

POLAND MARIJUANA LICENSING PROCEDURE

Article 1 - Authority.

This article is enacted pursuant to authority granted under 30-A M.R.S. § 3001, and 28-BM.R.S. § 401.

Article 2 - Purpose.

The purpose of this article is to provide procedures and standards relating to the operation of marijuana establishments and to require their annual licensing locally.

Article 3 - Distribution of Licenses.

The Comprehensive Land Use Code (CLUC) grants a limited number of licenses for marijuana. Given that, licenses for each category shall be apportioned by lottery. Those licenses not limited by the CLUC shall follow the application procedure in Article 5.

(1) The Town Manager shall recommend to the Select Board when the license lottery shall be held and when applications shall be due in order to be included. The Town Manager shall arrange for public notice of the lottery within the Town of Poland at least seven business days prior to the date of the scheduled lottery.

(2) License lotteries shall take place once per year, in August, after existing holders of licenses have had the opportunity to renew.

(3) License's will be selected by category. Applicants may apply for more than one category. Applicants may only receive one retail store license within the Town of Poland.

(4) The license lottery will be held in two phases.

(A) The first will be for residents of Poland only (proof of residency required, must be a current resident for at least six months).

(B) If there are any licenses remaining after the Poland residents' drawing, a second drawing for non-residents will take place immediately after to apportion any remaining licenses.

(C) If after this non-resident lottery drawing there are still licenses remaining, then those licenses will be held over until the next lottery.

(D) Lottery drawings will continue until all applicants have been drawn. Applications will be listed in order drawn such that if one applicant cannot meet the requirements to obtain a license, the next applicant on the list may apply.

(5) Applicants shall include certified funds with their application to pay the license fee if selected. If not selected those funds will be returned to the applicant. Applicants shall complete requirements (1) and (2) listed in Article 5 of the license application. Selected applicants will have 30 business days to complete the license application and provide supporting documentation.

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Article 4 – Establishments allowed; License required.

- (1) Pursuant to 28-B M.R.S. §403, the operation of marijuana establishments is allowed, subject to the restrictions of this ordinance and applicable state and local law.
- (2) No person shall operate a marijuana establishment, nor shall any property owner permit the use of his or her premises to be operated as a marijuana establishment, without a valid license issued by the town. A separate license must be obtained for each establishment located on the same premises. Each license shall be for a period of one year from the date of its issuance. A license must be obtained prior to the opening of a marijuana establishment. Applications for renewal licenses shall be submitted prior to July 30th of each year. Any licensee that fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted.

Article 5 - Application.

Each applicant for a marijuana establishment license shall complete and file an application on the form provided by the Town or its designee, together with the applicable nonrefundable license fee, as well as the following supporting materials:

- (1) Evidence of all state approvals or conditional approvals required to operate a marijuana establishment, including, but not limited to, a state registry identification card or registration certificate if applicable.
- (2) Evidence of an interest in the premises in which the marijuana establishment will be located, together with the form of interest, along with the written consent of the owner of the premises for such use if the applicant is not the owner.
- (3) Evidence of all land use approvals or conditional land use approvals required to operate the marijuana establishment, or applications that have been filed and are pending for the required approvals, including but not limited to building permit, conditional or special use approval, change of use permit and/or certificate of occupancy, or a Planning Board Agenda Request with supporting documentation.
- (4) Evidence of compliance with the requirements of this ordinance.

If the Town or its designee determines that a submitted application is not complete, the Town or its designee shall notify the applicant within ten (10) business days of the additional information required to process the application. If such additional information is not submitted within thirty (30) business days, the application may be denied.

Article 6 - Action on application.

- (1) *Public hearing.* Once the applicant has met all CLUC and is issued a certificate of occupancy by the Code Enforcement Officer the Board of Selectpersons shall hold a public hearing and make a motion to authorize the issuance of a Town of Poland marijuana establishment license.

Transfer of ownership interests are allowed pursuant to Title 28-B Chapter 1 §210. Licensing fees will apply when ownership is transferred.

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Article 8 - Duty to update information.

Any licensee issued a license under this article shall have the duty to provide and maintain updated and accurate information regarding all of the information provided pursuant to the application process within ten (10) business days of any change of status. Failure to provide and maintain current and accurate information may result in revocation of the applicant's license.

Article 9 - Standards for approval, denial, revocation.

A license application for a marijuana establishment shall be denied by the Board of Selectpersons, and an existing license may be suspended or revoked by the Board of Selectpersons after notice and hearing, if the applicant, or licensee:

- (1) Fails to meet the requirement of this ordinance.
- (2) Is not at least twenty-one (21) years of age.
- (3) Has had a license for a marijuana establishment revoked by a municipality or by any other governing authority.
- (4) Has not acquired all necessary state and local approvals prior to issuance of the license.
- (5) Has been convicted of a disqualifying drug offense or convicted of a diversion of product offense.
- (6) Has provided false or misleading information in connection with the license application.
- (7) Has any outstanding land use code violations that have not been resolved.
- (8) Has not received a certificate of occupancy within a year.
- (9) Has had complaints from townspeople or authorities about the establishment.
- (10) Denies the Code Enforcement Officer to do any unannounced inspections.

Article 10 - Operating Requirements.

In order to obtain a license pursuant to this ordinance, the applicant shall demonstrate to the Board of Selectpersons that the following requirements will be met. A licensee shall comply with all of these requirements during the term of the license.

(1) *Fixed location.*

(A) All licensed premises shall be fixed, permanent locations. Licensees shall not be permitted to operate marijuana establishments in any location other than the licensed premises. Examples of unpermitted locations are: farmer's markets, farm stands or kiosks.

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(2) Compliance with requirements of state and local law.

(A) A marijuana establishment shall meet all operating and other requirements of state and local law.

Article 11 - License fees.

The annual license fees for Marijuana Store, Cultivation Facilities, Marijuana Manufacturing Facility, and Marijuana Testing Facility are found in the fee schedule and are subject to change.

Article 12 - Severability.

If any section, phrase, sentence or portion of this article is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Article 13 - Appeals.

An appeal from any final decision of the Board of Selectpersons under this article may be taken by any party to the Board of Appeals within 30 days of the decision.