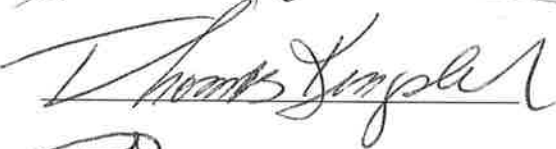


CERTIFICATION OF PROPOSED ORDINANCES BY THE MUNICIPAL OFFICERS

This certifies to the municipal clerk of the Town of Fryeburg that the within ordinance is a true copy of an ordinance entitled Town of Fryeburg Land Use Ordinance Section 5.B & 17.Y to be acted upon by the voters at a town meeting to be held on June 10, 2021.

Dated: April 22, 2021 by the Municipal Officers of Fryeburg:


Theresa Shaw
Town clerk

**Fryeburg Land Use Ordinance
Adult Use Marijuana Related Additions/Revisions- 2021**

Be it ordained by the Town of Fryeburg as follows:

That Section 5.B of the Land Use Ordinance be amended by revising subsection “26” to read as follows:

26. ADULT USE MARIJUANA OPERATIONS									
		VR	VC	OVR	RC	ORC	GC	I	RR
26.1	Marijuana Store	N	N	N	N	N	N P	N P	N
26.2	Cultivation Facility – Tier 1	N	N	N	P	P	P	P	P
26.3	Cultivation Facility - Tier 2	N	N	N	N	N	P	P	P
26.4	Cultivation Facility – Tier 3	N	N	N	N	N	P	P	P
26.5	Cultivation Facility – Tier 4	N	N	N	N	N	P	P	P
26.6	Cultivation Facility - Nursery	N	N	N	P	P	P	P	P
26.7	Marijuana Products Manufacturing Facility	N	N	N	N	N	P	P	N
26.8	Marijuana Testing Facility	N	N	N	N	N	P	P	N
26.9	Marijuana Social Club	N	N	N	N	N	N	N	N
26.10	Home Cultivation for Personal Adult Use	A	A	A	A	A	A	A	A

Be it ordained by the Town of Fryeburg as follows:

Section 17.Y Adult Use Marijuana Operations

1. Purpose: The purpose of this standard is to regulate the location, licensing and operation of adult use marijuana operations authorized by the Marijuana Legalization Act within the Town of Fryeburg under the general authority granted pursuant to and consistent with Article VIII-A of the Maine Constitution and Title 30-A Section 3001 (Home Rule), as from time to time amended.
2. All marijuana operations shall follow and be in compliance with The State of Maine – Marijuana Legalization Act Title 7, Chapter 417.
3. Application Procedure:
 - a. Applications for Land Use Authorization for Marijuana Operations must be submitted in accordance with Section 2.D of this Ordinance.
 - b. Additionally the applicant must submit the following:
 - i. Proof of receipt of license from the State of Maine to provide evidence of compliance with State licensing criteria.
 - ii. A site plan depicting the shape, size, and location of the lot on which the structure is, or is proposed to be, located, and the shape, size, and location on the lot of the structure or additions, precisely located and noted as to distances and dimensions.

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- iii. A building plan depicting the interior layout of the structure. Include secured areas, areas open to the public, entrances/exits, hazardous materials storage areas, and all other operational features.
 - iv. An Operating Plan which demonstrates the proposed size and layout of the marijuana operation; plans for wastewater and waste disposal; plans for providing electricity, water and other utilities necessary for the normal operation of the facility; plans for securing the proposed facility, hours of operation and plans for compliance with applicable building code and federal and state environmental requirements. An operating plan for a cultivation facility must include the proposed size and layout of the cultivation areas, and must depict the total square footage of plant canopy area (or number of plants for Tier 1 cultivation facilities).
 - v. For indoor operations, an Odor Mitigation Plan approved and stamped by a Maine licensed engineer.
 - vi. If applicable, a description of the type of products to be processed and the equipment to be used, including a list of any solvents, gases, chemicals, or other compounds that will be used, kept, or created, and how such materials will be stored.
- c. A separate Application for Land Use Authorization must be submitted for each proposed adult use marijuana facility.
- d. Following receipt of Land Use Authorization the applicant must also obtain a license from the Board of Selectmen as required by the Town of Fryeburg Adult Use Marijuana Cultivation, Products Manufacturing, and Testing Ordinance. Land Use Authorization alone will not constitute “municipal authorization” per The State of Maine – Marijuana Legalization Act Title 7, Section 2447.
- e. A Land Use Authorization Revision After Approval: The following shall apply if there are changes to the approved site plan, building plan, or operating plan, or if an increase in cultivation tier is proposed:
- i. If the Code Enforcement Officer determines that the change would not have had the effect of subjecting the prior review of the approved plan to materially different approval standards, the Code Enforcement Officer shall issue a written certificate reflecting such determination, and certifying that no further review of the proposed change by the Planning Board is required.
 - ii. If the Code Enforcement Officer shall determine that the change would have had the effect of subjecting the prior review of the approved plan to materially different approval standards, the lot owner must obtain Planning Board approval for the change of the plan.
4. General Performance Standards for Marijuana Operations: (This Section does not apply to Home Cultivation for Personal Use)
- a. Location, setbacks, and buffers: In addition to the dimensional requirements for each zoning district, retail marijuana operations must also meet the following dimensional requirements.
 - i. Marijuana operations may not be located within 1,000 feet of preexisting schools (public or private), public athletic complexes, libraries, ~~and~~ licensed day-care centers and special

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- purpose schools whose clientele are under 21 years of age. This measurement is taken from the lines of the property on which the marijuana operation is located.
- ii. Adult use marijuana operations shall operate from a fixed, permanent location and may not be permitted to be operated from a moveable or mobile location. If an application for an adult use marijuana operation is approved, the approval is for that location only; relocation of the operation would require new Land Use Authorization.
 - iii. Tier 1, Tier 2 and nursery outdoor cultivation operations must be setback 50 feet from all property lines, have secure fencing around the growing area and ~~may~~ must not be visible from the street.
 - iv. Tier 3 and Tier 4 outdoor cultivation operations must be setback 100 feet from all property lines, have secure fencing around the growing area and ~~may~~ must not be visible from the street.
 - v. Adult use marijuana operations shall not occur in rented housing, apartments, condominiums.
 - vi. Existing tree and shrub cover screening and buffering the proposed marijuana operation shall be retained to the maximum possible extent. The Board may require additional visual buffering per Section 16.J of this Ordinance.
 - vii. The town will limit the maximum number of adult use marijuana stores to a total of five.
 - viii. Adult use marijuana store and medical use stores cannot be located within the same building.
 - ix. Applicants may not have an interest or license for more than one store at a time.

b. Odors/Ventilation

- i. Indoor marijuana businesses shall be ventilated so that the odor from the marijuana cannot be detected by a person with a normal sense of smell from any adjoining use or property.
- ii. Indoor marijuana businesses shall have an odor mitigation system installed that has been approved and stamped by a Maine licensed engineer indicating that the system will provide sufficient odor control measures.

c. Hazardous Substances

- i. Any inherently hazardous substances, hazardous materials, solvents, or flammables must be kept safe, be stored and used in compliance with all applicable laws, and not create a danger to any person.
- ii. Non-hazardous chemicals shall be substituted for hazardous varieties whenever possible.

d. Refuse/Product Waste Disposal

- i. Marijuana product waste must be made unusable and unrecognizable prior to leaving the premises and shall be disposed of in accordance with State law, including, to the extent applicable, rules adopted pursuant to Title 7 M.R.S.A §2448(7)(G).
- ii. Solid, liquid and hazardous wastes generated during marijuana production and processing must be stored, managed, and disposed of in accordance with applicable state and local laws and regulations.

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e. Lighting

- i. Exterior lighting, including required security lighting shall meet the standards of Section 16.G of this ordinance.
- ii. Interior lighting: Grow lamps and lighting may not be visible from the exterior of the building.

f. Signage

- i. Exterior signs must be in compliance with the regulations of the Section 16.M of this ordinance, and also shall not advertise marijuana brand names or utilize graphics related to marijuana or paraphernalia on the exterior of the marijuana retail business or the building in which the business is located.
- ii. There may be no display of marijuana and paraphernalia so as to be clearly visible from the exterior of a facility.

5. Specific Performance Standards for Cultivation Facilities (This does not apply to Home Cultivation for Personal Use)

- a. A cultivation facility may only cultivate adult use marijuana for sale and distribution to products manufacturing facility, marijuana store, or other cultivation facility. Retail sales at a cultivation facility is prohibited. A marijuana cultivation facility may not give away adult use marijuana to consumers.
- b. Marijuana extraction without a separate products manufacturing approval is prohibited.
- c. Adult use cultivation facilities may also include cultivation of medical marijuana under the Maine Medical Use of Marijuana Act and in compliance with The State of Maine – Marijuana Legalization Act. This must be disclosed to the Town during the Land Use Authorization process.
- d. The building design of structures housing cultivation facilities, including greenhouses, in the Rural Residential zoning district must be approved by the Planning Board. The structure shall be designed, located, constructed and buffered to blend in with its surroundings and mitigate significant adverse impacts on adjoining properties. If the structure is visible from a street then New England style architecture is encouraged. Industrial or warehouse designs should be avoided.
- e. There may be no increases to Tier 4 cultivation facilities.
- f. Nursery Cultivation Facility:
 - i. A nursery cultivation facility may not sell or distribute mature marijuana plants. Direct sales to consumers must be in compliance with The State of Maine – Marijuana Legalization Act.
 - ii. A nursery is limited to not more than 1,000 square feet of plant canopy.

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6. Specific Performance Standards for Marijuana Products Manufacturing Facilities (This does not apply to Home Cultivation for Personal Use)
 - a. A marijuana products manufacturing facility may only manufacture adult use marijuana for sale and distribution to marijuana stores, social clubs or other manufacturing facilities. Retail sales at a marijuana products manufacturing facility is prohibited. A marijuana products manufacturing facility may not give away adult use marijuana products or marijuana to consumers.
 - b. Marijuana cultivation without separate approval for a marijuana cultivation facility is prohibited.
 - c. Marijuana products manufacturing facilities may also include manufacture of medical marijuana products under the Maine Medical Use of Marijuana Act and in compliance with The State of Maine – Marijuana Legalization Act. This must be disclosed to the Town during the Land Use Authorization process.
 - d. Marijuana extraction must be completed in a safe manner and in compliance with Marijuana Legalization Act.
7. Home Cultivation for Personal Use:
 - a. All home cultivation for personal use shall be in compliance with The State of Maine – Marijuana Legalization Act and subsequent amendments.

8. Planning Board Review:

The Planning Board will review this Section and the State of Maine – Marijuana Legalization Act ~~every 3 years after adoption by the Town~~ as necessary, and prepare any amendments it deems appropriate for presentation to the Town of Fryeburg at the next annual Town meeting.

9. Indemnity:

By applying for or accepting a permit issued pursuant to this ordinance, all applicants for adult use marijuana operations, agree to indemnify, defend and hold harmless the Town, its officers, elected officials, employees, volunteers and agents, insurers and self- insurance pool against all liability, claims and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of an adult use marijuana operation that is the subject of this approval. Furthermore, by accepting a permit issued pursuant to this ordinance, all adult use marijuana operators, agree to indemnify, defend and hold harmless the Town, its officers, elected officials, employees, volunteers and agents, insurers and self- insurance pool against all liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of federal, state or local laws and regulations. This obligation to indemnify, defend and hold harmless shall include the obligation to reimburse the party so indemnified, defended and held harmless for any and all attorney's fees reasonably incurred by that party in defense of such liabilities, claims and demands.

