

TOWN OF SHIRLEY
MARIJUANA ESTABLISHMENTS ORDINANCE

Section 1. Purpose. The purpose of this Ordinance and related provisions of the Land Use Ordinance is to regulate Adult Use Marijuana and Medical Marijuana cultivation, processing, testing, manufacturing, storage, and distribution, including retail stores in order to protect the public's health, safety, and welfare, while fostering a dynamic business climate.

Section 2. Authority. This Ordinance is enacted pursuant to the enabling provisions of Article VIII, Part 2, § 1 of the Maine Constitution, the provisions of Title 30-A MRS § 3001 (Home Rule), the provisions of Title 30-A § 4312 *et seq.* (Comprehensive Planning and Land Use Regulation, or “Growth Management” Act), the provisions of 28-B MRS § 101 *et seq.*, and the provisions of 22 MRS § 2421 *et seq.*, and any rules adopted pursuant to 28-B MRS § 101 *et seq.* and 22 MRS § 2421 *et seq.*

Section 3. Applicability

- a. Notwithstanding the provisions of 1 MRSA § 302, this Ordinance is applicable, as of its effective date, and to the maximum extent permitted by law and subject to the severability clause below, to all proceedings, applications, and petitions that have been submitted and not finally acted on for all Marijuana Establishments. This Ordinance shall also apply to all Marijuana Establishments proposed, operated, modified, or constructed after the enactment of these provisions. Any proposal to establish a new or alter an existing Marijuana Establishment shall require approval by the permitting authority, even if the permitting authority was not required to grant the original local approval.
- b. The following do not require a permit under this Ordinance, but must comply with all state laws:
 - 1) Personal Adult Use of marijuana and marijuana products pursuant to 28-B MRS § 101 *et seq.*
 - 2) Personal Use of Medical Marijuana by a registered patient pursuant to 22 MRS § 2421 *et seq.*
 - 3) Unregistered Medical Marijuana Caregivers pursuant to 22 M.R.S. § 2422 and 18-691 CMR, Ch. 2. This is a caregiver who assists only a patient who is a member of the caregiver’s family or household and who is not required to register with the Department of Administrative and Financial Services, Office of Marijuana Policy (Department). These types of caregivers are referred to as unregistered caregivers.

Section 4. Definitions. As used in this Ordinance, unless the context otherwise indicates, the terms referenced below have the following meanings. When reference is made to a particular statute, the reference includes the statute and the rules adopted pursuant to the statute.

Adult Use Marijuana - Means adult use marijuana cultivated, manufactured, distributed, or sold by a marijuana establishment. (Ref. 28-B MRS § 102(1))

Code Enforcement Officer - Means the Town of Shirley Code Enforcement Officer.

Conditional License (Adult Use) – Means a license issued by the Maine Department of Administrative and Financial Services that authorizes the licensee to seek local authorization. The conditional license does not authorize possession, transfer, cultivation, testing, manufacture or sale of marijuana or marijuana products. (Ref. Adult Use Marijuana Program Rule 18-691 CMR, Chapter 1, § 1.4 (20))

Department - Means the Department of Administrative and Financial Services, Office of Marijuana Policy.

Immature Marijuana Plant (Adult Use and Medical Use) - Means as follows:

- a. A marijuana plant intended for adult use marijuana that is not a mature marijuana plant or a seedling. (Ref. 28-B MRS § 102(19))
- b. A nonflowering marijuana plant intended for medical use that measures more than 24 inches from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches. (Ref. 22 MRS § 2422(4-N))
- c. Does not mean “hemp” as defined in Title 7, section 2231, subsection 1-A, paragraph D.

Inherently Hazardous Substance (Adult Use and Medical Use) - Means a liquid chemical, compressed gas or commercial product that has a flash point at or lower than 38 degrees Celsius or 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" does not include any form of alcohol or ethanol. (Ref. 28-B MRS § 102(20), 22 MRS § 2422(4-O))

Land Use Ordinance – Means the Land Use Ordinance for the Town of Shirley, as may be amended.

Manufacture or Manufacturing (Adult Use and Medical Use) - 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. (Ref. 28-B MRS § 102(26), 22 MRS § 2422(4-Q))

Marijuana, Marijuana Plant (Adult Use and Medical Use) – Means the following:

- a. Adult Use – All species of the plant genus Cannabis, including, but not limited to, a mother plant, a mature marijuana plant, an immature marijuana plant or a seedling. (Ref. 28-B MRS § 102(32)). Marijuana means the leaves, stems, flowers, and seeds of a marijuana plant, whether growing or not. "Marijuana" includes marijuana concentrate but does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or a marijuana product. (Ref. 28-B MRS § 102(27))
- b. Medical Use - A plant of the genus cannabis, including, but not limited to, Cannabis sativa, Cannabis indica and Cannabis ruderalis or their hybrids and the seeds of those plants. (Ref. 22 MRS § 2422(4-K)). Marijuana means the leaves, stems, flowers, and seeds of all species of the plant genus Cannabis, whether growing or not. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake or sterilized seed of the plant which is incapable of germination. (Ref. Maine Medical Use Marijuana Program Rule 18-691 CMR, Chapter 2, sec 1(J) "Marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

Marijuana Cultivation Facility (Adult Use and Medical Use) - Means as follows:

- a. An adult use marijuana cultivation facility licensed 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. (Ref. 28-B MRS § 102(13))
- b. A medical marijuana cultivation area means an indoor or outdoor area used for cultivation by one or more medical marijuana registered caregivers pursuant to 22 MRS § 2422(3), as may be amended.
- c. There are four tiers of “cultivation facilities” and a “nursery cultivation facility”, as follows:
 - i) Cultivation Facility, Tier 1 - Means a marijuana cultivation facility that cultivates not more than 30 mature marijuana plants and an unlimited number of immature marijuana plants and seedlings; or has not more than 500 square feet of plant canopy of mature plants.
 - ii) Cultivation Facility, Tier 2 – Means a marijuana cultivation facility that cultivates not more than 2,000 square feet of plant canopy of mature plants.
 - iii) Cultivation Facility, Tier 3 – Means a marijuana cultivation facility that cultivates not more than 7,000 square feet of plant canopy of mature plants.
 - iv) Cultivation Facility, Tier 4 – Means a marijuana cultivation facility that cultivates not more than 20,000 square feet of plant canopy of mature plants
 - v) Nursery Cultivation Facility – Means a marijuana cultivation facility of not more than 1,000 square feet of plant canopy of mature plants.
(Ref. 28-B MRS § 301(1)-(5))

Marijuana Establishment (Adult Use and Medical Use) – Means all the following: Marijuana Store, Marijuana Cultivation Facility, Marijuana Manufacturing Facility, Marijuana Testing Facility and Marijuana Dispensary.

Marijuana Extraction (Adult Use and Medical Use) - Means the process of extracting marijuana concentrate from harvested marijuana using water, lipids, gases, solvents or other chemicals or chemical processes. "Marijuana extraction" does not include the process of extracting concentrate from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D. (Ref. 28-B MRS § 102(30)), 22 MRS § 2422(4-J))

Marijuana Home Occupation (Adult Use and Medical Use) – Means a “home occupation” as defined and regulated within the Land Use Ordinance, and shall only include a Tier 1 Cultivation Facility or a Tier 1 Manufacturing Facility that does not use inherently hazardous substances.

Marijuana Manufacturing or Manufacture (Adult Use and Medical Use) – Means the following:

- a. The production, blending, infusing, compounding or other preparation of adult use 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. (Ref. 28-B MRS § 102(26)).
- b. The production, blending, infusing, compounding or other preparation of medical marijuana concentrate and medical marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. (Ref. 22 MRS § 2422 (4-Q))

Marijuana Manufacturing Facility (Adult Use and Medical Use) – Means the following:

- a. Adult Use - a facility licensed to purchase 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. (Ref. 28-B MRS § 102(43))
- b. Medical Use - a registered Tier 1 or Tier 2 manufacturing facility or a person authorized to engage in marijuana extraction under 22 MRS § 2422 (4-R).
- c. There are two tiers of “marijuana manufacturing facilities” as follows:
 - i) Manufacturing Facility, Tier 1 - Means a marijuana manufacturing facility with an enclosed floor area of 2,000 square feet or less.
 - ii) Manufacturing Facility, Tier 2 – Means a marijuana manufacturing facility with an enclosed floor area of more than 2,000 square feet.

Marijuana Plant Canopy (Adult and Medical Use) – Means the total surface area within a cultivation facility or cultivation area that is dedicated to the cultivation of mature marijuana plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all the area within the boundaries. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used by the cultivation facility licensee, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the cultivation facility or area that are used to cultivate immature marijuana plants and seedlings and that are not used at any time to cultivate mature marijuana plants. (Ref. 28-B MRS § 102(41), 22 MRS § 2422 (7- B))

Marijuana Product (Adult Use and Medical Use) – Means the following:

- a. Adult Use - 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 or a product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D. (Ref. 28-B MRS § 102(33))
- b. Medical Use - a product composed of harvested marijuana and other ingredients that is intended for medical use. "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 or a product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D. (Ref. 22 MRS § 2422 (4-L))

Marijuana Retail Store (Adult Use and Medical Use) – Means the following:

- a. Adult Use - a facility licensed to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers. (Ref. 28-B MRS § 102(34))
- b. Medical Use - a medical caregiver retail store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public, and sales of goods or services directly to a

consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients. (Ref. 22 MRS § 2422(1-F))

c. There are two tiers of “marijuana retail stores”, as follows:

Store, Tier 1 - Means a store that has an enclosed floor area of 2,000 square feet or less.

Store, Tier 2 – Means a store that has an enclosed floor area of 2,001 square feet up to 20,000 square feet. Retail stores of more than 20,000 square feet are prohibited.

Marijuana Seedling (Adult Use and Medical Use) - Means a marijuana plant that is:

a. Adult Use - Not flowering; less than six inches in height; and less than six inches in width. (Ref. 28-B M.R.S. § 102(51))

b. Medical Use - nonflowering marijuana plant or rooted cutting that measures 24 inches or less from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches. (Ref. 22 M.R.S. § 2422(14-B))

Marijuana Social Club – Means “marijuana social club” as that term is or was defined in 28-B MRS § 102. Marijuana social clubs are prohibited in the Town of Shirley.

Marijuana Testing Facility (Adult Use and Medical Use) – Means the following:

a. Adult Use - a facility licensed to develop, research and test marijuana, marijuana products, and other substances. (Ref. 28-B MRS § 102(54))

b. Medical Use - a public or private laboratory as defined in 22 MRS § 2422(5-C)).

Mature Marijuana Plant (Adult Use and Medical Use) - - Means a marijuana plant that is ready for harvesting. "Mature marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D. (Ref. 28-B MRS § 102(36), 22 MRS § 2422(4-B))

Medical Marijuana Cardholder – Means a person who has been issued and possesses a valid registry identification card from the Department (Ref. 22 MRS § 2422(1))

Medical Marijuana Caregiver - Means a person or an assistant of that person that provides care for a qualifying patient in accordance with 22 MRS § 2423-A(2).

Medical Marijuana Collective - Means an association, cooperative, affiliation or group of caregivers who physically assist each other in the act of cultivation, processing, or distribution of marijuana for medical use for the benefit of the members of the collective. (Ref. 22 MRS § 2422(1-A))

Medical Marijuana Dispensary (Dispensary) - Means an entity registered by the Department that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana plants or harvested marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients. (Ref. 22 MRS § 2422(6))

Medical Marijuana Registered Caregiver – Means a medical marijuana caregiver who is registered with the Department pursuant to 22 MRS § 2425-A.

Medical Marijuana Registered Patient – Means a person who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of marijuana and is registered by the Department in accordance with 22 MRS § 2423-B. (Ref 22 MRS § 2422(9)).

Medical Marijuana Use (Medical Use) - Means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification from the Department. (Ref. 22 MRS § 2422(5))

Operator – Means the person licensed or registered by the Department who is responsible for the operation of the marijuana establishment.

Permitting Authority – Means either the Town of Shirley Planning Board or the Code Enforcement Officer pursuant to this Ordinance.

Planning Board - Means the Town of Shirley Planning Board.

Section 5. Administration and Enforcement

- a. **Administration.** This Ordinance shall be administered through the provisions of the Land Use Ordinance. Specific application requirements, standards of review, and other requirements pertinent to Marijuana Establishments within this Ordinance shall be added to the Application Requirements and Standards of Approval within the Land Use Ordinance. In case of a conflict, the stricter provision shall apply.
- b. **Permits Required**
 - 1) The applicant must have all state approvals before applying to the town for license approval.
 - 2) A Conditional Use Permit from the Planning Board is required prior to the establishment, expansion (including the addition of another type of marijuana establishment), relocation, change in ownership, or change of use of any Marijuana Establishment.
 - 3) Notwithstanding Section 5.b.1) above, a permit from the Code Enforcement Officer is required prior to the establishment, expansion, relocation, change in ownership, or change of use of a Tier 1 Cultivation Facility or a Tier 1 Manufacturing Facility that meets the definition of a Home Occupation.
- c. All Marijuana Establishments shall meet all State of Maine laws, regulations, and requirements, and all state and federal electrical and fire codes.
- d. **Public Notice Requirements.** In addition to other public notification requirements, the Town shall notify the Greenville Fire Department, the Piscataquis County Sheriff's Department, and the Maine Department of Administrative and Financial Services, Office of Marijuana Policy and any other applicable state agency prior to any public hearing on any application.
- e. **Inspections.** Marijuana Establishments are subject to random inspections by the Local Code Enforcement Officer, Fire Department, and Sheriff's Department to ensure compliance with health and safety regulations, zoning, and permit conditions. Each permittee, by accepting this permit, consents to the entry upon the permitted premises by such officials.

Section 6. Application Requirements. All applications for a Marijuana Establishment shall be submitted to the Code Enforcement Officer on the prescribed application form, with the application fee, and must include the following information:

- a. **Demonstration of possession or entitlement to possession** of the proposed premises of the Marijuana Establishment pursuant to a lease, rental agreement, or other arrangement for possession of the premises or by virtue of ownership of the premises.
- b. **Description of the Marijuana Establishment.** The description shall include:
 - 1) A general description of the establishment including the type(s) of establishment(s) (e.g., use, dispensary, cultivation tier, manufacturing tier, store tier, etc.).

- 2) A description of co-location of different types of establishments, and any establishments that will be on a residential lot and/or operated as a home occupation, as applicable.
 - 3) A description of all marijuana and marijuana-related products associated with the marijuana establishment.
 - 4) A list of all pesticides, fungicides, insecticides, fertilizers, solvents, chemicals, or potentially hazardous substances to be used.
- c. Evidence of state and other required approvals.**
- 1) Copies of all applications and approvals for Conditional Licenses for all Adult Use marijuana establishments, as required in the rules adopted pursuant to 28-B MRS §§ 101 *et seq.*.
 - 2) Copies of all applications and evidence of state approvals for all Medical Marijuana establishments, including copies of valid Individual Identification Cards and Registry Identification Cards as required in the rules adopted pursuant to 22 MRS §§ 2421 *et seq.*.
 - a) Medical Marijuana Registered Caregivers and other applicants submitting applications and supporting information that is confidential under 22 MRS § 2425-A(12) and the Maine Freedom of Access Act, Title 1, chapter 13, shall mark such information as confidential.
 - b) An individual who possesses a valid Maine medical marijuana registered caregiver registry identification card need not identify him/herself in an application for a permit. The medical marijuana cardholder must identify him/herself and provide the relevant cards to the Code Enforcement Officer for examination, but the identity of the cardholder shall not be a public record and the Code Enforcement Officer shall not share the identity of the cardholder, except as necessary by law in the performance of his/her duties. At the time of application, the cardholder may appoint a representative to appear before the Planning Board on his/her behalf. Advertisements for any public hearing shall contain the location of the proposed Marijuana Establishment and the identity of the owner of the real estate and the identity of the designated representative. The Code Enforcement Officer may certify to the Planning Board that the applicant meets the necessary legal requirements as a cardholder(s).
 - 3) Evidence that all state laws and regulations will be adhered to, including state and federal electrical codes.
- d. Maps, drawn to scale with distances and dimensions labeled, as follows:**
- 1) Location Map at a legible scale depicting the subject property lines and the property lines of other properties containing any: existing marijuana establishments; residences, parks, playgrounds, or recreational facilities; public libraries; juvenile or adult halfway houses, correctional facilities, or substance abuse rehabilitation treatment centers; or licensed day care facilities within 1,000 feet of the subject property measured in accordance with Section 7.c.5). All property lines within 500 feet of the proposed facility shall be displayed on the map.
 - 2) Site Plan(s) at a legible scale showing the configuration of the premises, including public road access and parking, location of ingress and egress to the facility, signage, indoor and outdoor areas of the facility, fencing, and building or structure footprints.

- 3) Facility Layout Diagram(s) at a legible scale displaying the location and dimensions of all areas of the facility to include indoor and outdoor areas used for marijuana cultivation, processing, manufacturing, sales, storage, disposal, etc. These areas and the uses shall be labeled. Cultivation facilities must show the proposed size and layout of cultivation areas, and must depict the total square footage of plant canopy areas.
- e. **Operating Plans**, for the following:
 - 1) Wastewater and waste disposal, including disposal of marijuana and related byproducts
 - 2) Water and water usage
 - 3) Electrical and other utilities
 - 4) Hours of operation, the text and graphics to be used on signage
 - 5) Control of odor emissions, as needed.
 - 6) Control of lighting associated with marijuana cultivation
- f. **Security Plan.**
 - 1). At a minimum, the security plan shall comply with the security requirements set out in 18-691 CMR, Chapter 1, § 3.3 (Security) and provide sufficient detail so that the Town may determine whether the following requirements are met:
 - a) Lighting adequately illuminates entry and exit points
 - b) All doors and windows are lockable
 - c) Fences (if present) meet height and other requirements
 - d) Alarm sensors are present on all entry points and windows and are remotely monitored
 - e) Video cameras are present in all required locations
 - f) Video cameras and storage meet all required specifications
 - g) Points of passage between public access areas and age restricted areas (if any) or limited access areas are lockable and/or monitored whenever people may be present in public access areas
 - h) In age restricted retail areas (if any), lockable and secure display cases or counters of sufficient height to prevent the public from handling marijuana plants, marijuana, or marijuana products without direct supervision of a licensee or employee.
 - 2) All permittees shall adhere to the security plan and submit in writing to the Code Enforcement Officer a revised security plan within 14 days any time a material change is made to security measures.

Section 7. Locational and Proximity Requirements

- a. **Location.** Subject to the requirements of this Ordinance and the Land Use Ordinance, Marijuana Establishments may be located on properties adjacent to Route 15 from the Shirley/Monson Town Line to the Shirley/Greenville Town Line. All other locations in Town are a prohibited use for Marijuana Establishments.
- b. **Permanent Location.** All Marijuana Establishments shall be operated from a permanent location and may not be permitted to operate from a moveable or mobile location.
- c. **Proximity and Setbacks**
 - 1) All Tier 1 Cultivation Facilities must be located at least 500 feet from the lot lines of the following: a) a church, synagogue, or other house of religious worship; b) a public or private school; c) an athletic field, park, playground, or recreational facility; d) a public library; e) a juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation treatment center; or e) a licensed day care facility.

- 2) All other Marijuana Establishments must be located at least 1,000 feet from the lot lines of any of the following: a) a church, synagogue, or other house of religious worship; b) a public or private school; c) an athletic field, park, playground, or recreational facility; d) a public library; e) a juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation treatment center; or f) a licensed day care facility.
- 3) No Marijuana Store or Marijuana Dispensary shall be located within 300 feet of another Marijuana Store or Marijuana Dispensary as measured between the closest points of the storefronts from the main entrance of one to the main entrance of the other by the ordinary course of travel.
- 4) All Tier 2 Manufacturing Facilities and Tier 4 Cultivation Facilities must be located at least 500 feet from the boundaries of any land use district where these uses are prohibited.
- 5) The distances cited in this Ordinance shall be measured between the lot line of the proposed use and the lot lines of the preexisting uses or land use districts listed above at their closest points.

Section 8. Standards and Requirements

- a. **Hours of Operation.** A Marijuana Establishment may be open for business only between the hours of 8:00 a.m. and 8:00 p.m., local prevailing time.
- b. **Signage and Advertising**
 - 1) Signage or advertising associated with a Marijuana Establishment must be located at least 1,000 feet from the property line of a preexisting public or private school or licensed daycare facility, with the exception that signage and advertising for Tier 1 Cultivation Facilities must be located at least 500 feet from the property line of a preexisting public or private school, or licensed daycare facility.
 - 2) Within the Marijuana Establishment premises there shall be at least one legible sign stating that on premise use of marijuana is illegal, open and public consumption is illegal, no one under the age of 21 is allowed, and the use of marijuana may impair a person's ability to drive or operate machinery.
 - 3) There may be no display of marijuana and paraphernalia so as to be clearly visible from the exterior of a Marijuana Establishment.
 - 4) There may be no off-premise signs (permanent or temporary) advertising the Marijuana Establishment.
 - 5) No ads, coupons, signs, promotional materials, or similar shall target people under the age of 21 or non-Maine residents or visitors.
 - 6) Exterior signs must be in compliance with Section I in the Land Use Ordinance for the Town of Shirley.

- c. **Security Measures.** Sufficient and appropriate security measures to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana must be provided at all times. At a minimum, security measures shall comply with the security requirements set out in 18-691 CMR, Chapter 1, § 3.3 (Security) and include the following the following:
 - 1) All Marijuana Establishments shall have lockable doors and windows (where applicable) and shall have intrusion alarms with the audible and law enforcement notification components sending notification directly to or through a second party to the Piscataquis County Sheriff's Department.
 - 2) All outdoor Cultivation Facilities shall be enclosed with secure fencing that prevents unauthorized entrance.
 - 3) Marijuana Establishments shall have video surveillance capable of covering the exterior and interior of the establishment. The video shall be operated with continuous recording 24 hours per day, seven days per week, and such recordings shall be retained for a minimum duration of 45 days and be made available to law enforcement agencies when investigating a criminal complaint.
 - 4) The owner/operator of any Marijuana Establishment shall provide local law enforcement or its designee with the name and functioning telephone number of a 24-hour on-call staff person to whom the Town or local law enforcement may provide notice of any operating problems associated with the Marijuana Establishment.
- d. **On-site Consumption Prohibited.** The consumption, ingestion, or inhalation of marijuana on, or within the premises of a Marijuana Establishment are prohibited.
- e. **Containment**
 - 1) In all areas where allowed, all activities of Marijuana Establishments, including, without limitation, cultivating, growing, processing, displaying, testing, selling, and storage, must be conducted in a secure, indoor or outdoor enclosed area.
- f. **Control of Emissions**
 - 1) Odor management. For all Marijuana Establishments, the odor of marijuana must not be perceptible at the exterior of the building at the premises or at any adjoining use of the property. Marijuana Cultivation Facilities must implement appropriate ventilation and filtration systems to satisfy the odor standard contained herein. Marijuana Stores, Marijuana Manufacturing Facilities, and Marijuana Testing Facilities are not required to install filtration equipment on the licensed premises but must satisfy the same odor standard contained herein. While the Town does not mandate any particular equipment specifications with regard to filtration, all Marijuana Establishments are strongly encouraged to adopt best management practices with regard to implementing state-of-the-art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.
 - 2) Noxious gases and fumes. Marijuana Manufacturing Facilities and Marijuana Testing Facilities shall have appropriate ventilation systems to mitigate noxious gases or other fumes used or created as part of the production.

- 3) Sufficient measures and means of preventing smoke, debris, dust, fluids and other substances from exiting a Marijuana Establishment must be provided at all times.
 - 4) Night-time Lighting for Cultivation. Cultivation establishments, such as those using greenhouses, shall prevent excessive light from illuminating beyond the subject property and into the night sky in accordance with Land Use Ordinance standards and by utilizing a blackout system.
- g. Extraction Using Inherently Hazardous Substances**
- 1) All manufacturing facilities that utilize inherently hazardous substances must be setback a minimum of 500 feet from all adjacent property lines.
 - 2) Extraction with inherently hazardous substances is prohibited in the Town of Shirley.
 - 3) A list of all inherently hazardous substances, including their use and location within the marijuana establishment, shall be provided to the Greenville Fire Department. Any changes to this list shall be reported to the Fire Department.
- h. Disposal Plan.** All Marijuana Establishments shall have in place an operational plan for proper disposal of marijuana and related byproducts in a safe, sanitary, and secure manner and in accordance with all applicable federal, state, and local laws and regulations.
- i. Health and Safety.** No Marijuana Establishment shall adversely affect the health or safety associated with residences or nearby properties through the creation of mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or create a hazardous condition due to activities associated with the marijuana.
- j. Sale of Edible Products.** No food products shall be sold, prepared, produced, or assembled by any Marijuana Establishment except in compliance with all operating and other requirements of state and local law and regulation. Any goods containing marijuana for human consumption shall be stored in a secure area, and all marijuana must be labeled with a list of all chemical additives, such as non-organic pesticides, herbicides, and fertilizers used in the cultivation and production. Any goods containing marijuana for human consumption shall be stored in a secure area.
- k. Drive-Through and Home Delivery.** Marijuana Stores and Marijuana Dispensaries are prohibited from having drive-through pick-up facilities. Marijuana Stores are prohibited from providing home delivery services; provided, however, that Medical Marijuana Registered Caregivers may provide home delivery services.
- l. Mixed Uses.** Marijuana Establishments may include more than one type of establishment (e.g., cultivation facility, manufacturing, and store) as allowed in state law, but in no case shall the combination of uses exceed the maximum floor area or canopy area allowed under state and local law and regulation on an individual parcel of land in the Land Use District where it is located. Circumvention of the intent of this provision is prohibited.
- m. Code Compliance.** All Marijuana Establishments must be in compliance with all state codes applicable to municipalities, including, without limitation, National Electrical Code, Uniform Plumbing Code, and the National Fire Prevention Association (NFPA) Codes and Standards.
- n. Other Laws Remain Applicable.** All Marijuana Establishments 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 Adult Use Marijuana or Medical Marijuana, the stricter law or regulation shall control.

Section 9. Conflict and Severability

- a. If there is a conflict between provisions in this Ordinance, the more stringent shall apply. If there is a conflict between a provision in this Ordinance and that of another Town of Shirley ordinance, the provisions of this Ordinance shall apply.
- b. The invalidity of any part of this Ordinance shall not invalidate any other part of this Ordinance.

Section 10. Effective Date. This Ordinance and any subsequent amendments take effect upon enactment by the legislative body of the Town of Shirley.

Approved at Town Meeting 6/28/2021