

Councilor \_\_\_\_\_ introduced the following ordinance:

Ordinance No. 13, 2016 Series  
City of Caribou  
County of Aroostook  
State of Maine

AN ORDINANCE REGARDING MARIJUANA DISPENSARIES

The City Council of the City of Caribou, County of Aroostook, State of Maine, pursuant to the requirements of the City of Caribou Charter, Section 2.11 (7) does ordain the following:

**Section 1. Applicability and Purpose:** This moratorium shall apply to Marijuana Dispensary, as defined below, that may be proposed to be located within the City of Caribou on or after the effective date of this Ordinance. This moratorium is proposed pursuant to 30-A M.R.S.A. § 4356

**Section 2. Prohibition:** During the time this Ordinance is in effect, no officer, official, employee, office, board, or agency of the City of Caribou shall accept, process, approve, deny, or in any other way act upon any application for a building permit, certificate of occupancy, site plan review and/or any other permits related for such use. No person or organization shall develop or operate Marijuana Dispensaries within the City of Caribou on or after the effective date of this prohibition.

**Section 3. Enforcement, violation, and penalties:** If Marijuana Dispensaries are established in violation of this Ordinance, each day of any continuing violation shall constitute a separate offense for this purpose. The City of Caribou shall be entitled to all rights available to, but not limited to, it in law and equity, including its reasonable attorney fees and costs in prosecuting any violations.

**Section 4. Definitions:**

As used in this Ordinance, the following terms have the following meanings:

- a. **“Marijuana”** shall have the definition set forth in Title 17-A M.R.S.A. Section 1101 (1).
- b. **“Marijuana Dispensaries”** means one or more marijuana dispensary, facility or location, whether fixed or mobile, where marijuana is made available to or distributed to any person or entity authorized to receive it under Maine Law.

**Section 5. Pending proceedings:** Notwithstanding the provisions of Title 1 M.R.S.A § 302, this Ordinance shall apply to any proposal to establish a Marijuana Dispensary, whether or not an application or proceeding to establish said use would be deemed a pending proceeding under Title 1 M.R.S.A. § 302.

**Section 6. Action by the City Council and Planning Board:** During the effective period of this Ordinance, the Planning Board, City Council and appointed staff, shall expeditiously act to review the implications of such a facility/clinic on, among other things, the health, safety,

welfare, traffic, law enforcement, land use, aesthetics, property value, and environmental impacts on the City of Caribou and its citizens. Toward the end of the Moratorium, the City will hold at least one public hearing and receive input from interested parties. The Planning Board and interested parties shall endeavor to submit recommendations for permanent action to the City Council.

**Section 7. Severability:** Should any section or provision of this Ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.

**Section 8. Effective date:** This Ordinance shall take effect in accordance with the City Charter and shall be effective for 180 days from November 14<sup>th</sup>, 2016 unless extended, repealed, or modified by the Caribou City Council.

This ordinance, being introduced on November 14, 2016 and a public hearing being held on \_\_\_\_\_, was duly passed by the City Council of the City of Caribou, Maine, this \_\_\_\_\_, 2016.

\_\_\_\_\_  
Gary Aiken, Mayor

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David Martin, Councilor

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Shane McDougall, Councilor

\_\_\_\_\_  
Timothy Guerrette, Councilor

\_\_\_\_\_  
Philip J. McDonough II, Councilor

\_\_\_\_\_  
Jody Smith, Councilor

\_\_\_\_\_  
Joan Theriault, Councilor

Attest:

\_\_\_\_\_  
Jayne R. Farrin, City Clerk