

CHAPTER 5. BUSINESS

ARTICLE 15- ADULT USE AND MEDICAL MARIJUANA BUSINESS LICENSING

Section 5-501 License Required

- A. State license. A marijuana establishment shall not operate until it is licensed by the state licensing authority pursuant to the requirements of 28-B M.R.S § Chapter 1, as may be amended. An applicant may not operate a marijuana establishment without a state license and all other necessary local approvals.
- B. Local license. A local license issued under the provisions of this article is required for any marijuana cultivation facility, marijuana products manufacturing facility, marijuana testing facility, dispensary, medical marijuana storefront or marijuana retail store.

Section 5-502 Licensing procedures

- A. Licensing procedures
 - a. The initial application for a marijuana establishment license shall be processed by the City Clerk but reviewed and considered by the City Council for approval. Applications shall be made on a form prepared by the city and must include all information required by Section 5-504 and of the form.
 - b. Public Hearing. A public hearing on an application for an initial license shall be scheduled after receipt of a completed application pursuant to this code. The City Clerk shall post and publish public notice of the hearing in a newspaper of general circulation not less than seven days prior to the hearing.
 - c. A renewal application shall be subject to the same review standards as applied to the initial issuance of the license application, however a renewal application may be approved by City Staff pursuant to Section 5-505
- B. Responsibilities and review authority
 - a. The City Clerk shall be responsible for the initial investigation of the application to ensure compliance with the requirements of this Article. The City Clerk may consult with other City Departments and any appropriate State Licensing Authority as part of this investigation.
 - b. The City Council shall have the authority to impose any conditions on a license that may be necessary to ensure compliance with the requirements of this Chapter 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.
 - c. No local license shall be granted until the Police Chief, Fire Chief, and Code Enforcement Officer have all made a positive recommendation upon the Applicant's ability to comply with this article. 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, 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 city authorized to make the inspection at any reasonable time that admission is requested.

Section 5-503 Licensing Fees

Fees for a local license shall be as set forth by the City Council and shall be paid annually.

Section 5-504 Application

- A. Application required. Each applicant for a marijuana business license shall complete and file an application on a form prescribed by the City Clerk, together with the license fee.
- B. Each application shall include:
 - a. A copy of the applicant's state license application and supporting documentation as filed with the State Licensing authority, and amended thereto.
 - b. Evidence of all state approvals or conditional approvals required to operate a Marijuana Establishment, including, but not limited to, a State License as defined by this Article, a state retail certificate, or a State health license.
 - c. If not included in the applicants state license application, attested copies of the articles of incorporation and bylaws if the applicant is a corporation, operating agreement if the applicant is a limited liability company, evidence of partnership if the applicant is a partnership, or articles of association and bylaws if the applicant is an association.
 - d. If not included in the applicant's state license application, an affidavit that identifies all owners, officers, members, managers, or partners of the applicant, their places of residence at the time of the application and for the immediately preceding three (3) years.
 - e. If not included in the applicant's state license application, a release authorized by 16 M.R.S. § 620 (6), as may be amended, with the application for each applicant and for each officer, owner, member, manager, or partner of the applicant seeking local license.
 - f. Evidence of all land use approvals or conditional land use approvals required to operate a marijuana establishment pursuant to the Land Use Code, including, but not limited to, a building permit, site plan approval, or certificate of occupancy.
 - g. Evidence of all other local approvals or conditions approvals required to operate a marijuana establishment pursuant to the land use code and city ordinances including, but not limited to a food license or victualer's license.
 - h. A description of the premises for which the local license is sought, including a plan of the premises.
- C. Complete application. In the event that the City Clerk determines that a submitted application is not complete, the City Clerk shall notify the applicant within ten (10) business days that the application is not complete and shall inform the applicant of the additional information required to process the application.

Section 5 -505 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 thirty days prior to the date of expiration of the annual local license. An application for the renewal of an expired license shall be reviewed by the Code Enforcement Officer, Fire Chief, Police Chief, and City Clerk. The

renewal may be approved by city staff if the applicant is deemed to be in good standing with the articles of this ordinance and all other applicable local and state ordinances and licensing requirements. The applicant for renewal may be elevated to review by the City Council if any member of staff deems it needs additional review.

Section 5-506 Denial, Suspension, or Revocation of License

- A. In addition to the provisions set forth in Section 18.05 of this chapter, the following applies:
- a. A local license under this article shall be denied to the following persons:
 - i. A person who fails to meet the requirements of this article. Where an applicant is an entity rather than a natural person, all-natural persons with an ownership interest must meet these requirements.
 - ii. An applicant who is not at least twenty-one years of age
 - iii. A person who has had a license for a marijuana establishment revoked by the City or by the State
 - iv. An applicant who has not acquired all necessary state approvals and other required local approvals prior to the issuance of a local license.
 - v. An applicant who has been convicted of a criminal violation arising out of operation of a Marijuana Establishment.
 - b. The City may suspend or revoke a license for any violation of this section or any other applicable building-related and life safety code requirements. The city may suspend or revoke a license if the licensee has a State license for a marijuana establishment suspended or revoked by the State. The licensee shall be entitled to notice and a hearing prior to any suspension or revocation.

Section 5-507 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 license premises.
- B. Location. All licensed premises shall be permanent locations. Licensees shall not be permitted to operate a marijuana establishment in a temporary location.
- C. Compliance with other laws. A marijuana establishment 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 marijuana establishments, the stricter law or regulation shall control.

Section 5-508 Transfer of ownership and change of location

Licenses issued under this Article 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.

Section 5-509 Appeals

- A. Any appeal of a decision under the provisions of this Section shall be made to the City Council. The City Council shall conduct a de novo hearing in which it will hear evidence on the application and make its own findings of fact and conclusions of law on the issue of whether the application meets the requirements of this Article.
- B. Any appeal of a decision of the City Council shall be to the Superior Court, in accordance with the requirements of Rule 80B of the Maine Rules of Civil Procedure.

Section 5-510 Violations and Penalties

The operation of any marijuana establishment without the required local license or in violation of the requirements of this article shall be a violation of this article. Violations shall be subject to fines as set forth in this section. Each day of violation shall constitute a separate violation. Any such fine may be in addition to any suspension or revocation imposed in accordance with the provisions of this article. In any court action, the City may seek injunctive relief in addition to penalties. The City shall be entitled to recover its costs of enforcement, including its attorney's fees.

Section 5-511 Severability

The provisions of this article are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

Section 5-512 Other Laws

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