town, City, or State and, if so, the names and locations of such other permitted/licensed businesses must also be provided.
- h. The classification of permit/license for which the applicant is filing.
- i. The location of the proposed Adult Use or Medical Marijuana business, including a legal description of the property, street address, and telephone number.
- j. The applicant's mailing address and residential address.
- k. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floorspace to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.

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1. A copy of a Town Tax Map depicting: the subject property lines and the property lines of any public or preexisting private school within five hundred (500) feet of the subject property; and/or property used for licensed daycare use under 10-148 CMR c. 32, and/or libraries, recreational areas designated for use by children, and/or areas designated as a municipal "safe zones" pursuant to 30-A M.R.S. §3253, within five hundred (500) feet of the subject property.
3. Some portions of applications for an Adult Use or Medical Marijuana business permit/license shall be kept confidential by the Town and used for administrative purposes only due to sensitive information contained therein such as Social Security numbers, etc., as allowed by FOAA (Freedom of Access Act).

**E. Application and Permit/License Fees**

All applications must be submitted with a \$250 fee, except for exchange conversions under Article 9, for which the fee is \$100. This application fee is in addition to state fees and will be applied to the license fee for the Town. The license fee is due annually for renewal following a public hearing with the Municipal Officers. If an application is approved, the following permit/license fees must be paid before the Town will issue a permit/license:

*Adult Use Marijuana Store/Caregiver Retail Store:* Permit/License Fee: \$1,250

This permit/license will allow the business to provide edible goods containing marijuana provided that the business obtains a food establishment license from the State of Maine Department of Agriculture, Conservation and Forestry and must comply with applicable provisions within 10-144 C.M.R., Chapter 200 and DACF rules.

Adult Use Marijuana Manufacturing Facility: Permit/License Fee: \$1,250

Medical Marijuana Manufacturing Facility: Permit/License Fee: \$1,250

*Adult Use and Medical Marijuana Testing Facility:* Permit/License Fee: \$500

*Adult Use and Medical Marijuana Cultivation:*

Tier 1: Up to thirty (30) mature plants (and an unlimited number of immature plants and seedlings) or up to 500 SF of plant canopy: Permit/Licensing Fee: \$250/indoor or indoor/outdoor.

Tier 2: 501-2,000 SF of mature plant canopy: Permit/License Fee: \$3,000/indoor or indoor/outdoor cultivation.

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Tier 3: 2,001-7,000 SF of mature plant canopy: Permit/License Fee: \$5,000/indoor or indoor/outdoor cultivation.

Tier 4: 7,001-30,000 SF of mature plant canopy: Permit/License Fee: \$15,000/indoor or indoor/outdoor. For each approved increase of 10,000 SF, the additional fee is: \$5,000 for indoor or indoor/outdoor cultivation.

Nursery Cultivation: Cultivation of not more than 1,000 SF of plant canopy in compliance with 28-B M.R.S. §501.3: Permit/License Fee: \$500 (Plant canopies of individual Nursery Cultivations are permanently capped at 1,000 SF.)

Every two (2) years, Tier 4 renewal applicants may seek a 7,000 SF plant canopy increase if in compliance with applicable State law.

Renewal applicants for Marijuana Cultivation permits/licenses may seek an increase to a higher tier if they comply with the requirements in this section.

Applicants for Marijuana Cultivation permits/licenses may not hold more than three (3) such permits/licenses or a total combined plant canopy in excess of 30,000 SF.

**Article 11 Standards for Permit/License:**

**A. General**

1. Adult Use and Medical Marijuana businesses, whether Retail Stores (including Medical Marijuana storefronts), Cultivation Facilities, Manufacturing Facilities, or Testing Facilities, may only exist and operate in the districts listed in the Zoning Ordinance Table of Uses, and as further restricted below in §11-14.10. A.2.a&b.
2. Adult Use and Medical Marijuana businesses may not be operated on property located within:
  - a. Five Hundred (500) feet of the property line of a public or preexisting private school (K-12) per 28-A M.R.S. §402.2. A; and/or
  - b. Five hundred (500) feet of the property line of any property used for licensed daycare use under 10-148 CMR c. 32; libraries, recreational areas designated for use by children; or areas designated as a municipal "safe zones" pursuant to 30-A M.R.S. §3253.

Required setbacks under 2. a. & b. above shall be measured as the most direct, level, shortest, straight-line distance between property lines.
3. More than one Adult Use or Medical Marijuana business (Store and/or Cultivation Facility and/or Manufacturing Facility and/or Testing Facility) may be co-located and operated within the same building, structure, or portion thereof, as long as all state regulations and this ordinance and application requirements are met and provided that there are different licensees for each enterprise.
4. Adult Use and Medical Marijuana businesses may be open for business only between the hours of 9:00 a.m. and 9:00 p.m., locally prevailing time.
5. For the purpose of subsection A.2 of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest property line of a property containing a building or structure used as the premises where an Adult Use or Medical Marijuana business is conducted, to the nearest property line of the premises of a use listed in subsection A.2. 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.
6. For purposes of subsection A.3 of this Section, the distance between any two properties containing a building housing one or more Adult Use or Medical Marijuana businesses shall be measured in a straight line, without regard to the intervening structures or objects

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or political boundaries, from the closest property line of each property containing the building in which each business is located.

7. Security measures at all Adult Use and Medical Marijuana business premises shall follow state law and rules.

8. Ventilation

All Adult Use and Medical Marijuana businesses are required to mitigate odor emanating from the premises. If multiple citizen complaints are received by the Code Enforcement Officer, a panel comprised of 3 persons from the Planning Board will make a site evaluation to determine if the complaint is valid. Excessive odor noticeable during the evaluation shall be deemed to be a violation of 30-A M.R.S. §4452 and mitigation will be required. If the odor mitigation is unsuccessful, then the Planning Board will refer the issue to the Select Board for grounds to terminate the permit/license.

9. Required Notices

There shall be posted in a conspicuous location inside each Adult Use and Medical Caregiver Retail Store, at least one legible sign containing the following information:

*“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 under the age of twenty-one (21) allowed, except a minor with a Medical Marijuana Card; Loitering prohibited”.*

Note: Under 28-B M.R.S. § 508(1) a licensee may allow an employee who is a qualifying patient to privately consume medical marijuana and medical marijuana products for medical use within a licensed premises. Smoking indoors is not allowed under any circumstances.

10. Signs

All signage shall meet the Town’s Sign Ordinance and comply with the State law marijuana signage provisions in 22 M.R.S. §2429-B and 28-B M.R.S. §702.

**B. Right of Access/Background Check/Inspection**

Every Adult Use and Medical Marijuana business shall allow law enforcement officers or Code Enforcement Officer to enter the premises at reasonable times for the purpose of checking compliance with all applicable State laws and this Ordinance. Every owner and employee of an Adult Use or Medical Marijuana business applying for a permit/license, must have obtained an Individual Identification Card from the State of Maine Office of Marijuana Policy. All premises managers for Adult Use and Medical Marijuana businesses shall submit emergency contact information to the Wilton Police Department.

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Due to fire, explosion, and other hazards inherent in Marijuana Cultivation and Manufacturing Facilities, including, but not limited to, heavy electrical loads, hot lighting fixtures, CO<sup>2</sup> enrichment, extraction solvents (acetone, butane, propane, diethyl ether, heptane, CO<sup>2</sup>, etc.), products with flash points under 100°F, high-pressure extraction methods (CO<sup>2</sup>, etc.), and flammable contents, the owners of all such facilities shall agree to be inspected at least annually by the Wilton Fire Department. All inherently hazardous substances and the amounts and storage location must be disclosed during the inspection. All inherently hazardous substance disposal must be approved.

Marijuana Cultivation and Manufacturing Facilities must comply with NFPA-1 Chapter 38 standards for *Marijuana Growing, Processing, or Extraction Facilities*, and these standards will be utilized by the Wilton Fire Department during their inspections of these premises. A Knox Box shall be installed at the structure's exterior entrance for emergency access, and all Knox Boxes shall be obtained and installed in coordination with the Wilton Fire Department.

**C. Indemnification**

By accepting a permit/license issued pursuant to this Ordinance, the permittee/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 Adult Use or Medical Marijuana business owners, operators, employees, clients, or customers for a violation of local, State or federal laws, rules, or regulations.

By accepting a permit/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 Adult Use or Medical Marijuana business.

**D. State Law**

In the event the State of Maine adopts any additional or stricter law or regulation governing the sale, cultivation, manufacture, distribution, or testing of Adult Use or Medical Marijuana or marijuana products, the additional or stricter regulation shall control the establishment or operation of any Adult Use or Medical Marijuana Store, Cultivation Facility, Manufacturing Facility, or Testing Facility in Wilton.

Compliance with 28-B M.R.S. Chapter 1, State laws and regulations pertaining to medical marijuana, and any other applicable State laws or regulations shall be deemed

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an additional requirement for issuance or denial of any permit/license under this Ordinance, and noncompliance with 28-B M.R.S. Chapter 1 and any other applicable State law or regulation shall be grounds for revocation or suspension of any permit/license issued hereunder.

**Article 12 Enforcement:**

**A. Violations**

1. Any violation of this Ordinance, including failure to comply with any condition, shall be deemed to be a violation of 30-A M.R.S. §4452. Each day of violation constitutes a separate offense.
2. Commencement of any Adult Use or Medical Marijuana business without a Town permit/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.

**B. Code Enforcement Officer (CEO)**

1. If the CEO finds that any provision of this Ordinance is being violated, they shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including but not limited to, discontinuance of illegal use of land, buildings, or structures, or work being done, removal of illegal buildings or structures, and abatement or mitigation of violations. A copy of such notices shall be submitted to the Municipal Officers and be maintained as a permanent record.
2. The CEO shall keep a complete record of all transactions, pertaining to Adult Use and Medical Marijuana permit/license applications submitted, permits/licenses granted or denied, revocation actions, revocation of permits/licenses, appeals, court actions, violations investigated, violations found and fees collected. Any additional requirements to this list may be added by the Planning Board.

**C. Law Enforcement Officers**

Law enforcement officers may at any reasonable time conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit/license approvals, and shall investigate all complaints of alleged violations of the Ordinance.



**D. Legal Actions**

When the above notification and/or inspection actions do not result in the voluntary correction or abatement of the violation by the subject Adult Use or Medical marijuana business, the Municipal Officers, upon receiving written notification from the CEO, shall institute any and all actions and proceedings, either legal or equitable, including injunctions of violations and the impositions of penalties and/or fines in order to enforce the provisions of this Ordinance.

The Municipal Officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action.

**E. Penalties/Fines**

Any person, including but not limited to, an Adult Use or 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.

**Article 13 Amendments:**

**A. Initiation of Amendments**

An amendment to this Ordinance may be initiated by one of the following:

1. The Municipal Officers,
2. The Planning Board,
3. Written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in the municipality at the last gubernatorial election.

**B. Public Hearing**

The Municipal Officers or Planning Board shall hold a Public Hearing on the proposed amendment. Notification of the hearing shall be posted and advertised in a newspaper of general circulation in the municipality at least seven (7) days prior to the hearing.

**C. Adoption of Amendment**

An amendment of this Ordinance shall be adopted by a majority vote at a Town Meeting.