

Article 4 - Exhibit B

TOWN OF BERWICK MARIJUANA ESTABLISHMENTS LICENSING ORDINANCE

Section 1. Purpose. The purpose of this Ordinance is to provide for and regulate the issuance of local licenses for Marijuana Establishments in the Town of Berwick. Licensing of marijuana facilities shall provide for annual review of and reasonable control over their practices to ensure that life safety and nuisance concerns are addressed.

Section 2. Authority. This article is adopted pursuant to the authority granted by 28-B M.R.S. § 401(3) and 22 M.R.S. §2929-D.

Section 3. License Required.

- a) No person shall establish and operate a Marijuana Establishment without first having obtained a license to conduct such a business from the Select Board.

Section 4. License Procedures.

(a) The Select Board shall issue licenses to operate Marijuana Establishments in the Town of Berwick. Licenses issued under this Section shall be approved at a Select Board meeting to be held with public notice **by mail to abutters within 200 feet of the applicant's business location. A Public Hearing is optional if there are no abutters who respond to the notice and there are no active complaints or violations on the property as determined by the Code Enforcement Officer.** The term of any license issued under this Section shall be one (1) year from the date of approval.

(b) Each applicant for a new or renewal license shall complete and file an application on a form prescribed by the Select Board, together with a Three Thousand Dollar (\$3,000) non- refundable application fee **for all Marijuana Establishments, except for Medical Marijuana Production Facilities, which are Two Thousand Dollars (\$2,000),** and the annual license fees required by this Ordinance and the following submissions:

1. 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.
2. Evidence of all state approvals or conditional approvals required to operate a Marijuana Establishment, including, but not limited to, a state license as defined by this Article, a state retail certificate, documentation of the registered caregiver's valid Maine state issued registry identification card, or a state health license.
3. 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.
4. 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

Article 4 - Exhibit B

interests and their places of residence at the time of the application and for the immediately preceding three (3) years.

5. Evidence of all land use approvals or conditional land use approvals required to operate a Marijuana Establishment pursuant to the Berwick Land Use Ordinance, including but not limited to, a building permit, conditional use approval, site plan approval, or certificate of occupancy.

6. A description of the premises for which the license is sought, including a plan of the premises.

(c) Licensing decisions.

1. Applications for any license shall be granted, granted with conditions, or denied by the Select Board. Conditions may be imposed on any license issued pursuant to this Ordinance as necessary to protect the health, safety, and welfare of the public.

2. Licenses shall be granted in the order that qualified applicants submit a completed application plus the non-refundable application fee.

Section 5. License Fees. The annual fee for a Marijuana Establishment shall be Three Thousand Dollars (\$3,000), **except for Medical Marijuana Production Facilities, which are Two Thousand Dollars (\$2,000). Owners of Marijuana Establishment who hold multiple licenses may pay a prorated fee to bring their license renewal to the same date.**

Section 6. Denial, Suspension or Revocation of license.

(a) A license under this Article shall be denied to the following persons:

(1) 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.

(2) A person who has had a license for a Marijuana Establishment revoked by the Town or by the State.

(3) An applicant who has not acquired all necessary state approvals and other required local approvals prior to the issuance of a license.

(b) The Select Board 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 license for a Marijuana Establishment suspended or revoked by the state. The licensee shall be entitled to notice and a hearing prior to any suspension or revocation.

Article 4 - Exhibit B

Section 7. Termination and Abandonment

- (a) Any license holder terminating or abandoning a license granted under this section must file a notice of termination or abandonment with the Town Clerk.
- (b) A license which has been terminated or abandoned by the license holder shall be available to new applicants according to the procedure established in Paragraph 5.

Section 8. Transfer of Ownership, Change of Location & Co-Location.

- (a) Licenses issued under this Ordinance are not transferable to a new owner. Any change in ownership or change in the officers of any corporation, limited liability company, partnership, or association, as applicable, shall require a new license. A Marijuana Establishment must obtain a new license within 90 days from a change in ownership or will be in violation of this Ordinance. ~~and will also be subject to the number of authorized licenses outlined in Section 4(a) above.~~
- (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.'

Section 9. Violations and Penalties. The Code Enforcement Officer is authorized to enforce the provisions of this Ordinance. Violations of this Ordinance shall be subject to civil penalties in the minimum amount of \$100 and a maximum fine of \$2,500. Each day of a violation shall constitute 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. The Town shall be entitled to recover its costs of enforcement, including its attorney's fees.

Section 10. Severability.

The provisions of this Article are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

Section 11. Definitions

"Marijuana Establishments" means **Adult Use Marijuana Manufacturing or Cultivation**, Adult Use Marijuana Store, Medical Marijuana Cooperative, **Marijuana Caregiver Retail Store or Dispensary**, and a Medical Marijuana Production Facility, as such terms are defined in the Town of Berwick Land Use Ordinance