

TOWN OF WILTON

Cannabis Ordinance

ENACTED: October 1st , 2024

CERTIFIED BY:

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Article 1 Title:

This ordinance shall be known and cited as the “Town of Wilton Cannabis Ordinance” and will hereinafter be referred to as this or the “Ordinance.”

Article 2 Authority and Applicability:

WHEREAS, implementing a system for the regulation of retail stores, cultivation, manufacturing, and testing for both Adult Use and Medical Cannabis, 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 Cannabis is limited to persons who are 21 years of age or older, except in the case of a minor who is a qualifying patient under the Maine Medical Use of Cannabis Act; and

WHEREAS, the Town of Wilton believes that any production, processing, or sale of Adult Use and Medical Cannabis 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 Cannabis throughout the Town of Wilton; and

WHEREAS, this Ordinance shall not be construed to limit any privileges or rights of a qualifying patient, caregiver, or registered caregiver under Maine’s Medical Cannabis laws and regulations, including, but not limited to, 22 M.R.S ch. 558-C, as may be amended, except that Medical Cannabis caregiver retail stores are subject to the provisions of this Ordinance; and

WHEREAS, Pursuant to 22 M.R.S § 2429-D, a municipality may regulate registered caregiver retail stores within that municipality, and may not permit a registered caregiver retail store to operate within that municipality unless the municipal legislative body has voted to adopt or amend an ordinance or warrant article allowing the operation of a registered caregiver retail store within that municipality, or unless that registered caregiver retail store has been continuously operating, as a registered caregiver retail store, by the same caregiver, within that municipality since before December 13, 2018.

NOW, THEREFORE, this Ordinance is adopted pursuant to the Cannabis Legalization Act, 28-B M.R.S, ch. 1 and its related State regulation; the Maine Medical Use of Cannabis Act, 22 M.R.S., ch. 558-C and its related State regulations; and the Town’s home rule authority granted under Article VIII, Pt. 2, Sec. 1 of the Maine Constitution, and 30-A M.R.S. § 3001, as may be amended.

Article 3 Purpose:

It is the purpose of this Ordinance to provide for and regulate the issuance of local licenses for Adult Use and Medical Cannabis businesses in order to promote the health, safety, and general welfare of the citizens of Wilton. This Ordinance prescribes definitions of Adult Use and Medical Cannabis businesses, provides for licensing and regulation of Adult Use and Medical Cannabis businesses, provides operating standards for Adult Use and Medical Cannabis businesses, and, in conjunction with the Zoning Ordinance of the Town of Wilton, regulates the location at which Adult Use and Medical Cannabis businesses may operate. Personal cultivation of cannabis for personal adult use is permitted, provided that it is in compliance with all applicable provisions of 28-B M.R.S ch.3, as may be amended.

Article 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, Maine Statute, rule, or standard, the more restrictive provision shall apply.

Article 5 Effective Date; Repeal and Replacement of Prior Ordinance:

This Ordinance and any subsequent amendments shall be effective upon adoption by a Town Meeting, and repeals and replaces the ordinance on the same subject adopted on June 20, 2022 in its entirety.

Article 6 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 7 Definitions:

Unless otherwise defined herein, all terms in the Ordinance shall take their definitions from those in the Maine Medical Use of Cannabis Act, 22 M.R.S. § 2421, as amended, or the Maine Adult Use Cannabis Legalization Act, 28-B M.R.S. § 101, as amended.

Adult use cannabis means cannabis cultivated, manufactured, distributed or sold by a cannabis business.

Adult Use cannabis business means an Adult Use cannabis cultivation facility, an Adult Use cannabis store, an Adult Use cannabis products manufacturing facility, or an Adult Use cannabis testing facility licensed under State law.

Medical Cannabis means the medical use of cannabis.

Medical use. means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of cannabis or cannabis paraphernalia relating to the administration of cannabis 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.

Medical Cannabis business means a Medical Cannabis cultivation area, a Medical Cannabis caregiver retail store, a Medical Cannabis Dispensary, a Medical Cannabis products manufacturing facility, or a Medical Cannabis testing facility licensed, registered or certified, as applicable, under State law.

Medical Cannabis cultivation area means a facility licensed under this Ordinance to cultivate, prepare and package medical cannabis.

Owner means a person whose beneficial interest in an Adult Use cannabis business and/or Medical Cannabis business is such that the person bears risk of loss other than as an insurer, has an opportunity

to gain profit from the operation or sale of an Adult Use cannabis business and/or Medical Cannabis business and has a controlling interest in an Adult Use cannabis business and/or Medical Cannabis business.

Article 8 License Required:

- A. State License. An Adult Use cannabis business shall not operate until it is licensed by the State Licensing Authority pursuant to the requirements of 28-B M.R.S. ch. 1, as be amended, and obtained all other necessary Town approvals. A Medical Cannabis business, to include a registered caregiver, shall not operate until it is licensed, registered or certified, as applicable, by the State Licensing Authority pursuant to the requirements of 22 M.R.S. ch. 558-C, as may be amended, and obtained all other necessary Town approvals and town license.
- B. Local License. No person may establish, operate or maintain a Medical Cannabis or an Adult Use Cannabis business without first obtaining a license from the Licensing Authority, as further defined in Article 12 of this Ordinance. To operate without a license is a violation of this Ordinance. A medical caregiver conducting business within a residence is required to apply for a Home Occupation Permit.
- C. The Town of Wilton has established limits on the number and type of cannabis businesses as set forth in Table 1. Locations where a cannabis business is allowed are contained in the Wilton Zoning Ordinance.

Article 9 Application Process Generally:

- A. Medical Cannabis Business. Persons wishing to establish a Medical Cannabis business within the Town must complete a 3-step process:
 - 1. Obtain the required registration or certification from the State of Maine.
 - 2. Submit a Planning Board use permit application and pay any required Planning Board application fee(s). Planning Board use permits involve site plan review and approval and a public hearing. Once a Planning Board use permit is issued for the licensed premises, another use permit is not needed for those licensed premises provided that no changes are made after the date of issuance of the original use permit.
 - 3. Once the Planning Board has approved the use permit for the Medical Cannabis business, the Applicant must obtain a Local License from the Licensing Authority and pay the license fee prior to commencement of operations under the Local License. The Local License is subject to renewal each year.
- B. Adult Use Cannabis Business. Persons wishing to establish an Adult Use cannabis business within the Town must complete a 3-step process:
 - 1. Obtain a conditional State License. Once the conditional State License is approved, then the Local License application process may begin. The State License may issue once the Local License is received by the State.
 - 2. Submit a Planning Board use permit application and any pay any required Planning Board application fee(s). Planning Board use permits involve site plan review and approval and a public hearing. Once a Planning Board use permit is issued for the licensed premises, another use permit is not needed for those licensed premises provided that no changes are made after the date of issuance of the original use permit.
 - a. Once the Planning Board has approved the use permit for the Adult Use Cannabis business, the Applicant must obtain a Local License from the Licensing Authority and pay

the license fee prior to commencement of operations under the Local License. The Local License is subject to renewal each year.

Article 10 License Application Procedure:

- A. Medical Cannabis Businesses - Registered Caregiver Retail Store, Cultivation, Dispensary, Manufacturing, or Testing. (Amended June 20, 2022)
1. To apply for a Local License, the Applicant must have first sought and obtained Planning Board approval of a use permit for the Medical Cannabis business.
 2. The Applicant must demonstrate that all payments to the Town of Wilton for property taxes, personal property taxes, water and sewer fees are current. The Applicant shall provide sufficient information to enable the Licensing Authority to determine whether the Applicant meets the requirements of this Ordinance.
 3. Applications to establish a Medical Cannabis business shall be made on a form prepared by the Town and must include all information required by this Article and by the application form. If the Applicant who wishes to operate a Medical Cannabis business is a single individual, this person must sign the application. If the Applicant who wishes to operate a Medical Cannabis business is more than one individual, each person who has an interest in the business must sign the application as an applicant, attaching extra sheets as needed.
 4. The completed application for a Medical Cannabis business license shall be accompanied by the following information:
 - a. All Applicants must provide evidence of the required registration or certification from the State of Maine related to medical cannabis.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. 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.
 5. If the Applicant has had a previous permit/license under this Ordinance or other similar cannabis business ordinances from another municipality or State denied, suspended or revoked, they must list the name and location of the cannabis 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 cannabis business for

which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.

6. If the Applicant holds any other licenses under this Ordinance or other similar cannabis business ordinance from another municipality or state and, if so, the names and locations of such other licensed businesses must also be provided.
7. The classification of license (store, cultivation, manufacturing, or testing) for which the Applicant is seeking approval.
8. The location of the proposed Medical Cannabis business, including a legal description of the property, street address, and telephone number.
9. The Applicant's mailing address and residential address.
10. If the owner of the licensed premises is not the Applicant, a copy of the lease, rental agreement or other arrangement for the proposed use by the Applicant.
11. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floor space to be occupied by the business, parking plan, and depicting the abutting properties and buildings. The sketch must be drawn to scale with marked dimensions.
12. A copy of a Town Tax Map depicting the subject property lines and the property lines within 500 feet of the property.
13. In the application for a Medical use cannabis store, evidence that the licensed premises are not located within five hundred (500) feet of any pre-existing public or private school, religious institution, licensed day care, or library. Distance shall be measured as the shortest, straight-line distance from the lot line of the licensed premises to the lot line of the school, religious institution, licensed day care, or library and without regard to the intervening structures or objects. The presence of a Town, County, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying this separation requirement.
14. Confidentiality.
 - a. Cannabis Facility License applicants submitting applications and supporting information that is confidential under 22 M.R.S. § 2425-A(12), as may be amended or recodified, and the Maine Freedom of Access Act, 1 M.R.S. § 403(3)(F), as may be amended, shall mark such information as confidential.
 - b. Advertisements for public hearing shall contain the location of the proposed medical cannabis production facility and the identity of the owner of the real estate and the identity of the designated representative. The Code Enforcement Officer may certify to the Licensing Authority that the Applicant meets the necessary legal requirements as a cardholder.

- B. Adult Use Cannabis Businesses -Store, Cultivation, Manufacturing, or Testing.
1. To apply for a Local License, the Applicant must have first sought and obtained Planning Board approval of a use permit for the Adult Use cannabis business.
 2. All Applicants must be qualified according to the provisions of this Ordinance and must have applied for and obtained a conditional State License.
 3. The Applicant must demonstrate that all payments to the Town of Wilton for property taxes, personal property taxes, water and sewer fees are current. The Applicant shall provide sufficient information to enable the Licensing Authority to determine whether the Applicant meets the requirements of this Ordinance.
 4. Applications to establish an Adult Use cannabis business:
 - a. Application shall be made on a form prepared by the Town and must include all information required by this Article and by the application form. If the Applicant who wishes to operate an Adult Use cannabis business is a single individual, this person must sign the application. If the Applicant who wishes to operate an Adult Use cannabis business is more than one individual, each person who has an interest in the business must sign the application as an Applicant, attaching extra sheets as needed.
 - b. The completed application for an Adult Use cannabis business license shall be accompanied by the following information:
 - i. The conditional State License along with copy of the State Licensing Application.
 - ii. (ii) 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. 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.
 - iii. 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.
 - iv. 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.

- v. If the Applicant has had a previous permit/license under this Ordinance or other similar cannabis ordinances from another municipality or state denied, suspended or revoked, they must list the name and location of the cannabis 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 cannabis business for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.
 - vi. If the Applicant holds any other licenses under this Ordinance or other similar cannabis business ordinance from another municipality or state and, if so, the names and locations of such other licensed businesses must also be provided.
 - vii. The classification of license (store, cultivation, manufacturing, or testing) for which the Applicant is seeking approval.
 - viii. The location of the proposed Adult Use business, including a legal description of the property, street address, and telephone number.
 - ix. The Applicant's mailing address and residential address.
 - x. If the owner of the licensed premises is not the Applicant, a copy of the lease, rental agreement or other arrangement for the proposed use by the Applicant.
 - xi. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floor space to be occupied by the business, parking plan, and depicting the abutting properties and buildings. The sketch must be drawn to scale with marked dimensions.
 - xii. A copy of a Town Tax Map depicting the subject property lines and the property lines within 500 feet of the property.
 - xiii. If the application for an Adult Use cannabis store, evidence that the licensed premises are not located within five hundred (500) feet of any pre-existing public or private school, religious institution, licensed day care, or library. Distance shall be measured as the shortest, straight-line distance from the lot line of the licensed premises to the lot line of the school, religious institution, licensed day care, or library and without regard to the intervening structures or objects. The presence of a Town, County, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying this separation requirement.
- c. Confidentiality. Some portions of applications for an Adult Use business license shall be kept confidential by the Town and used for administrative purposes only due to the sensitive information contained therein, such as Social Security numbers, consistent with the Freedom of Access Act.
5. Change Use from One Type of Cannabis Business to Another.

- a. Any cannabis business that wants to change to another type of cannabis business at the same location other than the type of cannabis business for which it initially sought and obtained Planning Board site plan approval (e.g., to change from a medical cannabis cultivation facility to a medical cannabis manufacturing facility), such cannabis business may do so, provided the limits in Table 1 have not been exceeded, but it must first seek and obtain Planning Board site plan approval for the different type of cannabis business.

Article 11 License Fees:

These fees are established by the Licensing Authority and as may be amended from time to time at its discretion. Fees are non-refundable.

Article 12 Licensing Authority:

1. General Standards. The Licensing Authority for the Cannabis Ordinance is the Wilton Selectboard.
2. No Local License shall be granted by the Licensing Authority for an Adult Use cannabis store, a Medical Cannabis caregiver retail store, or a Medical Cannabis dispensary if it is located within five hundred (500) feet of any pre-existing public or private school, religious institution, licensed day care, or library.
 - a. Distance shall be measured as the shortest, straight-line distance from the lot line of the licensed premises to the lot line of the school, religious institution, licensed day care, or library and without regard to the intervening structures or objects.
 - b. The presence of a Town, County, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying this separation requirement.
 - c. An Adult Use cannabis store or a Medical Cannabis caregiver retail store, or a Medical Cannabis dispensary may continue to operate in its present location as a preexisting use if a school as defined herein, religious institution, licensed day care, or library later locates within the applicable buffer zone; however, the Adult Use cannabis store, Medical Cannabis caregiver retail store, or Medical Cannabis dispensary does so at its own risk. Town-issued licenses, permits or approvals provide no protection or indemnification against enforcement of federal, state or other applicable laws that may prohibit operation of an Adult Use cannabis store, Medical Cannabis caregiver retail store, or Medical Cannabis Dispensary near a school, religious institution, licensed day care, or library.
3. The Police Chief, the Fire Chief, and, if applicable, the Code Enforcement Officer, shall provide feedback to the Licensing Authority about the Applicant's ability to comply with this Ordinance. The Code Enforcement Officer or his/her designee and the Fire Chief or his/her designee shall inspect the premises prior to the issuance of a Local License, to verify that the facilities are constructed and can be operated in accordance the requirements of this ordinance and applicable building, electrical and fire safety codes. Whenever inspections of the premises used for or in connection with the operation of a licensed business are provided for or required by ordinance or State law, or are reasonably necessary to secure compliance with

any ordinance provision or State law, it shall be the duty of the Applicant or Licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the Town authorized to make the inspection at any reasonable time that admission is requested.

4. The Licensing Authority shall have the authority to impose any conditions on a license that may be necessary to ensure 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.

A. Right of Access/Inspections.

Every Adult Use and Medical Cannabis business shall allow law enforcement officers, fire protection officials, health officers, or the Code Enforcement Officer to enter the licensed premises at reasonable times for the purpose of checking compliance with all applicable State laws and this Ordinance. No more than one cultivation facility will be visited by the same individuals in a 24-hour period. All licensed premises managers for Adult Use and Medical Cannabis businesses shall submit emergency contact information to the Wilton Police Department at the time of licensure and shall update it as appropriate during the term of the License.

Article 13 Operating Requirements:

The Licensee shall comply with all of the following requirements during the term of the Local License:

A. Display of License.

The current Local License shall be displayed at all times in a conspicuous location within the licensed premises.

B. Location.

All licensed premises shall be fixed, permanent locations. Licensees shall not be permitted to operate Adult Use cannabis businesses or Medical Cannabis businesses in temporary locations such as kiosks or farm stands.

C. Hours of Operation. (Amended June 20, 2022)

Adult Use and Medical Cannabis businesses may be open for business only between the hours of 7:00 a.m. and 9:00 p.m., locally prevailing time.

D. Security.

Security measures at all licensed premises shall follow State law and rules.

E. Odor management.

The odor of cannabis must not be detected offsite, i.e., must not be detected at premises that are not under the custody or control of the cannabis business. If more than one complaint is received by the Code Enforcement Officer, the complaints will be referred to the Licensing Authority as possible grounds to suspend or revoke the Local License.

F. Required Notices.

1. There shall be posted in a conspicuous location inside each Adult Use and Medical Cannabis caregiver retail store, at least one legible sign containing the following information:
 - a. "Use of or allowed on-site consumption of cannabis is illegal; Open and public consumption of cannabis in the State of Maine is illegal; The use of cannabis or cannabis 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 cannabis written certification; Loitering prohibited."
 - b. Notwithstanding the above required notice, under 28-B M.R.S. § 508(1), as may be amended, a Licensee may allow an employee who is a qualifying patient to privately consume medical cannabis and medical cannabis products for medical use within a licensed premise. Smoking indoors is not allowed under any circumstances.

G. Signs.

All signage shall comply with the Town's Sign Ordinance and comply with the State law cannabis signage provisions in 22 M.R.S. § 2429-B, as may be amended, and 28-B M.R.S. § 702, as may be amended.

H. Fire safety.

All cannabis cultivation facilities and manufacturing facilities shall comply with National Fire Protection Association (NFPA) 1 Fire Code, Chapter 38 standards for Cannabis Growing, Processing, or Extraction Facilities (2018 edition, or more recent edition if adopted by the Maine Office of the State Fire Marshall), and these standards shall be used by the Fire Department during its inspections of each facility. All buildings associated with a cannabis cultivation facility shall be protected by use of fire suppression sprinkler systems or such other effective fire suppression system as may be approved by the Fire Chief. A cannabis cultivation facility and manufacturing facility shall have a Knox Box[®] if keyed entry or shall provide the Fire Department with the necessary information to allow entry by Fire Department personnel in the event of an emergency at the location. All cannabis cultivation facilities and manufacturing facilities shall 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 initial application process and during the annual inspection, and if any changes in substances or amounts are made during the term of the license, the CEO shall be notified. All inherently hazardous substance disposal must be in accordance with State and local law and approved by the Fire Chief or the CEO.

I. Delivery services.

1. All Adult Use cannabis stores, Medical Cannabis caregiver retail stores, and Medical Cannabis dispensaries must be operated from permanent locations, which may utilize telephone and internet orders. Delivery of adult use cannabis and adult use cannabis products may only occur as permitted in 28-B M.R.S. § 504(9), as amended. Deliveries may not be made to any location designated by the Town of Wilton as a safe zone, pursuant to 30-A M.R.S. § 3253, as amended. Medical Cannabis may be delivered to the patient.

2. Adult Use cannabis stores, Medical Cannabis caregiver retail stores, and Medical Cannabis dispensaries shall not use vending machines for sales, shall not have “drive-through” or “drive-up” window-serviced sales, and shall not have internet-based sales with credit/debit card payment.

J. Colocation

More than one Adult Use or Medical Cannabis business may be co-located and operated within the same building, structure, or portion thereof, provided all State laws, regulations and this Ordinance and application requirements are met and provided that there are different licensees for each enterprise.

K. Other approvals.

No cannabis business shall conduct any activity for which it has not received the required State License or Local License.

L. Compliance with other laws.

An Adult Use cannabis business and Medical Cannabis business shall meet all operating and other requirements of State and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing Adult Use cannabis businesses and/or Medical Cannabis businesses, the stricter law or regulation shall control.

Article 14 License Expiration and Renewal:

- A. Each Local License issued shall be effective for one year from the date of issuance.
- B. Renewal applications must be submitted prior to the date of expiration of the annual Local License. An application for the renewal of an expired license shall be treated as a new license application. For renewal applications, the Licensing Authority will consider compliance from prior years, and based upon that review, may add conditions to any future license to correct, abate or limit past problems. Renewal fees are contained in Table 1.

Article 15 Transfer of Ownership and Change of Location:

- A. Licenses issued under this Ordinance can be transferred to a new owner following guidance and requirements outlined in 28-B M.R.S §210; provided, however, that transfer of an existing license shall require a new application form and a new application fee to be submitted to the Licensing Authority.
- B. The tentative purchaser shall file a license application with fee and provide all the information required in this Ordinance. If the license application is approved by the Licensing Authority, it shall specify that the license is contingent on the sale being completed and the Town’s receipt of all applicable fees prior to commencement of operations. Licenses are limited to the location for which they are issued and shall not be transferable to a different location.
- C. A Licensee who seeks to purchase a cannabis business and wishes to operate in a new location shall acquire a new Local License for that new location. The tentative purchaser must apply to obtain a new Local License prior to commencement of operations.

Article 16 Denial, Suspension or Revocation of License:

- A. In addition to any other specific provision of this Ordinance authorizing action, a Local License may be denied, suspended or revoked upon a determination by the Licensing Authority of the existence of one or more of the following grounds:
1. There has been a failure to fully complete the application forms or to pay any fee required hereunder; an incorrect statement of material fact has been made knowingly on such form; or there has been a knowing omission of material fact or additional documentation required or reasonably necessary to determine whether such license should be issued.
 2. Failure to notify the Code Enforcement Officer in writing of any change of material fact set forth in the license application.
 3. Failure to meet the requirements of this Ordinance. Where an Applicant is an entity rather than a natural person, all natural persons with an ownership interest shall meet these requirements.
 4. A person who has had a license for an Adult Use cannabis business and/or Medical Cannabis business revoked by the Town, another municipality or by the State.
 5. An Applicant who has not acquired all necessary State approvals and other required local approvals prior to the issuance of a Local License.
 6. The Applicant's or the Licensee's business or professional conduct or the manner in which the Licensee's business has been operated hereunder has been the source of one or more complaints recorded by a government entity during the immediately preceding year that have been found to be valid by the Code Enforcement Officer and that were not satisfactorily resolved to his/her reasonable satisfaction and the complained of conduct or operations relates directly to the public health, safety or welfare.
 7. Noncompliance of the licensed premises or its use with the ordinances of the Town of Wilton, including its Zoning Ordinance and life safety code requirements, or the Applicant/Licensee has violated one of more provisions of this Ordinance or other Town ordinances, including, without limitation, the Town's Zoning Ordinance and life safety code requirements.
 8. Conditions such as waste disposal violations, health or safety violations, or repeated parking or traffic violations, recorded by a governmental entity, on or in the vicinity of the licensed premises and caused by persons patronizing, visiting or employed by the licensed premises or other such conditions caused by persons patronizing, visiting or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner.

9. Two or more incidents recorded by a governmental entity during the immediately preceding year of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing, visiting or employed by the licensed premises that have been found to be valid by the Police Chief and that were not resolved to his/her reasonable satisfaction.
 10. Two or more incidents recorded by a governmental entity during the immediately preceding year where the Licensee's business operations endangered the safety of persons in or on areas surrounding the place of business that have been found to be valid by the Police Chief and that were not resolved to his/her reasonable satisfaction.
 11. The Applicant's or Licensee's real or personal property taxes, plus any and all accounts of the Applicant or Licensee, payable to the Town, are not paid in full at the time the Local License is issued.
 12. The Licensee has violated any provision of this Ordinance in the course of the conduct of the activity for which the license or licenses have been applied for, or have been issued.
 13. The occurrence of any event subsequent to issuance of the license which event would have been a basis for denial of the license shall be grounds for revocation thereof.
- B. A license may be suspended or revoked by the Licensing Authority for any violation of this Ordinance, special terms or conditions attached to such license, or as set forth in this Article. The Licensee shall be entitled to notice and a hearing prior to any suspension or revocation. Department heads are encouraged to report license compliance issues to the Code Enforcement Officer as they arise, rather than waiting until license renewal. Prior to the Code Enforcement Officer's scheduling any suspension or revocation proceedings before the Licensing Authority, the Code Enforcement Officer may request that an appropriate department head or Town official meet with the Licensee to discuss license compliance issues; provided, however, that any delay in the conduct of suspension or revocation proceedings due to such a request shall not jeopardize the public health, safety or welfare. A suspension or revocation of a license shall be in writing and shall include notification of the right to and procedure for appeal.

Article 17 Violations and Penalties:

- A. This Ordinance shall be enforced by the Code Enforcement Officer or their designee.
- B. Operating an adult use or medical cannabis business without a license, or operating such a business in a manner inconsistent with the requirements of this Ordinance shall constitute a violation of this Ordinance.
- C. Upon determining that a violation of this Ordinance has occurred, the Code Enforcement Officer will immediately issue a Notice of Violation, and may, if necessary, contact the Office of Cannabis Policy for assistance with enforcement.
- D. In addition, the determination of a violation of this Ordinance shall be reported to the Select Board for the purpose of initiating revocation or suspension proceedings, as provided for in this Ordinance.
- E. In any court action, the Town may seek injunctive relief in addition to penalties. The Town shall be entitled to recover its costs of enforcement, including its reasonable attorney's fees.
- F. Each demonstrated violation of this Ordinance shall subject the Licensee and/or other violator to civil penalties of at least \$100 per violation, per day, consistent with 30-A M.R.S. § 4452.

Article 18 Appeals:

Any appeal of a decision of the Licensing Authority shall be to the Superior Court, in accordance with the requirements of Rule 80B of the Maine Rules of Civil Procedure. Any appeal of a decision of the Code Enforcement Officer under this Ordinance may be appealed to the Board of Appeals within thirty (30) days of issuance, consistent with the procedure outlined in the Wilton Zoning Ordinance.

Article 19 Amendments:

- A. Initiation of Amendments to the Ordinance.
 - 1. An amendment to this Ordinance may be initiated by one of the following:
 - a. The Planning Board;
 - b. The Licensing Authority; or
 - c. 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.
 - 2. Public Hearing.
 - a. The Select 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 Town at least seven (7) days prior to the hearing.
 - 3. Adoption of Amendments.
 - a. An amendment of this Ordinance shall be adopted by a majority vote at a Town Meeting.

TABLE 1. Maximum number of businesses	
Business Type	Maximum number
Medical Use	
● Registered Caregiver	State Law (Note 1 and Note 2)
○ 6 plants	State Law (Note 1 and Note 2)
○ 12 plants	State Law (Note 1 and Note 2)
○ 18 plants	State Law (Note 1 and Note 2)
○ 24 plant	State Law (Note 1 and Note 2)
○ 30 plants	State Law (Note 1 and Note 2)
○ By Canopy (Up to 500 sq ft mature)	State Law (Note 1 and Note 2)
● Caregiver Retail Store	5 Total (to include Adult Use Retail Store)(Note 3.)
● Manufacturing	Unlimited
○ Tier 1 (up to 40 lbs)	Unlimited
○ Tier 2 (up to 200 lbs)	Unlimited
● Registered Dispensary	Unlimited (note 4.)
Testing	Unlimited
Adult Use	
● Cultivation	
○ Tier 1 (500 sq. ft.)	Unlimited
○ Tier 2 (2000 sq. ft.)	Unlimited
○ Tier 3 (7,000 sq. ft.)	Unlimited
○ Tier 4 (20,000 sq. ft.)	Unlimited
● Manufacturing	Unlimited
● Retail Store	5 Total (to include Caregiver Retail Store)(Note 3.)
● Testing	Unlimited

Note 1. Registered Caregivers are required to apply for a permit with the town and will have six months from the acceptance of this ordinance to come into compliance and gain Licensing Authority approval.

Note 2. Per 22 M.R.S., Chapter 558-C, Sec. 2423A, subsection 3.C, the following caregivers are not required to register with the state and are therefore not required to gain approval from the Local Licensing Authority:

1. A caregiver designated to cultivate for a qualifying patient if that qualifying patient is a member of the household of that caregiver;
2. Two caregivers who are qualifying patients, if those caregivers are members of the same household and assist one another with cultivation; and
3. A caregiver who cultivates for a qualifying patient if that qualifying patient is a member of the family of that caregiver.

Note 3. – There are only five (5) TOTAL retail stores of **any** type allowed in the town of Wilton. 28-B M.R.S. §1501(1)(C) Maine Cannabis statute prohibits Medical Use and Adult Use retail businesses to be collocated within the same facility. In the future, if Maine Cannabis statute allows for both adult use and medical cannabis sales in the same facility, this will count as one retail store. CEO will keep a record of how many others apply, (date time stamped) for 1st come 1st served waiting list, **AND REPORT APPLICATIONS TO THE PLANNING BOARD TO BE CAPTURED IN PLANNING BOARD MEETING MINUTES.**

Note 4. - There is no limit to the maximum number of dispensaries, provided the retail store portion of the dispensary does not exceed the maximum number of retail stores allowed by this ordinance.

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