

TOWN OF LUBEC
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, 7 M.R.S.A. Section 2449, Local Licensing, allows municipalities to regulate the location, operation and licensing 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 establishments and retail marijuana social clubs and are inadequate to prevent the potential for serious public harm from the future establishment of retail marijuana establishments and retail marijuana social clubs; and

WHEREAS, the Town needs a reasonable amount of time to study the land use 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; and

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 Lubec 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 Lubec 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 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.

3. PROHIBITION.

During the time this Ordinance is in effect, no official, officer, board, body, agency, agent or employee of the Town of Lubec 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 Lubec that was proposed on or after the effective date of this Ordinance.

4. ENFORCEMENT, VIOLATION AND PENALTIES.

This Ordinance shall be enforced by the Codes Enforcement Officer of the Town of Lubec. 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 Lubec 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.