

Newport Selectboard
Regular Meeting Minutes
July 21, 2021@6:30 PM
Public Safety Building

Present: B. Clarke, G. Demos, R. Davis, D. Berry

Not Present: K. Rush

1. Pledge of allegiance

2. Public Access-

a. Kenneth Fredette was at the meeting to represent Collin from Green Bear 420 In Newport. He discussed the new regulations on Medical/Adult Recreation Usage. The regulations include the Seed to Sale explanation and various other changes or proposed changes in State and Federal law.

3. Consent Agenda

a. Minutes from June 16, 2021

Motion on the floor to accept the minutes by D. Berry, seconded by B. Clarke, no discussion, all in favor, unanimous.

a. Adam Russell re: marijuana grow facilities

He had concern on the smell (May 12th, 2021), from Tumble Weeds. There is no ordinance on the smell/odor from Mitigation System currently on the books. The mitigation system is in the draft ordinance proposal in 3 sections that will be discussed further on August 4th, 2021, meeting. (Copies of the proposed ordinance was available during this meeting with Mr. Russell, Mr Popper, and Ken Fredette receiving)

c. Communications

1. 2021/2022 Tax Commitment

Taxes have been committed with a mill rate of \$20.10. Last years mill rate was \$20.60.

2. Annual Riverwalk Festival and Parade

Riverwalk Festival is going to held on August 7th, 2021, from 10-4 pm. There will be no bounce houses or water slides, just 14 old fashion kid's games and many other children and some adult activities. .

3. Paving preparation

Paving preparation is underway around the town. At this time 90% of it is done. The basketball court should be done 7/22/2021.

4. Town Office staffing

The newest member of the town office will start on Monday, August 2, 2021.
Her name is Kelly Harris.

4. Old Business

- a. Marijuana draft ordinance proposal (1st review)—see the proposed ordinance attached.

This public hearing will be publicized well in advanced of this. The public hearing is dated for Wednesday, August 4th, 2021, at 6 pm. At this time the public will be afforded the opportunity for public comment with the Select and Planning Boards joining for a combined public hearing on this draft ordinance.

- b. Grove Street tax acquired property

After a title search of 38 Grove Street is done, estimates will be accepted to demo the property. Motion on the floor by B. Clarke, seconded by G. Demos, some questions, all in favor, unanimous.

5. New Business

- a. Bid review for Loader (Bids due 7-20-21) (See attached Bid Tab)

The bid tab was given to the Selectboard members for review. Central Equipment came in as the Lowest bidder with Doosan DL 220-5 with \$129,995. The town can pay an extra \$5,937 for a 5-year bumper to bumper warranty. This purchase will need Special Town Meeting Approval. Motion on the floor to accept the bid from Central Equipment with the extended warrant by G. Demos, seconded by D. Berry, some discussion, all in favor, unanimous.

- b. Quit Claim Deed Richard Vittum taxes received: \$2,715.95

Motion on the floor to sign the quitclaim deed by B. Clark, seconded by G. Demos, no discussion, all in favor, unanimous.

6. Warrant

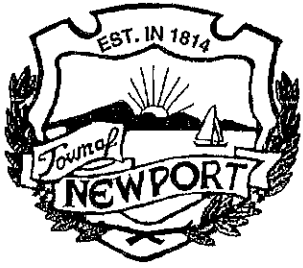
Motion on the floor to accept the warrant by G. Demos, seconded by B. Clarke, no discussion, all in favor, unanimous.

7. Adjourn

Motion on the floor to adjourn the meeting by G. Demos, seconded by B. Clark, no discussion, all in favor, unanimous.

Respectfully submitted,


Deanna M. Thompson
Treasurer



23 WATER STREET
NEWPORT, MAINE 04953

TOWN OFFICE: 368-4410
www.newportmaine.net

Town of Newport
Public Works Wheel Loader Bid Opening
July 20, 2021

Bids opened at 3:00 p.m.

Bids were received from the following:

Nortrax		
John Deere 524P		\$153,000
John Deere 524L		\$132,000
Milton Cat		
Caterpillar 926M		\$155,500
Central Equipment		
Doosan DL 220-5		\$129,995
Beurgard		
Case 621G		\$154,000
Chadwick-BaRoss		
Volvo L70H		\$155,135

Bids were opened by the Town Manager and recorded by the Town Clerk in the presence of the Public Works Director.

Before Me:

Ann M. Whitmore
Ann M. Whitmore, Municipal Clerk

Attest; a true copy

TOWN OF NEWPORT

Marijuana Establishments Ordinance

Section I. Title

This ordinance shall be known and cited as the Town of Newport "Marijuana Establishments Ordinance" and will be referred to hereinafter as "this Ordinance". This Ordinance allows all Adult Use and Medical Marijuana Establishments subject to the rules and regulations contained herein, as well as any zoning rules and regulations in the Town of Newport Land Use Ordinance or other ordinances that may apply.

Section II. Purpose

The purpose of this Ordinance and related provisions of the Land Use Ordinance is to regulate Adult Use Marijuana and Medical Marijuana cultivation, processing, testing, manufacturing, storage, and distribution, including retail stores, in order to protect the public's health, safety, and welfare, while fostering a vibrant business climate.

Section III. Authority

This Ordinance is enacted pursuant to Article VIII, Part 2, § 1 of the Maine Constitution, 30-A M.R.S. § 3001, 30-A M.R.S. §§ 4312 *et seq.*, 28-B M.R.S. § 402., and 22 MRS § 2429-D.

Section IV. Applicability

- A. Notwithstanding the provisions of 1 M.R.S § 302, this Ordinance is applicable, as of its effective date, and to the maximum extent permitted by law and subject to the severability clause below, to all proceedings, applications, and petitions that have been submitted and not finally acted on for all Marijuana Establishments. This Ordinance shall also apply to all Marijuana Establishments proposed, operated, modified, or constructed after the enactment of these provisions. Any proposal to establish a new or alter an existing Marijuana Establishment shall require approval by the permitting authority, even if the permitting authority was not required to grant the original local approval.
- B. The following do not require a permit or license under this Ordinance, but must comply with all state laws:
1. Personal Adult Use of marijuana and marijuana products pursuant to 28-B M.R.S. § 101 *et seq.*
 2. Personal Use of Medical Marijuana by a registered patient pursuant to 22 M.R.S. § 2421 *et seq.*
 3. Caregivers not required to register with the Department of Administrative and Financial Services, Office of Marijuana Policy pursuant to 22 M.R.S. § 2423-A(3).

Commented [SWW1]: EXPLANATION: Generally, caregivers must be registered with the State to operate. (22 M.R.S. § 2425-A)(2)). There is an exception for caregivers providing assistance to a member of that caregiver's household or a family member. Such "unregistered" caregivers may only assist up to two family or household members, and may not sell marijuana plants wholesale, operate a retail store, or organize as a business entity. (22 M.R.S. § 2423-A(3)(C:1)). These types of caregivers are referred to as unregistered caregivers.

Section V. Definitions

Unless otherwise provided herein, the terms in this Ordinance shall have the same definition as contained in 22 M.R.S. § 2422, pertaining to medical marijuana establishments, and 28-B M.R.S. § 102, pertaining to adult use marijuana establishments, as the same may be amended.

- A. "Code Enforcement Officer" means the Town of Newport Code Enforcement Officer.
- B. "Marijuana Establishment" refers collectively to all medical and adult use, marijuana retail stores, medical marijuana registered dispensaries, adult use marijuana cultivation facilities, medical and adult use marijuana manufacturing facilities, and medical and adult use marijuana testing facilities, and medical marijuana production facilities, to the extent permitted pursuant to Section VI.
- C. "Marijuana Retail Store" (Adult Use and Medical Use) – Means the following:
 - 1. Adult Use - a facility licensed to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers. (28-B MRS § 102(34)).
 - 2. Medical Use - a medical caregiver retail 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 a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients. (22 MRS § 2422(1-F)).
- D. "Medical Marijuana Cooperative" means two or more medical marijuana caregivers claiming a location as a primary residence in order to conduct medical marijuana home production. Medical Marijuana Cooperatives are considered Medical Marijuana Production Facilities.
- E. "Medical Marijuana Production Facility" means a facility used for cultivating, processing, and/or storing medical marijuana by a registered medical marijuana caregiver at a location which is not the primary year-round residence of the caregiver's patient. Medical Marijuana Production Facility does not include a registered caregiver that engages in authorized conduct pursuant to 22 M.R.S. § 2423(A)(2) at their primary residence and pursuant to a Town of Newport Home Occupation permit and does not otherwise qualify as any of type of Marijuana Establishment under this Ordinance.
- F. "Land Use Ordinance" means the Land Use Ordinance of the Town of Newport, as the same may be amended.
- G. "Licenses and Permits Ordinance" means the Licenses and Permits Ordinance of the Town of Newport, as the same may be amended.
- H. "Operator" means the person licensed or registered by the Department of Administrative and Financial Services, Office of Marijuana Policy who is responsible for the operation of the marijuana establishment.
- I. "Planning Board" means the Town of Newport Planning Board.

Commented [SWW2]: This would allow caregivers to operate without following this ordinance under the home occupation license. If their operations amounted to a storefront or dispensary, they would have to comply with this ordinance. In my opinion, the Town could lawfully eliminate this sentence, thereby treating any caregiver operation that is anything beyond providing care to a patient in that patient's primary residence an activity that qualifies as a marijuana establishment. While lawful, there is a risk of litigation. There are a number of lawyers making the argument that requiring caregivers to obtain local approval for any activity they are allowed to go under state law as merely a registered caregiver is unlawful. I am confident they are wrong, but it is an arguable point and litigation is unpredictable.

Section VI. Permitted Marijuana Establishments

Upon passage or amendment of this Ordinance, the Town shall have "opted in" to allow the following Marijuana Establishments, subject to the terms this Ordinance:

Medical Marijuana Manufacturing Facility
Medical Marijuana Testing Facility
Medical Marijuana Retail Store (aka Caregiver Retail Store)
Medical Marijuana Registered Dispensary
Medical Marijuana Production Facility
Adult Use Marijuana Cultivation Facility
Adult Use Marijuana Retail Store
Adult Use Marijuana Products Manufacturing Facility
Adult Use Marijuana Testing Facility

Section VII. License Required

- A. No person may establish, operate or maintain a Marijuana Establishment without first obtaining a license pursuant to the terms and procedures of the Town of Newport Licenses and Permits Ordinance, as the same may be amended. If there is a conflict between this Ordinance and the Licenses and Permits Ordinance, this Ordinance shall control.
- B. No person may submit an application for a Marijuana Establishment License without first obtaining all necessary state approvals, including a Conditional License, if applicable.
- C. The same person may not hold more than three (3) licenses for Adult Use or Medical Marijuana Cultivation Facilities, or maintain a combined plant canopy in excess of 30,000 SF. For the purposes of this provision, Marijuana Cultivation facilities will be combined to determine whether the three licenses or 30,000 SF canopy limits are met if the ownership of the facilities is 50% or more in the same person(s) or entity(ies).
- D. Licenses shall not be transferable.
 1. Licenses issued under this article are not transferable to a new owner.
 2. A state transfer license shall require a new local marijuana license.
 3. 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 local license for that location.
- E. If there is any change to the name, status or ownership of a corporate entity holding the license under this Ordinance, the licensee shall promptly notify the Town and provide all pertinent documentation related to the change in entity. The Town shall evaluate the new information using the same process and standards applicable to new license applications. For the purposes of this paragraph a change in ownership is defined as a change to the person(s) or company(ies) holding at least 50% ownership of the licensed business.

Commented [SWW3]: Per Section VI and VIII a person operating a marijuana establishment must receive a license per Newport License Ordinance and a permit per Land Use Ordinance. This way, as requested, this ordinance can be the focus of review, containing all substantive standards, and the other ordinances will just be amended to add references, so all three plus-fee schedule are consistent.

Section VIII. Permit Required

A. Permits Required.

1. No person may establish, operate, or maintain a Marijuana Establishment without first obtaining a permit pursuant to the provisions of the Land Use Ordinance. Specific application requirements, standards of review, and other requirements pertinent to Marijuana Establishments within this Ordinance shall be deemed added to the Application Requirements and Standards of Approval within the Land Use Ordinance. In case of a conflict, the stricter provision shall apply.
2. The applicant must have all state approvals before submitting an application for a Marijuana Establishments Permit, including a Conditional License, if applicable.
3. A Planning Board Permit is required prior to the establishment, expansion (including the addition of another type of marijuana establishment), relocation, or change of use of any Marijuana Establishment.

- B. **Public Notice Requirements.** In addition to other public notification requirements, the Town shall notify the Town Fire Department, the Penobscot County Sheriff's Department, and the Maine Department of Administrative and Financial Services, Office of Marijuana Policy and any other applicable state agency prior to any public hearing on any application.

Commented [SWW4]: We should include license and permit fees in the fee schedule, which I could not locate on the website. Alternatively, we can insert a marijuana fee schedule into the ordinance. See for example of typical fees, <https://www.lewistonmaine.gov/978/Marijuana-Information>. Please advise.

Commented [SWW5]: See proposed amendments to Land Use Ordinance. This ordinance drafted to contain all standards from Marijuana Establishments.

Section IX. Permit Application Requirements

A. **Application Required.** All applications for a Marijuana Establishment shall be submitted to the Code Enforcement Officer, on forms provided, with application fee, who shall oversee the permitting process and record keeping. The Code Enforcement Officer or Planning Board may require submission of additional information deemed necessary to determine conformance with the provisions of this Ordinance. The application shall contain the following information.

1. Demonstration of possession or entitlement to possession of the proposed 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.
2. Description of the Marijuana Establishment, which shall include:
 - i. A general description of the establishment including the type(s) of establishment(s) (e.g., use, dispensary, cultivation tier, manufacturing tier, store tier, etc.).
 - ii. A description of co-location of different types of establishments, and any establishments that will be on a residential lot and/or operated as a home occupation, as applicable.
 - iii. A description of all marijuana and marijuana-related products associated with the marijuana establishment.
 - iv. A list of all pesticides, fungicides, insecticides, fertilizers, solvents, chemicals, or potentially hazardous substances to be used.
3. Evidence of state and other required approvals, which shall include:
 - i. Copies of all applications and approvals for Conditional Licenses for all

Adult Use marijuana establishments, as required in the rules adopted pursuant to 28-B M.R.S. §§ 101 *et seq.*.

- ii. Copies of all applications and evidence of state approvals for all Medical Marijuana establishments, including copies of valid Individual Identification Cards and Registry Identification Cards as required in the rules adopted pursuant to 22 M.R.S. §§ 2421 *et seq.*
 - a. Medical Marijuana Registered Caregivers and other applicants submitting applications and supporting information that is confidential under 22 M.R.S. § 2425-A(12) and the Maine Freedom of Access Act, 1 M.R.S. §§ 400 *et seq.*, shall mark such information as confidential. An individual who possesses a valid Maine medical marijuana registered caregiver registry identification card need not identify him/herself in an application for a permit. The medical marijuana cardholder must identify him/herself and provide the relevant cards to the Code Enforcement Officer for examination, but the identity of the cardholder shall not be a public record and the Code Enforcement Officer shall not share the identity of the cardholder, except as necessary by law in the performance of his/her duties. At the time of application, the cardholder may appoint a representative to appear before the Planning Board on his/her behalf. Advertisements for any public hearing shall contain the location of the proposed Marijuana Establishment and the identity of the owner of the real estate and the identity of the designated representative. The Code Enforcement Officer may certify to the Planning Board that the applicant meets the necessary legal requirements as a cardholder(s).
 - iii. Evidence that all state laws and regulations will be adhered to, including state and federal electrical codes.
4. Maps, drawn to scale with distances and dimensions labeled, as follows:
 - i. Location Map at a legible scale depicting the subject property lines and the property lines of other properties containing any: existing marijuana establishments; residences, parks, playgrounds, or recreational facilities; public libraries; juvenile or adult halfway houses, correctional facilities, or substance abuse rehabilitation treatment centers; or licensed day care facilities within 1,000 feet of the subject property. All property lines within 500 feet of the proposed facility shall be displayed on the map.
 - ii. Site Plan(s) at a legible scale showing the configuration of the premises, including public road access and parking, location of ingress and egress to the facility, signage, indoor and outdoor areas of the facility, fencing, and building or structure footprints.
 - iii. Facility Layout Diagram(s) at a legible scale displaying the location and dimensions of all areas of the facility to include indoor and outdoor areas used for marijuana cultivation, processing, manufacturing, sales, storage, disposal, etc. These areas and the uses shall be labeled. Cultivation facilities must show the proposed size and layout of cultivation areas, and

- must depict the total square footage of plant canopy areas.
5. Operating Plans, for the following:
 - i. Wastewater and waste disposal, including disposal of marijuana and related byproducts.
 - ii. Water and water usage.
 - iii. Electrical and other utilities.
 - iv. Hours of operation, the text and graphics to be used on signage.
 - v. Control of odor emissions, as needed.
 - vi. Control of lighting associated with marijuana cultivation.
 6. Security Plan. At a minimum, the security plan shall comply with the security requirements set out in 18-691 CMR, Chapter I, § 3.3 (Security) and provide sufficient detail so that the Town may determine whether the following requirements are met:
 - i. Lighting adequately illuminates entry and exit points.
 - ii. All doors and windows are lockable.
 - iii. Fences (if present) meet height and other requirements.
 - iv. Alarm sensors are present on all entry points and windows and are remotely monitored.
 - v. Video cameras are present in all required locations.
 - vi. Video cameras and storage meet all required specifications.
 - vii. Points of passage between public access areas and age restricted areas (if any) or limited access areas are lockable and/or monitored whenever people may be present in public access areas.
 - viii. In age restricted retail areas (if any), lockable and secure display cases or counters of sufficient height to prevent the public from handling marijuana plants, marijuana, or marijuana products without direct supervision of a licensee or employee.

All permittees shall adhere to the security plan and submit in writing to the Code Enforcement Officer a revised security plan within 14 days any time a material change is made to security measures.

Section X. Performance Standards

- A. Location. Subject to the requirements of this Ordinance and the Land Use Ordinance, Marijuana Establishments may be located and permitted to operate only in certain districts only as permitted pursuant to the Land Use Ordinance's Schedule of Uses. Marijuana Establishments are prohibited uses in all other districts.
- B. Permanent Location. All Marijuana Establishments shall be operated from a permanent location and may not be permitted to operate from a moveable or mobile location.
- C. Proximity and Setbacks.
 - 1) All Tier 1 Cultivation Facilities must be located at least 500 feet from the lot lines of the following: a) a church, synagogue, or other house of religious worship; b) a public or private school; c) an athletic field, park, playground, or recreational facility; d) a public library; e) a juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation treatment center; or e) a

licensed day care facility.

- 2) All other Marijuana Establishments must be located at least 1,000 feet from the lot lines of any of the following: a) a church, synagogue, or other house of religious worship; b) a public or private school; c) an athletic field, park, playground, or recreational facility; d) a public library; e) a juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation treatment center; or f) a licensed day care facility.
- 3) No Marijuana Retail Store or Marijuana Dispensary shall be located within 300 feet of another Marijuana Retail Store or Marijuana Dispensary as measured between the closest points of the storefronts from the main entrance of one to the main entrance of the other by the ordinary course of travel.
- 4) All Tier 2 Manufacturing Facilities and Tier 4 Cultivation Facilities must be located at least 500 feet from the boundaries of any land use district where these uses are prohibited.
- 5) The distances cited in this Ordinance shall be measured between the lot line of the proposed use and the lot lines of the preexisting uses or land use districts listed above at their closest points.

D. Hours of Operation. A Marijuana Establishment may be open for business only between the hours of 8:00 a.m. and 8:00 p.m., local prevailing time.

E. Signage and Advertising.

- 1) Signage or advertising associated with a Marijuana Establishment must be located at least 1,000 feet from the property line of a preexisting public or private school or licensed daycare facility, with the exception that signage and advertising for Tier 1 Cultivation Facilities must be located at least 500 feet from the property line of a preexisting public or private school, or licensed daycare facility.
- 2) Within the Marijuana Establishment premises there shall be at least one legible sign stating that on premise use of marijuana is illegal, open and public consumption is illegal, no one under the age of 21 is allowed, and the use of marijuana may impair a person's ability to drive or operate machinery.
- 3) There may be no display of marijuana and paraphernalia so as to be clearly visible from the exterior of a Marijuana Establishment.
- 4) There may be no off-premise signs (permanent or temporary) advertising the Marijuana Establishment.
- 5) No ads, coupons, signs, promotional materials, or similar shall target people under the age of 21 or non-Maine residents or visitors.
- 6) Exterior signs must be in compliance the Land Use Ordinance.

F. Security Measures. Sufficient and appropriate security measures to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana must be provided at all times. At a minimum, security measures shall comply with the security requirements set out in 18-691 CMR, Chapter 1, § 3.3 (Security) and include the following:

- 1) All Marijuana Establishments shall have lockable doors and windows (where applicable) and shall have intrusion alarms with the audible and law enforcement notification components sending notification directly to or through a second party to the Penobscot County Sheriff's Department.

- 2) All outdoor Cultivation Facilities shall be enclosed with secure fencing that prevents unauthorized entrance.
 - 3) Marijuana Establishments shall have video surveillance capable of covering the exterior and interior of the establishment. The video shall be operated with continuous recording 24 hours per day, seven days per week, and such recordings shall be retained for a minimum duration of 45 days and be made available to law enforcement agencies when investigating a criminal complaint.
 - 4) The owner/operator of any Marijuana Establishment shall provide local law enforcement or its designee with the name and functioning telephone number of a 24-hour on-call staff person to whom the Town or local law enforcement may provide notice of any operating problems associated with the Marijuana Establishment.
- G. On-site Consumption Prohibited. The consumption, ingestion, or inhalation of marijuana on, or within the premises of a Marijuana Establishment is prohibited.
- H. Containment. In all areas where allowed, all activities of Marijuana Establishments, including, without limitation, cultivating, growing, processing, displaying, testing, selling, and storage, must be conducted in a secure, indoor or outdoor enclosed area.
- I. Control of Emissions.
- 1) Odor management. For all Marijuana Establishments, the odor of marijuana must not be perceptible at the exterior of the building at the premises or at any adjoining use of the property. Marijuana Cultivation Facilities must implement appropriate ventilation and filtration systems to satisfy the odor standard contained herein. Marijuana Retail Stores, Marijuana Manufacturing Facilities, and Marijuana Testing Facilities are not required to install filtration equipment on the licensed premises but must satisfy the same odor standard contained herein. While the Town does not mandate any particular equipment specifications with regard to filtration, all Marijuana Establishments are strongly encouraged to adopt best management practices with regard to implementing state-of-the-art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.
 - 2) Noxious gases and fumes. Marijuana Manufacturing Facilities and Marijuana Testing Facilities shall have appropriate ventilation systems to mitigate noxious gases or other fumes used or created as part of the production.
 - 3) Sufficient measures and means of preventing smoke, debris, dust, fluids and other substances from exiting a Marijuana Establishment must be provided at all times.
- J. Night-time Lighting for Cultivation. Cultivation establishments, such as those using greenhouses, shall prevent excessive light from illuminating beyond the subject property and into the night sky in accordance with Land Use Ordinance standards and by utilizing a blackout system.
- K. Extraction Using Inherently Hazardous Substances.
- 1) All manufacturing facilities that utilize inherently hazardous substances must be setback a minimum of 500 feet from all adjacent property lines.
 - 2) Extraction with inherently hazardous substances is prohibited in the Town of Newport.
 - 3) A list of all inherently hazardous substances, including their use and location

within the marijuana establishment, shall be provided to the Newport Fire Department. Any changes to this list shall be reported to the Fire Department.

- L. Disposal Plan. All Marijuana Establishments shall have in place an operational plan for proper disposal of marijuana and related byproducts in a safe, sanitary, and secure manner and in accordance with all applicable federal, state, and local laws and regulations.
- M. Health and Safety. No Marijuana Establishment shall adversely affect the health or safety associated with residences or nearby properties through the creation of mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or create a hazardous condition due to activities associated with the marijuana.
- N. Sale of Edible Products. No food products shall be sold, prepared, produced, or assembled by any Marijuana Establishment except in compliance with all operating and other requirements of state and local law and regulation. Any goods containing marijuana for human consumption shall be stored in a secure area, and all marijuana must be labeled with a list of all chemical additives, such as non-organic pesticides, herbicides, and fertilizers used in the cultivation and production. Any goods containing marijuana for human consumption shall be stored in a secure area.
- O. Drive-Through and Home Delivery. Marijuana Retail Stores and Marijuana Dispensaries are prohibited from having drive-through pick-up facilities. Marijuana Stores are prohibited from providing home delivery services; provided, however, that Medical Marijuana Registered Caregivers may provide home delivery services.
- P. Mixed Uses. Marijuana Establishments may include more than one type of establishment (e.g., cultivation facility, manufacturing, and store) as allowed in state law, but in no case shall the combination of uses exceed the maximum floor area or canopy area allowed under state and local law and regulation on an individual parcel of land in the Land Use District where it is located. Circumvention of the intent of this provision is prohibited.
- Q. Code Compliance. All Marijuana Establishments must be in compliance with all state codes applicable to municipalities, including, without limitation, National Electrical Code, Uniform Plumbing Code, and the National Fire Prevention Association (NFPA) Codes and Standards.

Section XI. Inspections

- A. Every Marijuana Establishment shall allow Code Enforcement Officer and other municipal officials to enter the premises at reasonable times for the purpose of checking compliance with all applicable State laws and this Ordinance.
- B. Due to fire, explosion, and other hazards inherent in Adult Use and Medical Marijuana Cultivation and Manufacturing Establishments, including, but not limited to, heavy electrical loads, hot lighting fixtures, CO2 enrichment, extraction solvents (acetone, butane, propane, ethanol, heptane, isopropanol, CO2, etc.), high-pressure extraction methods (CO2, etc.), and flammable contents, the owners of all such establishments shall agree to be inspected annually by the Town of Newport Code Enforcement Officer and Fire Chief, or their designee.
- C. Adult Use and Medical Marijuana Cultivation and Manufacturing Establishments must comply with NFPA-1 Chapter 38 standards for Marijuana Growing, Processing, or

Extraction Facilities, and these standards will be utilized by the Town of Newport or their designee during its inspections of these premises.

Section XII. Indemnification

- A. By accepting a license or permit issued pursuant to this Ordinance, the licensee/permittee waives and releases the Town, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of any Marijuana Establishment owners, operators, employees, clients, or customers for a violation of local, State or federal laws, rules, or regulations.
- B. By accepting a license issued pursuant to this Ordinance, the licensee/permittee agrees to indemnify, defend, and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims, and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of a licensed Marijuana Establishment.

Section XIII. State Law

- A. In the event the State of Maine adopts any additional or stricter law or regulation governing the sale, cultivation, manufacture, distribution, or testing of Adult Use or Medical Marijuana or marijuana products, the additional or stricter regulation shall control the establishment or operation of any Adult Use or Medical Marijuana Establishment in the Town of Newport.
- B. Compliance with state laws or regulations shall be deemed an additional requirement for issuance or denial of any license or permit under this Ordinance, and noncompliance with any other applicable State law or regulation shall be grounds for revocation or suspension of any license or permit issued hereunder.

Section XIV. Enforcement

- A. Violations
 - 1. This Ordinance shall be enforcement pursuant to Section VI(K) of the Land Use Ordinance. Any person including, but not limited to an Adult Use or Medical 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 shall be subject to enforcement.
 - 2. Any violation of this Ordinance, violation of state law, loss of suspension of a state license, or provision of knowingly false information in a license application, may result in license suspension or revocation by the Select Board, after notice and hearing, pursuant to Section 109 of the Licenses and Permits Ordinance.

Section XV. Conflict and Severability

- A. Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other ordinance, regulation or standard, the more restrictive provision shall apply.
- B. Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Shall the Ordinance Town of Newport Land Use Ordinance be amended by adding section 7 to the Schedule of Uses concerning Marijuana Establishments and by amending Section V, Subsection 16 to incorporate by reference the standards and requirements of the Town of Newport Marijuana Establishments Ordinance and renumbering all subsequent Subsection of Section V accordingly, as presented and described below?

SECTION IV: SCHEDULE OF USES

F. SCHEDULE OF USES-MATRIX (cont.)

Activities/Districts	MR1	MR2	C/I	I	C	R	WD	V
7. MARIJUANA ESTABLISHMENTS								
a.) Medical Marijuana Manufacturing Facility	N	N	P		P	N	N	P
b.) Medical Marijuana Testing Facility	N	N	P		P	N	N	P
c.) Medical Marijuana Retail Store (aka Caregiver Retail Store)	N	N	P		P	N	N	P
d.) Medical Marijuana Registered Dispensary	N	N	P		P	N	N	P
e.) Medical Marijuana Production Facility	N	N	P		P	N	N	P
f.) Adult Use Marijuana Cultivation Facility	N	N	P		P	N	N	P
g.) Adult Use Marijuana Retail Store	N	N	P		P	N	N	P
h.) Adult Use Marijuana Products Manufacturing Facility	N	N	P		P	N	N	P
i.) Adult Use Marijuana Testing Facility	N	N	P		P	N	N	P

Commented [SWW1]: The LUO table uses this "I" column, but that is not a district within the named districts. We should revise the table to eliminate... unless I am missing something

SECTION V: LAND USE STANDARDS

16. MARIJUANA ESTABLISHMENTS

All Marijuana Establishments shall be approved only in compliance with and subject to the requirements and standards found in the Town of Newport Marijuana Establishments, which are hereby incorporated by reference.