

## Chapter 149: Licensing

### Article I Business Licensing

#### § 149-1.5 Duration of license.

All licenses, ~~except licenses for medical marijuana production,~~ shall expire annually on December 31, except as otherwise provided by the general laws of the State of Maine or stated elsewhere in code. ~~Licenses for medical marijuana production shall expire annually on March 31.~~

### Article IV Medical Marijuana Production Facilities

[Adopted 7-19-2016 by Order No. 16-61.10]

#### ~~§ 149-4.1 Purpose and findings.~~

- A. ~~The City Council finds that a medical marijuana production facility can be a valuable component of the City's health care system if operated by qualified and responsible operators and subject to reasonable regulations to assure effective operation. The City Council also recognizes the importance of appropriately siting medical marijuana production facilities in order to protect the public health, safety, and welfare, including but not limited to security and preventing the impacts of medical marijuana production from extending beyond the residential/commercial property line of the housing unit or suite of units in which the production activity is taking place.~~
- B. ~~The City Council finds that with the reasonable and necessary location restrictions and performance standards listed in the Chapter 280, Zoning, there remain sufficient suitable areas within the City to site medical marijuana production facilities. Licensing of these facilities shall provide for periodic review of and reasonable control over their practices to ensure that life safety concerns are addressed. Licensing is not intended to conflict with M.R.S.A. Title 22, Chapter 558-C, Maine Medical Use of Marijuana Act, or 10-144 CMR Chapter 122, Maine Medical Marijuana Administrative Rules, but provides separate and additional requirements as necessitated by the above findings to protect the interests of persons in the City.~~
- C. ~~In addition, the City Council has delegated to the Planning Board application of the land use development standards of Chapter 280, Zoning.~~

#### ~~§ 149-4.2 Applicability.~~

~~This article shall apply to all medical marijuana production facilities which are located or proposed to be located within the City. Notwithstanding anything to the contrary in 1 M.R.S.A. § 302, this article applies to any application relating to the establishment or operation of a medical marijuana production facility, whether or not such application had become a "pending proceeding" as defined in 1 M.R.S.A. § 302 prior to the enactment of this article.~~

#### ~~§ 149-4.3 Definitions.~~

~~For purposes of this article, the following terms, which are defined in this article or Chapter 280, Zoning, shall apply unless otherwise indicated:~~

~~Medical marijuana~~

~~Medical marijuana production facility~~

~~Medical marijuana registered primary caregiver~~

Chapter 149 as amended by City Council Order #: 18-553-01 on 3/5/2019. Additions are **underlined**, deletions are crossed out. **Note: only sections amended are displayed here.**

~~§ 149-4.4 Licensing application requirements.  
[Amended 2-20-2018 by Order No. 18-115-01]~~

- ~~A. All applications for licenses under this article shall be filed in accordance with § 149-1.8.~~
- ~~B. In addition to the information specified in § 149-1.8, an application for a medical marijuana production facility shall provide:~~
- ~~(1) Documentation of the registered caregiver's(s)' valid Maine State-issued medical marijuana primary caregiver registry identification card(s).~~
  - ~~(2) Accurate vicinity map drawn to scale showing the location of any existing private or public school, child-care provider, playground and/or church within 500 feet of the proposed medical marijuana production facility.~~
  - ~~(3) Location within the facility where a copy of the medical marijuana production facility's Operations Manual and Security Plan is stored.~~
  - ~~(4) For any new operation, certification, by a mechanical engineer or other qualified professional, registered in the State of Maine, of the adequacy of the ventilation system to prevent odors from being detected beyond the boundaries of the property or submission of an Odor Control Plan that meets the requirements of § 280-15-10C(6) of the Zoning Ordinance. For an existing licensed operation, submission of a revised Odor Control Plan or verification that the Odor Control Plan which was submitted for the new operation, remains in place and is functioning effectively.~~

~~§ 149-4.5 Administration.~~

~~The application shall be administered under the provisions of § 149-1.9.~~

~~§ 149-4.6 Preexisting medical marijuana production facilities.  
[Amended 6-20-2017 by Order No. 17-77.08; 12-19-2017 by Order No. 17-210-01; 2-20-2018 by Order No. 18-115-01]~~

- ~~A. Any medical marijuana production facility in lawful existence on the effective date of this article may remain in operation in its present location without applying for or obtaining a license required hereunder until March 31, 2018, or 12 months following the effective date of the original adoption of this article, whichever is later; except that the City Council may extend this deadline to May 15, 2018, if by March 20, 2018, an applicant submits certification by a mechanical engineer or other qualified professional registered in the State of Maine of the adequacy of the ventilation system to prevent odors from being detected beyond the boundaries of the property or an Odor Control Plan that meets the requirements of § 280-15-10C(6). Thereafter, such facilities shall be required to comply with all the licensing provisions of this article. A medical marijuana production facility in lawful existence and operation on the effective date of this article may continue as sited and operated on that date if a licensing application is submitted in accordance with this article, until such time as the valid Maine State-issued medical marijuana primary caregiver registry identification card or local licensing application is denied or revoked.~~
- ~~B. No person shall have any entitlement or vested right to licensing under this article. To lawfully engage in operating a medical marijuana production facility, all persons must obtain a license under these regulations.~~
- ~~C. A preexisting business operating under this article must cease operation within 45 days after the issuance of a denial letter or revised denial letter, as applicable.~~

~~§ 149-4.7 Confidentiality for medical marijuana registered caregivers.~~

~~An individual who possesses a valid Maine State issued medical marijuana primary caregiver registry identification card need not identify himself or herself in an application for a license for a medical marijuana production facility. The cardholder must identify himself or herself and provide the relevant cards to the City Clerk for examination, but the identity of the cardholder shall not be a public record and the City Clerk shall not share the identity of the cardholder, except as necessary by law in the performance of his or her duties. At the time of application the cardholder may appoint a representative to appear before the City Council on his or her behalf. Advertisements for public hearing shall contain the location of the proposed medical marijuana production facility and the identity of the owner of the real estate and the identity of the designated representative. The City Clerk may certify to the City Council that the applicant meets the necessary legal requirements as a cardholder(s).~~