

## TOWN of ETNA

### Marijuana Establishments Ordinance of the Town of Etna

#### **Section 1. Authority-**

This ordinance is enacted pursuant to the Marijuana Legalization Act, Title 28-B M.R.S.A., Chapter 1, Subchapter 4 (Adult Use Marijuana); & Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; & 30-A M.R.S.A. §3001.

#### **Section 2. Definitions-**

For purposes of this ordinance, adult use marijuana, cultivation facility, marijuana establishment, marijuana store, products manufacturing facility & testing facility are defined as set forth in 28-B M.R.S.A. §102.

The term "school" includes a public school, as defined in Title 20-A, section 1, subsection 24, a private school, as defined in Title 20-A, section 1, subsection 22, a public preschool program, as defined in Title 20-A, section 1, subsection 23-A or any other educational facility that serves children from prekindergarten to grade 12.

#### **Section 3. Permitted Marijuana Establishments-**

Marijuana cultivation, manufacturing & testing facilities are permitted in this Municipality, subject to the following restrictions:

- A. No marijuana establishment may be located within 500 feet of the property line of a preexisting public or private school; and
- B. No marijuana establishment may be allowed if the person requesting local authorization to operate the marijuana establishment fails to demonstrate possession or entitlement to possession of the proposed licensed premises of the marijuana establishment pursuant to a lease, rental agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.

#### **Section 4. Prohibited Marijuana Establishments-**

Marijuana stores are expressly prohibited in this municipality.

No person or organization shall develop or operate a business within this municipality that engages in the sale of a marijuana product to consumers, as defined by 28-B M.R.S.A. §102.

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 5. Effective Date; Duration-**

This ordinance shall take effect immediately upon enactment by the voters of the Town of Etna at the annual town meeting or a special town meeting & shall remain in effect until it is amended or repealed.

## **Section 6. License Required-**

A. No marijuana establishment shall operate without a license from the Town of Etna. Application forms will be made available from the Town. In the event the Town does not act on a license application within 90 days, the application will be deemed denied.

B. An applicant may appeal a denial to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

## **Section 7. Fees & Permits-**

The Town of Etna shall establish application, license & license renewal fees for each type of permitted establishment. License renewal shall be annual or with any ownership change. Fee amounts shall be set annually. Any structures shall be subject to the Town of Etna Building Permit Ordinance & the Town of Etna Building Code Ordinance.

## **Section 8. Notifications-**

The Town of Etna shall be provided with copies of the relevant state licenses prior to issuance of an application & shall be notified of any changes that affect state or municipal application or license data.

## **Section 9. Penalties-**

This ordinance shall be enforced by the municipal officers (Select Board) or their designee. Violations of this ordinance shall be subject to the enforcement & penalty provisions of 30-A M.R.S.A. §4452 & may be cause for the denial of local license renewal.

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Approved-

John Merrill 17 MAY 18, Chair  
(signature) (date)

Timothy M. Hazeltine 5/17/18  
(signature) (date)

Vasquez 5-17-18  
(signature) (date)

Jesse 5/17/18  
(signature) (date)

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(signature) (date)