

# **TOWN OF BROWNVILLE**

## **ADULT USE AND CANNABIS ORDINANCE**

### **Authority**

This Ordinance is enacted pursuant to 28-B M.R.S. § 401; 22 M.R.S. § 2929-D; and Municipal Home Rule Authority, Me. Const., art. VIII, pt.2; and 30-A M.R.S. §3001.

### **Definitions**

Cannabis Establishments means adult use Cannabis stores, Cannabis cultivation facilities, Cannabis products manufacturing facilities, and Cannabis testing facilities as these terms are defined in 28-B M.R.S. §102-A.

Cultivation or Cultivate means the same as in 28-B M.R.S. § 102-A(24), the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of cannabis for use of sale. Cultivation or cultivate does not include manufacturing, testing, or cannabis extraction.

Manufacture or Manufacturing means the same as in 28-B M.R.S. § 102-A(40), the production, blending, infusing, compounding or other preparation of cannabis concentrate and cannabis products, including, but not limited to, cannabis extraction or preparation by means of chemical synthesis. Manufacture or manufacturing does not include cultivation or testing.

Cannabis means the same as in 28-B M.R.S. § 102-A(8), the leaves, stems, flowers and seeds of a cannabis plant, whether growing or not, "Cannabis" includes cannabis concentrate but does not include hemp as defined in T 7 M.R.S. §2231(1-A)(D).

Cannabis Business means a medical cannabis Cultivation area, Manufacturing Facility, Cannabis Testing Facility, Registered Dispensary, or Caregiver Retail Store as these terms are defined in 22 M.R.S. § 2421-A, licensed under this ordinance.

### **Prohibition**

Adult use Cannabis Establishments, including Cannabis stores, Cannabis cultivation facilities, adult use Cannabis products manufacturing facilities, and adult use Cannabis testing facilities, and adult use cannabis social clubs are expressly prohibited in the Town of Brownville.

No person or organization shall develop or operate a Cannabis Establishment that engages in adult use or sales of an adult use cannabis product as defined by 28 M.R.S.A, §102-A(15).

## **Medical Use Cannabis Businesses**

- A. No medical use Cannabis Business shall be located within 500 feet of the property line of a public or private school, licensed day care facility or public park at the time the application is made.
- B. No More than (1) one medical use Cannabis Business license shall be issued per property.
- C. A medical Cannabis Business license will only be issued to a property owner.
- D. Medical Cannabis Businesses may only operate for business between the hours of 8:00am and 8:00pm daily.
- E. All Cannabis Businesses shall be designed and equipped to prevent the detection of cannabis odors from the property line.
- F. The property and building of medical Cannabis Businesses will be inspected yearly by the Code Enforcement Officer.
- G. Medical use Cannabis Businesses shall include the following security measures:
  - a. Security surveillance cameras installed and in operation twenty-four (24) hours a day, seven days a week to monitor all entrances, along with the interior and exterior dispensary or facility, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring on the property. Cameras must have a power backup in case of power outage. All camera recordings must be maintained for thirty (30) days;
  - b. Exterior lighting that illuminates all exterior walls and entrances of the licensed dispensary or facility;
  - c. Deadbolt locks on all exterior doors and locks on all other access points, and;
  - d. The consumption, ingestion or inhalation of medical cannabis on or within the property of a Cannabis Business is prohibited.
- H. Visibility of activities; control of emissions; disposal plan for a medical use Cannabis Business shall be as follows:
  - a. All activities of Cannabis Businesses including, without limitation, cultivation, growing, processing, displaying, selling and storage shall be conducted indoors.
  - b. No cannabis or paraphernalia shall be displayed such that it is visible from the outside of the building(s).
  - c. Sufficient measures and means of preventing smoke, debris, dust, fluids and other substances from existing a Cannabis Business must be always provided. Sufficient measures shall be provided for the proper disposal of such materials, items, and other substances in a safe, sanitary and secure manner and in accordance with all applicable state and local laws and regulations
  - d. All medical use Cannabis Businesses shall have in place an operation plan for proper disposal of cannabis related byproducts
- I. Objectionable Odor Determination
  - a. An Odor will be deemed objectionable and is a public nuisance when the following occurs:

- i. The Odors generated by the medical use Cannabis Business extends beyond the property line
- b. Compliance. No medical use Cannabis Businesses shall be exempt from complying with the odor management standards contained in this Ordinance.
- c. Enforcement. In the event that the Code Enforcement Officer receives as complaint that smells or odors are detectable beyond the property line, the following process shall be used to investigate and remedy the odor problem.
  - i. Within three (3) business days of receiving a complaint, the Code Enforcement Officer shall investigate the property to assess the situation and, if necessary, discuss odor compliance with the business operator, including but not limited to asking the business operator what is being done to mitigate odors. If the Code Enforcement Officer detects odor beyond the property lines, the Code Enforcement Officer shall provide verbal and written warnings to the business operator and instructions to comply with odor management of this ordinance. The Code Enforcement Officer shall require the business operator to remedy the odor problem and come into compliance with the provisions of this ordinance within (5) business days.
  - ii. Failure to comply with the order from the Code Enforcement officer could result in the revocation of the license by the Board of Selectpersons.

#### **License Required:**

- A. License: No person shall establish and operate a medical use Cannabis Business without first having obtained a license to conduct such a business from the Board of Selectpersons. The provisions of this Ordinance and all applicable statutes adopted by the State of Maine shall apply. Licenses issued under this Section shall be approved at a Board of Selectpersons 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. License Application: Each applicant for a new or renewal license shall complete and file an application on a form prescribed by the Board of Selectpersons, together with the annual license fee required by this Ordinance and the following submissions:
  - a. 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.
  - b. Evidence of all state approvals or conditional approvals required to operate the medical Cannabis Business.
  - c. 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.

- d. 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.
- e. Evidence of any other local approvals or conditional approvals required to operate a medical Cannabis Business pursuant to the Town's Ordinances.
- f. A description of the premises for which the license is sought, including a plan of the premises.

C. Fee: Inspection and permitting fees for medical Cannabis Business shall be. \$500.00 for the initial one (1) year permit, and \$250.00 for each annual renewal permit.

D. Denial: A license under this Article shall be denied to the following persons:

- a. 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.
- b. A person who has had a cannabis-related license revoked by the Town of by the State.
- c. An applicant who has not acquired all necessary state approvals and other required local approvals prior to the issuance of a license.

E. Revocation: The Board of Selectpersons 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 cannabis-related license suspended or revoked by the state. The licensee shall be entitled to notice and a hearing prior to any suspension or revocation.

F. Transfer of Ownership:

- a. Licenses issued under this Ordinance are not transferable to a new owner. Any change in ownership or in the officers of a corporation, limited liability company, partnership, or association, as applicable, shall require a new license. A medical Cannabis Business must obtain a new license within ninety (90) days from a change in ownership or will be in violation of this Ordinance.
- 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 prior to moving to that location or within thirty (30) days or will be in violation of this Ordinance.

### **Violations and Penalties:**

This Ordinance shall be enforced by the Code Enforcement Officer.

Any person who violates any of the provisions of this Ordinance shall be subject to civil penalties of a minimum amount of \$100 and the maximum amount of \$2,500 as outlined in 30-A M.R.S. § 4452. Each day a violation exists 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. In any court action, the Town may seek injunctive relief in addition to penalties and shall be entitled to recover its costs of enforcement, including its attorney's fees.

This ordinance shall take effect upon its adoption and publication as required by law. Approval of this ordinance replaces previous ordinance for Adult Use and Medical Cannabis Ordinance adopted on 9/2/2020 and revised on 8/30/21.

### **Authorization to Execute**

The Town Manager of Brownville and his/her agents is authorized to execute, and the Town Clerk is authorized to attest to the Order on Behalf of the Brownville Board of Selectpersons.

### **Effective Date:**

This ordinance shall become effective immediately upon its approval

PASSED, APPROVED AND RESOLVED by the Town of Brownville on this day

29<sup>th</sup> / December 2025

Attest:  Town Clerk

