

**TOWN OF MANCHESTER
RETAIL MARIJUANA STORES ORDINANCE**

Section 1. Purpose. The purpose of this Ordinance is to provide for and regulate the issuance of local licenses for Retail Marijuana Stores.

Section 2. Authority. This article is adopted pursuant to the authority granted by 28-B M.R.S. § 401(3) and 22 M.R.S. §2929-D.

Section 3. Retail Marijuana Stores. Retail Marijuana Stores are allowed in the Town of Manchester subject to the requirements and restrictions of this Ordinance.

Section 4. License Required.

- a) No person shall establish and operate a Retail Marijuana Store without first having obtained a license to conduct such a business from the Board of Selectman. The provisions of this Article and all applicable statutes adopted by the State of Maine shall apply. The number of active licenses issued under this Ordinance shall be limited to three (3) licenses; if the number of active licenses issued by the Selectman drops below three (3), new applications shall be acted upon on a first come first serve basis.
- b) Existing Retail Marijuana Stores. All existing Retail Marijuana Stores operating with municipal approval as of the date of enactment of this Ordinance may obtain a license notwithstanding the number of authorized licenses outlined in Section 4(a) above. A Retail Marijuana Store that qualifies under this subsection must obtain a license within 6 months from the date of enactment of this Ordinance. A Retail Marijuana Store that qualifies under this subsection that does not obtain a license within 6 months from the date of enactment of this Ordinance will be in violation of this Ordinance and will also be subject to the number of authorized licenses outlined in Section 4(a) above. A Retail Marijuana Store that qualifies under this subsection that receives a license may also renew their license notwithstanding of the number of authorized licenses outlined in Section 4(a) above; however if a license issued under this subsection is not renewed or is otherwise denied or revoked, the Town shall not issue a new license until the number of active licenses falls below the number of authorized licenses outlined in Section 4(a) above.
- c) New Marijuana Retail Stores. The Town shall not issue any licenses to new Retail Marijuana Stores that were not operating with municipal approval as of the date of enactment of this Ordinance until 6 months from the date of enactment of this Ordinance. If the number of active licenses at that time exceeds the number of authorized licenses outlined in Section 4(a) above, the Town shall not issue any new licenses until the number of active licenses falls below the number of authorized licenses outlined in Section 4(a) above.

Section 5. License Procedures.

(a) The Board of Selectmen shall license persons to operate Retail Marijuana Stores. Licenses issued under this Section shall be approved at a Board of Selectmen meeting to be held with public notice and public hearing. The term of any license issued under this Section shall be one (1) year from the date of approval.

(b) Each applicant for a new or renewal license shall complete and file an application on a form prescribed by the Board of Selectmen, together with a Two Hundred and Fifty dollar (\$250.00) non-refundable application fee and the annual license fees required by this Ordinance and the following submissions:

1. A copy of the applicant's state license application, if applicable, 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 an Adult Use Marijuana Store or Registered Caregiver Retail Store, including, but not limited to, a state license as defined by this Article, a state retail certificate, documentation of the registered caregiver's valid Maine state issued registry identification card, 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. Evidence of all land use approvals or conditional land use approvals required to operate an Adult Use Marijuana Store or Registered Caregiver Retail Store pursuant to the Manchester Land Use and Development Ordinance, including but not limited to, a construction or use permit, special exception approval, site plan approval, conditional use approval, change of use permit, or certificate of occupancy.
6. Evidence of all other local approvals or conditional approvals required to operate an Adult Use Marijuana Store or Registered Caregiver Retail Store pursuant to the Code of Ordinances, including but not limited to, a food license or a victualer's license.
7. A description of the premises for which the license is sought, including a plan of the premises.

Section 6. License Fees. The annual fee for a Retail Marijuana Store shall be One Hundred dollars (\$100.00)

Section 7. Denial, Suspension or Revocation of license.

(a) A license under this Article shall be denied to the following persons:

(1) A person who fails to meet the requirements of this Ordinance. 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 revoked by the Town 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 license.

(b) The Board of Selectmen may suspend or revoke a license for any violation of this Ordinance or any other applicable building or life safety code requirements. The Town may suspend or revoke a license if the licensee has a state license for an Adult Use Marijuana Store or Registered Caregiver Retail Store suspended or revoked by the state. The licensee shall be entitled to notice and a hearing prior to any suspension or revocation.

Section 8. Termination and Abandonment

(a) Any license holder terminating or abandoning a license granted under this section must file a notice of termination or abandonment with the Town Clerk.

(b) A license which has been terminated or abandoned by the license holder shall be available to new applicants according to the procedure established in Paragraph 5.

Section 9. Transfer of Ownership and Change of Location.

(a) Licenses issued under this Ordinance are not transferable to a new owner. Any change in ownership or change in the officers of any corporation, limited liability company, partnership, or association, as applicable, shall require a new license. A Retail Marijuana Store must obtain a new license within 90 days from a change in ownership or will be in violation of this Ordinance and will also be subject to the number of authorized licenses outlined in Section 4(a) above.

(b) 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 license for that location.

Section 10. Violations and Penalties. Violations of this Ordinance shall be subject to fines as outlined in 30-A M.R.S. § 4452 of a minimum fine of \$100 and a maximum fine of \$2,500. 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 this Ordinance. In any court action, the Town may seek injunctive relief in addition to penalties. The Town shall be entitled to recover its costs of enforcement, including its attorney's fees.

Section 11. Severability.

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

Section 12. Definitions

"Adult Use Marijuana" means the leaves, stems, flowers, or seeds of a cannabis plant (genus cannabis), whether grown or not, and any marijuana product that is manufactured, packaged, distributed, or sold by a marijuana establishment.

"Marijuana" means the leaves, stems, flowers, or seeds of a cannabis plant (genus Cannabis), whether grown or not. "Marijuana" includes cannabis products. "Marijuana" also has the same meaning as cannabis.

"Marijuana Product" means marijuana for use or consumption that has undergone a process whereby the plant material has been transformed into a concentrate, edible, topical, tincture, or other product containing marijuana or marijuana concentrate (including, but not limited to, the resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin) and other ingredients.

"Marijuana Establishment" means a marijuana cultivation facility, marijuana products manufacturing facility, a marijuana testing facility, an adult-use marijuana store licensed by the State of Maine or a Registered Caregiver Retail Store licensed by the State of Maine.

"Adult Use Marijuana Store" means an entity that sells adult use marijuana and marijuana products directly to consumers.

"Medical Marijuana" means Marijuana that is acquired, possessed, cultivated, manufactured, used, delivered, transferred, or transported to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition.

"Registered Caregiver Retail Store" means a facility or location in which a registered medical marijuana caregiver sells marijuana and/or marijuana products to qualifying patients for the patients' medical use through a storefront.

"Retail Marijuana Stores" means Adult Use Marijuana Stores and Registered Caregiver Retail Stores.