

Zoning Ordinance – Ordinance Prohibiting Retail Marijuana Ordinance



TOWN OF GORHAM PLANNING DEPARTMENT

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GORHAM PLANNING BOARD

ORDINANCE SUBCOMMITTEE WORKSHOP

NOVEMBER 6, 2017

6:00 p.m.

The Gorham Planning Board's Ordinance subcommittee will hold a workshop on Monday, November 6, 2017, at 6:00 .m. in the Burleigh Loveitt Council Chambers of the Gorham Municipal Center, 75 South Street, Gorham, Maine.

WORKSHOP AGENDA ITEM

ITEM 1 Land Use and Development Code Amendment to prohibit Retail Marijuana Establishments, including retail marijuana stores, retail marijuana cultivation facilities and retail marijuana products manufacturing and testing facilities, and retail marijuana social clubs.

The Town Council has forwarded the below ordinance language to the Planning Board for review and recommendation. At its September 18, 2017 meeting, the item was referred by the Planning Board to its Ordinance subcommittee for review and recommendations.

The proposed ordinance would only pertain to the retail sale, social clubs, growing, testing, and manufacturing of retail marijuana products and would not regulate the growing, testing, and manufacturing of marijuana for medical and/or personal use. Staff estimates that currently there are at least 20 medical marijuana growers in Gorham with at least 2 medical marijuana products manufacturers in the Town. The Town does not track information on how many people are growing marijuana for their personal use. Planning Staff does not have much knowledge about the medical marijuana growers or marijuana product manufacturers' operations in Gorham, other than a few of the growers located in multi-tenant buildings have received odor complaints from abutting tenants.

The changes shown in red are proposed staff amendments to the proposed ordinance. Staff also recommends the ordinance becomes a new Chapter 8 of the Land Use and Development Code.

Proposed Ordinance Language

Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs

Chapter 8: Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs

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Section 8-1. Authority

- 1.1 This ordinance is enacted pursuant to the Marijuana Legalization Act; Title 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Me. Const., art. VII, pt. 2; and Title 30-M.R.S.A. Section 3001.

Section 8-2. Definitions

- 2.1 For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, and retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in Title 7 M.R.S.A. Section 2442.

Section 8-3. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs.

- 3.1 Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited as a principal or accessory use in Gorham.
- 3.2 No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana products, as defined by Title 7 M.R.S.A. Section 2442.
- 3.3 Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, title 22 M.R.S.A. c. 558-C.

Section 8-4. Penalties

- 4.1 This ordinance shall be enforced by the municipal officers or their designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. §4452.

Section 8-5. Severability

- 5.1 In the event that any section, subsection or portion of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.

Section 8-6. Effective date

- 6.1 This ordinance shall take effect on August 8, 2017.