

Town of Livermore Falls, Maine

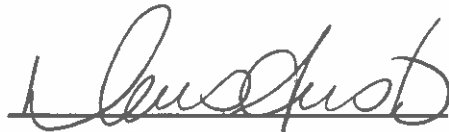
Cannabis Ordinance

Adopted: November 2, 2021

Amended: April 28, 2026

Certified by:

Town Clerk



Affix Town Seal:



Table of Contents

Article 1 Title	3
Article 2 Purpose and Applicability	3
Article 3 Authority	3
Article 4 Definitions	3
Article 5 Application and Compliance Adult Use	8
Article 6 Application and Compliance Medical Use	9
Article 7 Effective Date	10
Article 8 Validity and Severability	10
Article 9 License Application	10
Article 10 License Application Appeals	11
Article 11 Investigation of Applicant, Officers, Etc,	12
Article 12 Action and Application	12
Article 13 Performance Standards	12
Article 14 Miscellaneous	15
Article 15 Standards for License Denial or Revocation	16
Article 16 License Renewal	16
Article 17 Violations; Penalties	17
Article 18 Appeals of Code Enforcement Officer Decisions	18
Article 19 Amendments	18

Article 1: Title

This ordinance shall be known and cited as the "Town of Livermore Falls **"Cannabis Ordinance"** and will be referred to herein as "the Ordinance".

Article 2: Purpose and Applicability

- A. The purpose of this Ordinance is to provide for and regulate the annual issuance of local licenses for Adult Use and Medical Use Cannabis Businesses as further defined in this Ordinance, to promote the health, safety, and general welfare of the citizens of the Town of Livermore Falls.
- B. This Ordinance prescribes definitions of Adult Use and Medical Use Cannabis Businesses, provides operating standards for Adult Use and Medical Use Cannabis Businesses, and regulates the location at which Adult Use and Medical Use Cannabis Businesses may operate.
- C. Notwithstanding this Ordinance, personal cultivation of cannabis for personal Adult Use is permitted, provided that it is in compliance with all applicable provisions of 28-B M.R.S., Ch. 3, as may be amended.

Notwithstanding this Ordinance, personal cultivation of cannabis by a qualifying patient for medical use is permitted, provided that it is in compliance with all applicable provisions of 22 M.R.S. § 2423-A, as may be amended.

- D. Notwithstanding any other provision to the contrary, operation of a Small-Scale Medical Use Cannabis Operation, as that term is defined in this Ordinance is permitted, provided that it is in compliance with all applicable provisions of 22 M.R.S. 2423-A, as may be amended.
- E. Notwithstanding any other provision to the contrary, this Ordinance does not authorize the establishment of a Registered Dispensary, as that term is defined in this Ordinance, in the Town of Livermore Falls.

Article 3: Authority

This Ordinance is enacted consistent with the Town's home rule authority and statutory authority pursuant to 22 M.R.S. § 2429-D, and 28-B M.R.S. § 401, as may be amended or recodified.

Article 4: Definitions

For the purposes of this Ordinance, the following terms will have the following definitions:

Adult Use Cannabis Business. "Adult Use Cannabis Business" means an Adult Use Cannabis Retail Business, Adult Use Cannabis Cultivation Facility, or Adult Use Cannabis Manufacturing Facility.

Adult Use Cannabis Cultivation Facility: “Adult Use Cannabis Cultivation Facility” means a “cannabis cultivation facility” / cultivation cannabis establishment as defined and regulated under 28-B M.R.S. and rules of the Maine Office of Cannabis Policy, as may be amended.

Adult Use Cannabis Manufacturing Facility: “Adult Use Cannabis Manufacturing Facility” means a “cannabis manufacturing facility” / manufacturing cannabis establishment as defined and regulated under 28-B M.R.S. and rules of the Maine Office of Cannabis Policy, as may be amended.

Adult Use Cannabis Retail Business. “Adult Use Cannabis Retail Business” means a retail cannabis store licensed by the State of Maine under 28-B M.R.S. and regulated by the Maine Office of Cannabis Policy, as may be amended.

Applicant. "Applicant" means a person that submits an application for a license under this Ordinance to the Town for review that the Town has not yet approved or denied.

Cannabis. "Cannabis" means 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 Title 7, section 2231, subsection 1-A, paragraph D or a cannabis product.

Cannabis concentrate. "Cannabis concentrate" means the resin extracted from any part of a cannabis plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish. "Cannabis concentrate" does not include resin extracted from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D. In determining the weight of cannabis concentrate in a cannabis product, the weight of any other ingredient combined with cannabis or cannabis concentrate to prepare the cannabis product may not be included.

Cannabis Business. “Cannabis Business” means either an Adult Use Cannabis Business, or a Medical Use Cannabis Business.

Cannabis Legalization Act. "Cannabis Legalization Act" means the laws governing adult use of cannabis under Title 28-B, chapter 1.

Cannabis paraphernalia. "Cannabis paraphernalia" means equipment, products, devices and materials that are used for planting, propagating, cultivating, harvesting, processing, preparing, testing, packaging or storing Adult Use cannabis or used for ingesting, inhaling or otherwise consuming Adult Use cannabis. "Cannabis paraphernalia" includes, but is not limited to:

- A. Kits used for planting, propagating, cultivating or harvesting a cannabis plant;
- B. Isomerization devices used for adjusting the potency of a cannabis plant;
- C. Testing equipment used for identifying or analyzing the potency, effectiveness or purity of a cannabis plant or cannabis;
- D. Scales and balances used for weighing or measuring cannabis. All scales and measuring equipment must be annually certified by weights and measures;
- E. Separation gins and sifters used for removing twigs and seeds from, or in otherwise cleaning or refining, cannabis;

- F. Envelopes and other containers used for packaging small quantities of cannabis for Adult Use; [
- G. Containers and other objects used for storing cannabis;
- H. Rolling papers, cigarette papers or wraps used for rolling cannabis for smoking;
- I. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, chillums or punctured metal bowls used for smoking cannabis; and
- J. Electronic smoking devices used for simulating the smoking of cannabis or cannabis products through the inhalation of vapor or aerosol from the device.

Cannabis plant. "Cannabis plant" means all species of the plant genus *Cannabis sativa* L., including, but not limited to, a mother plant, a mature cannabis plant, an immature cannabis plant or a seedling. "Cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

Cannabis product. "Cannabis product" means a product composed of cannabis or cannabis concentrate and other ingredients that is intended for use or consumption. "Cannabis product" includes, but is not limited to, an edible cannabis product, a cannabis ointment and a cannabis tincture. "Cannabis product" does not include cannabis concentrate or a product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

Caregiver. "Caregiver" has the same meaning as in Title 22, section 2421-A, subsection 11.

Caregiver retail store. "Caregiver retail store" has the same meaning as in Title 22, 2421-A, subsection 12.

Direct or indirect financial interest. "Direct or indirect financial interest" means any interest in a sole proprietorship or business entity that is applying for or holds a Cannabis Business license, including:

- A. Proprietors, partners, shareholders, persons with membership interests and persons with any other equity ownership interests, such as purchase warrants or options, whether whole or partial. If the equity owner is a business entity, all business entities and natural persons that have an aggregate ownership interest in that equity owner business entity of 5% or more are deemed to be indirect financial interests of the applicant or licensee;
- B. Any employee, independent contractor, professional or other person who has an agreement with the applicant or licensee that provides for the person's attaining any form of equity ownership, except that employee equity ownership vested pursuant to an employee stock ownership program is governed by paragraph D. If the other equity owner is a business entity, all business entities and natural persons that have an aggregate ownership interest in that other equity owner business entity of 5% or more are deemed to be indirect financial interests of the applicant or licensee;
- C. All persons who expect to receive financial payment in the form of royalty payments, profit sharing, revenue sharing or similar payment, such as, but not limited to, royalty license partners, parties to a profit-sharing agreement, capital investors and management contractors or consultants. If the non-owner interest is a business entity, all business

entities and natural persons that have an aggregate ownership interest in that non-owner interest business entity of 5% or more are deemed to be indirect financial interest holders of the applicant or licensee; and

D. Any shares designated solely for inclusion in a portion of shares reserved for employees of the applicant or licensee for the purpose of vesting an equity ownership interest in an employee or employees of the licensee. A licensee offering an employee stock ownership program must designate a percentage of equity ownership interests for the employee stock ownership program and must report annually the identity of any person holding an equity interest in the licensee through the employee stock ownership program.

Disqualifying drug offense. "Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more, except that "disqualifying drug offense" does not include:

A. An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 5 or more years prior to the submission of an application for a license under this chapter; or

B. An offense that consisted of conduct that would be authorized under this Title or that, if the person convicted of the offense had been acting under the authority of a license pursuant to this Title, would have been authorized under this Title.

Grandfathered license.

An active, approved medical cannabis retail business lawfully operating within the Town of Livermore Falls at the time of adoption of this Ordinance may continue to operate at its existing licensed location, subject to the provisions of this Ordinance and all applicable state and local laws. A grandfathered license applies only to the specific business location in existence at the time of adoption and is not transferable to another location within the Town. Upon a bona fide sale or transfer of ownership of a grandfathered location, the new owner shall obtain all required state and local licenses and approvals, including site plan approval, prior to commencing operation. The transfer of ownership does not authorize operation without required approvals. If the new owner fails to obtain all required state and local licenses and approvals within six (6) months of the date of sale, the location shall lose grandfathered status.

Intoxication. "Intoxication" means a substantial impairment of an individual's mental or physical faculties as a result of drug or alcohol use.

Law enforcement officer. "Law enforcement officer" has the same meaning as in Title 17-A, section 2, subsection 17.

Licensed premises. "Licensed premises" means the premises specified in a license to operate a Cannabis Business.

Licensee. "Licensee" means a person licensed pursuant to this chapter to operate a Cannabis Business.

Maine Medical Use of Cannabis Act. "Maine Medical Use of Cannabis Act" means the program established in Title 22, chapter 558-C.

Medical Use Cannabis Retail Store. "Medical Use Cannabis Retail Store" has the same meaning the definition of "caregiver retail store" in Title 22, section 2421-A, subsection 12.

Medical Use Cannabis Manufacturing Facility. "Medical Use Cannabis Manufacturing Facility" has the same meaning the definition of "manufacturing facility" in Title 22, section 2421-A, subsection 27.

Medical use. "Medical use" means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of cannabis or cannabis paraphernalia relating to the administration of cannabis to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification pursuant to the Maine Medical use of Cannabis Act.

Medical Use Cannabis Business. "Medical Use Cannabis Business" means a "medical use cannabis caregiver retail store," or a "medical use cannabis manufacturing facility." The term "Medical Use Cannabis Business" does not include a "Registered Dispensary" or a "Small-Scale Medical Use Cannabis Caregiver Operation."

Person. "Person" means a natural person or a business entity.

Qualifying patient. "Qualifying patient" means a person who possesses a valid certification for the medical use of cannabis pursuant to Title 22, section 2423-B.

Registered caregiver. "Registered caregiver" has the same meaning as in Title 22, section 2421-A, subsection 40.

Registered dispensary. "Registered dispensary" has the same meaning as in Title 22, section 2421-A, subsection 41.

Small-Scale Medical Use Cannabis Caregiver Operation. "Small-Scale Medical Use Cannabis Caregiver Operation" means a commercial or noncommercial use by a medical cannabis registered caregiver who sells or dispenses cannabis solely out of the caregiver's residential dwelling or accessory structure to no more than five individual qualified patients in any one calendar month; does not process or manufacture cannabis using chemicals or solvents; and cultivates no more than 30 mature cannabis plants.

Visibly intoxicated. "Visibly intoxicated" means in a state of intoxication accompanied by a perceptible act, a series of acts or the appearance of an individual that clearly demonstrates the state of intoxication.

Written certification. "Written certification" means a document signed by a medical provider and issued to a qualifying patient, or a digital image of that document issued by the medical provider that states that, in the medical provider's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's medical diagnosis or symptoms associated with the medical diagnosis.

Article 5: Application and Compliance Adult Use Retail License:

At the time of adoption of this ordinance, the existing Medical Retail license holders shall receive priority in the below licensing application process. Existing Medical Retail license holders shall not be limited to the number of allowed licenses at their current locations if they meet the criteria below. Existing Medical retail license holders have 6 months from adoption of this ordinance to apply for and submit their application for adult use retail license. In the event that the grandfathered medical license holders do not apply for or obtain an adult use retail license, within the six-month window, the up to two available adult retail licenses will be available for non-grandfathered applicants.

- A. Through the process of attrition, adult Use Cannabis Retail Businesses will be limited to two (2). If there are more than two (2) applicants, the CEO will keep a record of how many others apply, (date time stamped) for 1st come 1st served waiting list. Proof of preliminary approval from the Office of Cannabis Policy must be provided when the site plan review application is submitted to the CEO. The CEO shall REPORT APPLICATIONS TO THE PLANNING BOARD TO BE CAPTURED IN PLANNING BOARD MEETING MINUTES.
- B. Any current Medical Use Cannabis Business, at the time of adoption of this ordinance, that wants to expand their business to include an Adult Use Retail Business within the same property (with a separate storefront entrance) as their medical cannabis business must complete a Site Plan Review Application to give to the Livermore Falls Planning Board, in a manner consistent with all applicable provisions of this Ordinance as well as with all applicable provisions of the Town of Livermore Falls Site Plan Review Ordinance. The existing, grandfathered medical retail cannabis businesses must complete the Site Plan Application and Approval process to receive priority over new business applications until such time as there becomes (through attrition) two (2) approved Adult Use Retail licensed stores in Livermore Falls.
- C. An Adult Use Cannabis retail, manufacturing or cultivation business must be 500 feet from any pre-existing public or private school, children's daycare, recreation field or sports field. An adult Use Cannabis retail, manufacturing or cultivation business must be 500 feet from any religious institution. The distance shall be measured as the shortest, straight line distance from the lot line of the licensed premises to the lot line of the school, religious institution, public park, daycare or library and without regard to the intervening structures or objects. These businesses can only be located on State of Maine numbered routes in the Town of Livermore Falls. For purposes of licensing Adult Use

Cannabis businesses, the CEO shall determine the 500-foot buffer by measuring the shortest straight-line distance from property line to property line using tax maps, parcel maps, assessor's records, or a physical field measurement. If the Town later finds that this measurement relied on incorrect or incomplete information, the CEO may re-verify and enforce the correct distance.

D. All cannabis businesses operating or intending to operate within the bounds of Livermore Falls shall bear the responsibility for complying with all state statutes. No Adult Use Cannabis Business may operate within the Town of Livermore Falls without:

1. An approved State Cannabis license;
2. An approved Site Plan Review Application from the Livermore Falls Planning Board; and
3. A Cannabis license from Town of Livermore Falls.

Adult Use licensees shall bear the responsibility of following Maine Title 28-B.

Article 6: Application and Compliance Medical Use:

Beginning on the effective date of this Ordinance, no registered caregiver or other individual or entity may establish or otherwise begin to operate a Medical Use Cannabis Business. The preexisting, grandfathered licenses, is the maximum number for the Town. Henceforth, through attrition, Medical cannabis business shall be limited to no more than four (4) within the boundaries of Livermore Falls. The current Medical Cannabis businesses will be grandfathered and can continue doing business at their location. These businesses can include retail, manufacturing and cultivation

- A. In the event that a grandfathered medical cannabis business is sold, the seller is prohibited for a period of one year from applying for a license at a new location. Additionally, the new owner shall obtain all required state and local licenses and approvals prior to commencing operation. Failure to obtain such approvals within six (6) months of the date of sale shall result in loss of grandfathered status for the location.
- B. All Medical Use Cannabis Businesses operating or intending to operate within the bounds of Livermore Falls shall bear the responsibility for complying with all state statute. No Medical Use Cannabis Business may operate within the Town of Livermore Falls without:

1. An approved State Cannabis license;

2. An approved Site Plan Review Application from the Livermore Falls Planning Board; and
3. A Cannabis license from Town of Livermore Falls.

C. This Ordinance may not be construed to limit any privileges or rights of a qualifying patient or registered caregiver as established in 22 M.R.S. § 2421-A, *et seq.* to the extent that such rights or privileges are protected by law.

Article 7: Effective Date

This Ordinance shall be effective upon adoption by a majority vote at a Town Meeting. The adoption of this Ordinance repeals the Town of Livermore Falls Medical Marijuana Establishment Licensing Ordinance, adopted 11.2.2021.

Article 8: Validity and Severability:

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

Article 9: License Application:

An applicant for a Cannabis Business License shall complete a Site Plan Review Application and submit it to the Code Enforcement Officer (CEO) and the Planning Board with the applicable **non-refundable** application fee, as established by the Select Board. The application must contain the following information and/or supporting materials:

- A. A copy of the applicant's caregiver or other registration application to the Maine Office of Cannabis Policy, including all supporting documentation.
- B. Evidence of all State of Maine approvals required to operate a Medical Use or Adult Use Cannabis Business, as applicable.
- C. If not included in the applicant's State of Maine caregiver or other registration application, a description of the form of ownership of the business enterprise together with the attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the Cannabis Business.
- D. If not included in the applicant's caregiver or other registration application, an affidavit that identifies all owners, officers, members, managers, or partners of the applicant.
- E. A release for each applicant and for each officer, owner, member, manager, or partner of the applicant seeking license allowing the Town of Livermore Falls to

- obtain criminal records and other background check information related to the individual.
- F. A statement as to the precise nature of the business with a description of the nature of all products and services offered to its qualifying patients or customers, as well as the category of Cannabis Business that the applicant intends to operate.
 - G. Evidence of all other approvals required to operate the Cannabis Business, including any applicable food or victualer's license needed for a medical or Adult Use cannabis manufacturing facility to produce food products containing cannabis, as required by 22 M.R.S. § 2167, as may be amended.
 - H. Evidence of compliance with the requirements of Article 13 and 14 of this Ordinance has been met.
 - I. The Planning Board and CEO will review the Site Plan Application and the required documents (Article 9: A-H). The CEO may coordinate with any other Town of Livermore Falls employee, agent or independent contractor to carry out any such inspection the CEO deems necessary to determine if the applicant's proposal will be in compliance with Town of Livermore Falls Ordinances.
 - J. Upon approval of the Site Plan Review Application, the Application will be forwarded to the Select Board for informational purposes. The CEO shall issue a local license and shall complete all locally required Office of Cannabis Policy forms for submission.
 - K. License Fee and Costs: Initial license fee and annual renewal fees are non-refundable. Each aspect of the cannabis business has its' own fee schedule. The fees are documented on the Town of Livermore Falls Fee Schedule. This Fee Schedule may be amended at the discretion of the Select Board at any time.
 - L. Incomplete applications shall not be accepted and do not satisfy any submission deadline under this Ordinance.

Article 10. License Application Appeals:

Any party aggrieved by a final licensing decision by the Planning Board may file an appeal Livermore Falls Board of Appeals within 30 days of the date of the written decision. Such appeals shall be heard on an appellate, and not a *de novo*, basis, and the Board of Appeals shall not take any new evidence. Any party aggrieved by a decision of the Board of Appeals may make an appeal to the Superior Court in accordance with Rule 80B, Maine Rules of Civil Procedure.

Article 11: Investigation Of Applicant. Officers, Etc.:

When there is a notice of a change of any individual listed in Article 9(E) of this Ordinance, the Town Clerk of Livermore Falls shall provide copies of these changes to the Planning Board and Code Enforcement Officer.

Article 12: Action on Application:

- A. Public Hearing Required:** Within thirty (30) days of receipt of a Site Plan Review Application, the Town of Livermore Falls Planning Board shall conduct a duly noticed public hearing to provide an opportunity for public comment on the submitted Cannabis Business License application. Notification of the scheduling of this public hearing shall be posted in three (3) conspicuous locations within the town at least seven (7) days prior i.e., newspaper, website, or public signs. At the public hearing, testimony of the applicant and of any interested person shall be heard.
- B. Written Decision.** Within fifteen (15) days of said public hearing, the Town of Livermore Falls Planning Board shall grant or deny the license requested unless the issuance of the license would violate any provision of this Ordinance or other ordinance enacted by the Town of Livermore Falls, or any State of Maine law, or any Planning Board approval or condition of approval. All decisions of the Planning Board shall be produced in writing, explaining the reasons for the decision. A copy of this decision shall be provided to the applicant.
- C. Conditions of Approval.** In granting a license, the Town of Livermore Falls Planning Board may impose any conditions of approval it deems necessary to fulfill the provisions of this Ordinance, state law, or any other ordinance of the Town of Livermore Falls.

Article 13: Performance Standards:

No Cannabis Business License may be granted, and no Cannabis Business may operate, even after issuance of a license, except in compliance with the following performance standards. Such performance standards shall automatically be incorporated into all existing medical cannabis business licenses granted by the Planning Board as conditions of approval.

- A. Cannabis Businesses** shall be open no earlier than 7:00 A.M. and will close no later than 10:00 P.M.
- B. Buffer Zones:** No Cannabis Business shall be located at a distance of less than 500 feet from the property line of a pre-existing public or private Pre-K -12 schools, school related properties to include the Superintendent office and Adult Education

sites, day care center, area youth sports owned complexes, recreation field, or community athletic fields.

- C. Any Cannabis Business, must be a minimum of 500 feet from any other Cannabis Business. Any lawfully licensed Medical Cannabis Business, at the time of adoption of this ordinance, may add Adult Use Cannabis sales at the same location provided the applicant is a current Livermore Falls Medical licensee, however, adult use applicant must be under a different licensee without being required to meet buffer zone requirements applicable to new Adult Use Cannabis Businesses. A separate, clearly marked storefront entrance for Adult Use operations is required. Direct access between Medical and Adult Use is prohibited, i.e. no adjoining doors between stores. However, adult use cannabis retail stores must meet the minimum 500-foot buffer zone from each other. An Adult Use Cannabis Business cannot be located in the same storefront location as a Medical Cannabis Business. For enforcement of required buffer distances, the CEO shall determine the setback using tax maps, parcel maps, assessor's records, or a physical field measurement. If any distance is later found to be based on incorrect or incomplete information, the CEO may re-verify and enforce the correct setback.
- D. **Security:** The licensed Cannabis Business premises shall have lockable doors and windows and shall be served by an alarm system.
- E. All Cannabis Businesses shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous video recording twenty-four (24) hours per day, seven (7) days a week and video shall be retained for a minimum of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint. A licensee must provide requested video footage to the CEO or Police Chief within forty-eight (48) hours of a written or emailed request. Failure to produce footage within this timeframe constitutes a violation subject to suspension or revocation.
- F. The Cannabis Business shall have exterior lighting that illuminates all public entrances and parking areas and includes motion-activated perimeter lighting covering the full perimeter of the building. Lighting must not intrude onto neighboring properties.

Dormancy: A Cannabis Business that ceases doing business for six (6) consecutive months shall have its license revoked. Cessation of business operations shall be determined based on utility usage records, CEO inspections, customer traffic

observations, or other documented evidence demonstrating whether the business was actively operating.

- G. **Ventilation:** All Cannabis Businesses shall have an odor mitigation system installed that has been approved by a Maine licensed engineer, indicating that the system will provide odor control sufficient to ensure no odors are perceptible from any adjoining property line of the licensed premises.
- H. The premises of the Cannabis Business shall comply with all odor and air pollution standards established by statute or ordinance, or as condition of approval by the Planning Board.
- I. No Cannabis Business may generate odors that are perceptible from any adjoining property line of the licensed premises. A violation occurs when cannabis odor is detected by the CEO from an adjoining property line and documented in writing. Odor determination may be made without instruments. All odor mitigation systems must be certified annually by a Maine-licensed engineer.
- J. **Loitering; no use of cannabis on licensed premises:** The licensee shall make adequate provisions to prevent patrons or other persons from loitering on the premises. It shall be the licensee's obligation to ensure that anyone found to be loitering or using cannabis or cannabis products in the parking lot or other outdoor areas of a licensed premise is ordered to leave. For purposes of this Ordinance, 'loitering' means remaining in the parking area or exterior premises for more than ten (10) minutes after completing a transaction or without a legitimate business purpose
- K. **Signs, Advertising and Marketing:** All signs, advertising and marketing shall comply with Title 28-B, Chapter 1, Subchapter 7, §702.
- L. **Compliance with requirements of Maine State and local law(s):** All Cannabis Businesses shall meet all operating and other requirements of all applicable state laws and regulations and town ordinances. To the extent the State of Maine has adopted or adopts in the future any law or regulation governing registered caregivers or medical or Adult Use cannabis businesses that conflicts in any way with the provisions of this Ordinance, the more restrictive law or regulation shall control.
- M. All Cannabis Businesses shall allow law enforcement officers, fire protection officials, health officers or the Code Enforcement Officer to enter the licensed premises at

reasonable times for the purpose of checking compliance with all applicable State laws and this Ordinance. All licensed premises managers for any Cannabis Business shall submit emergency contact information to the Livermore Falls Police Department at the time of licensure and shall update it as appropriate during the term of the License.

Article 14: Miscellaneous

- A. License Term:** All licenses issued under this Ordinance shall be valid for a period of one year from the date of issuance. Renewals of existing licenses are governed by **Article 15** of this Ordinance.

- B. Licenses Non-assignable/Non-transferable:** No license issued under this Ordinance may be assigned or transferred to another entity. Any change in ownership resulting in a new direct or indirect financial interest or change in officers of the licensee requires a new license. The new owners of any Cannabis Business, as defined in this Ordinance, shall apply to the Planning Board with a completed Site Plan Review Application. Upon their approval, the new owner shall apply for a new license prior to beginning operation. Licenses are limited to the premises for which they are issued and are not transferable to any other property. All licensees who desire to relocate to a new location shall apply to the Planning Board for a new license and if approved they shall relinquish their permit/license from the previous location.

- C. License Displayed in Premises:** Any licenses issued under this Ordinance must be displayed in a conspicuous place in whatever location of the Cannabis Business for which the License has been issued.

- D. Updated Information Required:** Any licensee who has been issued a license under this Ordinance has the duty and responsibility to maintain updated and accurate information regarding all the information related to the license as submitted during the application and approval process within ten (10) business days of any change of status. Failure to provide and maintain current and accurate information may result in revocation of the license.

- E. Fixed Location:** All Cannabis Businesses must be operated from a fixed location which may utilize telephone and internet orders if the buyer, on the day the order is made, pays for, and picks up, in person, such orders. Cannabis Businesses may not use vending machines; they may not have drive-through or drive-up windows service sales; may not ship/mail sales through any means, except that medical

cannabis registered caregivers may provide delivery services. No Cannabis Business shall be permitted to operate in a temporary location such as a kiosk, food truck or farm stand

F. Hours of Operation: No Cannabis Business shall be open to qualified patients or patrons over the age of 21 earlier than 7:00 AM or later than 10:00 P.M.

G. License Fee and Costs: The non-refundable license application fee must be submitted for a Cannabis Business. Each aspect of the business license, retail, manufacturing, and/or cultivating will have a separate fee as listed on the Town's Fee Schedule. This Fee Schedule can be revised at the discretion of the Select Board at any time.

Article 15: Standards For License Denial Or Revocation:

Renewals of existing licenses shall be denied by the Town of Livermore Falls Code Enforcement Officer (CEO), as well an existing license may be suspended or revoked by the Town of Livermore Falls CEO after notice and hearing if the applicant or licensee, or any of the licensee's officers, members, directors, or partners:

- A. Fails to prove or maintain compliance with all requirements of this Ordinance or with any applicable provision of state law or administrative regulation, including but not limited to 22 M.R.S. Ch. 558-C, as may be amended or recodified.
- B. Has had a license for a Cannabis Business revoked by the Town of Livermore Falls or by the State of Maine;
- C. Has not acquired and maintained all necessary State of Maine and local approvals prior to issuance of the license.
- D. Has been convicted of a disqualifying drug offense; or
- E. Has provided false or misleading information in connection with the license application.

Article 16: License Renewals:

Applications for the renewal of a Cannabis Business license shall be submitted to the Code Enforcement Officer at least sixty (60) calendar days prior to expiration of the

existing license. **Any licensee that fails to submit a renewal application by the applicable deadline shall not have authority to operate until the license is granted.** License renewal applications shall be processed by the Livermore Falls Code Enforcement Officer who shall circulate the application among appropriate Town of Livermore Falls departments for comment.

In the event that the Code Enforcement Officer denies a license renewal, a written summary will be provided to the licensee including a summary of departmental comments leading to the denial.

Effective on the date of written denial, the business owner or license applicant shall have up to sixty (60) calendar days to correct the cited infractions and resubmit a corrective action plan to the CEO for consideration.

The Cannabis Business must immediately cease operations upon renewal denial unless the CEO determines in writing that the violations are administrative in nature and do not pose a risk to public health or safety. Failure of a licensee to submit a complete renewal application by the required deadline may result in expiration of the license. Any Cannabis Business that fails to meet established submission deadlines, including renewal deadlines, shall be considered unlicensed and shall cease operations unless otherwise determined by the CEO in writing.

In the event that the Town of Livermore Falls does not have a Code Enforcement Officer at the time of renewal, the applicant may continue to operate under its existing license conditionally until one is appointed and the license is approved. This does not negate the renewal requirements.

Article 17: Violation; Penalties.

In addition to revocation and/or suspension of a Cannabis Business license as provided in this Ordinance, any violations of this Ordinance shall be subject to a minimum fine of \$100.00 per day and a maximum fine of \$2,500.00 per day, pursuant to 30-A M.R.S. § 4452. Each day that a violation remains constitutes a separate violation. The Code Enforcement Officer is authorized to initiate legal proceedings in Maine District Court to enjoin the unlawful operation of a medical cannabis establishment, as provided in this Ordinance. If the Town is the prevailing party in such proceedings, the Town shall be entitled to recover its costs of enforcement, including its attorney's fees.

A. Late Fees and Administrative Penalties:

1. A Cannabis Business that submits a late renewal application shall be assessed a late fee of **\$100**, plus an additional **\$20 per day** past the stated deadline until the application is deemed complete.

2. Any Cannabis Business that operates after its license has expired or before obtaining a valid license shall be subject to a penalty of **\$250 per day** until compliance is achieved.
3. Failure to meet any required timelines in this Ordinance may result in suspension, revocation, or denial of the license in addition to applicable fees.
4. All fees collected under this section are non-refundable.

Article 18: Appeals of Code Enforcement Officer Decisions:

Any appeal of a decision of the Code Enforcement Officer to grant, deny, suspend, or revoke a license pursuant to this Ordinance, shall be to the Town of Livermore Falls Board of Appeals within thirty (30) days of the date of the decision. The Board of Appeals shall conduct a *de novo* hearing in which it will hear evidence on the application and make its own findings of fact and conclusions of law on the issue of whether the medical or Adult Use cannabis business licensing application, is in compliance with the terms of this Ordinance. Any appeal of a decision of the Board of Appeals shall be to Superior Court, in accordance with 30-A M.R.S. § 2691(2)(G) and Rule 80B of the Maine Rules of Civil Procedure.

Section 19: Amendments

- A. Amendments to this Ordinance shall be initiated by a majority vote of the Planning Board, by request of the Select Board, or by petition of a number of voters equal to at least 10% of the number of votes cast in the Town at the last gubernatorial election.
- B. The Planning Board shall hold a public hearing on the proposed amendment. Notification of the hearing shall be posted and advertised in a newspaper of general circulation in the Town at least ten (10) days prior to the hearing.
- C. Adoption of Amendment: An amendment of this Ordinance must be adopted by a majority vote of the Town Meeting.