

# Town of Greenwood

## Adult Use Cannabis Cultivation Facilities Ordinance

### Purpose and authority

The purpose of this Ordinance is to allow and regulate the licensing and operation of Adult Use Cannabis Cultivation Facilities within the Town of Greenwood, as authorized by the Cannabis Legalization Act, 28-B M.R.S. § 101 et seq., including all regulations or amendments thereto. The Town reserves the right for additional siting and license requirements pursuant to Municipal Home Rule Authority and 30-A M.R.S. § 3001 et seq.

### Definitions

As used in this Ordinance, the following terms shall have the meanings indicated:

- A. **Adult Use Cannabis Cultivation Facility or Cultivation Facility**: A facility licensed by the State of Maine to purchase cannabis plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use cannabis; to sell adult use cannabis to products manufacturing facilities, to cannabis stores and to other cultivation facilities; and to sell cannabis plants and seeds to other cultivation facilities and immature cannabis plants and seedlings to cannabis stores.
- B. **License**: An annual business license issued by the Greenwood Board of Selectmen authorizing an applicant to operate an Adult Use Cannabis Cultivation Facility.
- C. **Lock Box**: A small wall mounted safe that holds building keys for emergency services to retrieve in emergency situations.
- D. **Town**: Means Town of Greenwood.

### **New or Existing Building requirements.**

#### A. **Planning Board review.**

The Greenwood Planning Board shall review all applications for site plan review for the construction of a new Adult Use Cannabis Cultivation Facility or permission for the change of use of an existing building to an Adult Use Cannabis Cultivation Facility. None of these new facilities will be permitted in the Shoreland Zone as defined in the Town's Shoreland Zoning Ordinance and no variances will be given to allow these

facilities to be permitted in the Shoreland Zone. Any Commercial buildings within the Shoreland Zone, prior to the date of this ordinance are exempt from not being allowed in the Shoreland Zone but are subject to the nonconformance provision in the Shoreland Zoning Ordinance.

**B. Signage.**

All signage shall meet the requirements of the Site Plan Ordinance in the Town of Greenwood per and the signage provisions in the Cannabis Legalization Act in 28-B M.R.S. § 702, and may not use a pictorial representation of any portion of a cannabis plant, products, or by-products associated with an Adult Use Cultivation Facility.

**C. Security.**

Security requirements for an Adult Use Cultivation Facility shall include:

1. Lockable doors and windows to include intrusion alarms with audible notification components sending notification directly to the owner or through a second party to the Oxford County Sheriff's Department or other Maine law enforcement agency.
2. Video surveillance capable of covering the exterior of the facility, interior, and all plants cultivated within the facility. The video surveillance system shall be operated with continuous recording 24 hours per day, seven days per week, and such records of surveillance shall be retained for a minimum duration of 30 days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.
3. Exterior lighting in compliance with Town ordinance and State laws.
4. Security requirement for outdoor growing facilities shall meet the state requirements for fencing and security.
5. Lock Boxes installed to allow access for Emergency Personnel

**D. Permanent location.** Each Cultivation Facility shall be operated from a permanent location. No Cultivation Facility shall be permitted to operate from a movable, mobile, or transitory location.

**E. Ventilation.** Any indoor operation of a Cultivation Facility shall meet the minimum state requirements for ventilation.

**F. Odors.** The applicant must submit an odor control plan.

For all cannabis establishments, the odor of cannabis must not be detected offsite, i.e., must not be detected perceptible at the exterior of the building at the premises or at any adjoining use of the property that are not under the custody or control of the establishment.

To prevent and control cannabis odors, an odor control plan shall be submitted as part of the site plan application describing the odor(s) originating or anticipated to originate at the premises and the control technologies to be used to prevent such odor(s) from leaving the premises. The odor control plan shall, at a minimum, include the following:

- a. A facility floor plan that identifies the locations of all odor-emitting activities and sources. The plan shall also identify the location of doors, windows, vents, HVAC systems, odor control systems, and other relevant information.
- b. A list of specific odor-emitting activities and sources, and a description of the processes that will take place at the facility, including, but not limited to, vegetative flowering, processing, and storage.

The Planning Board will review the plan for compliance with the odor standards in the Greenwood Site Plan Review Ordinance § 1-601.2(T).

### **License application.**

A person seeking a license or renewal of a license issued pursuant to this Ordinance shall submit an application to the Town Clerk on approved forms provided by the Town.

Pursuant to 28-B M.R.S.A. § 402, an applicant seeking to operate an Adult Use Cannabis Cultivation Facility may not submit an application for a license unless the applicant has been issued a conditional license by the State of Maine to operate the Cultivation Facility.

- A. The applicant shall present one of the following forms of identification upon submission of an application to operate a Cultivation Facility:
  1. A valid motor vehicle operator's license.
  2. A current identification card.
  3. A United States military identification card.

4. A valid passport or Nexus card.
- B. The applicant shall provide the following information for all persons having a ten percent financial interest or more in the Cultivation Facility.
1. Name, address, and date of birth.
  2. Acknowledgment and consent that the State of Maine has conducted a Permit required background investigation, including a criminal history check.
- C. The applicant shall provide sufficient documentation to demonstrate ownership of the proposed licensed premises or possession or entitlement to possession of the premises pursuant to a lease, rental agreement, or other arrangement.

**License Required.**

Any person operating an Adult Use Cultivation Facility within the Town must obtain an annual license which shall be reviewed pursuant to the requirements set forth in this Ordinance, as well as the criteria and regulations as set forth in the Cannabis Legalization Act, including all regulations or amendments thereto. Issuance of a conditional license by the State shall be considered evidence of compliance with State requirements.

All licenses for an Adult Use Cultivation Facility shall require review and approval by the Greenwood Town Selectmen. The Board of Selectmen will only consider applications which have received a conditional license from the State of Maine, if applicable.

- A. Licenses will only be issued for an Adult Use Cultivation Facility that is located no less than 1,000 feet from the property line of a pre-existing private or public school, state licensed day care center, public athletic field, playground, recreational facility, or Town designated Drug Free Zone.
- B. The Cultivation Facility must not exceed 25,000 square feet of total footprint and is limited to two floors.
- C. Security measures sufficient to discourage theft and unauthorized entrance. This includes adequate exterior lighting and locks to ensure adequate safety. Lock box must be installed in accordance with the Fire Chief's direction.
- D. Interior and Exterior Electrical cutoff switches must be installed.

- E. Licenses shall be kept current at all times.
- F. Licenses are valid for one (1) year.
- G. Applicant must be at least twenty-one (21) years of age.
- H. Licenses shall be posted in a conspicuous location at the Adult Use Cultivation Facility.
- I. Adult Use Cultivation Facility Licenses are not transferable. A transfer in ownership interest or change in the officers of an owner of greater than 50% of the ownership interest or officers shall require a new license. 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 require a new license for that location.
- J. Upon receipt of an application for a new license or renewal, the Board of Selectmen shall review the application for approval within forty-five (45) days after receipt of the completed application.
- K. Incomplete, false, or misleading applications will not be processed.
- L. Initial and Renewal license fees charged under this ordinance will be in accordance with the Town of Greenwood fee schedule. All fees are non-refundable and due upon receipt of the approved application.
- M. Renewal applications must be submitted at least 45 days prior to the date of expiration of the annual license. An application for the renewal of an expired license shall be treated as a new license application.

### **Suspension or revocation of a license**

- A. After notice and hearing, the Board of Selectmen may suspend, revoke, or refuse to renew a license for a Cultivation Facility for failing to comply with this Ordinance and/or Title 28-B. In suspending, revoking, or refusing to renew a license for a Cultivation Facility, the Board of Selectmen may take into consideration:
  - 1. The number and types of complaints law enforcement received, investigated, and substantiated.
  - 2. Failing to correct or abate any violation that the Code Enforcement Officer is authorized to enforce.

3. Town Code violations must be corrected within 30 days and approved by the Town Codes Officer.

### **Appeals.**

Any appeal of a decision of the Selectmen to issue, issue with conditions, deny, or revoke a license shall be to the Superior Court in accordance with the requirements of Rule 80B of the Maine Rules of Civil Procedure.

### **Regulations.**

Regulations pertaining to this Ordinance shall comply with Title 28-B, including all regulations or amendments thereto.

### **Right of access.**

Every operator of a Cultivation Facility shall allow law enforcement and code enforcement officers to enter the premises at reasonable times for substantiating compliance with this Ordinance.

### **Indemnification.**

Compliance with state law required. In the event the State of Maine adopts any additional or stricter laws or regulations governing adult use cannabis cultivation facilities, compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any permit under this Ordinance. Furthermore, any noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any permit issued hereunder.

By accepting a license issued pursuant to this Ordinance, the licensee waives and releases the Town, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of any Adult Use Cannabis Cultivation Facility and/or Cultivation Facility owners, employees, clients, or customers for a violation of local, state, or federal laws, rules, or regulations.

By accepting a license issued pursuant to this Ordinance, all licensees, jointly and severally if more than one (1), agree to indemnify, defend and hold

harmless the Town, its officers, elected and appointed officials, employees, attorneys, agents, and insurers against all liability, claims and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of permitted Adult Use Cannabis Cultivation Facility.

**Amendments.**

This Ordinance may be amended by the Town after proper notice and Town Meeting. Amendments shall take effect immediately upon approval by town meeting vote and remain in effect until further amended or repealed.

**Enforcement; violations and penalties.**

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

**Severability.**

If any provision of this Ordinance is determined invalid by a court of competent jurisdiction, such determination shall not render invalid the remaining portions of the Ordinance.

**When effective.**

For the purposes of licensing a Cultivation Facility, this Ordinance becomes effective immediately upon approval by Town vote.

**Approved at the Annual Town Meeting May 18, 2024**

