

Proposed Amendments in Chapter 280: Zoning 0305019

Underlined text is proposed to be added; struck out text is proposed to be eliminated.

1 **Article II. Definitions**

2 ...

3 **§ 280-2-2. Definitions.**

4 ...

5 **BUSINESS OR ESTABLISHMENT** An economic unit where goods, services, and/or industrial
6 operations are performed and exchanged for another or for money. Multiple businesses and/or
7 establishments may be included on a single parcel of land.

8 ...

9 **CULTIVATION** The process of planting, tending, improving, or harvesting of crops or plants,
10 including tilling land and preparing soil.

11 ...

12
13 **ENCLOSED, LOCKED FACILITY, AND ENCLOSED OUTDOOR AREA** A closet, room,
14 building, greenhouse, or other enclosed area that is equipped with locks or other security
15 devices that permit access only by the individual authorized to grow, cultivate, process, store,
16 and distribute marijuana in conformance with the Maine Medical Use of Marijuana Act, ~~or the~~
17 Marijuana Legalization Act, or state administrative rules, as appropriate. *[Added 7-19-2016, Amended 2-20-*
18 *2018]*

19 ...

20 **ESTABLISHMENT**- See definition of business.

21 ...

22
23 **EXTRACTION** The process of extracting or synthesizing concentrates from marijuana using
24 water, lipids, gases, solvents or other chemical processes.

25

26 **FACILITY** A place where an activity occurs.

27 ...

28

29 **HEMP** As defined in 7 M.R.S. § 2231 or state administrative rules.

30 ...

31

32 **LABORATORIES** ~~Facilities involved in chemical, biological, electronic, or mechanical analysis~~
33 ~~of materials. Testing facilities are considered to be a separate use (see definition of testing~~
34 ~~facility).~~

35 ...

36 **LICENSED MEDICAL MARIJUANA PROPERTY** One of eight (8) tracts or parcels of land in
37 existence as of October 2, 2018, including J30-44, R15-12B, R15-92B, R15-125, R15-126, R19-
38 204, R19-206, and R19-307, which have been licensed by the City Council under **Chapters**
39 **161: Marijuana** and **149: Licensing.** A licensed medical marijuana property may include a
40 complex, center, and/or one (1) or more buildings, structures, or businesses.

41

42 **LIGHT MANUFACTURING** A business engaged in theThe mechanical or chemical
43 transformation of materials or substances into new products, either finished or semifinished, and
44 including the assembling of component parts, the manufacturing of products, the creation of

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1 new products, and the blending of materials, such as oils, plastics, resins, or liquors, whether
2 new products are finished or semifinished as raw material in some other process. All production
3 operations shall occur within a fully enclosed building or structure. See also medical marijuana
4 manufacturing facility.

5 ...

6 **MARIJUANA** As defined in Maine Medical Use of Marijuana Act, ~~or Marijuana Legalization Act,~~
7 ~~and state administrative rules and Rules.~~ Marijuana also includes industrial hemp as defined in 7
8 M.R.S. § 2231. *[Added 7-19-2016, Amended 2-20-2018]*

9 ...

10

11 **MARIJUANA PARAPHENALIA** Equipment, products, or materials defined as paraphernalia in
12 Maine Medical Use of Marijuana Act ~~and Rules or the Marijuana Legalization Act,~~ or state
13 administrative rules as applicable. *[Added 7-19-2016, Amended 2-20-2018]*

14

15 **MARIJUANA WASTE AND/OR RESIDUE** Stems, stalks, roots, and other materials used in the
16 growth, cultivation, production, and storage of marijuana. Marijuana waste and/or residue does
17 not include an incidental amount of marijuana or excess prepared marijuana as defined in the
18 Maine Use of Medical Marijuana Act ~~and Rules or the Marijuana Legalization Act,~~ or state
19 administrative rules as appropriate. *[Added 2-20-2018]*

20 ...

21 **MEDICAL MARIJUANA DISPENSARY** An entity registered under 22 M.R.S. § 2428 or 7
22 M.R.S. c417 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports,
23 sells, supplies, or dispenses marijuana or related supplies and educational materials to
24 cardholders. This land use is a subset of NAICS #62149.

25 ...

26

27 **MEDICAL MARIJUANA MANUFACTURING FACILITY** As defined in Maine Medical Use of
28 Marijuana Act or state administrative rules.

29 ...

30

31 **MEDICAL MARIJUANA PRODUCTION FACILITY** A facility used for cultivation, processing,
32 storage, and/or distribution of medical marijuana located in one of the eight (8) licensed medical
33 marijuana properties at a location which is not the medical marijuana registered primary
34 caregiver's primary residence in conformance with standards described in **§ 280-15.10.3**, the
35 Maine Medical Use of Marijuana Act and Rules. This shall be considered a commercial use.

36 *[Added 7-19-2016, Amended 2-20-2018]*

37 ...

38

39 **MEDICINAL AND BOTANICAL MANUFACTURING (NAICS #325411)** An
40 establishment ~~Establishments~~ primarily engaged in (1) manufacturing uncompounded medicinal
41 chemicals and their derivatives (i.e., generally for use by pharmaceutical preparation
42 manufacturers) and/or (2) grading, grinding, and milling uncompounded botanicals. *[Added 7-19-2016]*

43 ...

44 **MISCELLANEOUS CROP FARMING (NAICS #111998), INCLUDING MEDICAL MARIJUANA**
45 **CULTIVATION** An establishment ~~Establishments~~ primarily engaged in one (1) or more of the
46 following: (1) growing crops, except oilseeds and/or grains, vegetables and/or melons, fruits
47 and/or tree nuts, greenhouse, nursery, and /or floriculture products, tobacco, cotton, sugarcane,
48 hay, sugar beets, or peanuts; (2) growing a combination of crops, except a combination of

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1 oilseed and grain, and a combination of fruit and tree nuts, with no one (1) crop or family of
2 crops accounting for one-half (1/2) of the establishment's agricultural production (i.e., value of
3 crops for market); or (3) gathering tea or maple sap. *[Added 7-19-2016]*
4 ...

5 ~~**NONPROFIT MEDICAL MARIJUANA DISPENSARY**~~ A not-for-profit entity registered under 22
6 M.R.S. § 2428 that acquires, possesses, cultivates, manufactures, delivers, transfers,
7 transports, sells, supplies, or dispenses marijuana or related supplies and educational materials
8 to cardholders. A nonprofit dispensary is a primary caregiver. *[Added 8-24-2010]*
9 ...

10
11 **PREPARED MARIJUANA** As defined in Maine Medical Use of Marijuana Act or state
12 administrative rules and Rules of the Marijuana Legalization Act, ~~as appropriate.~~ *[Added 7-19-2016,*
13 *Amended 7-2-2018]*
14 ...

15
16 **PROCESSING** A series of operations, usually in a continuous and regular or succession of
17 actions, taking place or carried on in a definite manner. For the purposes of this chapter,
18 processing does not include the chemical transformation of materials or substances into new
19 products or the blending and combining of gases and liquids. Manufacturing is considered a
20 separate use.
21 ...

22
23 **RESEARCH AND DEVELOPMENT FACILITY** A laboratory or other facility for carrying on
24 investigation in the natural, physical, or social sciences or engineering and development of end
25 products as an extension of such investigation. Such a facility does not engage in the
26 manufacture or sale of products, except as incidental to the main purpose of research and
27 investigation. A medical marijuana research and development facility shall be located on a
28 licensed medical marijuana property.
29 ...

30 **TESTING FACILITY** A business facility, whether within another business ~~laboratory or~~
31 ~~freestanding, whose primary purpose is the~~ chemical, biological, electronic, or mechanical
32 analysis or testing of products for conformance to industrial specifications or to public
33 regulations. Such businesses facilities include, but are not limited to by way of example only,
34 ~~assaying services, automobile and emissions testing services, calibration and certification~~
35 ~~services, and food testing services,~~ medical testing, and marijuana testing that operates in
36 conformance with Maine Medical Use of Marijuana Act or state administrative rules, as
37 appropriate. A testing facility within a building primarily devoted to manufacturing shall be
38 considered accessory to the manufacturing.
39 ...

40 **Article XIII. Conditional Uses**

41 ...

42 **§ 280-13-5. Standards for conditional use approval.**

43 ...

44
45 280-13-5.5 ~~Nonprofit medical marijuana dispensary.~~ *[Added 8-24-2010]*
46

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1 ~~**280-13-5.5.1** The applicant shall have been approved by the State of Maine Department of Health~~
2 ~~and Human Services, Division of Licensing and Regulatory Services.~~

3
4 ~~**280-13-5.5.2** No property containing a nonprofit medical marijuana dispensary shall be within five-~~
5 ~~hundred (500) feet of a preexisting public or private school.~~

6
7 ~~**280-13-5.5.3** Any approval granted by the Planning Board shall be subject to any and all regulations~~
8 ~~of the City and the State.~~

9
10 ~~280-13-5.56~~ Commercial schools. In addition to the requirements of this section and any other
11 applicable section of the City's ordinances, the following guidelines shall be used in the review of
12 applications for commercial schools: *[Added 5-3-2011]*

13
14 ~~**280-13-5.56.1**~~ All activities shall be conducted within a fully enclosed building.

15
16 ~~**280-13-5.56.2**~~ Adequate off-street parking shall be provided, the number of spaces to be based on
17 the maximum capacity as determined by the Fire Chief divided by three (3).

18
19 ~~**280-13-5.56.3**~~ Signs shall be of residential character on simple posts and shall be consistent with
20 the requirements of **§ 280-14-13**. If a sign is illuminated, it shall be of low wattage, not create a public
21 hazard or nuisance, and be compatible with the character of the property and the surrounding
22 neighborhood. *[Amended 12-19-2017]*

23
24 ~~**280-13-5.56.4**~~ Exterior lighting shall be of residential style.

25
26 ~~**280-13-5.56.5**~~ The activity may be a stand-alone business or as an accessory use to a residence as
27 long as the business is owned by the resident of the residence.

28
29 ~~**280-13-5.56.6**~~ Review and approval by the Planning Board is required, the classification of the site
30 plan to be determined by the Planning Director based on the size of the structure and requirements of
31 the ordinance.

32 ...

33 **Article X. Establishment of Zones**

34

35 **§ 280-10-1. Division of City into zones.**

36 To implement the provisions of this chapter, the City is hereby divided into the following zones:

37 ...

38

39 ~~280-10.1.17 Medical Marijuana Urban Overlay District.~~ *[Added 7-19-2016]*

40 ...

41 **Article XI. Zone Requirements**

42 ...

43

44 **§ 280-11-6 Urban Zone (U).**

45 ...

46

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1 ~~280-11-6.9 Medical marijuana urban~~ Urban overlay district. Medical marijuana uses in areas Areas of
2 the U Zone which are located within the ~~medical marijuana urban~~ overlay district shall additionally
3 comply with the standards and requirements of **§ 280-15-10**. *[Added 8-16-2016]*

4
5 ...

6 **Article XV. Performance Standards**^[1]

7 *[1] Note: Performance Standards apply to activities which do not require Site Plan, Subdivision, or Planning Board approval.*

8 ...

9 **§ 280-15-3 Industrial performance standards.**

10 All uses involving the manufacturing or processing of materials or products shall conform to the
11 following standards:

12 ...

13
14 280-15-3.8 Security. The facility shall be secured so as to render it inaccessible to any unauthorized
15 persons during all hours. Security measures shall be reviewed and approved to manage nuisance
16 activity, unauthorized entry into a facility, and/or thefts. The Planning Board may require that a knock box
17 of an approved type listed in accordance with UL 1037 shall be installed in an accessible location to
18 provide access in the event of an emergency. *[Adopted 7-19-2016]*

19 ...

20 **§ 280-15-10 Marijuana standards.** *[Added 7-19-2016, Amended 2-20-2018]*

21 All uses involving the ~~growing~~, cultivation, processing, storage, manufacturing, and/or
22 distribution of marijuana and outdoor cultivation of hemp shall conform to the following
23 standards:

24
25 280-15-10.1 Home cultivation standards *[Added 2-20-2018]*

26
27 280-15-10.1.1 Single family detached dwellings. ~~In single family detached dwellings,~~
28 ~~marijuana~~ Marijuana may be grown or cultivated inside and/or outside of any single family
29 ~~detached~~ the home, outbuilding, and/or garage if cultivation ~~growing~~ is conducted in conformance with
30 **§ 280-15-10.2**. *[Amended 2-20-2018]*

31
32 280-15-10.1.2 Other residential dwellings. In other residential dwellings, marijuana may be grown,
33 cultivated, processed, and/or stored inside a dwelling unit if cultivation is conducted in conformance
34 with **§ 280-15-10.2**. *[Amended 2-20-2018]*

35
36 280-15-10.1.3 Gases. The use of gas products, including but not limited to carbon dioxide, sulfur
37 dioxide, and butane, and ozone generators is prohibited. *[Added 5-15-2018]*

38
39 280-15-10.1.4 Hemp shall be grown outdoors.

40
41 280-15-10.2 Marijuana general ~~General~~ standards *[Added 2-20-2018]*

42
43 280-15-10.2.1 Residency. Home cultivation, medical marijuana home production, and medical
44 marijuana home occupation shall only be conducted by a resident for whom the dwelling unit is his/
45 her primary residence in conformance with the Maine Medical Use of Marijuana Act or and state
46 administrative rules ~~Rules of the Marijuana Legalization Act, as appropriate~~. *[Added 2-20-2018]*

47
48 280-15-10.2.2 Ownership. A home cultivator or medical marijuana caregiver, resident who does not
49 own the property where marijuana is proposed to be cultivated, processed, stored, or distributed, his

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1 ~~or her primary residence and who wants to cultivate marijuana~~ shall obtain written permission from
2 the property owner prior to cultivating marijuana and shall make the written permission available to
3 the City, upon request. *[Added 2-20-2018]*
4

5 280-15-10.2.3 Enclosed, locked facility. Any home cultivation, medical marijuana home production, or
6 medical marijuana home occupation~~Home cultivation, whether inside or outside of the primary~~
7 ~~residence,~~ shall only be conducted in an enclosed, locked facility, ~~or outdoor area~~ which is accessible
8 only by the individual who is authorized to cultivate the marijuana in conformance with the Maine
9 Medical Use of Marijuana Act, ~~and Rules of the Marijuana Legalization Act,~~ or state administrative
10 rule, as appropriate. No outdoor cultivation is allowed for a medical marijuana production facility.
11 *[Added 2-20-2018]*
12

13 280-15-10.2.4 Limited area dedicated to cultivation. Cultivation shall only be conducted in a contiguous
14 area of not more than one-quarter (1/4) of the total square footage of ~~at the~~ dwelling unit or one-
15 hundred-twenty (120) square feet, whichever is less. No marijuana shall be grown, cultivated,
16 processed, and/or stored within a common area or limited common area of the property ~~that is~~
17 ~~devoted to residential use.~~ *[Added 2-20-2018]*
18

19 280-15-10.2.5 Screening of outdoor cultivation on a residential property. No exterior evidence of
20 cultivation, including signs, shall be visible from a public way or area. Plants shall be entirely
21 screened from common visual observation from a public way or area by natural objects, plantings, or
22 a solid fence at least six (6) feet or taller in height, density, and depth sufficient to accomplish
23 complete screening of plants from ordinary view. Should ~~the~~ plants grow higher than the screening
24 such that they are visible from a public way or area, either the plants shall be cut to not extend higher
25 than the screening or the individual who is authorized to cultivate the marijuana shall install additional
26 screening sufficient to conceal the plants from public view within ten (10) days of notification of ~~at the~~
27 violation by the Code Enforcement Department. *[Added 2-20-2018]*
28

29 ~~280-15-19.2.6~~ Commercial sale of marijuana grown, cultivated, processed, and/or stored on ~~at the~~
30 residential property, except for members of the household and family members who are qualifying
31 patients that do not reside in the household or as otherwise allowed under the Maine Medical Use of
32 Marijuana Act, ~~and Rules of the Marijuana Legalization Act,~~ or state administrative rules, as
33 appropriate, and the sale of marijuana paraphernalia is prohibited. *[Amended 2-20-2018]*
34

35 280-15-10.2.7 Compliance with health and safety codes. ~~A~~The primary residence, outbuilding, garage,
36 or other structure where marijuana is grown, cultivated, processed, and/or stored shall meet all
37 applicable requirements of the City's building, electrical, fire, and other health safety and technical
38 codes, including but not limited to **Chapters 90: Building Construction** and **128: Fire Prevention.**
39 *[Amended 2-20-2018]*
40

41 280-15-10.2.8 Chemicals. Cultivation that uses any chemical in the growing, cultivation, production,
42 storage, and/or distribution of marijuana shall do so in conformance with the Maine Medical Use of
43 Marijuana Act, ~~and Rules of the Marijuana Legalization Act,~~ or state administrative rules, as
44 appropriate. *[Amended 2-20-2018, 5-15-2018]*
45

46 280-15-10.2.9 Ventilation and odor management. Any primary residence, outbuilding, garage, or other
47 structure used for cultivation shall have proper ventilation to prevent mold damage and to prevent
48 odors or particles from becoming a nuisance to surrounding properties or the public. *[Added 2-20-2018]*
49

50 280-15-10.2.10 Waste disposal. All marijuana waste and/or residue from the growth, cultivation,
51 processing, and/or storage of marijuana shall be disposed of in conformance with the Maine Medical
52 Use of Marijuana Act, ~~and Rules of the Marijuana Legalization Act,~~ or state administrative rules, as
53 appropriate, as well as **Chapter 220: Solid Waste.** Waste and/or residue shall not be placed in
54 exterior refuse containers without first being made unusable and unrecognizable through grinding and

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1 incorporating it with non-consumable, solid wastes such as paper, plastic, cardboard, food, grease,
2 Bokashi or other compost activators, and/or soil, such that the resulting mixture is at least fifty (50)
3 percent non-marijuana waste. Composting, fermenting, and/or incineration on-site is allowed if
4 undertaken in accordance with state and local regulations. *[Amended 2-20-2018]*
5

6 280-15-10.3 Licensed medical marijuana property, medical marijuana production facility, and
7 medical marijuana manufacturing facility standards. In addition to the requirements of **§§ 280-15-10.2**, a
8 licensed medical marijuana property, medical marijuana production facility, and/or medical marijuana
9 manufacturing facility shall meet the following additional standards: *[Amended 2-20-2018]*
10

11 **280-15-10.3.1** No licensed medical marijuana property, medical marijuana production facility, or
12 medical marijuana manufacturing facilities shall be allowed within five-hundred (500) feet, of
13 any existing public or private school, child-care provider, park, playground, and/or church, with the
14 distance between the properties calculated by direct measurement in a straight line between the
15 nearest property line of the land used for public or private school, child care, park, playground and/or
16 church to the nearest portion of the structure in which the licensed medical marijuana property,
17 medical marijuana production facility, or medical marijuana manufacturing facility is located.
18 Applicants for public or private schools, child care providers, parks, playgrounds, and/or churches,
19 which are proposed within five-hundred (500) feet of an existing licensed medical marijuana property,
20 medical marijuana production facility, or medical marijuana manufacturing facility, shall be required to
21 sign a form, which may be obtained from the Code Enforcement Department, which indicates that
22 they are aware that an existing licensed medical marijuana property, medical marijuana production
23 facility, or medical marijuana manufacturing facility is located within five-hundred (500) feet of their
24 proposed site. *[Amended 11-29-2016, Amended 2-20-2018]*
25

26 **280-15-10.3.2** The owneroperator of thea licensed medical marijuana property, medical marijuana
27 production facility, and medical marijuana manufacturing facility shall obtain an annual license from
28 the City Council to operate the property and facility in conformance with **Chapters 149: Licensing**
29 **and 161: Marijuana.** The number of licensed medical marijuana properties shall be capped at eight
30 (8) parcels as defined in this chapter. All medical marijuana production facilities and medical
31 marijuana manufacturing facilities shall be located on one (1) or more of the eight (8) licensed
32 medical marijuana properties. Additional buildings may be permitted on licensed medical marijuana
33 properties for medical marijuana production, medical marijuana manufacturing, and/or other uses
34 allowed in the zoning district, based on the boundaries of the parcels existing as of October 2, 2018, if
35 the owner demonstrates that the proposed expansion meets all applicable requirements of the City's
36 zoning, site plan, and building electrical fire and other health safety and technical codes, including but
37 not limited to this chapter and Chapters 90: Building Construction and 128: Fire Prevention and
38 the Maine Medical Use of Marijuana Act or state administrative rules. *[Amended 2-20-2018]*
39

40 **280-15-10.3.3** ~~The medical marijuana production facility shall grow, cultivate, process, store, and/or~~
41 ~~distribute plants and prepared marijuana in an fully enclosed, locked facility which is accessible only~~
42 ~~by the individual or his/her employees who are authorized to cultivate the marijuana in conformance~~
43 ~~with the Maine Medical Use of Marijuana Act and Rules.~~ *[Amended 2-20-2018]*
44

45 **280-15-10.3.4** ~~A~~The structure where medical marijuana is grown, cultivated, manufactured, and/or
46 processed, ~~and~~ shall be constructed of building materials approved by the Code Enforcement
47 Department and Fire Chief, or their designees. If the structure is six-thousand (6,000) square feet or
48 larger, and/or includes any extraction processes, it shall ~~be required to~~ include an internal sprinkler
49 and/or fire suppressant system approved by the Fire Chief. *[Amended 2-20-2018]*
50

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1 ~~**280-15-10.3.45**~~ An ~~ownereoperator~~ of a licensed medical marijuana property, medical marijuana
2 production facility, and/or medical marijuana manufacturing facility shall prepare an Operations
3 Manual and Safety Plan. The Operations Manual and Security Plan shall be maintained at the
4 property and/or business and made available for inspection upon request.

5
6 280-15-10.3.4.1 The Operations Manual and Safety Plan for a licensed medical marijuana
7 property shall describe, at a minimum, policies and procedures for building security and
8 provision and maintenance of ventilation and odor controls for the property, structures, and
9 common areas that meets the requirement of § 280-15-10.3.5.

10
11 280-15-10-3.4.2 The Operations Manual and Safety Plan for a medical marijuana production
12 facility or medical marijuana manufacturing facility shall describe, at a minimum, policies and
13 procedures for employee safety, product and building security, hours of operation, provision
14 and maintenance of ventilation and odor controls ~~unless the operator prepares an Odor Control~~
15 ~~Plan~~ that meets the requirements of **§ 280-15-10.3.5**, storage and use of hazardous materials,
16 including but not limited to, chemicals and gases, waste management, contamination protocols,
17 and methods of distribution to qualifying patients. ~~The Operations Manual and Security Plan~~
18 ~~shall be maintained at the facility and/or business and made available for inspection upon~~
19 ~~request.~~ [Amended 2-20-2018]

20
21 **280-15-10.3.56** An owner of a licensed medical marijuana property and operator of a medical
22 marijuana production facility or medical marijuana manufacturing facility shall prepare an Odor
23 Control Plan specifying the engineering and administrative controls the facility will use to prevent
24 odors from being detected offsite, unless a mechanical engineer, or other qualified professional,
25 registered in the State of Maine, certifies the adequacy of the proposed ventilation and odor control
26 system to prevent odors from being detected beyond the boundaries of the property.

27
28 All licensed medical marijuana properties, medical marijuana production facilities, and medical
29 marijuana manufacturing facilities shall be equipped with and maintain sufficient ventilation and odor
30 controls to ensure that air leaving the building through an exhaust vent shall prevent odors from
31 leaving the property. Doors and windows in odor producing areas shall remain closed, except for the
32 minimum length of time needed to allow people to ingress or egress the facility. The Odor Control
33 Plan shall specify building management activities intended to isolate odor producing activities for
34 one (1) or more medical marijuana production and/or marijuana manufacturing businesses from
35 other areas of the structures and discharge of emissions from structures.

36
37 The City may use contracted staff and peer review escrow fees to review an Odor Control Plan under
38 **§ 280-3-4.2.1.2.**

39
40 280-15-10.3.5.1 The Odor Control Plan shall be prepared, using industry-specific best control
41 technologies and best management practices, for each odor source in the licensed medical marijuana
42 property, medical marijuana production facility, and marijuana manufacturing facility and shall include,
43 at a minimum:

44
45 ~~280-15-10.3.56.1.1~~ A ~~facility~~ floor plan, with locations of odor producing activities specified.
46 Relevant information shall include, but is not limited to, the location of doors, windows,
47 ventilation systems, odor control systems, and odor sources.

48
49 ~~280-15-10.3.56.1.2~~ The location of specific specific odor producing activities.

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- 1
- 2 280-15-10.3.5.1.3 Maintenance and replacement schedule for key system components,
- 3 provided by the manufacturer or supplier of the technology.
- 4
- 5 280-15-10.3.5.1.4 Staff training procedures including organizational responsibilities and the
- 6 roles/titles of staff members who shall be trained about odor control;
- 7
- 8 280-15-10.3.5.1.5 Recordkeeping systems and forms describing what records will be maintained
- 9 by the facility operator;
- 10
- 11 280-15-10.3.5.1.6 Description of daily standard operating procedures to verify that the odor
- 12 control systems are operational.
- 13
- 14 280-15-10.3.5.1.7 Evidence that ventilation and odor controls are operational, sufficient to
- 15 effectively mitigate odors for all sources and consistent with accepted and available industry-
- 16 specific best control technologies designed to effectively mitigate odors.
- 17
- 18 280-15-10.3.5.2 In addition, a medical marijuana production facility and marijuana
- 19 manufacturing facility shall describe:
- 20
- 21 280-15-10.3.5.2.1 ~~describing~~ The processes that will take place at the facility and the sources
- 22 of the odors associated with, but not limited to, vegetative flowering, processing, and storage.
- 23
- 24 280-15-10.3.5.2.2~~3~~ For each odor source, specify the administrative processes and
- 25 technologies the facility will use, including:
- 26
- 27 ~~280-15-10.3.5.2.2.16-3-1~~ 280-15-10.3.5.2.2.16-3-1 *Description of the proposed actions or technologies for each odor*
- 28 *producing activity, including the number of products proposed to be used and product*
- 29 *names, provided by the manufacturer or supplier of the technology;*
- 30
- 31 ~~280-15-10.3.5.2.2.26-3-2~~ 280-15-10.3.5.2.2.26-3-2 *Description of the formulas, provided by the manufacturer or*
- 32 *supplier of the technology, to size the proposed odor control technologies for the specific*
- 33 *space and odor sources to be controlled within the facility.*
- 34
- 35 ~~280-15-10.3.5.2.2.36-3-3~~ 280-15-10.3.5.2.2.36-3-3 *Maintenance and replacement schedule for key system*
- 36 *components, provided by the manufacturer or supplier of the technology.*
- 37
- 38 ~~280-15-10.3.6.4~~ 280-15-10.3.6.4 *Building management activities intended to isolate odor-producing activities*
- 39 *from other areas of the buildings;*
- 40
- 41 ~~280-15-10.3.5.2.2.46-5~~ 280-15-10.3.5.2.2.46-5 *Staff training procedures including organizational responsibilities and the*
- 42 *roles/titles of staff members who shall be trained about odor control;*
- 43
- 44 ~~280-15-10.3.5.2.2.56-6~~ 280-15-10.3.5.2.2.56-6 *Recordkeeping systems and forms describing what records will be*
- 45 *maintained by the facility operator;*
- 46

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1 ~~280-15-10.3.5.2.2.6.7~~ Description of daily standard operating procedures to verify that the odor
2 control systems are operational.

3
4 ~~280-15-10.3.6.8~~ Evidence that ventilation and odor controls are operational, sufficient to
5 effectively mitigate odors for all sources and consistent with accepted and available industry-
6 specific best control technologies designed to effectively mitigate odors.

7
8 The City may use contracted staff and peer review escrow fees to review an Odor Control Plan under
9 ~~§ 280-3-4.2.1.2.~~ *[Added 2-20-2018]*

10
11 ~~**280-15-10.3.67**~~ No medical marijuana shall be grown, cultivated, processed, and/or stored within a
12 common area or limited common area of the property. *[Amended 2-20-2018]*

13
14 ~~**280-15-10.3.8**~~ No medical marijuana qualifying patients shall obtain medical marijuana directly from
15 a licensed medical marijuana property, the medical marijuana production facility, or medical
16 marijuana manufacturing facility, except as otherwise allowed under the Maine Medical Use of
17 Marijuana Act and state administrative rules ~~Rules~~. A licensed medical marijuana property or
18 the medical marijuana production facility may include an office space, within the same structure, for the
19 purposes of consulting with and distributing medical marijuana to qualifying patients if offices are
20 allowed in the zoning district and if the facility meets all public safety, public access, parking, and
21 other requirements of City codes. This office space shall not qualify as a medical marijuana
22 dispensary for retail sales as defined in the Maine Medical Use of Marijuana Act or state
23 administrative rules and Rules. This limitation is not intended to ~~prohibit~~ limit production operations in
24 one (1) unit with potential retail sales of marijuana paraphernalia in another separate unit, as long as
25 retail sales of paraphernalia ~~is~~ are allowed in the zone in which the property is located and the two (2)
26 facilities operate as separate legal entities. *[Amended 2-20-2018]*

27
28 ~~**280-15-10.3.79**~~ A licensed medical marijuana property, medical marijuana production facility, and
29 medical marijuana manufacturing facility shall comply with the industrial performance standards in
30 this chapter. *[Amended 2-20-2018]*

31
32 ~~**280-15-10.3.810**~~ A licensed medical marijuana property, medical marijuana production facility,
33 and/or medical marijuana manufacturing facility shall not dispose of marijuana waste and/or residue
34 from the growth, cultivation, processing, and storage of medical marijuana in an unsecured waste
35 receptacle not in its possession and control. *[Amended 2-20-2018]*

36
37 ~~**280-15-10.3.911**~~ Notwithstanding anything to the contrary in 1 M.R.S. § 302, and amendment of
38 this chapter on October 2, 2018, this chapter applies to any application relating to the establishment
39 or operation of a licensed medical marijuana property, medical marijuana production facility, and/or
40 medical marijuana manufacturing facility, whether or not such application had become a “pending
41 proceeding” as defined in 1 M.R.S. § 302 prior to the enactment of this chapter. *[Amended 2-20-2018]*
42