



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.



**Notice of Public Hearing
Board of Selectmen
Monday, February 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 Establishing a Moratorium on Retail Marijuana Establishments and Retail Marijuana Social Clubs
2. Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs

Printed copies of the proposed ordinances (draft document dated January 27, 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).

Proposed Ordinance Amendments

to be considered at a

May 2017 Special General Referendum

Amendment

1. Ordinance Establishing a Moratorium on Retail Marijuana Establishments and Retail Marijuana Social Clubs
2. Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs

Draft Amendment to be voted in May 2017

DRAFT – January 27, 2017

Page 1

Amendment #1
*Ordinance Establishing a Moratorium on 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 Establishing a Moratorium on Retail Marijuana Establishments and Retail Marijuana Social Clubs.

Statement of Fact: The purpose of this ordinance is to provide the town with a reasonable amount of time to determine the implications that potential retail marijuana establishments and retail marijuana social clubs might have on the town and to develop reasonable regulations governing their location and operation.

Amendment: Institute an Ordinance Establishing a Moratorium on Retail Marijuana Establishments and Retail Marijuana Social Clubs (See Attachment):

Recommended by the Board of Selectmen:

TOWN OF YORK
ORDINANCE ESTABLISHING A MORATORIUM ON RETAIL MARIJUANA
ESTABLISHMENTS AND RETAIL MARIJUANA SOCIAL CLUBS

WHEREAS, a referendum on legislation titled the Marijuana Legalization Act, codified at 7 M.R.S.A. Chapter 417, was approved by the voters of the State of Maine on November 8, 2016; and

WHEREAS, as enacted by the voters, the Marijuana Legalization Act will authorize the licensure and operation of retail marijuana establishments and retail marijuana social clubs as a regulated program of the State of Maine; and

WHEREAS, the Marijuana Legalization Act allows municipalities to regulate the location, operation and licensing of retail marijuana establishments and retail marijuana social clubs, as well as prohibit the operation of retail marijuana establishments and retail marijuana social clubs, and to adopt and enforce regulations for such uses; and

WHEREAS, operations related to retail marijuana establishments and retail marijuana social clubs raise a number of concerns related to public safety and welfare, including, but not limited to, potential adverse effects on neighborhoods, security of the facilities, and odors that may create a public nuisance or hazard; and

WHEREAS, there has been an increasing number of requests regarding the establishment of facilities for the cultivation of marijuana; and

WHEREAS, the Town's existing ordinances do not provide an adequate mechanism to regulate and control the location and operation of retail marijuana

Draft Amendment to be voted in May 2017

DRAFT – January 27, 2017

Page 3

establishments and retail marijuana social clubs and are inadequate to prevent serious public harm that could be caused by the unregulated development of retail marijuana establishments and retail marijuana social clubs; and

WHEREAS, the Town needs a reasonable amount of time to determine the implications of retail marijuana establishments and retail marijuana social clubs and to develop reasonable regulations governing their location and operation; and

WHEREAS, during the period of this Moratorium, the Town will work on developing appropriate land use regulations concerning retail marijuana establishments and retail marijuana social clubs;

NOW THEREFORE, pursuant to the authority granted to it by 30-A M.R.S. § 4356, be it hereby ordained by the legislative body of the Town of York as follows:

1. DEFINITIONS.

As used in this Ordinance, the following terms have the following meanings as defined in the Marijuana Legalization Act:

“Marijuana”: means cannabis.

“Retail Marijuana Establishments”: a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility or a retail marijuana testing facility.

“Retail Marijuana Cultivation Facility”: an entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.

“Retail Marijuana Products Manufacturing Facility”: an entity licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail

marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.

“Retail Marijuana Social Club”: an entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

“Retail Marijuana Store”: an entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers.

“Retail Marijuana Testing Facility”: an entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.

2. APPLICABILITY AND PURPOSE.

This moratorium shall apply to retail marijuana establishments and retail marijuana social clubs, as defined above, that are proposed to be located within the Town of York on or after the effective date of this Ordinance. Notwithstanding anything to the contrary in 1 M.R.S.A. § 302 or any other law, this Ordinance applies to any application relating to the establishment or operation of a proposed retail marijuana establishment and / or retail marijuana social club, whether or not such application had become a “pending proceeding” as defined in 1 M.R.S.A. § 302 prior to the enactment of this Ordinance. Properties that are currently permitted as retail 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.

Draft Amendment to be voted in May 2017

DRAFT – January 27, 2017

Page 5

3. PROHIBITION.

During the time this Ordinance is in effect, no official, officer, board, body, agency, agent or employee of the Town of York shall accept, process or act upon any application for any approval, including but not limited to a building permit, certificate of occupancy, site plan review, conditional use, or any other approval, received after the effective date of this Ordinance relating to the establishment or operation of a business or operation of a retail marijuana establishment and/or retail marijuana social club. No person shall establish or operate a business or operation of a retail marijuana establishment and/or retail marijuana social club within the Town of York without complying with whatever ordinance amendments the Town may enact as a result of this Ordinance.

4. ENFORCEMENT, VIOLATION AND PENALTIES.

This Ordinance shall be enforced by the Codes Enforcement Officer of the Town of York. Any person who violates Section 3 of this ordinance shall be subject to civil penalties and other remedies as provided in 30-A M.R.S.A. § 4452.

5. EFFECTIVE DATE.

This Ordinance takes effect immediately upon adoption and shall expire on the 180th day thereafter, unless earlier extended by the Board of Selectmen.

6. SEVERABILITY.

Should any section or provision of this Ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.

Amendment #2
*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.

Draft Amendment to be voted in May 2017

DRAFT – January 27, 2017

Page 8

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.

Draft Amendment to be voted in May 2017

DRAFT – January 27, 2017

Page 9