

CLUC Changes 2019

Article 10. Shall an ordinance entitled “2019 Amendments to the Poland Comprehensive Land Use Code to adopt Marijuana Standards” be enacted? *(A copy of the proposed ordinance is available for review and inspection at the Town Clerk’s Office; it will also be available at Town Meeting.)*

CHAPTER 15 – MARIJUANA STANDARDS

1501 SHORT TITLE – This Chapter shall be known as the “Marijuana Standards for the Town of Poland, Maine.”

1502 PURPOSE

1502.1 Purposes – The purposes of this Chapter are:

- A. To provide guidance to those wishing to establish any type of marijuana establishment in Poland;
- B. To clarify the approval criteria for each type of marijuana establishment; and
- C. To promote uniform standards.

1503 ADMINISTRATION

- A. Any commercial operation must submit site plans to the Planning Board and is subject to the administration of the Planning Board.
- B. The Code Enforcement Officer is responsible for the final sign off to the State regarding whether or not an operation meets the applicable requirements of the Comprehensive Land Use Code.

1504 MEDICAL MARIJUANA CAREGIVER CULTIVATION

1504.1 Allowed Locations

Medical marijuana caregiver cultivation sites shall be allowed in the following locations, subject to the requirements of this Section:

- A. All Zones
- B. Must follow the requirements of home occupation as defined in the CLUC.

1504.2 Security

Medical marijuana caregiver cultivation sites must meet the following security requirements:

- A. Shall have lockable doors and windows and shall be served by an alarm system.
- B. Shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four

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hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

1504.3 Ventilation

Medical marijuana caregiver cultivation sites must be in an enclosed structure and shall have an odor mitigation system installed and operational that will provide odor control sufficient to ensure that no odors are perceptible off the premises or to neighboring tenants.

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Article 11. Shall an ordinance entitled “2019 Amendments to the Poland Comprehensive Land Use Code to Authorize and Regulate Medical Marijuana Manufacturing Facilities” be enacted? *(A copy of the proposed ordinance is available for review and inspection at the Town Clerk’s Office; it will also be available at Town Meeting.)*

1505 MEDICAL MARIJUANA MANUFACTURING FACILITIES

1505.1 Allowed Locations

Medical marijuana manufacturing facilities shall be allowed in the following locations, subject to the requirements of this Section:

- A. All Zones
- B. Must be a registered caregiver and follow the requirements of home occupation as defined in the CLUC.
- C. Requires licensing by the Town to operate.

1505.2 Security

Medical marijuana manufacturing facilities must meet the following security requirements:

- A. Shall have lockable doors and windows and shall be served by an alarm system.
- B. Shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

1505.3 Ventilation

Medical marijuana manufacturing facilities must be in an enclosed structure and shall have an odor mitigation system installed and operational that will provide odor control sufficient to ensure that no odors are perceptible off the premises or to neighboring tenants.

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Article 12. Shall an ordinance entitled “2019 Amendments to the Poland Comprehensive Land Use Code to Authorize and Regulate Medical Marijuana Testing Facilities” be enacted? *(A copy of the proposed ordinance is available for review and inspection at the Town Clerk’s Office; it will also be available at Town Meeting.)*

1506 MEDICAL MARIJUANA TESTING FACILITIES

1506.1 Allowed Locations

Medical marijuana testing facilities shall be allowed in the following locations, subject to the requirements of this Section:

- A. All Zones
- B. Must be a registered caregiver and follow the requirements of home occupation as defined in the CLUC.
- C. Requires licensing by the Town to operate

1506.2 Security

Medical marijuana testing facilities must meet the following security requirements:

- A. Shall have lockable doors and windows and shall be served by an alarm system.
- B. Shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

1506.3 Ventilation

Medical marijuana testing facilities must be in an enclosed structure and shall have an odor mitigation system installed and operational that will provide odor control sufficient to ensure that no odors are perceptible off the premises or to neighboring tenants.

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Article 13. Shall an ordinance entitled “2019 Amendments to the Poland Comprehensive Land Use Code to Authorize and Regulate Medical Marijuana Registered Caregiver Retail Stores” be enacted? *(A copy of the proposed ordinance is available for review and inspection at the Town Clerk’s Office; it will also be available at Town Meeting.)*

1507 MEDICAL MARIJUANA REGISTERED CAREGIVER RETAIL STORES

1507.1 Allowed Locations

Medical marijuana registered caregiver retail stores shall be allowed in the following locations, subject to the requirements of this Section:

- A. Village 4 Zone.
- B. General Purpose 1 Zone.
- C. Each zone, Village 4 and General Purpose 1, may have a combined maximum of five medical marijuana registered caregiver retail stores and/or adult use retail stores in each district. A site may contain one or more stores provided they are all within the same building.
- D. This is a permitted use requiring Planning Board approval and licensing from the Town to operate

1507.2 Signs

- A. Signage for medical marijuana registered caregiver retail stores will comply with Chapter 5, Section 508.18 Signs, of this Code, as well as with any applicable requirements of State law or regulation.

1507.3 Security

Medical marijuana registered caregiver retail stores shall comply with the following requirements:

- A. Shall have lockable doors and windows and shall be served by an alarm system.
- B. Shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

1507.4 Ventilation

Each medical marijuana registered caregiver retail store must be in an enclosed structure and shall have an odor mitigation system installed and operational that will provide odor control sufficient to ensure that no odors are perceptible off the premises or to neighboring tenants in the building.

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Article 14. Shall an ordinance entitled “2019 Amendments to the Poland Comprehensive Land Use Code to Authorize and Regulate Adult Use Marijuana Cultivation Facilities” be enacted? *(A copy of the proposed ordinance is available for review and inspection at the Town Clerk’s Office; it will also be available at Town Meeting.)*

1510 ADULT USE MARIJUANA CULTIVATION FACILITIES

1510.1 Allowed Locations

Adult use marijuana cultivation facilities shall be allowed in the following locations, subject to the requirements of this Section:

- A. Tier 1, maximum 500 square feet of canopy.
 - 1. All Zones.
 - 2. Tier 1 Adult Use Marijuana Cultivation must follow the requirements of home occupation as defined in the CLUC.
- B. Tier 2, maximum 2000 square feet of canopy.
 - 1. Village 4 Zone and General Purpose 1 Zone. Must be combined with a Medical or Adult Use retail storefront. Maximum of five cultivation sites in each zone.
 - 2. Farm and Forest Zone. Maximum of five cultivation sites.
 - 3. Total number of Tier 2 cultivation sites among the three zones cannot exceed a maximum of 10.
- C. Tier 3, maximum 7000 square feet of canopy.
 - 1. Farm and Forest Zone. Maximum of five cultivation sites.
- D. Tier 4, 20,000 square feet of canopy. Not permitted.
- E. Tier 2, and 3 are permitted uses requiring Planning Board approval and licensing from the Town to operate.

1510.2 Security

Adult use marijuana cultivation facilities must meet the following security requirements:

- A. Shall have lockable doors and windows and shall be served by an alarm system.
- B. Shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

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1510.3 Ventilation

Adult use marijuana cultivation facilities must be in an enclosed structure and shall have an odor mitigation system installed and operational that will provide odor control sufficient to ensure that no odors are perceptible off the premises or to neighboring tenants.

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Article 15. Shall an ordinance entitled “2019 Amendments to the Poland Comprehensive Land Use Code to Authorize and Regulate Adult Use Marijuana Products Manufacturing Facilities” be enacted? *(A copy of the proposed ordinance is available for review and inspection at the Town Clerk’s Office; it will also be available at Town Meeting.)*

1511 ADULT USE MARIJUANA PRODUCTS MANUFACTURING FACILITIES

1511.1 Allowed Locations

Adult use marijuana products manufacturing facilities shall be allowed in the following locations, subject to the requirements of this Section:

- A. Allowed in all locations where adult use cultivation is allowed and must be co-located with a cultivation facility.
- B. This is a permitted use requiring Planning Board approval and licensing by the Town to operate.

1511.2 Security

Adult use marijuana products manufacturing facilities must meet the following security requirements:

- A. Shall have lockable doors and windows and shall be served by an alarm system.
- B. Shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

1511.3 Ventilation

Adult use marijuana products manufacturing facilities must be in an enclosed structure and shall have an odor mitigation system installed and operational that will provide odor control sufficient to ensure that no odors are perceptible off the premises or to neighboring tenants.

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Article 16. Shall an ordinance entitled “2019 Amendments to the Poland Comprehensive Land Use Code to Authorize and Regulate Adult Use Marijuana Testing Facilities” be enacted? *(A copy of the proposed ordinance is available for review and inspection at the Town Clerk’s Office; it will also be available at Town Meeting.)*

1512 ADULT USE MARIJUANA TESTING FACILITIES

1512.1 Allowed Locations

Adult use marijuana testing facilities shall be allowed in the following locations, subject to the requirements of this Section:

- A. Allowed in all zones.
- B. This is a permitted use requiring Planning Board approval and licensing by the Town to operate.

1512.2 Security

Adult use marijuana testing facilities must meet the following security requirements:

- A. Shall have lockable doors and windows and shall be served by an alarm system.
- B. Shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

1512.3 Ventilation

Adult use marijuana testing facilities must be in an enclosed structure and shall have an odor mitigation system installed and operational that will provide odor control sufficient to ensure that no odors are perceptible off the premises or to neighboring tenants.

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Article 17. Shall an ordinance entitled “2019 Amendments to the Poland Comprehensive Land Use Code to Authorize and Regulate Adult Use Marijuana Stores” be enacted? *(A copy of the proposed ordinance is available for review and inspection at the Town Clerk’s Office; it will also be available at Town Meeting.)*

1513 ADULT USE MARIJUANA STORES

1513.1 Allowed Locations

Adult use marijuana stores shall be allowed in the following locations, subject to the requirements of this Section:

- A. Village 4 Zone.
- B. General Purpose 1 Zone.
- C. Each zone, Village 4 and General Purpose 1, may have a combined maximum of five medical and/or adult use storefront sites. A site may contain one or more storefronts provided they are all within the same building.
- D. This is a permitted use requiring Planning Board approval and licensing by the Town to operate.

1513.2 Signs

- A. Signage for adult use marijuana stores will comply with Chapter 5, Section 508.18 Signs, of this Code, as well as with any applicable requirements of State law or regulation.

1513.3 Security

Adult use marijuana stores must meet the following security requirements:

- A. Shall have lockable doors and windows and shall be served by an alarm system.
- B. Shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

1513.4 Ventilation

Adult use marijuana store must be in an enclosed structure and shall have an odor mitigation system installed and operational that will provide odor control sufficient to ensure that no odors are perceptible off the premises or to neighboring tenants.

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Article 18. Shall an ordinance entitled “2019 Amendments to the Poland Comprehensive Land Use Code to Add Definitions to Section 1402 Related to Medical Marijuana and Adult Use Marijuana D” be enacted? *(A copy of the proposed ordinance is available for review and inspection at the Town Clerk’s Office; it will also be available at Town Meeting.)*

1402 MEDICAL MARIJUANA AND ADULT USE DEFINITIONS

Adult use marijuana: "Adult use marijuana" means marijuana cultivated, manufactured, distributed or sold by a marijuana establishment.

Adult Use Marijuana establishment: "Marijuana establishment" means a cultivation facility, a products manufacturing facility, a testing facility or a marijuana store licensed under state law.

Adult use marijuana product: "Adult use marijuana product" means a marijuana product that is manufactured, distributed or sold by a marijuana establishment.

Adult use marijuana products manufacturing facility: "Marijuana products manufacturing facility" means a facility licensed under state law to purchase adult use marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

Adult use marijuana store: "Adult Use Marijuana Store" means a facility licensed under state law to purchase adult use marijuana, immature marijuana plants and seedlings from a cultivation facility, to purchase adult use marijuana and adult use marijuana products from a products manufacturing facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

Adult use marijuana testing facility: "Adult use marijuana testing facility" means a facility licensed under state law to develop, research and test adult use marijuana, marijuana products and other substances.

Disqualifying drug offense: "Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more, but does not include (1) An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; or (2) An offense that consisted of conduct that would have been permitted under the Maine Adult Use Marijuana Act.

Home cultivation of marijuana: “Home cultivation of marijuana” means cultivation for personal adult use by a person 21 years of age or older is limited to cultivation of three (3) mature marijuana plants, twelve (12) immature marijuana plants, and an unlimited number of seedlings by each person 21 years of age or older who is domiciled on a parcel or tract of land.

Marijuana cultivation: "Marijuana cultivation" means the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale. "Cultivation" or "cultivate" does not include manufacturing, testing or marijuana extraction.

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Marijuana cultivation facility: "Marijuana Cultivation facility" means a facility licensed under state law to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to products manufacturing facilities, to marijuana stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to marijuana stores. Cultivation facilities are categorized into tiers based on the number of adult plants and usable square footage for cultivation.

Marijuana manufacturing or manufacture: "Manufacturing" or "manufacture" of marijuana means the production, blending, infusing, compounding or other preparation of marijuana and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation or testing.

Marijuana odor mitigation: All marijuana establishments, cultivation operation, manufacturing facility, testing, and retail storefronts must be in an enclosed structure and shall have an odor mitigation system installed and operational that will provide odor control sufficient to ensure that no odors are perceptible off the premises or to neighboring tenants.

Marijuana product: "Marijuana product" means a product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate.

Medical marijuana establishment: "Medical marijuana establishment" means a medical marijuana registered caregiver retail store, registered dispensary, medical marijuana testing facility, or medical marijuana manufacturing facility.

Medical marijuana manufacturing facility: "Medical marijuana manufacturing facility" means a manufacturing facility authorized under state law to manufacture marijuana products for medical use or to engage in marijuana extraction for medical use.

Medical Marijuana registered caregiver retail store: "Medical Marijuana registered caregiver retail store" means a registered caregiver authorized under state law to cultivate medical marijuana for qualifying patients that operates a retail store to sell medical marijuana to qualifying patients.

Medical marijuana testing facility: "Medical marijuana testing facility" means a public or private laboratory authorized under state law to test medical marijuana for contamination, potency or cannabinoid profile.

Registered dispensary: "Registered dispensary" means a dispensary authorized under state law to cultivate and dispense medical marijuana to qualifying patients and caregivers.

State registration authority: "State registration authority" means the authority created or designated by the state for the purpose of regulating and controlling registration for medical marijuana establishments.