

**MEDICAL MARIJUANA DISPENSARY  
ORDINANCE**

**OF THE**

**TOWN OF PARIS, MAINE**

ENACTED: June 14, 2011

EFFECTIVE: June 14, 2011

CERTIFIED BY: Elizabeth Knox  
*Signature*

CERTIFIED BY: Elizabeth J. Knox, Town Clerk

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# **MEDICAL MARIJUANA DISPENSARY ORDINANCE OF THE TOWN OF PARIS, MAINE**

## **ARTICLE 1 – PURPOSE**

### **1.1 The purposes of this Ordinance are:**

- A.** To provide clear and measurable standards for consideration of a Medical Marijuana Dispensary proposal;
- B.** To clarify the approval criteria and process under this ordinance consistent with MRSA Title 22: Health and Welfare; Subtitle 2: Health; Part 5: Foods and Drugs; Chapter 558-C: Maine Medical use of Marijuana Act; or any other applicable Statute or Ordinance as is currently in force or as hereinafter amended.
- C.** To assure that development of Medical Marijuana Dispensing facilities meets the goals and objectives of the policies of the Town of Paris and Maine State Law;
- D.** To assure the comfort, convenience, safety, health and welfare of the people of the Town of Paris;
- E.** To assure that an appropriate level of services and facilities are available to the residents of Paris.

## **ARTICLE 2 - AUTHORITY, ADMINISTRATION, EFFECTIVE DATE AND REPEAL OF EXISTING ORDINANCE**

### **2.1 Authority**

- A.** These standards have been prepared in accordance with the provisions of Article V, Part 2, Section 1 of the Maine Constitution, Title 30-A M.R.S.A. § 3001.
- B.** These standards shall be known and cited as the "Medical Marijuana Dispensary Ordinance of the Town of Paris, Maine"
- C.** The Marijuana Dispensary Ordinance will be in full force with immediate effect upon an affirmative vote by the Town.

### **2.2 Administration**

- A.** The Planning Board of the Town of Paris, hereinafter called the Board, shall administer this Ordinance.

**B.** The Code Enforcement Officer shall be responsible for enforcing this Ordinance and advising the Planning Board from time to time on the effectiveness of the provisions of the ordinance.

**C.** The provisions of this Ordinance shall pertain to medical marijuana dispensaries within the boundaries of the Town of Paris.

### **2.3 Amendments**

**A.** This Ordinance may be amended by the legislative body of the Town of Paris. Amendments may be initiated as follows.

1. Recommended by a majority vote of the Planning Board to the Board of Selectmen;
2. By a majority vote of the Board of Selectmen; or
3. On petition of at least 10% of the number of votes cast in the last gubernatorial election in town.

**B.** A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided as established by Tide 30-A, MRS A, § 4352.9.A &B.

### **2.4 Repeal of Existing Medical Marijuana Dispensary Ordinance**

Adoption of this Ordinance shall repeal any previously adopted medical marijuana dispensary ordinances and regulations.

### **2.5 Conflict with Other Ordinances**

This Ordinance shall not be construed to repeal any existing bylaws or ordinances, other than those specifically identified, or to impair the provisions of private restrictions placed upon property, provided that where this Ordinance imposes greater restrictions, its provisions shall control.

### **2.6 Validity and Severability**

Should any section or provision of this Ordinance be declared to be invalid, such decision shall not invalidate any other article, section or provision.

## **ARTICLE 3 - ADMINISTRATIVE PROCEDURE**

### **3.1 Medical Marijuana Dispensary Limitation**

The number of Medical Marijuana dispensaries in the Town Of Paris is limited to one.

**3.2 Application Process**

Application(s) for a marijuana dispensing facility shall be in accordance with established procedures as set forth by the Planning Board”.

**3.3 Notice of Decisions**

Final disposition of the application by the Board shall be in writing and issued to the applicant within 30 days of the date of the decision.

**ARTICLE 4 – PRE-APPLICATION MEETING**

**4.1 Purpose – Pre-application Meeting**

A. The purpose of the pre-application meeting is to afford the applicant an opportunity to meet with the Code Enforcement Officer to become familiar with the requirements of this ordinance and any applicable statutes; however, the meeting is for guidance purposes only. The Town is not bound by any statement or representations made at this meeting.

B. The Town and its agents and representatives will make every reasonable effort to provide current and accurate information; however, the applicant is entirely responsible for the accuracy, correctness, completeness, and suitability of information contained in the application and supporting documentation.

**4.2 Rights Not Vested**

The review process will only commence when the Planning Board has deemed the application to be complete. This means that no formal consideration of the application, or any on-site inspection, review of the sketch plan, or any other action relating to the presumed process of an application will be undertaken prior to acknowledgement of a completed application by the Board.

**4.3 Establishment of File**

Following the pre-application meeting, and the submission of a written request to be added to a Planning Board’s agenda, the Board's Secretary shall establish a file for the proposed marijuana dispensary. All correspondence and submissions regarding the pre-application meeting and application shall be maintained in that file in the Town Office.

**ARTICLE 5 - APPLICATION MEETING**

**5.1 Purpose - Application Meeting**

Prior to initiating the formal review process, the Board will schedule an application meeting with the applicant. The purpose of the application meeting is to provide the applicant an informal opportunity to meet with the Planning Board, present the proposal and address questions from the Board. The Board may, at this meeting, make a

determination of whether the application is sufficiently complete in order to move forward with the formal review process.

## **5.2 Procedure**

**A.** A request to consider a Medical Marijuana Dispensary proposal on the Planning Board's regular meeting shall be made in accordance with paragraph 3.2

**B.** The applicant shall submit 8 copies of the completed application no later than 12 days prior to the application meeting

**C.** In the event that multiple applications for a Medical Marijuana Dispensary permit are received, the Board will first consider and render a decision first on the application with the earliest recorded date and time. No additional proposals, applications or requests for a Medical Marijuana Dispensary permit will be considered until the current application has been approved or denied or withdrawn by the applicant. This restriction shall apply to applications for a site plan reviews, building permits, plumbing permits and certificates of occupancy.

**D.** The applicant or their designated representative shall be present at all Planning Board meetings at which the application is scheduled for consideration. Absences of the applicant or their designated representative may require the application to be tabled to a later date.

**E.** The Planning Board, at its discretion, may require a verbal presentation by the applicant or their designated representative at any time during the Planning Board's discussions or deliberations.

**F.** Following an applicant's presentation the Planning Board may require additional information to be submitted. The Board will also make a determination whether the additional information being requested is critical to the application process and, if necessary, delay the application review process until such information is received.

## **5.3 Submissions to the Planning Board**

**A.** A sketch plan that shows, in simple form, the proposed layout of the streets, lots, existing buildings and their dimensions and other features in relation to existing conditions within 500 feet of the proposed location,

**B.** A sketch plan that shows, in simple form, the proposed layout each structure's interior. This is to include interior room dimensions, interior and exterior door locations, and the locations of water, sewer and power utilities.

**D.** The Sketch Plan may be a free-hand penciled sketch and does not have to be engineered. It should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development.

**E.** The applicant shall furnish the Board with written evidence of interest in the property where the dispensary is to be located. Evidence of interest in the property would include deeded ownership of the property, an option to purchase or lease the property or a letter of intent from the property owner to sell or lease the property to the applicant.

**F.** A non-refundable \$5,000 application fee shall be presented with the submissions.

1. The application fee shall be in the form of a certified made out to the Town of Paris, Medical Marijuana Dispensary Fund.

#### **5.4 On-Site Inspection**

At any time during the formal review process the Board may hold, at its discretion, an on-site inspection of the proposed site or sites. No inspections, site walks or field trips will take place unless the applicant has been notified in writing.

#### **5.5 Substantial Construction**

Failure to complete substantial construction within one year of the date of approval, the Planning Board may make a determination that conditions set forth in the approval have not been met and, therefore, may decline to issue a renewal permit.

### **ARTICLE 6 - PERFORMANCE STANDARDS**

**In reviewing a proposed marijuana dispensary, the Planning Board shall review the application for conformance with the following performance standards and make findings that each has been met prior to the approval. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.**

#### **6.1 Annual Registration**

**A.** A non-refundable annual registration fee is to be paid to the Town of Paris,

1. The fee shall be \$5,000 or any other amount as may be amended from time to time and made payable to the town of Paris, Medical Marijuana Dispensary Fund.

3. The check is to be made out to "Town Of Paris, Medical Marijuana Dispensary Fund.

**B.** The annual registration fee is due on the anniversary date of the license or permit. However, should the permittee no longer possess a valid State of Maine license to operate the dispensary, or has discontinued operating a dispensary, no further registration fee is required by the town and the permit lapses at the end of the last day of the permit year.

C. Annual Registration shall be accompanied by a document, signed by the Dispensary's Chief Executive Officer, containing all of the following:

1. The legal name of the dispensary;
2. Evidence of incorporation under Title 13§B and evidence that the corporation is in good standing with the Secretary of State;
3. The physical address of the dispensary and the physical address of a maximum of one additional location, if any, where marijuana will be cultivated;
4. The name, address and date of birth of each principal officer and board member of the dispensary; and
5. The name, address and date of birth of any person who is employed by the dispensary.

## **6.2 Outdoor Cultivation**

A facility permitted under the provisions of this ordinance may not cultivate medical marijuana in any space, area, property or location other than the specific site approved by the Board. Outside cultivation of marijuana is not permitted.

## **6.3 Alarm Systems**

A. All Registered Dispensaries and Registered Cultivation Facilities shall have appropriate fire and intrusion alarms as determined by the Code enforcement Officer. Alarm systems shall be capable of being monitored electronically by a qualified agency that is in the business and has experience of monitoring alarms.

## **6.4 Exterior Security Lighting**

The perimeter of a facility permitted under the provisions of this ordinance shall be adequately illuminated from dusk to dawn as approved by the Code Enforcement Officer.

## **6.5 Video Surveillance.**

Registered Dispensaries and Registered Cultivation Facilities shall have recorded video surveillance monitoring the entire interior and immediate exterior of the building(s) where the dispensary and growing operations are located. Plans for providing video surveillance shall be approved by the Code Enforcement Officer. Recordings shall be maintained at least 30.



## **6.6 Employee or volunteer in violation of Federal or State controlled substance laws.**

A facility permitted under the provisions of this ordinance may not employ any individual or volunteer who has been convicted of any state or federal substance abuse violation. Prior to employment, potential employees shall be subject to a criminal history background check as determined by the Chief of Police. The results of each criminal history check shall be forwarded to the Code Enforcement Officer as evidence of compliance with this section.

In addition, principal officers, board members or any other individuals associated with ownership or operation of the facility, and all current employees and/or volunteers of the operation shall annually undergo a criminal history background check as evidence of continued compliance with this section.

## **ARTICLE 7 - VIOLATIONS AND PENALTIES.**

**7.1** Upon any violation of any section or subsection of Article 5 the marijuana dispensary permit holder shall be punished by a fine of not less than \$50 or more than \$500 for each offense. Each day a violation exists shall constitute a separate offense.

**7.2** Upon a second violation of any section or subsection of the Ordinance the Planning Board may conduct a hearing to determine if the permit or license to operate a marijuana dispensary and growing operation shall be suspended.

## **ARTICLE 8 – MEDICAL MARIJUANA DISPENSARY FUND ESTABLISHED**

**8.1** Fund Established. The Medical Marijuana Dispensary Fund, as referred to in this section as “The Fund” is established as a special reserve account of the Town. The Treasurer of the Town is directed to deposit to the fund all revenues received as a result of licensing, relicensing or enforcement of this Ordinance, or from other sources such as donations that are specifically designated for the Fund.

**8.2** Selectmen authorized to distribute. The Board of Selectmen are authorized to distribute proceeds from the Fund in accordance with the following formula: 50% of the Fund for law enforcement purposes; 25% of the Fund for drug or alcohol abuse prevention programs; and 25% of the Fund for any use determined by the Board to be an appropriate use that benefits the citizens of Paris.

## **GLOSSARY OF TERMS**

**SUBSTANTIAL CONSTRUCTION:** The completion within 2 (two) years of a portion of the improvements that represents no less than thirty percent of the costs of the proposed marijuana dispensary.

**REGISTERED CULTIVATION FACILITY** - A location at which marijuana is cultivated pursuant to 22 M.R.S.A. 5 2428. The location is considered to be, and must abide by all ordinance provisions regarding, a Registered Cultivation Facility whether it is at the same location as its associated Registered Dispensary or at a different location pursuant to 22 M.R.S.A. 5 2428(2yAX3).

**REGISTERED DISPENSARY** - A registered dispensary as defined by 22 M.R.S.A. 6 2422. No Application for Certificate of Occupancy shall be approved for a nonprofit dispensary unless it has been issued a valid registration certificate by the State pursuant to 22 M.R.S.A. S 2428(21 and meets all other State and local laws and regulations.