



Ordinance Regarding Medical Cannabis

I. Purpose

This ordinance is intended to regulate the cultivation, processing, storage, sale and distribution of cannabis designated for medical use within the Town of Pittston (Town) consistent with the Local Regulation section of the Maine Medical Use of Marijuana Act (MRS 22 Chapter 558-C, Section 2429-D (2017)) in order to protect public health, safety, and the general community at large. This ordinance is also intended to clarify the Town's authority to mitigate potential impacts on surrounding properties and persons, retain its general character, and establish a structure to defray administrative and enforcement costs associated with application processing and ordinance implementation.

Because of its authority related to business development, the Planning Board shall be responsible for administering this ordinance, while the Code Enforcement Officer shall be responsible for enforcement.

This ordinance sets forth the limitations for any medical cannabis facility and is intended to clarify that the Town of Pittston does not approve of the presence of any retail medical cannabis facility, registered dispensary, marijuana testing facility, or manufacturing facility at this time.

Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marijuana in any form that is not in compliance with state and federal law. As of the effective date of this ordinance, marijuana is classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 et seq., making it unlawful to manufacture, distribute, or dispense marijuana, or possess marijuana with intent to manufacture, distribute, or dispense marijuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal law.

II. Applicability

The provisions of this ordinance shall be applicable to all persons and facilities described herein, regardless of whether the operations or activities associated with a cannabis facility were established before the effective date of this ordinance. Any established cannabis growers meeting the applicability of this ordinance shall be required to complete the same application and approval process as any new applicant and are provided a maximum of ninety (90) days to submit a business application meeting all criteria described herein.

Attest: A true copy of an Ordinance entitled "Medical Cannabis",
as certified to me by the Municipal Officers of the Town of
Pittston and approved at the March 19, 2022 Annual Town
Meeting.

3/23/2022 Deborah Bandy Town Clerk



Ordinance Regarding Medical Cannabis

[Note: This ordinance does not apply to residents growing cannabis exclusively for personal use and not selling their cannabis in any form.]

III. Definitions

For the purposes of this ordinance:

“Cannabis” means the Cannabis sativa plant of the Cannabaceae family which are regulated under the federal Controlled Substances Act (CSA) (21 U.S.C. 802(16)) and is interchangeable with the term “marijuana” which is listed in Schedule I of the CSA due to its potential for abuse and psychoactive effects of the compound delta-9-tetrahydrocannabinol (THC) and cannabidiol (CBD) and includes but is not limited to plants, tincture, edibles, and concentrates.

“Caregiver” means a person or an assistant of that person that provides care for a qualifying patient in accordance with MRS 22 §2423-A(2).

“Caregiver retail store” means a store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.

“Facility” or “Facilities” includes but is not limited to any retail stores, dispensaries, testing facilities, manufacturing or production operations relating to medical use cannabis.

“Grower” means a licensee that is a commercial entity that cultivates, dries, trims, or cures and/or packages marijuana for sale to a processor or provisioning center.

“Licensee” means a person holding a state operating license issued under state law.

“Manufacture” or “Manufacturing” means the production blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.

“Marijuana facility” means an enterprise at a specific location at which a licensee is licensed to operate under the Maine Facilities Licensing Act and includes but is not limited to a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. This term does



Ordinance Regarding Medical Cannabis

not include or apply to a “caregiver” as that term is defined in the Maine Medical Marijuana Act at MRS 22 §2423-A(2).

“Marijuana plant” means a plant of the genus Cannabis, including, but not limited to, Cannabis sativa, Cannabis indica and Cannabis ruderalis. "Marijuana plant" does not include hemp as defined in Maine Revised Statute Title 7, section 2231, subsection 1-A, paragraph D.

“Medical use” means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana 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 as defined under Maine law.

“Person” means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

“Plant canopy” means the total surface area within a cultivation area that is dedicated to the cultivation of mature marijuana plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the cultivation area that are used to cultivate immature marijuana plants and seedlings and that are not used at any time to cultivate mature marijuana plants.

“Processor” means a licensee that is a commercial entity that purchases marijuana from a grower and that extracts resin from the marijuana or creates a marijuana infused product intended for sale and transfer in packaged form to a provisioning center.

“Registered caregiver” means a caregiver who is registered by the department pursuant to MRS 22 §2425-A.

“Registered dispensary or dispensary” means an entity registered under MRS 22 §2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana plants or harvested marijuana or



Ordinance Regarding Medical Cannabis

related supplies and educational materials to qualifying patients and the caregivers of those patients.

IV. Application and Approval Process

Any proposal to establish a new medical cannabis facility or operation, including modification to one already in existence, shall require a permit and approval of the Pittston Planning Board, which shall act to approve or deny a completed application not later than ninety (90) days from the date the application was accepted, except in cases where the applicant must provide reports or supplemental data to the Board. Any such proposal must follow the established procedures and policies set forth by the Town's currently effective Business Development Ordinance.

The Planning Board and applicant shall follow the performance standards of this ordinance and meet all applicable business development requirements established within the Town. A person or entity requesting a permit for operation must submit the following information in writing:

1. A thorough and comprehensive description of the project.
2. A copy of the property deed, lease, signed purchase agreement, or other documentation demonstrating the right, title and interest of the applicant to conduct such a business at the proposed location.
3. The name and address of the applicant and record owner, if different; and an affidavit identifying all owners, officers, members, managers or partners of the applicant, their ownership interests, and their places of residence at the time of the application and for the immediately preceding three (3) years.
4. A release for each applicant and for each officer, owner, member, manager, or partner of the applicant seeking a license allowing the Town of Pittston or its officials to obtain criminal records and other background information related to the individual.
5. A legible and accurate illustration of the property boundaries, including but not limited to the size and shape of all buildings, layout of parking areas and storage areas.
6. Thoroughly described plans for any improvements to the property, including but not limited to proposed exterior lighting, security measures that may impact abutters and neighbors, changes to access roads, or significant



Ordinance Regarding Medical Cannabis

modifications to the landscape.

7. A photocopy of the applicant's valid and current caregiver license issued by the State of Maine for anyone operating on the premises and all applicable chemical use certification, including the commercial names and projected volumes of the pesticide, herbicide, fertilizer, or other chemical treatment the applicant intends to use and store on site.
8. A thorough and detailed plan describing the impact on any nearby water supply or water body, including but not limited to drainage, water table impacts from increased consumption, and plans for a sufficient wastewater system designed by a licensed engineer to manage drainage or runoff that may contain contaminants from the facility's operation such that diversion of any operation byproducts do not result in contamination of land, water, or sewer; the applicant must also provide the results of surface and drinking water quality analysis performed by a certified laboratory (sample collection must be performed by an independent third party) to establish a water quality reference from which subsequent analysis will be measured to determine the efficacy of applicant's wastewater and solid waste management, such water quality analysis must include results for per- and polyfluoroalkyl substances (PFAS) and contaminants specified for drinking water (such as coliform bacteria, disinfection by-products, lead and copper, inorganics, and volatile organics) as regulated the Maine Drinking Water Program, Maine Department of Health and Human Services.
9. A clear and detailed fire safety plan, to include specific building ingress and egress locations, detailed chemical storage locations, the commercial names and volumes of all chemicals used and stored on-site, including any and all flammable, combustible, or other potentially hazardous materials that may present as immediately dangerous to life and health atmosphere, and a written acknowledgment from the Pittston Fire Chief confirming receipt of these details, which are to be updated annually and anytime additional chemicals are introduced by the applicant.
10. Projected impacts to public ways, such as roads and the impact of increased use.
11. An odor control plan which must include a filtration system to ensure that air leaving the facility through an exhaust vent first passes through an activated carbon filter, such a filtration system shall be maintained in working order with a record of regular maintenance available for inspection upon request and



Ordinance Regarding Medical Cannabis

shall be in use such that abutters and neighbors observe no odor impact from the facility.

12. Should the applicant's property border a town other than Pittston, the applicant is obligated to provide the Planning Board with copies of any abutting Town's applicable ordinances.

Property owners within 500 feet of the property boundary of the proposed facility shall be considered abutters and shall be provided with notification of all site walks and public hearings associated with the application process. Such notice to abutters shall be made by mail at least seven (7) days before the scheduled site walk or public hearing, in addition to all other public notification requirements.

In addition to the application fee, the applicant may be charged such costs as the Planning Board deems necessary and reasonable for independent studies, reviews, or reports that the Board may determine are required to provide technical review of the application over and above those furnished by the applicant.

The application fee is calculated based on the detailed review process which is necessary for Board approval, as well as additional legal and maintenance needs required by the Town for such an operation. Applicants are expected to pay a base fee amount of \$1,000, plus \$500 per caregiver. This fee may be amended by the Town Select Board, without need for town meeting approval, based on the Town's need to cover unforeseen expenses related to the application process, maintenance of compliance status, and any other staff time requirements associated with such an operation.

V. Terms of Operation and Operation Approval Review

Each approval for operation issued under the authority of this ordinance shall be subject to an annual compliance assurance review. Such a review shall include, but not be limited to, a review of water quality (sample collection to be performed by an independent third party and analyzed by a state certified state laboratory) equal to application requirements, maintenance records of odor filtration system, caregiver licensure, safety review as stipulated in the application process, chemical storage and usage, may also include a request for certification by a Maine licensed engineer that the odor control system meets the Town's application requirements, and an annual renewal fee of \$1,500 per caregiver. All associated expenses shall be the responsibility of the owner and operator.

An applicant awarded approval for operation is responsible for maintaining all agreed upon conditions of this authorization. The applicant's failure to meet any condition of this ordinance, or other agreed upon condition, shall be considered a violation of operation and approval for operation is immediately suspended until the issue is



Ordinance Regarding Medical Cannabis

remedied to the satisfaction of the Town's Planning Board and Code Enforcement Officer.

Approval for operation is non-transferable and is limited to the location for which approval is originally issued, according to the application filed. Any change of ownership shall require a new application and approval process.

VI. Restrictions and Limitations

Dispensaries, retail establishments, and manufacturing or processing facilities are strictly prohibited within the Town of Pittston.

Any facility or establishment meeting the applicability of this ordinance may not be located within 3,000 feet of any section of the property boundary of a pre-existing school.

No marijuana growing operation is permitted within 3,000 feet of the Pittston Water District.

Any facility meeting the criteria set forth within this ordinance to operate within the Town of Pittston is limited to two (2) registered caregivers and a maximum plant canopy of thirty-six (36) mature plants per caregiver situated in a building on the property.

An approved marijuana growing operation shall be situated a minimum of 3,000 feet from any other marijuana growing operation, as measured from any section of the applicant's property boundary (as that property boundary line is recorded by the Town's tax records) to the nearest point on the property boundary of another growing operation, licensed daycare, church, or Town owned lot.

Facilities operating within the Town of Pittston may not post signage identifying their business operations.

VII. Enforcement and Violations

Enforcement shall be the responsibility of the Code Enforcement Officer. Violations of any portion of this ordinance shall be prosecuted to the fullest extent of the law, with penalties of \$100 to \$2,500 to be assessed per day based on the severity of the violation. The Town shall also be awarded its reasonable attorney fees and all costs related to any prosecution or excessive enforcement action the violation may require.

VIII. Severability


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



Ordinance Regarding Medical Cannabis

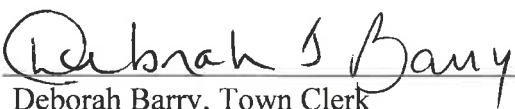
We hereby certify that the forgoing is a true copy of the Ordinance Regarding Medical Cannabis of the Town of Pittston as enacted at Town Meeting on March 19, 2022.

Given under our hands this 23rd day of March 23, 2022.


Mary Jean Ambrose, Selectperson


Rodney Hembree III, Selectperson


Kerri Farris, Selectperson

Attest: 
Deborah Barry, Town Clerk
Town of Pittston

Date: 3/23/2022