

TOWN OF MILO
ADULT-USE MARIJUANA ESTABLISHMENT LICENSING ORDINANCE

Article 1- Authority

This article is enacted pursuant to authority granted under 30-A M.R.S. §§ 3001, 3702, 4301 and 28-B M.R.S. § 401.

Article 2 — Title and Purpose

This Ordinance shall be known and cited as "The Town of Milo Adult-Use Marijuana Establishment Licensing Ordinance." This Ordinance applies to the Town of Milo. The purpose of this Ordinance is to provide procedures and standards relating to the annual licensing and operation of adult-use marijuana establishments.

This Ordinance may not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary under the Maine Medical Use of Marijuana Act.

Home cultivation of adult-use marijuana for personal use in accordance with 28-B M.R.S. § 1502 is exempt from the licensing requirements of this Ordinance, provided however, that state rules that apply to outdoor cultivation of adult use marijuana for personal use are followed. The retail sale of adult-use marijuana at a private residence is prohibited.

Article 2 — Definitions

Adult- Use Marijuana Store: as currently defined by 28-B M.R.S. § 102 ("Marijuana Store").

Marijuana: as currently defined by 28-B M.R.S. § 102 ("Marijuana").

Marijuana Establishment: a business or facility authorized to be licensed and operate with the Town of Milo pursuant to Article 4 of this Ordinance.

Article 4 — Establishments Allowed; License Required

(1) The operation of the following adult-use marijuana establishments is allowed, subject to the restrictions of this Ordinance and applicable state and local law:

(a) Marijuana Store.

(2) No person shall operate an allowed adult-use marijuana establishment, nor shall any property owner permit the use of his or her premises to be operated as an adult-use marijuana establishment, without a valid license issued by the town and the Maine Office of Marijuana Policy. A separate license must be obtained for each establishment located on the same premises. Each license shall be for a period of one year from the date of its issuance. A license must be obtained prior to the opening of a marijuana establishment. Applications for renewal licenses shall be submitted at least ninety (90) days prior to expiration of the existing term.

(3) No applicant shall submit an application for a license unless the applicant has been issued a conditional license by the Maine Office of Marijuana Policy to operate an adult-use marijuana establishment.

(4) The number of Marijuana Store licenses may be limited to Two (2). In the event of a tie for any available license after calculating the merit-based criteria, a lottery drawing will determine which applicant is awarded the available license. When a Retail Establishment Business license remains or becomes available, the same 30-day application window and evaluation process shall apply.

Article 5 — Application Materials

If the applicant is a single individual, that person must sign the application. If the applicant is more than one individual (e.g. partnership, LLC, etc.), each person who has an interest in the business must sign the application for a license as an applicant. Each applicant must be qualified under this ordinance and shall be considered a licensee if a license is granted.

Each applicant for a marijuana establishment license shall submit the following:

(1) An application for a license made on an application form available from the Town of Milo Clerk.

(a) If the applicant is an individual, the individual shall state their legal name Adult Use and Medical Marijuana Businesses Ordinance and any aliases, and submit proof that they are at least twenty-one (21) years of age.

(b) If the applicant is a partnership: The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least twenty-one (21) years of age.

(c) If the applicant is a corporation: The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least twenty-one (21) years of age.

(d) If the applicant is a limited liability company (LLC): The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least twenty-one (21) years of age.

(e) If the applicant intends to operate the Marijuana Business under an assumed name, they must state the Marijuana Business assumed name and submit the required registration documents.

- (2) Applicant's mailing address and residential street address.
- (3) A copy of applicant's valid state or federal government issued photo identification.
- (4) A copy of the applicant's state registration application and supporting documentation, as submitted to the Maine Office of Marijuana Policy.
- (5) If the applicant has had a previous license under this Ordinance or other similar marijuana business license applications in another town, city, or state denied, suspended, or revoked, they must list the name and location of the Marijuana Business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and they must list whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this Ordinance, whose license has previously been denied, suspended or revoked, listing the name and location of the Marijuana Business for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.
- (6) If the applicant holds any other permits/licenses under this Ordinance or other similar marijuana establishment license from another town, city, or state the applicant shall provide the names and locations of such other permitted/licensed businesses.
- (7) Evidence of all state approvals or conditional approvals required to operate a marijuana establishment, including, but not limited to, a conditional license issued by the Maine Office of Marijuana Policy.
- (8) The location of the proposed establishment, including a legal description, street address, and telephone number.
- (9) Evidence of an interest in the premises in which the marijuana establishment will be located, together with the form of interest, along with the written consent of the owner of the premises for such use if the applicant is not the owner.
- (10) Evidence of all land use approvals or conditional land use approvals required to operate the marijuana establishment, or applications that have been filed and are pending for the required approvals, including but not limited to building permit, conditional or special use approval, change of use permit and/or certificate of occupancy, or a Planning Board Agenda Request with supporting documentation.
- (11) Evidence of compliance with the requirements of this ordinance.
- (12) A sketch showing the configuration of the subject premises, including building footprint interior layout with floor space to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.

(13) A copy of a Town Tax Map depicting the following: the subject property lines and the property lines of other properties within one thousand (1,000) feet of the subject property containing any existing marijuana establishments, public or preexisting private schools, State Licensed Daycare facilities, licensed day-care centers, public athletic fields, public parks, playgrounds, or recreational facilities properties as measured in accordance with distance rules listed in this Ordinance.

(14) If the applicant, an officer, member or employee has been convicted of criminal activity under State and/or federal law, they must list the specified criminal activity involved, and the date, place, and jurisdiction of each conviction.

(15) Proof of state residency:

(a) All applicants, including all individuals, officers, directors, managers, members, and partners, for any marijuana establishment license, excepting Adult Use Marijuana Testing Facilities (if allowed by this Ordinance), must be residents of the State, as defined in 28-B M.R.S. §102, and a majority of shares, partnership interests, and membership interests, or other equity interests in corporate applicants must be held or owned by persons who are residents of the Town of Milo and/or the State of Maine.

(b) All applicants, including all individuals, officers, directors, managers, members, and partners, for any Medical Marijuana Business license must be residents of the State, as defined in 22 M.R.S. §2422.

(c) If an applicant is a person, the applicant must be a resident as that term is defined in the application. If the applicant is a corporation, partnership, or limited liability company, every officer, director, and managing partner must be a person who is a resident, and a majority shareholder, partnership interests, and membership interests, or other equity interests must be held or owned by persons who are residents.

If the Town or its designee determines that a submitted application is not complete, the Town or its designee shall notify the applicant within ten (10) business days of the additional information required to process the application. If such additional information is not submitted within thirty (30) business days, the application may be denied and the license fee shall be forfeited.

Article 6 —Application and License Fee

(1) **Application Fee.** All applications must be submitted with a \$500 non-refundable fee. If application is approved, no license shall issue until applicant has paid the license fee. Select Board may change fees as deemed necessary based on review of costs incurred by Town in reviewing applications and overseeing Ordinance.

(2) **License Fees:**

(a) **Annual Marijuana Store Fee: \$1,500**

Article 7 - Action on Application.

(1) Select Board action. The Select Board shall determine whether the applicant complies with the requirements of this article. The Select Board may impose reasonable conditions that are related to the criteria provided in this Ordinance. Upon such determination by the Board, the Select Board shall instruct the Code Enforcement Office to issue the license.

Article 8 - Approval, Denial, and Revocation Standards

A license application for a marijuana establishment shall be denied by the Select Board, and an existing license may be suspended or revoked by the Select Bboard, after notice and hearing, if the applicant or licensee:

- (1) Fails to meet the requirements of this Ordinance.
- (2) Is not at least twenty-one (21) years of age.
- (3) Is not a resident of the state of Maine.
- (4) Has had a license for a marijuana establishment revoked by any municipality or by any other governing authority.
- (5) Has not acquired all necessary state and local approvals prior to issuance of the license.
- (6) Has been convicted of a disqualifying drug offense or convicted of a diversion of product offense.
- (7) Has provided false or misleading information in connection with the license application.
- (8) Has any outstanding land use code violations that have not been resolved.
- (9) Have not submitted a complete application within the year.
- (10) Establishment is located in a zone that allows the proposed use
- (11) Establishment is located within one thousand (1000) feet of the property line of a pre-existing public or private school (K-12). For the purposes of this Ordinance, "school" includes a public school, private school, or public preschool program as defined in 20-A M.R.S. §1, or any other educational facility that serves children from prekindergarten to grade 12. Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the school property line and the property line of the parcel of land on which the Marijuana Business is located. If the Marijuana Business is located within a commercial subdivision, the required setback shall be measured from the front door of the Marijuana Business to the property line of the school. Presence of a town, city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

Upon reasonable suspicion that a licensee has violated one or more of the above conditions, the Select Board shall, after proving the Applicant at least thirty (30) days' notice, holding a hearing to determine whether the above conditions have been violated. Upon such a finding, the Select Board may vote to revoke the licensee's license.

Article 9 - Operating Requirements

In order to obtain a license pursuant to this ordinance, the applicant shall demonstrate to the Select Board that the following requirements will be met. A licensee shall comply with all of these requirements during the term of the license.

(1) Fixed location.

(a) All licensed premises shall be fixed, permanent locations. Licensees shall not be permitted to operate marijuana establishments in any location other than the licensed premises. Examples of unpermitted locations include without limitation: farmers' markets, farm stands or kiosks.

(2) Compliance with requirements of state and local law.

(a) A marijuana establishment shall meet all operating and other requirements of state and local law. To the extent the state has adopted or adopts in the future any law or regulation governing marijuana establishments that conflicts in any way with the provisions of this article, the more restrictive shall control. Compliance with all applicable State laws and regulations shall be deemed an additional requirement for issuance or denial of any license under this Ordinance, and noncompliance with said State laws and regulations shall be grounds for revocation or suspension of any license issued hereunder.

Action 10 — License Conditions

No license issued under this article may be assigned or transferred to another entity. Any change in ownership or change in the officers of an owner shall require a new license. Licenses are limited to the premises for which they are issued and are not transferable to another location. The license shall be displayed in a conspicuous place in the marijuana establishment for which the license is issued. Licenses are in effect for one year from the date of issue.

Article 11 - Duty to Update Information

Any licensee issued a license under this article shall have the duty to provide and maintain updated and accurate information regarding all of the information provided pursuant to the application 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 applicant's license.

Article 12 — Severability

If any section, phrase, sentence or portion of this article is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and

independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Article 13 — Effective Date

The effective date of this Ordinance, and the business licensing thereunder, shall be the date of adoption by majority vote at a Select Board Meeting.

Article 14 — Enforcement

(1) **Violations.** Any violation of this Ordinance, including any failure to comply with any condition, may be enforced pursuant to 30-A M.R.S. § 4452. Every day a violation exists constitutes a separate violation.

(2) **Local Law Enforcement Officers (LLEO) and Code Enforcement Officers (CEO)** may at any reasonable time conduct on-site inspections to ensure compliance with all applicable laws and conditions and shall investigate all complaints of alleged violations of this Ordinance. Said officers shall keep logs and records of all inspections and investigations of complaints.

(3) Upon notification of a violation by a LLEO or CEO of a violation, the Select Board may institute any and all actions and proceedings, either legal or equitable, including injunctions of violations and the impositions of penalties and/or fines in order to enforce the provisions of this Ordinance including legal fees if court action is required. The Town Select Board, or its authorized agent, is hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering payment of penalties subject to factors such as negotiations with no court action. Any person, including but not limited to, a marijuana establishment owner, a property owner where such business is located, or any agent or contractor for same, who orders or conducts any activity in violation of this Ordinance, or fails to comply with any of its requirements, shall be prosecuted in accordance with 30-A M.R.S. §4452.

Article 15 - Appeals

An appeal from any final decision of the Select Board under this article may be taken by any party to the Board of Appeals within 30 days of the Select Board's oral decision.

TOWN OF MILO

Adult-Use Marijuana Establishment License

Appendix A — Merit Based Criteria

The number of Marijuana Store licenses may be limited to Two (2) and may first be offered to Town Residents. Licenses shall be awarded subject to the merit-based criteria found in Appendix A of this Ordinance. Applications by town residents received within 30 days of the first adoption of this Ordinance that meet the license and application requirements shall be ranked using the merit-based criteria. If there are more than two applicants, the two highest-scoring applications that meet all other Ordinance criteria will be chosen. If not, all available licenses are issued to Milo residents, then non-residents' applications that Ordinance criteria shall be ranked using the merit-based criteria. In the event of a tie for any available license after calculating the merit-based criteria, a lottery drawing will determine which applicant is awarded the available license. When a Retail Establishment Business license remains or becomes available, the same 30-day application window and evaluation process shall apply. *Adult-Use Marijuana Establishment License*, art. 4, sec. 4.

1. **Milo Residency** — Applicant has been a Milo resident for 6 months or more. *1 point.*
2. **Veteran** — Applicant is a current or honorably discharged member of the U.S. Armed Services. *1 point.*
3. **Business Plan** — Applicant has submitted a complete, detailed business plan. *1 point.*
4. **Marijuana Education** - Applicants that provide proof of successful completion of Marijuana Educational classes provided by State of Maine accredited cannabis training programs (Class certificates are acceptable forms of proof). *1 Point, and 0.25 points for each additional different certification class.*
5. **Financial Stability** — Applicant is considered financially stable. The financial stability of the Applicant may be evidenced by a letter of referral in good standing from the applicant's financial institution proof of necessary insurance policies, proof of worker's compensation contribution, etc. *1 point.*
6. **Cannabis Industry or Related Business Experience** — Applicant is experiences in cannabis industry or other highly regulated industry. *1 point for each year of business experience, per business.*

TOWN OF MILO

Adult-Use Marijuana Establishment License Application Form

Please pick one:

➤ **Adult Use Retail Store**

Contact Information:*

Name: _____

Residential Address: _____

Business Location: _____

Mailing Address (if different): _____

Phone Number: _____

Email Address: _____

Business Name: _____

*Add additional sheets as necessary for partners, officers, directors, registered agents, and/or principle stockholders

Please attach the following:

➤ Proof of Milo residency, if claimed, for the last six months. This could be by copy of a voter registration card, a motor vehicle registration, a mortgage or rent statement, or a driver's license. If applicant is a business entity, every officer, director, manager and/or general partner of the business entity shall subject proof of residency

➤ Proof of state residency

➤ Copy of valid state or federal government issued photo identification

➤ Request for local authorization form

➤ Local authorization approval form

➤ Copy of State registration application and supporting documentation submitted to the Maine Office of Marijuana Policy. If the applicant submits further information or documents to the Maine Office of Marijuana Policy after applying for local approval, the applicant shall provide copies of the same.

➤ Copy of valid Conditional License for proposed establishment issued by the Maine Office of Marijuana Policy

➤ Copy of other permits or licenses issued under Adult-Use Marijuana Establishment Licensing Ordinance or similar ordinance in any other town, city, or state

➤ Evidence of an interest in the premises in which the marijuana establishment will be located, together with the form of interest, along with the written consent of the owner of the premises for such use if the applicant is not the owner

FOR TOWN USE ONLY

Date Received: _____ Milo Resident: YES NO

Check Number: _____ Reviewed By: _____

Date: _____

- A sketch showing the configuration of the subject premises, including building footprint interior layout with floor space to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions
- A copy of a Town Tax Map depicting the following: the subject property lines and the property lines of other properties within one thousand (1,000) feet of the subject property containing any existing marijuana establishments, public or preexisting private schools, State Licensed Daycare facilities, licensed day-care centers, public athletic fields, public parks, playgrounds, or recreational facilities properties as measured in accordance with distance rules listed in the Adult-Use Marijuana Establishment Licensing Ordinance
- Any other information or materials required by the Ordinance or supportive of compliance with terms of the ordinance
- If applicable, information and materials responsive to Appendix A of the Adult-Use Marijuana Establishment Licensing Ordinance
- Application fee

FOR TOWN USE ONLY

Date Received: _____ Milo Resident: YES NO
 Check Number: _____ Reviewed By: _____
 Date: _____