

**TOWN OF MEXICO  
MEDICAL MARIJUANA DISPENSARY AND  
MEDICAL MARIJUANA CULTIVATION FACILITIES  
ORDINANCE**

**I. PURPOSE**

The purpose of this ordinance is to implement the Maine Medical Use of Marijuana Act ("Act") and to protect the public health, safety, and welfare of the residence and the patients of the Town of Mexico by prescribing the manner in which the cultivation and distribution of medical marijuana can be conducted in the Town.

**II. APPLICABILITY**

This ordinance shall apply to any registered primary caregiver located and doing business in the Town of Mexico and to any patients residing in the Town of Mexico.

**III. DEFINITIONS**

For the purpose of this ordinance, the following definitions shall apply unless the content clearly applies otherwise:

1. Cardholder - means a registered patient, a registered primary caregiver or a principal officer, board member, or employee of a registered dispensary who has been issued and possesses a valid registry identification card.
2. Department - means the Department of Health and Human Services (DHHS or department).
3. Town Department - means any and all of the Chief of Police, the Fire Chief, the Code Enforcement Officer, and their designees who administer the provisions of this ordinance.
4. Disqualifying Drug Offense - Disqualifying drug offense means a conviction for a violation of A state or federal controlled substance law that is a crime punishable by imprisonment for one year or more. It does not include:
  1. An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; or
  2. An offense that consisted of conduct that would have been permitted under these rules.
5. Enclosed locked facility and enclosed outdoor area - Enclosed locked facility means a closet, room, building, greenhouse or other enclosed area that is equipped with locks or other security devices that permit access only by the individual authorized to cultivate the marijuana. See 22 M.R.S.A. §2422 (3).
6. Marijuana - Marijuana means the leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not. It does not include the mature stalks of the plant, fiber

produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake or sterilized seed of the plant which is incapable of germination, or any food items that contain any form of marijuana.

7. Medical use - 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 debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition.

8. Multifamily dwelling - means a building containing (2) or more dwelling units, such building being designated for residential use and occupancy by (2) or more families living independently of one another, with the number of families not exceeding the number of dwelling units, and which is not a single-family attached dwelling.

9. Patient - means a person whose physician has provided a written certification to the Department for the patient's medical use of marijuana.

10. Registered dispensary - Registered dispensary or dispensary means a not-for-profit entity registered pursuant to Section 6 of these rules that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients and the primary caregivers of those patients.

11. School - means a building together with its contiguous accessory buildings and used for the education and learning of children. Used within the meaning of this definition shall include private and public preschool, elementary, middle, and high school.

#### **IV. MEDICAL MARIJUANA LICENSE REQUIRED**

No person shall engage, operate, or conduct the business of a registered primary caregiver operation in the city unless such person has first acquired a license in accordance with this Ordinance. **Cost for such License is \$150.00**

#### **V. REGISTERED DISPENSARY NOT ALLOWED:**

The town of Mexico will not have any Registered Dispensaries in the entire town of Mexico.

#### **OPERATION**

This section governs the license application requirements for a registered primary caregiver operation. All applications for licenses under this article shall be filed with the Town of Mexico and, in a form satisfactory to the town clerk. Such application shall include, but is not limited to the following:

- a. Name, address, date of birth and contact information, including a phone number of the registered primary caregiver. A photograph and a copy of a valid registry primary caregiver identification card issued by the State of Maine are required.

- b. The location of the premises for which a permit is sought identified by town tax map and lot number; street address; a copy of the property deed; demonstration of right, title or interest for use of the property as a registered primary caregiver operation.
- c. The dimensions and acreage of the property.
- d. A copy of a site plan, drawn to a scale of 50 feet or less to the inch, which contains the following information:

- (a) The boundary lines of the property for which a permit is sought.
- (b) The location of all existing and proposed buildings and structures.
- (c) The location and characteristics of all vehicular entrances and exits serving the property.
- e. A site location map at a scale of not greater than 1" to 1 00' showing any public or private school, church or place of worship, athletic field, park, playground or recreational facility, licensed child care facility, a lot not currently in commercial or industrial use, any juvenile or adult halfway house, correctional facility, methadone clinic, or substance abuse rehabilitation or treatment center, or a lot on which is cited or located within 500 feet of the proposed registered caregiver operation.
- f. A detailed description of the proposed cultivation and/or distribution of medical marijuana to include the following: number of qualified registered patients to be served, security provisions, identification of other required licenses, floor plans, etc.
- g. Identification of any other approvals required by the Town of Mexico, any state agency or department or any federal agencies.
- h. A nonrefundable application fee in accordance with this ordinance as prescribed by the Select board and an original and 3 copy of the license application and all supporting documentation.

## **VI. REQUIREMENTS FOR REGISTERED PRIMARY CAREGIVER OPERATION**

Registered primary caregiver operations shall conform to the following provision:

- (1) They shall comply at all times and in all circumstances with the provisions of State Law;
- (2) They shall not cultivate marijuana within or on the property of a multifamily dwelling;
- (3) They shall not cultivate marijuana within 500 feet of the property line of a preexisting public or private school; church or place of worship; athletic field, park, playground or recreational facility; licensed child care facility; a lot not currently in commercial or industrial use; any juvenile or adult halfway house, correctional facility, methadone clinic, or substance abuse rehabilitation or treatment center, or a lot on which another medical marijuana dispensary is sited or residence (However anyone prior to the adoption of this ordinance who is already established will be grandfathered, unless the facility is moved or closed.)
- (4) They shall keep marijuana plants in an enclosed, locked facility not visible from outside of the premises where the plants are grown to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana at the registered primary caregiver operation, unless the plants are being transported because the primary caregiver is moving;
- (5) They shall comply with security and safety-related provisions contained in 10-144 CMR 122 Section 6.8 and any town department rules regarding security and safety;
- (6) They shall obtain all necessary building, electrical, plumbing, and mechanical permits for any portion of the structure that contains electrical wiring, lighting, and/or watering devices that

support the cultivation of marijuana.

## **VII. PRIMARY CAREGIVER OPERATION SECURITY AND SAFETY PROTECTIONS OF PREMISES AND PERSONS**

A registered primary caregiver operation shall implement appropriate security and safety measures to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana. Security measures to protect the premises, registered patients, and registered primary caregivers shall include, but are not limited to the following:

- (1) Exterior lighting shall be required so that the entire exterior of the building and the parking area will be lighted up to provide visual inspection or video monitoring to prohibit loitering.
- (2) Devices or a series of devices, including, but not limited to, a signal system interconnected with a radio frequency method such as cellular, private radio signals, or other mechanical or electronic device shall be installed to detect an unauthorized intrusion.
- (3) The interior shall be equipped with electronic monitoring, video cameras that record twenty-four hours per day, seven days per week, and be retained for 90 days, and panic buttons.
- (4) Satisfy all applicable State of Maine and city code requirements such as, but not limited to, electrical, plumbing, building, ventilation, energy conservation, life safety, mechanical and the environmental performance standards with respect to odors and other environmental considerations.

## **VIII. INSPECTION OF REGISTERED PRIMARY CAREGIVER OPERATION**

A registered primary caregiver operation is subject to inspection as follows:

- (1) A registered primary caregiver operation shall allow the Town Department entry upon 24 hours' notice to carry out an inspection in accordance with this chapter.
- (2) Submission of a license application for a registered primary caregiver operation shall constitute permission for entry and inspection.
- (3) During an inspection the Town Department may identify violations of this chapter, provisions of the Code and State Law. The registered primary caregiver operation may receive written notice of the nature of the violations. The registered primary caregiver operation shall notify in writing representative of the Town Department identified in such notice with a postmark date within five (5) business days of the date of the notice of violations identifying the corrective actions taken and the date of the correction.
- (4) Failure to cooperate with required inspections and to respond to notice of violations as specified shall be grounds for the Town clerk or the Town Department to temporarily suspend the license of the registered primary caregiver operation subject to revocation by the Town administrator.

## **IX. DENIAL OF APPLICATION**

The Town clerk may deny an application for a license based on the following:

- (1) The applicant's failure to comply with the application requirements as set out in these rules, including the applicant's failure to provide the required information; and,

- (2) The determination that the information provided was materially inaccurate or incomplete.

#### **X. DISQUALIFYING DRUG CONVICTIONS**

The Town shall not approve a license to a registered primary caregiver operation if any registered primary caregiver, has been convicted of a disqualifying drug offense in Maine or another jurisdiction.

#### **XI. REVOCATION OF LICENSE**

The Town of Mexico shall temporarily suspend the license for a registered primary caregiver operation that sells, furnishes or gives marijuana to a person who is not allowed to possess marijuana for medical purposes under State Law and for any violations of the provisions contained within this chapter. Grounds for revocation of a license by the select board of a primary caregiver or revocation of a license by the town manager of a registered primary caregiver operation include the following:

- (1) The caregiver is convicted of selling, furnishing, or giving marijuana to a person who is not allowed to possess marijuana for medical purposes in accordance with these rules.
- (2) A registered caregiver or a cardholder is convicted of a disqualifying drug offense.
- (3) A registered primary caregiver cardholder is convicted of dispensing, delivering, or otherwise transferring marijuana to a person other than a registered patient who has designated the dispensary or registered primary caregiver to cultivate marijuana; or a registered dispensary cardholder is convicted of dispensing, delivering, or otherwise transferring marijuana to a person other than a patient's registered primary caregiver.
- (4) Failure to cooperate with required inspections.
- (5) Violations of any laws, rules or ordinances that govern the operation of a registered primary caregiver operation.
- (6) Committing, permitting, aiding or abetting any illegal practices in the operation of a primary caregiver operation.
- (7) Conduct or practices that are detrimental to the safety and welfare of registered patients or registered primary caregivers; and,
- (8) Providing information that is materially inaccurate or incomplete.

#### **XII. REQUIREMENTS FOR REGISTERED PATIENTS AND REGISTERED CAREGIVERS THAT DO NOT CULTIVATE MARIJUANA FOR MORE THAN ONE REGISTERED PATIENT**

A registered patient and a registered primary caregiver that does not cultivate marijuana for more than one registered patient shall conform to the following provisions:

- (1) A registered patient and a registered primary caregiver that does not cultivate marijuana for more than one registered patient shall comply at all time and in all circumstances with the provisions of State Law;
- (2) A registered patient or a registered primary caregiver that cultivates marijuana shall keep the marijuana plants in an enclosed, locked facility not visible from outside of the premises

where the plants are grown to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana unless the plants are being transported because the patient is moving or taking the plants to another patient's home.

### **XIII. PENALTY FOR VIOLATIONS OF THIS ORDINANCE**

Any person who violates any provision of this article or the terms of any license issued under this article may be penalized in the following manner:

- (1) Temporary suspension. The Town Clerk and the Town Department is authorized, pursuant to this ordinance, to immediately and temporarily suspend any license when continued operation of the licensed premises or activity presents a danger to the health, safety or the general welfare of the public.
- (2) Suspension or revocation. The select board may suspend or revoke a license for a primary caregiver in accordance with the provisions of this ordinance. The town manager may suspend or revoke a license for a primary caregiver operation in accordance with the provisions of this ordinance.
- (3) Civil penalties. A violator may be required to pay the penalties imposed by Section 1-8 of this Code or 30-A M.R.S.A. (4452 et seq. as amended). A judgment from such a lawsuit in the town's favor can result in a court order that the owner and/or operator of said clinic abate any violations, pay a penalty in accordance with this ordinance as approved by the select board, and pay the court costs and legal and expert witness fees incurred by the city. Notwithstanding the above the chief of police may initiate criminal proceedings relative to individuals engaged in the unlawful distribution, use and cultivation of medical marijuana.

### **XIV. CONFIDENTIALITY**

All applications and supporting information submitted by primary caregivers under this ordinance, and the identity of registered primary caregivers and registered patients, shall be confidential pursuant to the Act, 22 M.R.S.A. §2425(8), and the Maine Freedom of Access Law, 1 M.R.S.A. §402 (3)

## XV. SEPARABILITY

The invalidity of any provision of this Ordinance shall not invalidate any other part.

Date Enacted: 2/28/2017

Attested: Penny S. Duguay  
Penny S. Duguay, Town Clerk

