

TOWN OF WILTON

Adult Use and Medical Marijuana Ordinance

ENACTED: August 17, 2020

Amended 06/14/2021

Amended 06/20/2022

CERTIFIED BY: Heather G. Harris

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TOWN OF WILTON ADULT USE AND MEDICAL MARIJUANA ORDINANCE

Article 1 Title:

This ordinance shall be known and cited as the "Town of Wilton Adult Use and Medical Marijuana 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 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 a minor who is a qualifying patient under the Maine Medical Use of Marijuana Act; and

WHEREAS, the Town of Wilton believes that any production, processing, or sale 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

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 Marijuana laws and regulations, including, but not limited to, 22 M.R.S. ch. 558-C, as may be amended, except that Medical Marijuana caregiver retail stores are subject to the provisions of this Ordinance; and

NOW, THEREFORE, this Ordinance is adopted pursuant to the Marijuana Legalization Act, 28-B M.R.S. ch. 1 and its related State regulations; the Maine Medical Use of Marijuana Act, 22 M.R.S. ch. 558-C and its related State regulations; and the Town's home rule authority granted under Art. 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 Marijuana 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 Marijuana businesses, provides for licensing and regulation of Adult Use and Medical Marijuana businesses, provides operating standards for Adult Use and Medical Marijuana businesses, and, in conjunction with the Zoning Ordinance of the Town of Wilton, regulates the location at which Adult Use and Medical Marijuana businesses may operate.

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 or standard, the more restrictive provision shall apply.

Article 5 Effective Date:

This Ordinance shall be effective upon adoption by the Town Meeting, *i.e.*, June 14, 2021, and repeals and replaces the ordinance on the same subject adopted on August 17, 2020.

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:

As used in this Ordinance, the following words and phrases shall have the meanings ascribed to them in this Article.

Adult use marijuana means marijuana cultivated, manufactured, distributed or sold by an Adult Use cultivation facility, an Adult Use products manufacturing facility, an Adult Use testing facility, an Adult Use marijuana store or a sample collector licensed under State law.

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

Adult Use marijuana cultivation facility means a facility licensed under State law 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. An adult use marijuana cultivation facility includes an adult use marijuana nursery cultivation facility.

Adult Use marijuana nursery cultivation facility means an Adult Use marijuana cultivation facility that is licensed under State law and this Ordinance to cultivate not more than 1,000 square feet of plant canopy, subject to the requirements and restrictions of 28-B M.R.S. § 501(3), as may be amended.

Adult Use marijuana products manufacturing facility means a facility licensed under State law 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.

Adult Use marijuana store means a facility licensed under State law to purchase adult use marijuana, immature marijuana plants and seedlings from an adult use cultivation facility, to 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 State law to develop, research and test adult use marijuana, adult use marijuana products and other substances.

Applicant means a person that has submitted an application for licensure as a marijuana business pursuant to this Ordinance.

Caregiver means a person or an assistant of that person who provides care for a qualifying patient in accordance with section 22 M.R.S. § 2423-A(2), as may be amended.

Cultivate or *cultivation* 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 or for personal adult use. "Harvested marijuana" includes marijuana concentrate and marijuana products. "Harvested marijuana" does not include plant material harvested from hemp as defined in 7 M.R.S. § 2231(1-A)(D), as may be amended.

Immature marijuana plant means a nonflowering marijuana plant that measures less than 24 inches from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches.

Licensed premises means the premises specified in an application for a State or Local License pursuant to this Ordinance that are owned or in possession of the Licensee and within which the Licensee is authorized to cultivate, manufacture, distribute, sell, or test adult use marijuana, adult use marijuana products, medical marijuana or medical marijuana products in accordance with the provisions of this Ordinance and the requirements of State law and regulations.

Licensee means a person licensed pursuant to this Ordinance.

Licensing Authority means the Wilton Select Board.

Local License means any license required by and issued under the provisions of this Ordinance.

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 a Medical Marijuana cultivation facility, a Medical Marijuana caregiver retail store, a Medical Marijuana dispensary, a Medical Marijuana products manufacturing facility, a Medical Marijuana testing facility, an Adult Use marijuana cultivation

facility, an Adult Use marijuana store, an Adult Use marijuana products manufacturing facility, or an Adult Use marijuana testing facility. (*Amended June 20, 2022*)

Marijuana concentrate means the resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish. "Marijuana concentrate" does not include resin extracted from hemp as defined in 7 M.R.S. § 2231(1-A)(D), as may be amended. In determining the weight of marijuana concentrate in a marijuana product, the weight of any other ingredient combined with marijuana or marijuana concentrate to prepare the marijuana product may not be included.

Marijuana plant means all species of the plant genus cannabis, including, but not limited to, a mother plant, a mature marijuana plant, an immature marijuana plant or a seedling. "Marijuana plant" does not include hemp as defined in 7 M.R.S. § 2231(1-A)(D), as may be amended.

Marijuana product means a product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate or a product containing hemp as defined in 7 M.R.S. § 2231(1-A)(D), as may be amended.

Mature marijuana plant means a flowering female marijuana plant. "Mature marijuana plant" does not include hemp as defined in 7 M.R.S. § 2231(1-A)(D), as may be amended.

Medical Marijuana means the medical use of marijuana, with the term "medical use" as defined in 22 M.R.S. § 2422(5), as may be amended.

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

Medical Marijuana caregiver retail store means a retail establishment that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is operated by a single medical marijuana registered caregiver authorized under State law to do so where harvested marijuana is sold by that registered caregiver to qualifying patients for patients' medical use and may include an area for consultation with patients. Two or more registered caregivers are prohibited from forming, owning or operating a medical marijuana retail store as a single medical marijuana retail store.

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 dispensary means an entity registered under 22 M.R.S. § 2425-A, as may be amended, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana plants or harvested marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients. (*Added June 20, 2022*)

Medical Marijuana manufacturing facility means a registered Tier 1 or Tier 2 manufacturing facility under 22 M.R.S. § 2423-F(1) and (2), as may be amended, or a person authorized to engage in marijuana extraction under 22 M.R.S. § 2423-F(3), as may be amended.

Medical Marijuana testing facility means a public or private laboratory that:

- (1) Is authorized in accordance with 22 M.R.S. § 2423-A(10), as may be amended, 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.

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 the Maine Medical Use of Marijuana Act.

Owner means a person whose beneficial interest in an Adult Use marijuana business and/or Medical Marijuana 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 marijuana business and/or Medical Marijuana business and has a controlling interest in an Adult Use marijuana business and/or Medical Marijuana business.

Person means a natural person, partnership, association, company, corporation, limited liability company or organization or a manager, agent, owner, director, servant, officer or employee thereof. "Person" does not include any governmental organization.

Plant canopy means the total surface area within the licensed premises of an Adult Use marijuana cultivation facility or medical 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 22 M.R.S. § 2423-B, as may be amended.

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. § 2425-A, as may be amended.

School includes a public school, as defined in 20-A M.R.S. § 1(24); a private school, as defined in 20-A M.R.S. § 1(22); a public preschool program, as defined in 20-A M.R.S. § 1(23-A); or any other educational facility that serves children from prekindergarten to grade 12.

State License means any license, registration or certification issued by the State Licensing Authority.

State Licensing Application means the application form and supporting materials required by the State for the purpose of a person obtaining a State license, registration or certification for the cultivation, manufacture, distribution, testing and sale of adult use marijuana, adult use marijuana products, medical marijuana and/or medical marijuana products in this State.

State Licensing Authority means the authority (or authorities) created by the State for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, testing and sale of adult use marijuana, adult use marijuana products, medical marijuana and/or medical marijuana products in the State of Maine.

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

Article 8 License Required:

- A. State License. An Adult Use marijuana 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 may be amended, and obtained all other necessary Town approvals. A Medical Marijuana business 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.
- B. Local License. No person may establish, operate or maintain an Adult Use or Medical Marijuana business without first obtaining a license from the Licensing Authority. To operate without a license is a violation of this Ordinance.

Article 9 Application Process:

- A. Medical Marijuana Business. Persons wishing to establish a Medical Marijuana 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 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.

3. Once the Planning Board has approved the use permit for the Medical Marijuana 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 Marijuana Business. Persons wishing to establish an Adult Use marijuana business within the Town must complete a 3 step process:
1. Obtain a conditional State License. This requires a criminal background check, finger printing, and individual identification card. Once the conditional State License is approved, then the Local License application process may begin. The State License will 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 the date of issuance of the original use permit.
 3. Once the Planning Board has approved the use permit for the Medical Marijuana 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 Marijuana Businesses - 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 Marijuana business.
 2. All payments to the Town of Wilton for property taxes, personal property taxes, water and sewer fees must be 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 Marijuana 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 a Medical Marijuana business is a single individual, this person must sign the application. If the Applicant who wishes to operate a Medical Marijuana 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 a Medical Marijuana business license shall be accompanied by the following documents:
- (i) All Applicants must provide evidence of the required registration or certification from the State of Maine related to medical marijuana.
 - (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.
 - (iii) 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.
 - (iv) 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.
 - (v) 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.
 - (vi) If the Applicant intends to operate a Medical Marijuana business under a name other than that of the Applicant, they must state the business name and submit the required registration/certification documents.
 - (vii) If the Applicant has had a previous permit/license under this Ordinance or other similar marijuana business ordinances from another municipality 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.

- (viii) If the Applicant holds any other licenses under this Ordinance or other similar marijuana business ordinance from another municipality or state and, if so, the names and locations of such other licensed businesses must also be provided.
 - (ix) The classification of license (store, cultivation, manufacturing, or testing) for which the Applicant is seeking approval.
 - (x) The location of the proposed Medical Marijuana business, including a legal description of the property, street address, and telephone number.
 - (xi) The Applicant's mailing address and residential address.
 - (xii) 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.
 - (xiii) 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.
 - (xiv) A copy of a Town Tax Map depicting the subject property lines and the property lines within 500 feet of the property.
 - (xv) If the application is for a Medical Marijuana caregiver retail store, evidence that the licensed premises are not located within five hundred (500) feet of any public or pre-existing private school, religious institution, licensed day care, or library.
 - (xvi) If the application is for a Medical Marijuana dispensary, evidence that the licensed premises are not located within five hundred (500) feet of any public or pre-existing private school, religious institution, licensed day care, or library.
- c. Confidentiality. Medical marijuana registered caregivers and other Applicants submitting applications and supporting information that is confidential under 22 M.R.S. § 2425-A(12), as may be amended, and the Maine Freedom of Access Act, 1 M.R.S. § 403(3)(F), as may be amended, shall mark such information as confidential.

An individual who possesses a valid Maine medical marijuana registered caregiver registry identification card need not identify himself or herself in an application for a license for a Medical Marijuana business. The cardholder must identify himself or herself and provide the relevant cards to the Code Enforcement Officer for examination, but the identity of the cardholder shall not be a public record and the

Code Enforcement Officer 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 Licensing Authority 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 Code Enforcement Officer may certify to the Licensing Authority that the Applicant meets the necessary legal requirements as a cardholder.

B. Adult Use Marijuana 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 marijuana 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. All payments to the Town of Wilton for property taxes, personal property taxes, water and sewer fees must be 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 marijuana 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 marijuana business is a single individual, this person must sign the application. If the Applicant who wishes to operate an Adult Use marijuana 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 marijuana business license shall be accompanied by the following documents:
 - (i) The conditional State License along with copy of the State Licensing Application.
 - (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.
 - (iii) 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.

- (iv) 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.
- (v) 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.
- (vi) If the Applicant intends to operate an Adult Use marijuana business under a name other than that of the Applicant, they must state the business name and submit the required registration documents.
- (vii) If the Applicant has had a previous permit/license under this Ordinance or other similar marijuana ordinances from another municipality 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.
- (viii) If the Applicant holds any other licenses under this Ordinance or other similar marijuana business ordinance from another municipality or state and, if so, the names and locations of such other licensed businesses must also be provided.
- (ix) The classification of license (store, cultivation, manufacturing, or testing) for which the Applicant is seeking approval.
- (x) The location of the proposed Adult Use business, including a legal description of the property, street address, and telephone number.
- (xi) The Applicant's mailing address and residential address.

(xii) 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.

(xiii) 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.

(xiv) A copy of a Town Tax Map depicting the subject property lines and the property lines within 500 feet of the property.

(xv) If the application for an Adult Use marijuana store, evidence that the licensed premises are not located within five hundred (500) feet of any public or pre-existing 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 sensitive information contained therein, such as Social Security numbers, consistent with the Freedom of Access Act.

C. Change of Use from One Type of Marijuana Business to Another.

Any marijuana business that wants to change to another type of marijuana business at the same location other than the type of marijuana business for which it initially sought and obtained Planning Board site plan approval (e.g., to change from a medical marijuana cultivation facility to a medical marijuana manufacturing facility), such marijuana business may do so, but it must first seek and obtain Planning Board site plan approval for the marijuana business.

Article 11 License Fees:

Application and annual license fees shall be as set forth in the Schedule of License, Permit, Inspection and Application Fees established by the Wilton Select Board and as may be amended from time to time. Fees are non-refundable.

Article 12 Licensing Authority:

A. General Standards. (*Amended June 20, 2022*)

1. No Local License shall be granted by the Licensing Authority for an Adult Use marijuana store, a Medical Marijuana caregiver retail store, or a Medical Marijuana dispensary if it is located within five hundred (500) feet of any public or pre-existing 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. An Adult Use marijuana store, a Medical Marijuana caregiver retail store, or a Medical Marijuana dispensary may continue to operate in its present location as a pre-existing 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 marijuana store, Medical Marijuana caregiver retail store, or Medical Marijuana dispensary does so at its own risk. Any Town-issued licenses, permits or approvals provide no protection or indemnification against enforcement of federal or other applicable laws that may prohibit operation of an Adult Use marijuana store, a Medical Marijuana caregiver retail store, or a Medical Marijuana dispensary near a school, religious institution, licensed day care, or library.
2. No Local License shall be granted by the Licensing Authority until the Police Chief, the Fire Chief, and, if applicable, the Code Enforcement Officer, have all made a positive recommendation upon 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.
3. The Licensing Authority shall have the authority to impose any conditions on a license that may be necessary to insure compliance with the requirements of this Ordinance or to address concerns about operations that may be resolved through the conditions. The failure to comply with such conditions shall be considered a violation of the license.

B. Right of Access/Inspections.

Every Adult Use and Medical Marijuana 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 Marijuana 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 marijuana businesses or Medical Marijuana businesses in temporary locations such as kiosks or farm stands.

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

Adult Use and Medical Marijuana 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 marijuana must not be detected offsite, *i.e.*, must not be detected at premises that are not under the custody or control of the marijuana business. If multiple complaints are 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.

There shall be posted in a conspicuous location inside each Adult Use and Medical Marijuana 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 written certification; Loitering prohibited.”

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 marijuana and medical marijuana 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 marijuana 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 marijuana cultivation facilities and manufacturing facilities shall comply with National Fire Protection Association (NFPA) 1 Fire Code, Chapter 38 standards for Marijuana Growing, Processing, or Extraction Facilities (most recent edition), and these standards shall be used by the Fire Department during its inspections of each facility. All buildings associated with a marijuana 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 marijuana 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 marijuana 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. *(Amended June 20, 2022)*

All Adult Use marijuana stores, Medical Marijuana caregiver retail stores, and Medical Marijuana dispensaries must be operated from permanent locations, which may utilize telephone and internet orders. No delivery of Adult Use marijuana is allowed. Medical Marijuana may be delivered to the patient. Adult Use marijuana stores, Medical Marijuana caregiver retail stores, and Medical Marijuana 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 but may use delivery by USPS, UPS, FedEx, DHL or any other similar global or local delivery service or courier.

J. Colocation.

More than one Adult Use or Medical Marijuana business may be co-located and operated within the same building, structure, or portion thereof, as long as 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 marijuana 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 marijuana business and Medical Marijuana 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 marijuana businesses and/or Medical Marijuana 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.

Article 15 Transfer of Ownership and Change of Location:

- A. Licenses issued under this Ordinance are not transferable to a new owner. Any change in ownership or change in the officers of an owner shall require a new license. Licenses are limited to the location for which they are issued and shall not be transferable to a different location. A Licensee who seeks to operate in a new location shall acquire a new Local License for that location.
- B. In the event of the proposed sale of a marijuana business, the tentative purchaser must apply to obtain a new Local License sixty (60) days prior to the date of the sale and obtain such license prior to commencement of operations. 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.

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 marijuana business and/or Medical Marijuana 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 Ordinances, 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. The operation of any Adult Use marijuana business and/or Medical Marijuana business without the required license or in violation of the requirements of this Ordinance shall be a violation of this Ordinance. Violations shall be subject to fines as set forth herein.
- B. This Ordinance shall be enforced by the Code Enforcement Officer, for whom the Police Chief or his/her designee shall provide investigative and enforcement assistance. In addition to any action that may be taken by the Licensing Authority with respect to the suspension or revocation of a license, violation of this Ordinance shall be a civil violation subject to a fine. Except as otherwise expressly provided herein, the fine for a violation of this Ordinance shall be not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) for each offense. Each act of violation and every day that any such violation shall occur shall constitute a separate offense. 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.

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.

Article 19 Other Laws:

Except as otherwise specifically provided herein, this Ordinance incorporates the requirements and procedures set forth in the Maine Marijuana Legalization Act, 28-B M.R.S. ch. 1, as may be amended. In the event of a conflict between the provisions of this Ordinance and the provisions of the Maine Marijuana Legalization Act or any other applicable State or local law or regulation, the more restrictive provision shall control.

Except as otherwise specifically provided herein, this Ordinance incorporates the requirements and procedures set forth in the Maine Medical Use of Marijuana Act, 22 M.R.S. ch. 558-C, as may be amended. In the event of a conflict between the provisions of this Ordinance and the provisions of the Maine Medical Use of Marijuana Act or any other applicable State or local law or regulation, the more restrictive provision shall control.

Article 20 Amendments:

A. Initiation of Amendments to the Ordinance.

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

1. The Planning Board;
2. The Licensing Authority; or
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 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.

C. Adoption of Amendments.

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

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