

# NORWAY MEDICAL MARIJUANA ORDINANCE

## SECTION 1. TITLE AND AUTHORITY

This Ordinance, the Norway Medical Marijuana Ordinance, herein referred to as the Ordinance, is adopted pursuant to the town's Home Rule Authority as found in 30-A MRSA ss 3001 and the Maine Medical Use of Marijuana Act as found in 22 MRSA Chapter 558-C.

## SECTION 2. PURPOSE

- A. The purpose of this Ordinance is to regulate the location and the manner of operation of Medical Marijuana Cultivation Facilities.

## SECTION 3. SCOPE

- A. No person or entity may locate and/or operate a Medical Marijuana Cultivation Facility without first obtaining all permits and approvals as required by this Ordinance.
- B. This Ordinance does not apply to a caregiver who is growing out of his/her private residence.

## SECTION 4. DEFINITIONS

Caregiver: A person who is designated by a Qualifying Patient and authorized to assist the Qualifying Patient with the cultivation and medical use of Marijuana.

Design Professional: An Engineer that is licensed by the State of Maine.

Knox Box: A small wall mounted safe that holds building keys for emergency services to retrieve in emergency situations.

Medical Marijuana Cultivation Facility: or "Cultivation Facility" means a facility used to cultivate, store, process, and package Medical Marijuana for a Qualifying Patient(s) at a location which is not the caregiver's primary residence.

Qualifying Patient: or “Patient” means a person who has a valid written certification by a medical provider regarding the use of Medical Marijuana.

## **SECTION 5. APPLICATION PROCESS**

- A. The applicant must apply for a Site Plan Review and pay the application fee as per the Site Plan Review Ordinance for the Town of Norway, Maine.
- B. The applicant must demonstrate compliance with the Standards in Section 6 of this Ordinance.
- C. The following materials shall be submitted to the Planning Board for review:
  1. Site Plan Review Application.
  2. Proof of Two-year residency in the state of Maine for any Caregiver.
  3. A site location map of not greater than 1” equals 100’ showing indicating that residences, Day Care Centers, Schools, Houses of Worship, Public Parks, Recreational areas, and proposed location of cultivation facility.
  4. Security measures including exterior lighting and locks to ensure safety and to prevent unauthorized entry into the facility.
- D. The Planning Board will confirm that the standards in Section 6 are met before the Site Plan Application can be accepted as complete.
- E. The Planning Board, after notice and public hearing, shall determine if the performance standards of the Site Plan Review and the Ordinance have been met.

## **SECTION 6. STANDARDS**

The Cultivation Facility must meet the following standards:

- A. The Applicant must follow all State Statutes and Rules.
- B. The proposed facility is prohibited from operating in the Historic District, Downtown District, Rural Villages and Gateway Area as defined in the town’s state approved Comprehensive Plan.
- C. The property line of the proposed facility must be a minimum of 1000’ away from the property line of the following:
  1. A Residence.
  2. A pre-existing Day Care Center.

3. A public or private elementary or secondary school.
  4. A Church, Synagogue, or other house of religious worship.
  5. A public park or public recreational area.
  6. A Cultivation Facility.
- D. The applicant must be a resident of the state of Maine for the past two years.
  - E. The applicant must show proof that he/ she is a registered Caregiver or proof of a registered Caregiver on site.
  - F. The Facility must not exceed 5000 square feet of total floor space.
  - G. Each Caregiver's complete operation cannot exceed 3000 square feet of total floor space.
  - H. Security measures sufficient to discourage theft and unauthorized entrance. This includes adequate exterior lighting and locks to ensure adequate safety and to prevent unauthorized entry into the facility.
  - I. An odor control plan and ventilation plan must be provided by a Design Professional.
  - J. Knox Box(es) must be installed in accordance to Fire Chiefs direction.

## **SECTION 7. INSPECTIONS**

- A. If Building Permits are approved by the Planning Board, the Code Enforcement Officer shall inspect in accordance to the Norway Building Code Ordinance and the state adopted version of the International Building Code.
- B. If a public complaint is made, the Police Department, Fire Chief, and/ or Code Enforcement Officer shall inspect the property for safety and/ or security reasons.
- C. The Code Enforcement Officer and the Fire Chief must inspect the facility annually for public safety after reasonable notice to the facility operator.

## **SECTION 8. ENFORCEMENT AND PENALTIES**

- A. It is a violation of the Ordinance to operate a Cultivation Facility without Municipal approval.

- B. It is a violation of the Ordinance if any of the standards in Section 6 are not followed.
- C. This Ordinance shall be enforced by the Code Enforcement Officer, in conjunction with the Town Select board. In any court action, the town may seek injunctive relief in addition to penalties. If court action is required to enforce this Ordinance, the town may be awarded its enforcement costs, including all reasonable attorney's fees.
- D. Violations of this Ordinance shall be subject to fines of \$100.00 to \$2500.00 per violation. Each day of the violation constitutes a separate violation. Any such fine may be in addition to any suspension or revocation imposed in accordance with the provisions of this Ordinance.

**SECTION 9. SEVERABILITY**

Shall any section or provision of this Ordinance be declared to be invalid by the courts, such decision shall not invalidate any other section or provision of this Ordinance.

**SECTION 10.**

This Ordinance will become effective when enacted by the voters of the Town of Norway at a town meeting.

*Adopted at Special Town Meeting on September 6, 2018*