



**Notice of Public Hearing
Board of Selectmen
Monday, March 27, 2017
7:00 PM
York Public Library**

The York Board of Selectmen will conduct a Public Hearing regarding proposed ordinances to be potentially considered at the May 20, 2017 Special General Referendum as follows:

1. Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs

Printed copies of the proposed ordinances (draft document dated February 28, 2017) are available with the Town Clerk at the Town Hall, and a digital copy is available on the Town's Web page (www.yorkmaine.org).



PUBLIC NOTICE
REGARDING RETAIL MARIJUANA ESTABLISHMENTS AND RETAIL
MARIJUANA SOCIAL CLUBS

On November 8, 2016, a referendum on legislation, titled the Marijuana Legalization Act, was approved by the voters. This law allows for retail sales of marijuana, retail marijuana cultivation, manufacturing and testing facilities, as well as retail marijuana social clubs.

The new law will take effect in early February, 30 days after the Governor proclaims the results. The State then has up to nine months to adopt rules for required state licensing for the retail marijuana establishments and social clubs. Until the State establishes regulations for licensing such establishments, no person can operate a retail marijuana establishment or retail marijuana social club in Maine.

The new law gives municipalities the authority to prohibit retail marijuana establishments and/or retail marijuana social clubs and also authorizes municipalities to regulate their location, operation and licensing.

During the time period when the State is establishing licensing regulations, the Town of York will consider whether to regulate or prohibit such establishments and may enact ordinance amendments pertaining to such regulations.

At this time, and until further notice, the Town will not accept any applications for a business license, building permit, certificate of occupancy, site plan review, conditional use, or any other approval for the operation of any facility, building, or property related to the cultivation, manufacturing, testing, sale or consumption of retail marijuana.

Properties that are currently permitted as retail, manufacturing, or similar operations shall not be permitted to operate as a retail marijuana establishment or retail marijuana social club without the necessary licensing and approvals required by the Marijuana Legalization Act and shall only be permitted by the Town in accordance with future land use regulations concerning retail marijuana establishments and retail marijuana social clubs.

Proposed Ordinance Amendments

to be considered at a

May 2017 Special General Referendum

Amendment

1. Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs

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Amendment #1
*Ordinance Prohibiting Retail Marijuana Establishments and Retail
Marijuana Social Clubs*

Ballot Language: The following language would appear on the ballot:

Article X

The Town hereby ordains amendment to institute an Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs.

Statement of Fact: The purpose of this ordinance is to prohibit the siting and operation of retail marijuana establishments and retail marijuana social clubs in town pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001.

Amendment: Institute an Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs (See Attachment):

Recommended by the Board of Selectmen:

Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs

Section 1. Authority.

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001.

Section 2. Definitions.

For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities; and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442.

Section 3. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs.

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, are expressly prohibited in the Town of York.

Retail marijuana social clubs are expressly prohibited in the Town of York.

No person or organization shall develop or operate a business in the Town of York that engages in retail or wholesale sales of a retail marijuana product, as defined by 7 M.R.S.A. § 2442.

Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C.

Section 4. Effective date; duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 5. Penalties.

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This ordinance shall be enforced by the municipal officers or their designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.

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