**TOWN OF FRYEBURG**

**ADULT USE ~~MARIJUANA~~ CANNABIS CULTIVATION, PRODUCTS MANUFACTURING, RETAIL STORES & TESTING ORDINANCE**

**ARTICLE I. PURPOSE**

 The purpose of this Ordinance is to regulate adult use ~~marijuana~~ cannabis cultivation, products manufacturing, retail stores, and testing facilities to protect the public’s health, safety, and welfare, while fostering a dynamic business climate. Adult use ~~marijuana~~ cannabis and ~~marijuana~~ cannabis operations is often referred to as “recreational ~~marijuana~~ cannabis”.

**ARTICLE II. GENERAL**

**Section 1. License Required**

1. It shall be unlawful for any adult use ~~marijuana~~ cannabis cultivation, products manufacturing, retail stores, or testing facility to operate within the Town without first obtaining an Adult Use ~~Marijuana~~ Cannabis License signed by a majority of the Board of Selectmen. A separate license shall be obtained for each type of ~~marijuana~~ cannabis facility (i.e., cultivation/ products manufacturing/testing/retail stores). Social clubs ~~and retail stores~~ are prohibited in the Town of Fryeburg.
2. This Ordinance does not apply to Home Cultivation for Personal Use or to Medical ~~Marijuana~~ Cannabis operations as allowed per the Maine Medical Use of ~~Marijuana~~ Cannabis Act.
3. Applicants for adult use ~~marijuana~~ cannabis licenses must first obtain Land Use Authorization from the Fryeburg Planning Board prior to applying for a ~~marijuana~~ cannabis license.
4. Applicants for adult use ~~marijuana~~ cannabis licenses must have a license from the State per ~~Title 7 Section 2447~~ Title 28-B Section 205.
5. Applications for all adult use ~~marijuana~~ cannabis licenses shall be made in writing to the Board of Selectmen on the application obtained from the Town and shall contain the following information:
6. The name, mailing address, and phone number of the applicant; and the name, mailing address, and phone number of the property owners of the property to be used, if other than the applicant. If the applicant is not ~~a~~the property owner of record, then a notarized signed statement from the property owner stating that the applicant has permission to utilize the premises for ~~marijuana~~ cannabis business must be submitted.
7. A copy of the Planning Board Land Use Authorization Notice of Decision.
8. Proof of state licensure.
9. The Planning Board Approved Operating Plan which demonstrates the proposed size and layout of the ~~marijuana~~ cannabis 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).
10. A copy of the plans submitted to and approved by the Planning Board.
11. Any additional information as may be needed by the Board of Selectmen in the issuing of the permit.
12. For license renewal, submit proof of continued compliance with all local ordinance and state ~~statues~~ statutes and/or copies of any documentation determining non-compliance.
13. The ~~marijuana~~ cannabis business license fee shall be paid when the application is submitted. The Board of Selectmen will annually set the fee amount. If they fail to set the fees, those established for the prior year continue in effect.
14. The applicant shall submit 11 copies of the application and all other related and required information to the Town Clerk. Upon receipt the Town Clerk will forward copies of the application to the Board of Selectmen, Town Manager, Fire Chief, Police Chief, and Code Enforcement Officer for review and comment.

Each of the aforementioned department heads, or designees, shall, prior to the scheduled public hearing, report to the Selectmen whether such application and premises comply with the laws administered by each department. No license may be issued unless each department reports that the application and premise complies with the relevant laws. In the event the premises are not yet constructed, the department shall base their recommendation on a review of the plans submitted in the application. Any license approved prior to construction shall contain a condition that the premises may not open for business until the premises has been inspected and determined to be in substantial compliance with the application as submitted and approved.

1. The Board of Selectmen shall, prior to granting license and after reasonable notice to the public and the applicant, hold a public hearing within 45 days of the date the request was received, at which the testimony of the applicant and that of any interested member of the public shall be taken. The notice to the public will be paid for by the applicant.
2. The Board of Selectmen shall grant a license unless they find that issuance of the license will be detrimental to the public health, safety or welfare, or would violate municipal ordinances, or rules and regulations, articles or bylaws, or laws. The Board of Selectmen shall have the authority to impose such reasonable terms and conditions on a license as necessary to protect the public health, safety or welfare and to obtain compliance with this Ordinance or any other municipal ordinance, articles, bylaws, or rules and regulations.
3. An adult use ~~marijuana~~ cannabis license shall be valid for 1 year and must be renewed annually.
4. Application for renewal of licenses shall be made no later than 60 days prior to the expiration of the existing ~~marijuana~~ cannabis license. The renewal license shall be issued in the same manner as for the original application under this ordinance.

Applicants for re-licensure will be asked to demonstrate continued compliance with this Ordinance or any other municipal ordinance, articles, bylaws, or rules and regulations, or laws.

1. No license issued pursuant to this ordinance shall be assignable or transferable.
2. The ~~marijuana~~ cannabis license, if granted, shall state the name of the person(s) to whom it is issued, the expiration date, and the address of the retail cannabis business. The license shall be posted in a conspicuous place at the licensed establishment so that it can be easily read anytime the business is open.
3. The maximum number of adult use ~~marijuana~~ cannabis licenses allowed at one time for cultivation shall be as follows:
* Tier 1- 20 licenses
* Tier 2- 10 licenses
* Tier 3- 5 licenses
* Tier 4- 2 licenses

The maximum number of adult use cannabis licenses allowed at one time for retail sales shall be five.

Licenses will be issued on a first-come-first-served basis, based upon the date of submission of a completed application, and existing licensees will be given priority in a situation where there are multiple applicants and only one license slot available.

**Section 2. Permit and Appeal Procedures**

Any licensee requesting an adult use ~~marijuana~~ cannabis license from the Board of Selectmen shall be notified in writing of their decision no later than forty-five (45) days from the date the request was received. In the event that an applicant is denied the license, the applicant shall be provided with the reasons for the denial in writing. The applicant may not reapply for a license within thirty (30) days after an application for a license is denied.

**Section 3. Inspections**

Adult use ~~marijuana~~ cannabis operations may be subject to periodic inspections by the Local Health Officer, Code Enforcement Officer, Fire Department, Police Department to ensure compliance with health regulations, zoning or safety regulations, and license conditions. Each licensee, by accepting this license, consents to the entry upon the licensed premises by such officials.

The Board of Selectmen may revoke the adult use ~~marijuana~~ cannabis license of any licensee in the municipality who refuses to permit any such officer, official, or employee to make an inspection or take sufficient samples for analysis or who interferes with such officer, official or employee while in the performance of his duty.

**Section 4. Suspension or Revocation of a Permit**

In addition to any other penalty which may be provided, the Board of Selectmen may, after a public hearing preceded by notice to the permit holder and public, suspend or revoke any ~~marijuana~~ cannabis license which has been issued under this Ordinance on grounds that the ~~marijuana~~ cannabis business, so permitted, constitutes a detriment to the public health, safety, welfare, or violates the terms of the license or this Ordinance or any other municipal ordinance, articles, bylaws, or rules and regulations.

**ARTICLE III: ADULT USE ~~MARIJUANA~~ CANNABIS OPERATIONS PERFORMANCE STANDARDS**

1. Location:
	1. Each ~~marijuana~~ cannabis business shall be operated from a permanent location and may not be permitted to operate from a moveable or mobile location.
	2. ~~Marijuana~~ Cannabis operations may not be located within 1,000 feet of preexisting schools (public or private), special use schools (where the clientele is primarily age 21 and under), public athletic complexes, libraries, churches, public parks, and licensed day-care centers. This measurement is taken from the lines of the property on which the ~~marijuana~~ cannabis operation is located.
2. Sound:
	1. The sound pressure level limits ~~outline~~ outlined in Section 16.H of the Town of Fryeburg Land Use Ordinance must be adhered to at all times.
3. Refuse/Product Waste Disposal:
	1. ~~Marijuana~~ Cannabis product waste must be made unusable and unrecognizable prior to leaving the premises.
	2. Solid, liquid and hazardous wastes generated during ~~marijuana~~ cannabis production and processing must be stored, managed, and disposed of in accordance with applicable state and local laws and regulations, including, to the extent practicable, rules adopted pursuant to Title 28-B.
4. Odors/Ventilation:
5. Indoor ~~marijuana~~ cannabis businesses shall be ventilated so that ~~they~~ the odor from the ~~marijuana~~ cannabis cannot be detected by a person with a normal sense of smell from any adjoining use or property.
6. Indoor ~~marijuana~~ cannabis 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.
7. Security:
8. ~~Marijuana~~ Cannabis facilities (where applicable) shall have lockable ~~door~~ doors and windows to include intrusion alarms with the audible and police notification components sending notification directly to or through a second party to the Fryeburg Police Department.
9. Outdoor cultivation operations shall be enclosed with secure fencing.
10. ~~Marijuana~~ Cannabis facilities shall have video surveillance capable of covering the exterior and interior of the operation. The video shall be operated with continuous recording 24 hours per day, 7 days per week, and such recordings shall be retained for a minimum duration of 30 days and be made available to law enforcement agencies when investigating a criminal complaint.
11. All ~~useable~~ usable ~~marijuana~~ cannabis, ~~marijuana~~ cannabis product, and cash must be stored in a safe or cabinet that is securely attached to the structure or is incorporated as part of the structure. For ~~marijuana~~ cannabis products that must be kept refrigerated or frozen, these products may be stored in a locked refrigerator or freezer container provided the container is affixed to the building structure.
12. Signs/Advertising:
	1. Within the ~~marijuana~~ cannabis premises there shall be at least one legible sign stating that on-premise use of ~~marijuana~~ cannabis is illegal, open and public consumption is illegal, no one under the age of 21 is allowed, and the use of marijuana cannabis may impair a person’s ability to drive or operate machinery.
	2. Exterior signs must be in compliance with the regulations of the Fryeburg Land Use Ordinance, and also shall not advertise ~~marijuana~~ cannabis brand names or utilize graphics related to ~~marijuana~~ cannabis or paraphernalia on the exterior of the ~~marijuana~~ cannabis retail business or the building in which the business is located.
	3. There may be no display of ~~marijuana~~ cannabis and paraphernalia so as to be clearly visible from the exterior of a facility.
	4. There may be no off-premise signs (permanent or temporary) advertising the ~~marijuana~~ cannabis business.
	5. No ads, coupons, signs, promotional materials, or similar shall target people under the age of 21. ~~or non-Maine residents or visitors~~.
13. Consumption
	1. There may be no on-site consumption of ~~marijuana~~ cannabis at licensed facilities.
14. Town Parks/Property
	1. There may be no consumption of ~~marijuana~~ cannabis at Town Parks or on Town Property.

**ARTICLE IV. DEFINITIONS**

**Adult use ~~marijuana~~ cannabis:** ~~Marijuana~~ Cannabis cultivated, distributed or sold by a ~~marijuana~~ cannabis establishment for non-medical purposes

**Adult use ~~marijuana~~ cannabis product:** A ~~marijuana~~ cannabis product that is manufactured, distributed or sold by a ~~marijuana~~ cannabis establishment for non-medical purposes.

**Cultivation or cultivate:** The planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of ~~marijuana~~ cannabis for use or sale. “Cultivation or cultivate” does not ~~including~~ include manufacturing.

**Cultivation facility:** A facility that cultivates, prepares and packages adult use ~~marijuana~~ cannabis and sells adult use ~~marijuana~~ cannabis to products manufacturing facilities, ~~marijuana~~ cannabis stores and to other cultivation facilities.

**Immature ~~marijuana~~ cannabis plant:** A ~~marijuana~~ cannabis plant that is not flowering and that is not a mature ~~marijuana~~ cannabis plant, or a seedling.

**Licensee:** A person permitted pursuant to this Ordinance to establish and operate an adult use ~~marijuana~~ cannabis operation.

**Manufacturing or manufacture:** The production, blending, infusing, compounding or other preparation of ~~marijuana~~ cannabis products, including, but not limited to, ~~marijuana~~ cannabis extraction or preparation by means of chemical synthesis. “Manufacturing or manufacture” does not include cultivation.

**~~Marijuana~~ Cannabis:** The leaves, stems, flowers and seeds of a marijuana cannabis plant, whether growing or not. “~~Marijuana~~ Cannabis” does not include industrial hemp, as defined in Title 28-B, or a ~~marijuana~~ cannabis product.

**~~Marijuana~~ Cannabis operation:** A cultivation facility, a products manufacturing facility, a testing facility, a ~~marijuana~~ cannabis store or a ~~marijuana~~ cannabis social club.

**~~Marijuana~~ Cannabis plant:** All species of the plant genus cannabis, including, but not limited to, a mother plant, a mature ~~marijuana~~ cannabis plant, an immature ~~marijuana~~ cannabis plant and a seedling.

**~~Marijuana~~ Cannabis product:** ~~Marijuana~~ Cannabis concentrate or a product composed of ~~marijuana~~ cannabis or ~~marijuana~~ cannabis concentrate and other ingredients that is intended for use or consumption. “~~Marijuana~~ Cannabis product” includes, but is not limited to, an edible ~~marijuana~~ cannabis product, a ~~marijuana~~ cannabis ointment and a ~~marijuana~~ cannabis tincture.

**~~Marijuana~~ Cannabis social club:** A facility that purchases adult use ~~marijuana~~ cannabis products from a products manufacturing facility sells adult use ~~marijuana~~ cannabis products to consumers for consumption on the premises of the ~~marijuana~~ cannabis social club.

**~~Marijuana~~ Cannabis store:** A facility that purchases adult use ~~marijuana~~ cannabis from a cultivation facility, purchases adult use ~~marijuana~~ cannabis products from a products manufacturing facility and sells adult use ~~marijuana~~ cannabis and adult use ~~marijuana~~ cannabis products to consumers.

**Mature ~~marijuana~~ cannabis plant:** A ~~marijuana~~ cannabis plant that is flowering or that is of a size: Greater than 12 inches in height; or greater than 12 inches in width.

**Nursery Cultivation Facility**: A facility that cultivates immature ~~marijuana~~ cannabis plants, seedlings, and ~~marijuana~~ cannabis seeds only for sale and distribution to ~~marijuana~~ cannabis stores, other cultivation facilities, and to consumers.

**Plant canopy:** The area within a cultivation facility that is dedicated to the live cultivation of ~~marijuana~~ cannabis plants, including, but not limited to, the growth and maintenance of mother plants, the propagation of ~~marijuana~~ cannabis plants from seed to plant tissue, the cloning of ~~marijuana~~ cannabis plants and the maintenance of a vegetative or flowering area for ~~marijuana~~ cannabis plants. "Plant canopy" does not include the area within the premises of a cultivation facility that is not dedicated to the live cultivation of ~~marijuana~~ cannabis plants, including, but not limited to, areas for the storage of fertilizers, pesticides or other products; quarantine areas; general office space, work areas and walkways.

**Products manufacturing facility:** A facility that purchases adult use ~~marijuana~~ cannabis from a cultivation facility; manufactures, labels and packages adult use ~~marijuana~~ cannabis products; sells adult use ~~marijuana~~ cannabis products to ~~marijuana~~ cannabis stores,~~marijuana~~ cannabis social clubs and to other products manufacturing facilities.

**Propagation:** The process of reproducing ~~marijuana~~ cannabis plants through the use of seeds, cuttings or grafting.

**Public Parks:** Fryeburg public parks are Graustein Park, Bradley Park, Admiral Peary Park, Weston’s Beach, Canal Bridge, Joseph Frye Homestead, Stark’s Hill Rest Area, Baxter Memorial Park, Brownfield Bog Access, Skillings-Newman Memorial Park, Eastman Grove, Abraham Krasker Bog Pond Public Landing and Conservation Area, Jockey Cap, Town Forest and Nature Area.

**Seedling:** A ~~marijuana~~ cannabis plant that is: Not flowering; less than 6 inches in height; and less than 6 inches in width.

**Tier 1 Cultivation Facility:** A facility that may cultivate not more than 30 mature ~~marijuana~~ cannabis plants and an unlimited number of immature ~~marijuana~~ cannabis plants and seedlings; or has not more than 500 square feet of plant canopy.

**Tier 2 Cultivation Facility:** A facility that may cultivate not more than 3,000 square feet of plant canopy.

**Tier 3 Cultivation Facility:** A facility that may cultivate not more than 10,000 square feet of plant canopy.

**Tier 4 Cultivation Facility:** A facility that may cultivate not more than 30,000 square feet of plant canopy.

**Testing or test:** The research and analysis of ~~marijuana~~ cannabis, ~~marijuana~~ cannabis products or other substances for contaminants, safety or potency. “Testing or test” does not include cultivation or manufacturing.

**Testing facility:** A facility that develops, researches and tests ~~marijuana~~ cannabis, ~~marijuana~~ cannabis products and other substances.

**ARTICLE V: PENALTY, SEPARABILITY & EFFECTIVE DATE**

**Section 1. Penalty**

Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than $500.00 for the first offense, for each day the violation continues after receipt of written notice of the violation, and up to $1000.00 for each subsequent offense, for each day the violation continues after receipt of written notice of the violation, to be recovered on complaint, to the use of the Town of Fryeburg.

**Section 2. Separability**

The invalidity of any provision of this Ordinance shall not invalidate any other part.

**Section 3. Indemnity**

By accepting a license issued pursuant to this ordinance, the licensee waives and releases the Town, its officers, elected officials, employees, volunteers and agents from any liability for injuries, damages, or 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.

By accepting a permit issued pursuant to this ordinance, all licensees, jointly and severally, if more than one, 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 a retail ~~marijuana~~ cannabis business that is the subject of this license. 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.

**Section 4. Effective Date**

This ordinance shall become effective when adopted by a majority vote at Town Meeting.

Revised: June 2024