

SOUTH PORTLAND CITY COUNCIL*POSITION PAPER OF THE CITY CLERK***SUBJECT:**

ORDINANCE #3-18/19 – Amending Chapter 14, “Licenses, Permits, and Business Regulations Generally,” of the Code of Ordinances to establish licensing regulations regarding Medical Marijuana Establishments. Passed first reading on August 21, 2018. At Public Hearing on September 18, 2018, item withdrawn and committed to workshop. ROLL CALL VOTE. Passage requires majority vote.

POSITION: This item is before Council this evening as the companion to ORDINANCE #2-18/19. No recommendations were suggested at the workshop to amend this ordinance and this item is in order for second reading. If amendments are made to ORDINANCE #2-18/19 (Zoning), it is the recommendation to postpone this item to the date that ORDINANCE #2-18/19 will come before the Council for 2nd reading. A history and synopsis of this item is detailed below.

Following Council's guidance from the workshop on July 24, 2018, staff has drafted language for licensing the following types of medical marijuana establishments: cultivation facilities, dispensary, products manufacturing facilities, retail store. Under this proposal, testing facilities will not be licensed.

Under the proposed amendments, State licensing, registration or certification are required for all establishments in order to receive a local license (testing facilities exempt).

Similar to the Recreational Marijuana ordinance regulations, two license classes are established for Medical Marijuana Establishments: Class I license is required for all products manufacturing facilities. For all Class I applications, the City Clerk is authorized to issue new and renewal licenses following public notice of the application and recommendations from Police, Fire, Health, and Code Enforcement.

A Class II license is required for medical marijuana cultivation facilities, dispensaries and retail stores. For all Class II applications, the process for Class I license applies, with the addition that initial City Council approval is required. The City Clerk is authorized to process all renewals.

The application process and requirements are outlined in Sec. 14-779. The license fees will be set by Council order to amend the Master Fee Schedule. This order will accompany the ordinance at second reading.

It is important to note that under State law, the status of medical marijuana registered caregivers is confidential, and thus, the status of the applicant, the applications, and any supporting information required in the application process will remain confidential where applicable.

REQUESTED ACTION:

Postponement to the date when ORDINANCE #2-18/19 will be scheduled for 2nd reading.





CITY OF SOUTH PORTLAND

LINDA C. COHEN
Mayor

SCOTT T. MORELLI
City Manager

SALLY J. DAGGETT
Jensen Baird Gardner & Henry

EMILY F. SCULLY
City Clerk

District One
CLAUDE V.Z. MORGAN

District Two
KATHERINE W. LEWIS

District Three
EBEN ROSE

District Four
LINDA C. COHEN

District Five
ADRIAN T. DOWLING

At Large
MAXINE BEECHER

At Large
SUSAN HENDERSON

IN CITY COUNCIL

ORDINANCE #3-18/19

THE COUNCIL of the City of South Portland hereby ordains that Chapter 14, "Licenses, Permits and Business Regulations Generally," of the "Code of Ordinances of the City of South Portland, Maine" be and hereby is amended as follows (additions are underlined; deletions are ~~struck out~~):

Chapter 14

LICENSES, PERMITS AND BUSINESS REGULATIONS GENERALLY

ARTICLE I. IN GENERAL

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Sec. 14-3. License regulations; schedule.

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KEY TO SCHEDULE:

- CC Denotes license granted by City Council
- CLK Denotes license granted by City Clerk
- CMR Code of Maine Rules
- MRSA Denotes Maine Revised Statutes Annotated, as may be amended from time to time
- OY Denotes one year from date of issuance
- P Denotes Permit
- L Denotes License
- Police Denotes review of application by Police Department required prior to issuance or renewal, unless otherwise noted
- Fire Denotes review of application by Fire Department required prior to issuance or renewal, unless otherwise noted
- Health Denotes review of application by Health Officer required prior to issuance or renewal, unless otherwise noted
- CEO Denotes review of application by Code Enforcement Department required prior to issuance or renewal, unless otherwise noted
- Finance Denotes review of application by Finance Director required prior to issuance or renewal, unless otherwise noted
- Corp Denotes review of application by Corporation Counsel required prior to issuance or renewal, unless otherwise noted
- Water Denotes review of application by Water Resource Protection Department required prior to issuance or renewal, unless otherwise noted
- PW Denotes review of application by Public Works Department required prior to issuance or renewal, unless otherwise noted
- Parks Denotes review of application by Parks, Recreation & Waterfront Department required prior to issuance or renewal, unless otherwise noted

Business or Occupation	Reference	P/L	Granted by	Exp	Additional Review by
• • •	• • •	• • •	• • •	• • •	• • •
Medical Marijuana Establishments	22 MRSA § 2421 et seq.; § 14-770 et seq.				
Medical Marijuana Cultivation Facility	22 MRSA § 2421 et seq.; § 14-770 et seq.	<u>L</u>	CC/CLK	OY	Police/Fire/Health/CEO if new license
Medical Marijuana Dispensary	22 MRSA § 2421 et seq.; § 14-770 et seq.	<u>L</u>	CC/CLK	OY	Police/Fire/Health/CEO if new license
Medical Marijuana Products Manufacturing Facility	22 MRSA § 2421 et seq.; § 14-770 et seq.	<u>L</u>	CC/CLK	OY	Police/Fire/Health/CEO if new license
Medical Marijuana Retail Store	22 MRSA § 2421 et seq.; § 14-770 et seq.	<u>L</u>	CC/CLK	OY	Police/Fire/Health/CEO if new license
Medical Marijuana Testing Facility	N/A - License not required	N/A - License not required	N/A - License not required	N/A - License not required	N/A - License not required
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ARTICLE XVI. MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA ESTABLISHMENTS

Sec. 14-770. Purpose.

The purpose of this Article is to provide for and regulate the issuance of Local Licenses for Marijuana Establishments as defined in this Article and by the State of Maine under the Marijuana Legalization Act, 28-B M.R.S.A. Chapter 1, as may be amended, and to provide for and regulate the issuance of Local Licenses for Medical Marijuana Establishments as defined in this Article and by the State of Maine under the Maine Medical Use of Marijuana Act, 22 M.R.S.A. Chapter 558-C, as may be amended.

Sec. 14-771. Authority.

This Article is adopted pursuant to the authority granted by 28-B M.R.S.A. § 401 *et seq.*, as may be amended, and 22 M.R.S.A. § 2421 *et seq.*, as may be amended.

Sec. 14-772. Definitions.

As used in this Article, the following words and phrases shall have the meanings ascribed to them in this section.

Adult use marijuana shall mean “adult use marijuana” as that term is defined in 28-B M.R.S.A. § 102(1), as may be amended.

Adult use marijuana product shall mean “adult use marijuana product” as that term is defined in 28-B M.R.S.A. § 102(2), as may be amended.

Applicant shall mean a person that has submitted an application for licensure as a Marijuana Establishment pursuant to this Article.

Cultivate or *cultivation* shall mean the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale. It does not include manufacturing.

Harvested marijuana shall mean “harvested marijuana” as that term is defined in 22 M.R.S.A. § 2422(3-C), as may be amended.

Licensed premises shall mean the premises specified in an application for a State or Local License pursuant to this Article that are owned or in possession of the Licensee and within which the Licensee is authorized to cultivate, manufacture, distribute, sell, or test adult use marijuana, ~~or~~ adult use marijuana products, [medical](#)

[marijuana or medical marijuana products](#) in accordance with the provisions of this Article and the requirements of State law and regulations.

Licensee shall mean a person licensed pursuant to this Article or, in the case of a holder of an occupational license, a natural person licensed pursuant to this Article.

Local License shall mean any license required by and issued under the provisions of this Article.

Local Licensing Authority shall mean the City Clerk or the City Council, as further specified in the provisions of this Article.

Manufacture or manufacturing of marijuana shall mean the production, blending, infusing, compounding or other preparation of marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. It does not include cultivation.

~~27. Marijuana. "Marijuana" means the leaves, stems, flowers~~

Marijuana shall mean “marijuana” as that term is defined in 28-B M.R.S.A. § 102(27), as may be amended.

Marijuana concentrate shall mean the resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish. In determining the weight of marijuana concentrate in a marijuana product, the weight of any other ingredient combined with marijuana to prepare a marijuana product may not be included.

Marijuana Cultivation Facility shall mean a “cultivation facility” as that term is defined in 28-B M.R.S.A. § 102(13), as may be amended. A Marijuana Cultivation Facility is an entity licensed to cultivate, prepare and package adult use marijuana and to sell adult use marijuana to Marijuana Establishments.

Marijuana Establishment shall mean a “marijuana establishment” as that term is defined in 28-B M.R.S.A. § 102(29), as may be amended. A Marijuana Establishment is a Marijuana Store, a Marijuana Cultivation Facility, a Marijuana Products Manufacturing Facility, or a Marijuana Testing Facility ~~or a Marijuana Social Club~~.

Marijuana Products Manufacturing Facility shall mean a “products manufacturing facility” as that term is defined in 28-B M.R.S.A. § 102(~~4243~~), as may be amended. A Marijuana Products Manufacturing Facility is an entity licensed to purchase adult use marijuana; to manufacture, label and package adult use marijuana products; and to sell adult use marijuana products from a Marijuana Cultivation Facility only to other

Marijuana Products Manufacturing Facilities, or ~~Marijuana Stores and Marijuana Social Clubs.~~

Marijuana Social Club shall mean ~~a “marijuana social club” as that term is defined in 28-B M.R.S.A. § 102(33), as may be amended. A Marijuana Social Club is an entity licensed to purchase adult use marijuana products from a Marijuana Products Manufacturing Facility and to~~ sell adult use marijuana products to consumers for consumption on the licensed premises. Marijuana Social Clubs are prohibited within the City.

Marijuana Store shall mean a “marijuana store” as that term is defined in 28-B M.R.S.A. § 102(34), as may be amended. A Marijuana Store is an entity licensed to purchase adult use marijuana from a Marijuana Cultivation Facility and to purchase adult use marijuana products from a Marijuana Products Manufacturing Facility and to sell adult use marijuana and adult use marijuana products to consumers.

Marijuana Testing Facility shall mean a “testing facility” as that term is defined in 28-B M.R.S.A. § 102(~~5354~~), as may be amended. A Marijuana Testing Facility is facility licensed to develop, research and test marijuana, marijuana products and other substances.

Medical marijuana shall mean the medical use of marijuana, with the term “medical use” as defined in 22 M.R.S.A. § 2422(5), as may be amended.

Medical marijuana caregiver shall mean a “caregiver” as that term is defined in 22 M.R.S.A. § 2422(8-A), as may be amended.

Medical marijuana cultivation area shall mean a “cultivation area” as that term is defined in 22 M.R.S.A. § 2422(3), as may be amended.

Medical Marijuana Cultivation Facility shall mean a medical marijuana cultivation area used or occupied by one or more medical marijuana registered caregivers. A medical marijuana cultivation facility is prohibited from selling medical marijuana to medical marijuana qualifying patients, medical marijuana caregivers or medical marijuana registered caregivers on premise. A medical marijuana cultivation facility shall not be used or occupied by a “collective” as that term is defined in 22 M.R.S.A. § 2422(1-A), as may be amended.

Medical Marijuana Dispensary shall mean a “registered dispensary” as that term is defined in 22 M.R.S.A. § 2422(6), as may be amended.

Medical Marijuana Establishment shall mean a Medical Marijuana Dispensary, a Medical Marijuana Cultivation Facility, a Medical Marijuana Retail Store, a Medical Marijuana Products Manufacturing Facility, or a Medical Marijuana Testing Facility.

Medical marijuana product shall mean a “marijuana product” as that term is defined in 22 M.R.S.A. § 2442(4-L), as may be amended.

Medical Marijuana Products Manufacturing Facility shall mean a “manufacturing facility” as that term is defined in 22 M.R.S.A. § 2422(4-H), as may be amended.

Medical marijuana qualifying patient shall mean a “qualifying patient” as that term is defined in 22 M.R.S.A. § 2422(9), as may be amended.

Medical marijuana registered caregiver shall mean a “registered caregiver” as that term is defined in 22 M.R.S.A. § 2422(11), as may be amended.

Medical Marijuana Retail Store shall mean a retail establishment operated by a single medical marijuana registered caregiver where harvested marijuana is sold by that medical marijuana registered caregiver to medical marijuana qualifying patients for patients’ medical use and may include an area for consultation with patients. Two or more medical marijuana registered caregivers are prohibited from forming, owning or operating a medical marijuana retail store as a single medical marijuana retail store.

Medical Marijuana Testing Facility shall mean a “marijuana testing facility” as that term is defined in 22 M.R.S.A. § 2422(5-C), as may be amended.

Owner shall mean a person whose beneficial interest in a Marijuana Establishment and/or Medical 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/or Medical Marijuana Establishment and has a controlling interest in a Marijuana Establishment and/or Medical Marijuana Establishment.

Person shall mean 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 shall mean any license, registration or certification issued by the State Licensing Authority.

State Licensing Application shall mean the application form and supporting materials required by the State 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 this State.

State Licensing Authority shall mean the authority (or authorities) created by the State for the purpose of regulating and controlling the licensing of the cultivation,

manufacture, distribution, testing and sale of adult use marijuana, ~~and~~ adult use marijuana products, [medical marijuana and/or medical marijuana products](#) in this State.

Sec. 14-773. Marijuana Establishments [and Medical Marijuana Establishments](#).

Marijuana Establishments [and Medical Marijuana Establishments](#) shall be allowed, subject to the requirements and restrictions of this Chapter and Chapter 27 of this Code.

Sec. 14-774. Prohibited Activities.

- (a) No Marijuana Establishment [or Medical Marijuana Establishment](#) shall be established or operated within the City without first receiving and then maintaining all approvals required under this Code, including, but not limited to, this Chapter and Chapter 27 of the Code.
- (b) No Marijuana Establishment [or Medical Marijuana Establishment](#) shall conduct any activity for which it has not received the required State License and Local License.
- (c) Marijuana Social Clubs are prohibited within the City.

Sec. 14-775. 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.A. Chapter 1, as may be amended. An Applicant may not operate a Marijuana Establishment without a State License and all other necessary City approvals. [A Medical Marijuana Establishment shall not operate until it is licensed, registered or certified, as applicable, by the State Licensing Authority pursuant to the requirements of 22 M.R.S.A. Chapter 558-C, as may be amended. An Applicant may not operate a Medical Marijuana Establishment without any required State License and without all other necessary City 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, or Marijuana Store. A Marijuana Testing Facility does not require a Local License. [A Local License issued under the provisions of this Article is required for any Medical Marijuana Cultivation Facility, Medical Marijuana Marijuana Products Manufacturing Facility, Medical Marijuana Dispensary or Medical Marijuana Retail Store. A Medical Marijuana Testing Facility does not require a Local License.](#)

Sec. 14-776. License Classes.

- (a) A Class I license shall be required for Marijuana Products Manufacturing Facilities. [A Class I license shall be required for Medical Marijuana Products Manufacturing Facilities.](#)
- (b) A Class II license shall be required for Marijuana Cultivation Facilities and Marijuana Stores. [A Class II license shall be required for Medical Marijuana Cultivation Facilities, Medical Marijuana Dispensaries and Medical Marijuana Retail Stores.](#)

Sec. 14-777. Licensing Authority.

- (a) Class I licensing procedures.
 - (1) All Class I license applications, whether new or renewal, shall be reviewed and may be approved by the City Clerk. Application shall be made on a form prepared by the City and must include all information required by Sec. 14-779 of this Article and by the form. Prior to action on a Class I application, the City Clerk shall give public notice of the application by posting a sign in a conspicuous place on the premises identified in an Application for Local License at least seven (7) days prior to action and by publication in a newspaper of general circulation in Cumberland County at least seven (7) days prior to action.
 - (2) A Class I renewal application shall be subject to the same review standards and notice requirements as applied to the initial issuance of the license. As part of the renewal process, the City Clerk shall consider compliance from prior years, and based upon that review, may add conditions to any future license to correct, abate or limit past problems. In the event that the City Clerk determines that a hearing on a Class I renewal application is necessary and appropriate, the City Clerk may elect to defer action on a renewal application and refer the matter to the City Council for public hearing and action.
- (b) Class II licensing procedures.
 - (1) The initial application for a Class II license shall be processed by the City Clerk but reviewed and may be approved by the City Council. Application shall be made on a form prepared by the City and must include all information required by Sec. 14-779 of this Article and by the form.
 - (2) Public hearing. A public hearing on an application for a Class II license shall be scheduled after receipt of a completed application pursuant to

Sec. 14-779. The City Clerk shall post and publish public notice of the hearing not less than seven (7) days prior to the hearing. The City Clerk shall give public notice by posting a sign in a conspicuous place on the premises identified in an Application for Local License and by publication in a newspaper of general circulation in Cumberland County.

- (3) A Class II renewal application shall be subject to the same review standards as applied to the initial issuance of the license and the same notice requirement as a Class I new application. As part of the renewal process, the City Clerk shall consider compliance from prior years, and based upon that review, may add conditions to any future license to correct, abate or limit past problems. In the event that the City Clerk determines that a hearing on a Class II renewal application is necessary and appropriate, the City Clerk may elect to defer action on a renewal application and refer the matter to the City Council for public hearing and action.

(c) Responsibilities and review authority.

- (1) 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.
- (2) The Licensing Authority shall have the authority to impose any conditions on a license that may be necessary to insure 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.
- (3) No Local License shall be granted by the Licensing Authority until the Police Chief, the Fire Chief, the Health Inspector and, if applicable, the 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, or are reasonably necessary to secure compliance with any ordinance provision 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.

(d) Confidentiality.

[Medical marijuana registered caregivers and other applicants submitting applications and supporting information that is confidential under 22 M.R.S.A.](#)

§ 2425-A(12), as may be amended, and the Maine Freedom of Access Act, 1 M.R.S.A. § 403(3)(F), shall mark such information as confidential.

An individual who possesses a valid Maine medical marijuana registered caregiver registry identification card need not identify himself or herself in an application for a license for a medical marijuana establishment. The cardholder must identify himself or herself and provide the relevant cards to the City Clerk for examination, but the identity of the cardholder shall not be a public record and the City Clerk shall not share the identity of the cardholder, except as necessary by law in the performance of his or her duties. At the time of application, the cardholder may appoint a representative to appear before the Licensing Authority on his or her behalf. Advertisements for public hearing shall contain the location of the proposed medical marijuana production facility and the identity of the owner of the real estate and the identity of the designated representative. The City Clerk may certify to the City Council that the applicant meets the necessary legal requirements as a cardholder(s).

Sec. 14-778. License Fees.

Fees for a Local License shall be as set forth in the Schedule of License, Permit, Inspection and Application Fees established by City Council order and shall be paid annually.

Sec. 14-779. Application.

(a) Application required. Each Applicant for a Class I or Class II license shall complete and file an application on a form prescribed by the City Clerk, together with a license fee as required by Sec. 14-778 of this Article and as specified in the Schedule of License, Permit, Inspection and Application Fees, together with the following submissions:

1. If a State License is required for the proposed use, a copy of the Applicant's State License Application and supporting documentation as filed with the State Licensing Authority, and any amendments thereto.
2. Evidence of all State approvals or conditional approvals required to operate a Marijuana Establishment or Medical Marijuana Establishment, including, but not limited to, a State License as defined by this Article, a State retail certificate, or a State health license.
3. If not included in the Applicant's 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.

4. 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 ownership interests, and their places of residence at the time of the application and for the immediately preceding three (3) years.
5. If not included in the Applicant's State License Application, a release authorized by 16 M.R.S.A. § 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 a Local License.
6. Evidence of all land use approvals or conditional land use approvals required to operate a Marijuana Establishment or Medical Marijuana Establishment pursuant to the Code of Ordinances, including, but not limited to, a building permit, special exception approval, site plan approval, change of use permit or certificate of occupancy.
7. Evidence of all other local approvals or conditional approvals required to operate a Marijuana Establishment or Medical Marijuana Establishment pursuant to the Code of Ordinances, including, but not limited to, food license or victualer's license.
8. A description of the premises for which the Local License is sought, including a floor plan of the premises showing how the floor space is or will be used, parking for the premises, total floor area of the building(s), and the nature and location of any existing or proposed exterior lighting and signage.
9. A copy of the Applicant's security plan and operations manual.

(b) 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.

(c) Background checks. The City Clerk shall order background checks of each applicant and renewal applicant. If the applicant is a business entity, every officer, director, manager and general partner of the business entity is required to submit to a criminal history record check. Failure to submit required releases for

[a background check is grounds for denial of a license. The cost of the background check shall be borne by the applicant.](#)

Sec. 14-780. 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 prior to the date of expiration of the annual Local License. An application for the renewal of an expired license shall be treated as a new license application.

Sec. 14-781. Denial, Suspension or Revocation of License.

In addition to the provisions set forth in Sec. 14-8 of this Chapter, the following applies:

- (a) A Local License under this Article shall be denied to the following persons:
 - (1) 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 shall meet these requirements.
 - (2) A person who has had a license for a Marijuana Establishment [and/or Medical Marijuana Establishment](#) revoked by the City or by the State.
 - (3) An Applicant who has not acquired all necessary State approvals and other required local approvals prior to the issuance of a Local License.
- (b) The City may suspend or revoke a license for any violation of this Chapter, Chapter 27 or any other applicable building and life safety code requirements. The City may suspend or revoke a license if the licensee has a State License for a Marijuana Establishment [and/or Medical Marijuana Establishment](#) suspended or revoked by the State. The Licensee shall be entitled to notice and a hearing prior to any suspension or revocation.

Sec. 14-782. 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 Licensed Premises.

- (b) Location. All Licensed Premises shall be fixed, permanent locations. Licensees shall not be permitted to operate Marijuana Establishments [or Medical Marijuana Establishments](#) in temporary locations such as mall kiosks or farm stands.
- (c) Compliance with other laws. A Marijuana Establishment [and a Medical 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 [and/or Medical Marijuana Establishments](#), the stricter law or regulation shall control.

Sec. 14-783. 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.

Sec. 14-784. Appeals.

- (a) Any appeal of a decision of the City Clerk under the provisions of this Article 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.

Sec. 14-785. Violations and Penalties.

The operation of any Marijuana Establishment [or Medical Marijuana Establishment](#) without the required Local License or in violation of the requirements of this Chapter shall be a violation of this Chapter. Violations shall be subject to fines as set forth in this Chapter. Each day of a 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 Sec. 14-781 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.

Sec. 14-786. 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.

Sec. 14-787. 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.A. Chapter 1, as may be amended. In the event of a conflict between the provisions of this Chapter and the provisions of the [Maine Marijuana Legalization Act](#) or any other applicable State or local law or regulation, the more restrictive provision shall control.

[Except as otherwise specifically provided herein, this Article incorporates the requirements and procedures set forth in the Maine Medical Use of Marijuana Act, 22 M.R.S.A. Chapter 558-C, as may be amended. In the event of a conflict between the provisions of this Chapter and the provisions of the Maine Medical Use of Marijuana Act or any other applicable State or local law or regulation, the more restrictive provision shall control.](#)

Sec. 14-788. Effective Date.

This Article shall take effect pursuant to the City Charter. However, no application for any Local License [for a Marijuana Establishment](#) shall be acted upon until the effective date of regulations promulgated and adopted pursuant to 28-B M.R.S.A. Chapter 1, as may be amended.

Fiscal Note: Less than \$1,000

Date: August 21, 2018