

**TOWN OF GREENVILLE MARIJUANA ESTABLISHMENTS
LICENSING ORDINANCE**

First Legal Review Done Nov/Dec 2018; Updated Draft 12/28/2020

ARTICLE I. PURPOSE AND AUTHORITY

Section 1.1 Purpose. The purpose of this Ordinance is to provide for and regulate the issuance of Local Licenses for Marijuana Establishments as defined in the Town of Greenville Marijuana Establishments Ordinance, as may be amended.

Section 1.2 Authority. This Ordinance is enacted pursuant to the enabling provisions of Article VIII, Part 2, § 1 of the Maine Constitution, the provisions of Title 30-A MRS § 3001 (Home Rule), the provisions of Title 30-A MRS § 4312 *et seq.* (Comprehensive Planning and Land Use Regulation, or “Growth Management” Act), the provisions of 28-B MRS § 101 *et seq.* (Marijuana Legalization – Adult Use), and the provisions of 22 MRS § 2421 *et seq.* (Medical Use of Marijuana), and any rules adopted pursuant to 28-B MRS § 101 *et seq.* and 22 MRS § 2421 *et seq.*.

ARTICLE II. DEFINITIONS

Section 2.1 The definitions in Section 4 of the Town of Greenville Marijuana Establishments Ordinance, as may be amended, are hereby adopted by reference. In addition, the following terms shall have the following meanings:

Applicant - Means a person who has submitted an application for licensure as a Marijuana Establishment pursuant to this Ordinance.

Licensed Premises - Means the premises specified in a license to operate a Marijuana Establishment within which the licensee is authorized under this Ordinance to cultivate, manufacture, distribute, test, or sell marijuana and marijuana products.

Licensee - Means a person licensed pursuant to this Ordinance to operate a Marijuana Establishment.

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

Owner - Means a person whose beneficial interest in a Marijuana Establishment 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 a Marijuana Establishment, and has a controlling interest in a Marijuana Establishment.

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.

State License - Means any license, permit, registration, or certification issued by the State Licensing Authority.

State Licensing Application - Means the application form and supporting materials required by the state of Maine 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 Maine.

1 State Licensing Authority - Means the authority (or authorities) created by the state of Maine
2 for the purpose of regulating and controlling the licensing or permitting of the cultivation,
3 manufacture, distribution, testing, and sale of adult use marijuana and adult use marijuana
4 products, and of any medical marijuana and medical marijuana products in Maine.
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6 **ARTICLE III. GENERAL**
7

8 **Section 3.1 Marijuana Establishments.** Marijuana Establishments shall be allowed, subject
9 to the requirements and restrictions of this Ordinance and the Town of Greenville Marijuana
10 Establishments Ordinance.

11 **Section 3.2 Prohibited Activities**

12 A. No Marijuana Establishment shall be established or operated within the Town of
13 Greenville (Town) without first receiving and then maintaining all approvals required
14 under this Ordinance and under the Town of Greenville Marijuana Establishments
15 Ordinance.

16 B. No Marijuana Establishment shall conduct any activity for which it has not received the
17 required State License and Local License.

18 C. Marijuana Social Clubs are prohibited within the Town.

19 **Section 3.3 Licenses Required**

20 A. **State License.** A Marijuana Establishment shall not operate until it is licensed by the
21 State Licensing Authority pursuant to the requirements of 28-B MRS § 101 *et seq.* and 22
22 MRS § 2421 *et seq.*

23 B. **Local License.** A Local License issued under the provisions of this Ordinance is required
24 for any Marijuana Establishment.
25

26 **ARTICLE IV. LICENSING**
27

28 **Section 4.1 Licensing Authority and Procedures**

29 A. All licenses for Marijuana Establishments, whether new or renewals must be approved by
30 the Town of Greenville Select Board.

31 B. An Applicant for a Local License shall complete and file an application on a form
32 prescribed by the Town Clerk, together with a license fee as set out in the Town's
33 schedule of fees together with the following submissions:

34 1. The name, mailing address, and phone number of the applicant; and the name,
35 mailing address, and phone number of the property owner(s) of ~~all~~the property to be
36 used, if other than the applicant. If the applicant is not the property owner of record,
37 then a notarized signed statement from the property owner(s) stating that the applicant
38 has permission to utilize the ~~premises-property~~ for the Marijuana Establishment must
39 be submitted.

40 2. If a State License is required for the proposed use, a copy of the Applicant's State
41 Licensing Application and supporting documentation as filed with the State Licensing
42 Authority and any amendments thereto.

43 3. Evidence of all state approvals or conditional approvals required to operate the
44 Marijuana Establishment, including, but not limited to, the State License as defined
45 by this Ordinance, a state retail certificate, or a state health license.

- 1 4. If not included in the Applicant's State License Application, attested copies of the
2 articles of incorporation and bylaws if the Applicant is a corporation, operating
3 agreement if the Applicant is a limited liability company, evidence of partnership if
4 the Applicant is a partnership, or articles of association and bylaws if the Applicant is
5 an association.
- 6 5. If not included in the Applicant's State License Application, an affidavit that
7 identifies all owners, officers, members, managers, or partners of the Applicant, their
8 ownership interests, and their places of residence at the time of the application and for
9 the immediately preceding 3 years.
- 10 6. Evidence of all approvals required to operate a Marijuana Establishment pursuant to
11 the Town of Greenville Marijuana Establishments Ordinance to include, but not be
12 limited to, a copy of the Planning Board Conditional Use Permit Notice of Decision
13 and the Planning Board approved Operating Plan depicting the size and layout of the
14 marijuana operation; evidence of facilities for wastewater and waste disposal,
15 electricity, water and other utilities necessary for the normal operation of the facility;
16 security; hours of operation; and plans for compliance with applicable building code
17 and federal and state environmental requirements. An operating plan must include the
18 proposed size and layout of the facility and must depict the total square footage of
19 plant canopy area, floor area, and number of plants, as applicable to the type of permit
20 or license.
- 21 7. Evidence of all other local and state approvals or conditional approvals required to
22 operate a Marijuana Establishment pursuant to local and state laws.
- 23 8. For license renewal, an applicant must submit proof of continued compliance with all
24 local ordinances and state statues and/or copies of any documentation determining
25 non-compliance.
- 26 9. Any additional information as may be needed by the Select Board in the issuing of
27 the license.

28 **C. Confidentiality**

- 29 1. Medical marijuana caregivers and other applicants submitting applications and
30 supporting information that is confidential under 22 MRS: § 2425-A(12) and the Maine
31 Freedom of Access Act, Title 1, chapter 13, shall mark such information as
32 confidential.
- 33 2. An individual who possesses a valid Maine medical marijuana registered caregiver
34 registry identification card need not identify themselves in an application for a license
35 for a Marijuana Establishment. The medical marijuana registered caregiver cardholder
36 must identify themselves to the Town Clerk Code Enforcement Officer and provide the
37 relevant card(s) ~~to the Town Clerk~~ for examination, but the identity of the cardholder
38 shall not be a public record and the Town Clerk Code Enforcement Officer shall not
39 share the identity of the cardholder, except as necessary by law in the performance of
40 their duties. At the time of application, the cardholder may appoint a representative to
41 appear before the Select Board on the cardholder's behalf. Advertisements for public
42 hearing shall contain the location of the proposed Marijuana Establishment and the
43 identity of the owner of the real estate and the identity of the designated representative.
44 The Town Clerk Code Enforcement Officer may certify to the Select Board that the
45 applicant meets the necessary legal requirements as a cardholder(s).

1 D. **License Fees.** Fees for a Local License shall be established by the Select Board, and
2 licenses must be renewed annually, including payment of license fees. These fees shall be
3 non-refundable and submitted with the application. The application shall not be considered
4 complete until the appropriate fee is paid.

5 E. **Procedures**

- 6 1. The applicant shall submit one (1) copy of the application and all other related and
7 required information to the Town Clerk. The Clerk may request additional copies, as
8 necessary.
- 9 2. Complete application. If the Code Enforcement Officer determines that a submitted
10 application is not complete, the Code Enforcement Officer shall notify the Applicant
11 within 10 business days that the application is not complete and shall inform the
12 Applicant of the additional information required to process the application.
- 13 3. Upon receipt of a complete application, the Town Clerk will notify the Select Board,
14 Town Manager, Code Enforcement Officer, Fire Chief, Police Chief, and Health
15 Officer that the application is available for their review and comment.
- 16 4. The Code Enforcement Officer shall, prior to the scheduled public hearing, report
17 to the Select Board whether such application and premises comply with the Town
18 of Greenville Marijuana Establishments Ordinance, the Town's Land Use
19 Ordinance, and any other applicable state and local laws. The Code Enforcement
20 Officer shall consult with the Town Manager, Police Chief, Fire Chief, and Health
21 Officer to determine compliance with their rules, regulations, or policies. In the
22 event the premises are not yet constructed, these officials shall base their
23 recommendations on the plans submitted in the application. Any Local License
24 approved prior to construction shall contain a condition that the premises may not
25 open for business until the premises has been inspected by the Code Enforcement
26 Officer and determined to be in substantial compliance with the application as
27 submitted and approved by the Select Board.

28 F. **Public Hearing.** The Select Board shall, prior to granting the initial Local License and
29 after reasonable notice to the public and the applicant, hold a public hearing within 30
30 days of the date when the application was deemed complete. The notice to the public will
31 be paid for by the applicant. The Select Board may waive the requirement for a public
32 hearing for Local License renewals where there has not been a request for a public
33 hearing from the Town Manager, Police Chief, Fire Chief, Health Officer, Code
34 Enforcement Officer, or an abutter.

35 G. **Decisions and Conditions.** The Select Board shall grant a Local License if all
36 provisions of this Ordinance are satisfied unless they find that issuance of the Local
37 License will be detrimental to the public health, safety, or welfare, or would violate
38 any Town ordinances, rules, regulations, or policies. The Select Board shall have the
39 authority to impose such reasonable terms and conditions on a Local License as
40 necessary to protect the public health, safety, or welfare, and to obtain compliance
41 with this Ordinance, the Town of Greenville Marijuana Establishments Ordinance, or
42 any other Town ordinance, rules, regulations, or policies.

43 H. **Permit Renewal.** A Local License for a Marijuana Establishment shall be valid for 1
44 year and must be renewed annually. Application for renewal of Local Licenses shall be
45 made no later than 60 days prior to the expiration of the existing Local License.
46 Applicants for re-licensure must demonstrate continued compliance with this Ordinance,

1 the Town of Greenville Marijuana Establishments Ordinance, ~~and~~ any other Town
2 ordinance, rules, regulations, or policies.

3 I. **Transfer in Ownership or Change in Location.** Local Licenses issued under this
4 Ordinance are not transferable to a new owner. Any change in ownership or change in the
5 officers, ~~members, managers, or partners~~ of a Marijuana Establishment shall require a
6 new Local License. Local Licenses are limited to the location for which they are issued
7 and shall not be transferable to a different location. A Licensee who seeks to operate in a
8 new location shall acquire a new Local License for that location.

9 J. **Posting of Local License.** The Local License, if granted, shall state the name of the
10 person(s) to whom it is issued, the expiration date, and the address of the Marijuana
11 Establishment. The Local License shall be posted in a conspicuous place at the licensed
12 establishment so that it can be easily read anytime the establishment is open.

13 **Section 4.2 Permitting Timeframe and Appeal Procedures.** Any licensee requesting a
14 Local License from the Select Board shall be notified in writing of the Select Board's decision
15 no later than 45 days from the date of the submission of a complete application. If an applicant
16 is denied the Local License, the applicant shall be provided with the reasons for the denial in
17 writing. The applicant may reapply for a Local License no earlier than 30 days after an
18 application for a license is denied. An applicant may also appeal of a decision of the Select
19 Board to the Superior Court, in accordance with the requirements of Rule 80B of the Maine
20 Rules of Civil Procedure.

21 **Section 4.3 Inspections**

22 A. Marijuana Establishments may be subject to periodic inspections by the Health Officer,
23 Code Enforcement Officer, Fire Department, and Police Department to ensure
24 compliance with health regulations, land use or safety regulations, and license conditions.
25 Each licensee, by accepting this license, consents to the entry upon the licensed premises
26 by such officials.

27 B. The Select Board may revoke the Local License of any licensee in the Town who refuses
28 to permit any such officer, official, or employee to make an inspection or take sufficient
29 samples for analysis or who interferes with such officer, official, or employee while in
30 the performance of his duty.

31 **Section 4.4 Suspension or Revocation of a Permit.** In addition to any other penalty which
32 may be provided, the Select Board may, after a public hearing preceded by notice to the
33 permit holder and public, suspend or revoke any Local License which has been issued under
34 this Ordinance on grounds that the Marijuana Establishment, so permitted, constitutes a
35 detriment to the public health, safety, and welfare, or violates the terms of the Local License
36 or this Ordinance or any other town ordinance, articles, bylaws, or rules and regulations.

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38 **ARTICLE V: INDEMNITY, CONFLICT, PENALTY, SEVERABILITY, AND EFFECTIVE DATE**

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40 **Section 5.1 Indemnity**

41 A. By accepting a Local License issued pursuant to this Ordinance, the licensee waives and
42 releases the Town, its officers, elected officials, employees, volunteers, and agents from
43 any liability for injuries, damages, or liabilities of any kind that result from any arrest or
44 prosecution of business owners, operators, employees, clients, or customers for a
45 violation of federal, state, or local laws and regulations. This obligation to indemnify,
46 defend and hold harmless shall include the obligation to reimburse the party so

1 indemnified, defended, and held harmless for any and all costs and fees, including,
2 attorney's fees, reasonably incurred by that party in defense of such liabilities, claims, and
3 demands.

- 4 B. By accepting a license~~permit~~ issued pursuant to this Ordinance, all licensees, jointly and
5 severally, if more than one, agree to indemnify, defend, and hold harmless the Town, its
6 officers, elected officials, employees, volunteers, ~~and~~ agents, insurers, and self-insurance
7 pool against all liability, claims, and demands on account of any injury, loss, or damage,
8 including without limitation, claims arising from bodily injury, personal injury, sickness,
9 disease, death, property loss, or damage, or any other loss of any kind whatsoever arising
10 out of or in any manner connected with the operation of a retail or medical marijuana
11 business that is the subject of this license. This obligation to indemnify, defend, and hold
12 harmless shall include the obligation to reimburse the party so indemnified, defended,
13 and held harmless for any and all costs and fees, including attorney's fees, reasonably
14 incurred by that party in defense of such liabilities, claims, and demands.

15 **Section 5.2 Other Laws Remain Applicable.** All Marijuana Establishments shall meet all
16 ~~operating and other~~ requirements of state and local law and regulation. To the extent the state
17 of Maine has adopted or adopts in the future any stricter law or regulation governing Adult
18 Use Marijuana or Medical Marijuana, the stricter law or regulation shall control.

19 **Section 5.3 Violations and Penalties.** The operation of any Marijuana Establishment without
20 the required Local License or in violation of the requirements of this Ordinance shall be a
21 violation of this Ordinance. Violations shall be punished by a fine of not more than \$500.00
22 for the first offense, for each day the violation continues after receipt of written notice of the
23 violation, and up to \$1,000.00 for each subsequent offense, for each day the violation
24 continues after receipt of written notice of the violation, to be recovered on complaint, ~~for~~
25 the use of the Town of Greenville.

26 **Section 5.4 Severability.** The provisions of this Ordinance are severable, and if any provision
27 shall be declared to be invalid or void, the remaining provisions shall not be affected and
28 shall remain in full force and effect.

29 **Section 5.5 Effective Date.** This Ordinance and any subsequent amendments take effect upon
30 enactment by the legislative body of the Town of Greenville.
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