



## *City of Caribou, Maine*

### **AGENDA Caribou Planning Board Regular Meeting**

**Thursday February 12, 2026, at 6:00 p.m.**

**Municipal Building  
25 High Street  
Caribou, ME 04736  
Telephone (207) 493-3324  
Fax (207) 498-3954**

The meeting will be broadcast on Cable Channel 1301 and the City's YouTube Channel. Public Comments submitted prior to the meeting no later than 4:00 pm on Thursday, February 12, 2026, will be read during the meeting. Send comments to Economic & Community Development Specialist, Eric Sanderson at [esanderson@cariboumaine.org](mailto:esanderson@cariboumaine.org).

		<b>PAGES</b>
I.	Call Meeting to Order, Determine Quorum, disclosure of conflicts of interest	
II.	Acceptance of Minutes	
	a. December 11, 2025 Caribou Planning Board & December 18, 2025 Workshop.....	<b>02-05</b>
III.	Public Hearings	
	a. Updates to Chapter 7 Licenses & Permits and Chapter 13 Zoning.....	<b>06-31</b>
	Ordinance regarding standards for Registered Medical Cannabis Dispensaries	
	i. Staff Memo Regarding Updates to Ch. 7 & Ch. 13.....	06-16
	ii. Memo from North Star Planning Regarding Updates to Ch. 7 & Ch. 13.....	17-18
	iii. Proposed Updates to Ch. 7 Licenses & Permits.....	19-22
	iv. Original Ch. 13-700.39 Registered Nonprofit Dispensaries and Registered Cultivation Facilities for Medical Marijuana (repealed by Ord. 3).....	23-24
	v. Proposed Updates to Ch. 13 Land Use Table and Proposed Replacement of Ch. 13-700.39 Registered Nonprofit Dispensaries and Registered Cultivation Facilities for Medical Marijuana.....	25-28
	vi. Proposed Updates to Ch. 13-700.41 Prohibiting Recreational Marijuana.....	29-31
IV.	Unfinished Business	
	a. Fort Street Bridge.....	<b>32-33</b>
	i. Copy of Email from MaineDOT Answering Questions from City Regarding the Aroostook River Bridge Project.....	32-33
	b. Updates on New Planning Board Member Nominations	-
V.	New Business	
	a. Discuss Updates to Chapter 3 Animals & Fowl Article 1 Dog Control Ordinance.....	<b>34-40</b>
	i. Staff Memo Regarding Updates to Ch. 3 Article I.....	34
	Proposed Updates to Ch. 3 Article I.....	35-40
VI.	Election of Officers	
VII.	City Council Liaison Report	
VIII.	Staff Report	
IX.	Adjournment	



## *City of Caribou, Maine*

### **MINUTES Caribou Planning Board Regular Meeting**

**Thursday December 11, 2025, at 6:00 p.m.**

*Municipal Building  
25 High Street  
Caribou, ME 04736  
Telephone (207) 493-3324  
Fax (207) 498-3954*

Members In Attendance: Frank McElwain, Steve Wentworth, Dave Corriveau, Eric Hitchcock

Staff in Attendance: Eric Sanderson

**I. Call Meeting to Order, Determine Quorum, disclosure of conflicts of interest**

The meeting was called to order at 6:00PM

**II. Acceptance of Minutes**

a. November 13, 2025 Caribou Planning Board

Motion by Steve Wentworth, seconded by Eric Hitchcock, to approve the minutes as written. Motion passes unanimously 4-0-0.

**III. Unfinished Business**

a. Fort Street Bridge

Eric updated the Committee on the Fort Street Bridge project. MaineDOT project manager for the work, Mark Parlin, has sent Caribou staff a link to the public involvement website for residents to comment and respond to a survey about the bridge rehab and replacement work. The City will send out post cards to residents with the QR code and link to the project page, and keep a dedicated page on the City website for project updates.

The Board asked about our State Representatives having a stake in this. Eric Hitchcock noted that it would be good to invite our State Senators and Representatives when MaineDOT does come to Caribou or hold a formal meeting on the project. Steve Wentworth asked whether the Governor's office could be influential.

b. Updates on New Planning Board Member Nominations

The Board

**IV. New Business**

a. Review Options for Potential Property Maintenance Ordinance

Dave noted it would be worth drafting up language. The Board's general sentiment was to prepare language for when the City does staff ready for general enforcement.

The current Property Maintenance Code refers to the International Property Maintenance Code. Having this all locally will strengthen the City's case in any property violations go to court. Steve Wentworth noted such language would give more power to require the delinquent property owners that would be affected to come to the table to come to a resolution on an issue. The Board also discussed the conflict if the City Council needs to enforce these provisions and political influence that could

- b. Discuss Animal Control Calls & Possible Ordinance Considerations
  - i. Attachment 1 – Animal Control Calls by Type – 1/1/25 to 12/7/25

Dave Corriveau noted he has some suggested changes for Chapter 3 on Animal and Fowl, which he recommended renaming "Animal Control Ordinance" as a more reflective name for the ordinance. It gives the City the room to add a "section 5" covering animal cruelty and abuse. Dave added that Presque Isle also goes through its Police Department, similar to Caribou, which heavily leans on the State. In Bangor, after the second violation from the same owner, it requires a lot of administrative paperwork for the City. Dave cited Title 7 Animal Abuse that gives officers authority. Dave will give Eric Sanderson the draft and notes that he has, and requested Eric digitize it as a rough draft for the next meeting. Steve Wentworth noted the City did have an Animal Control Ordinance. Eric will check with the Clerk's Office on this Ordinance (it generally referenced a limit on number of dogs per household in the RC-1 and RC-2 Ordinance).

V. City Council Liaison Report

VI. Staff Report

VII. Executive Session for consultation regarding pending litigation pursuant to 1 MRSA §405.6.E (80-B Appeal)

Motion by Eric Hitchcock to go into executive session, seconded by Dave Corriveau. Motion passes unanimously 4-0-0 to move into executive session at 6:44PM.

The Board resumed public session at 6:57PM.

VIII. Adjournment

Prior to adjournment, Steve Wentworth moved to hold a workshop on December 18<sup>th</sup> to discuss incorporation of Ordinance 3 into the City Code, and a schedule a Public Hearing of Ordinance 3 to be incorporated into the City Code on January 8<sup>th</sup>. Seconded by Dave Corriveau. Motion passes unanimously 4-0-0.

Motion made by Steve Wentworth to adjourn the meeting, seconded by Eric Hitchcock. Motion passes unanimously 4-0-0. The meeting was adjourned at 7:00PM.



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25 High Street  
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## MINUTES

### Caribou Planning Board Workshop

**Thursday December 18, 2025, at 6:00 p.m**

### Caribou Municipal Building

**Planning Board Members In Attendance:** Frank McElwain, Dave Corriveau, Steve Wentworth, Eric Hitchcock

**City Council Liaison & Staff:** Dan Bagley (City Council), Penny Thompson (City Manager), Karen Gorman (Special Projects Coordinator, via Zoom), Eric Sanderson (Economic & Community Development Specialist)

The workshop began at 6:00PM

Penny updated the Committee on the process for getting an existing license, similar to a liquor license to go through the Police Chief, Fire Chief, Code Enforcement, and the Clerk, with a public hearing.

Dave Corriveau asked if under the revised Chapter 13, do we highlight that we only mention two locations?

Dan – need a fair and impartial process into having hearings into the license. Dave asked whether we can remove the limit on two businesses, but revert to “previously existing and nonconforming uses”.

Penny noted that the only business that was operating under the ordinance a year ago, was Safe Alternatives which is a non-profit dispensary. Before August of 2023, there was not a definition for a “Caregiver Office”, but now there is a definition for “Caregiver Retail Store”. Our understanding is the way that things were run with the business in question is a “Caregiver Retail Store”. Dan noted the business was not a dispensary at the time.

Steve noted that Safe Alternatives came from Eagle Lake because the State’s rules allowed one in the northern region or zone of the state (Aroostook County). Penny noted it was pre-emptive to have regulations in place before Safe Alternatives came to town. The City Council passed the existing ordinance and had to work within the existing framework. They set up shop in the RC-2, did the paperwork in accordance with our ordinances that was in effect at the time. Steve added that initially, we had drafted ordinance in-house, and the verbiage was to limit proximity to schools and places of worship.

Penny noted the City could take out licensing from Ch. 13 and put it in Ch. 7. Steve noted that we should transfer definitions out of Ch. 13, and put them in Ch. 7, that way the land use part

would have Cannabis Dispensary on the land use table designating allowed zones, and much of what is in what is in front of the Board tonight, could be removed. That way, Ch. 7 would explain the difference between adult use and the other terms being discussed tonight. Dave added that it may be in our interest to use previous existing nonconforming use language, rather than having the limit of two.

Eric asked if any violations were noted by the state, and Penny confirmed we did not get anything. The renewal process was discussed as well as the process to revoke a license.

For North Star – have a similar process like a liquor license (City Council & hearing, with renewals as administrative approval) if that is acceptable and works, otherwise leave it to the City Council. Initial application, public hearing, with renewals at the review of Fire Chief, Police Chief, Code Enforcement, etc. The Board was supportive of this approach. It has concerns with permitting dispensaries as allowed uses in the R-3 with Planning Board Review. The Board noted that it would be okay with considering an existing, licensed Dispensary in the R-3 for a license under the ordinance as an “existing non-conforming”. It does not want to allow such a use as permitted in the entire R-3 even with Planning Board approval. Eric will request Ben or someone from North Star attend the Planning Board’s meeting on January 8<sup>th</sup>, whether they can make the updates or not.



## MEMO

**TO: Caribou Planning Board**

**FROM: Eric Sanderson, Economic & Community Development Specialist**

**DATE: February 4, 2025**

**RE: Updates to Chapter 7, Licenses & Permits and Chapter 13 Zoning on Medical Cannabis**

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### Introduction

In July, the City Council passed Ordinance 3, an ordinance amending Chapter 13 The Land Use Ordinance of the City of Caribou to repeal and replace Section 13-700(39) – standards for Registered Nonprofit Dispensaries and Registered Cultivation Facilities for Medical Marijuana. In addition to repeal of the Registered Dispensary standards, this ordinance authorized the City to issue two Medical Cannabis Dispensary licenses in Caribou. Approval of the Ordinance had direct language for updates to Chapter 13 Land Use and Zoning, but also has implications to Chapter 7 Licenses & Fees in the City's Code of Ordinances. At the conclusion of its December 11, 2025 meeting, the Planning Board voted to hold a Workshop on December 18<sup>th</sup> to discuss proposed updates to both chapters. Minutes from the workshop are included in the agenda for the Board's review. Additionally at its December 11, 2025 meeting, the Board voted to hold a public hearing at its January 8<sup>th</sup>, 2026 meeting. That meeting was cancelled due to a lack of quorum and therefore the Board is holding the hearing at its next regularly scheduled meeting on February 12<sup>th</sup>. The Public Hearing was advertised in the Bangor Daily News/The County and posted at the Municipal building in accordance with the City's ordinances.

### Summary of Updates

During the December 18<sup>th</sup> workshop, the Board requested to further separate zoning and licensing language to their respective ordinances between Chapter 7 and Chapter 13 as initially proposed. With this in mind, staff will summarize the proposed updates to these ordinances accordingly below. North Star Planning has also provided a memo which is included in the agenda packet materials for the Board's review.

### **Chapter 7 Licenses and Permits**

Since what was passed by the City Council in Ordinance 3 makes no direct mention of Chapter 7 (although it does mention fees), staff recommends the Planning Board consider a full repeal and replacement of *Chapter 7 Article XI Registered Nonprofit Dispensaries and Registered Cultivation Facilities*, which can then be more cleanly replaced by what is in front of the Board today.

The updates to Chapter 7, Article XI outline a permit process through the City Clerk and the fee structure for such permitting. Pursuant to the Board's request at the December workshop, a process similar to the liquor licensing process in Chapter 7 Article XII was followed, whereby the City Council is the reviewing authority for the initial license and a public hearing required. Renewals are then handled by the City Clerk with annual inspections with Code Enforcement, Police, and Fire Departments. This section includes factors in issuing a license, the term of the license, any suspension, and appeal. After Article XI, an Article XIII is then added to the end of Chapter 7 addressing Adult Use Cannabis, which is then expanded upon in Chapter 13 in the Zoning.

### **Chapter 13 Land Use Ordinances**

With Ordinance 3 repealing the performance standards in Chapter 13 Section 700(39), these standards are proposed to be replaced with what is in front of the Board now. Additionally, per the Board's discussion at its

December 18<sup>th</sup> Workshop, the use table was updated such that Registered Medical Cannabis Dispensaries are not permitted in any zoning district in the City of Caribou. The language clearly states Caribou is not opting into adult use cannabis but that this ordinance serves to allow issuance of two Medical Cannabis Dispensary licenses, which can only be applied for by existing Medical Cannabis Dispensaries at the time the ordinance is enacted (e.g. existing, non-conforming uses), bringing Caribou in line with what was passed by the City Council and the requirements of the State.

Since Adult Use is not being permitted by Caribou at this time, staff also added in the standards from Chapter 13, Section 700(41) which govern Adult Use and Recreational Marijuana. Staff has added the “Adult Use Operation” as a definition to ensure any and all adult or recreational uses remain prohibited in the City. Many other municipalities in Maine take this same approach, separately regulating medical and adult uses. Madison was one example given by the City’s attorney which has been reviewed during this process. Staff will attach Madison’s standards for the Board’s reference.

### Conclusion

The updates to Chapter 7, the repealed section of Chapter 13, as well as the other sections of Chapter 13 were drafted to support Caribou’s local businesses, but also maintain the City’s stance on recreational and adult uses. Any changes recommended to the City Council will go through a legal review by the City’s attorney, and staff is happy to answer any questions related to this effort.

### Attachments

Attachment 1 – Town of Madison Chapter 180 Drugs and Drug Paraphernalia

### Suggested Action

If the Board is comfortable with the standards, it should make its recommendation to the City Council so a public hearing can be advertised for the March 23<sup>rd</sup> City Council meeting. If this is the case, please make the below motion:

“Motion to recommend to the City Council that Chapter 7, Article XI be repealed and replaced, Article XIII be added as proposed, Chapter 13 Section 700(39) be replaced, and the Land Use Table and Section 700(41) be amended, as proposed”.

Alternatively, if the Board still has concerns that it would like to discuss more, staff recommends a formal vote to reschedule the regularly scheduled March Planning Board meeting from March 12<sup>th</sup> to March 5<sup>th</sup> so the City has time to post notice prior to the March 23<sup>rd</sup> City Council meeting.

Second

Discussion

# Attachment 1 - Town of Madison Drugs and Drug Paraphernalia Ordinance

Town of Madison, ME

## Chapter 180

### DRUGS AND DRUG PARAPHERNALIA

ARTICLE I			
<b>Adult Use Cannabis Establishments</b>		§ 180-11.	Permitted establishments.
§ 180-1.	Authority.	§ 180-12.	License required.
§ 180-2.	Purpose.	§ 180-13.	Nonconforming/grandfathered uses and activities.
§ 180-3.	Definitions.	§ 180-14.	Site requirements.
§ 180-4.	Prohibition on adult use cannabis establishments.	§ 180-15.	Licensing procedures.
§ 180-5.	Effective date; duration.	§ 180-16.	Application.
§ 180-6.	Violations and penalties.	§ 180-17.	License expiration and renewal.
§ 180-18.		§ 180-18.	License fee.
§ 180-19.		§ 180-19.	Denial, suspension, or revocation of license.
ARTICLE II		§ 180-20.	Right of access inspection.
<b>Medical Use Cannabis Establishments</b>		§ 180-21.	Operating requirements.
§ 180-7.	Authority.	§ 180-22.	Enforcement.
§ 180-8.	Purpose.	§ 180-23.	Violations and penalties.
§ 180-9.	Definitions.	§ 180-24.	Severability.
§ 180-10.	Applicability.		

[HISTORY: Adopted by the Board of Selectmen of the Town of Madison as indicated in article histories. Amendments noted where applicable.]

## DRUGS AND DRUG PARAPHERNALIA

Town of Madison, ME

§ 180-1

### ARTICLE I Adult Use Cannabis Establishments [Adopted 10-22-2024<sup>1</sup>]

§ 180-3

#### § 180-1. Authority.

This article is enacted pursuant to the Adult Use Cannabis Act, M.R.S.A. Title 28-B, Subchapter 4 and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A § 3001.

#### § 180-2. Purpose.

The State Legislature, through the adoption of PL 2017 c. 409, the Marijuana Legislation Act and later the Adult Use Cannabis Law, requires municipalities to "opt-in" or vote to allow certain activities and facilities associated with adult use cannabis if the municipality wants to allow such activities to operate in the municipality. The Town of Madison decided that adult use cannabis facilities (including manufacturing, testing, commercial cultivation, social club, and retail) are not appropriate facilities for Madison. The purpose of this article is to provide for and regulate adult use cannabis establishments as defined in this article and by the State of Maine under the Adult Use Cannabis Act, M.R.S.A. Title 28-B, Subchapter 4 (definitions are in Subchapter 1).

#### § 180-3. Definitions.

**ADULT USE CANNABIS ESTABLISHMENT** — An adult use cannabis cultivation facility, an adult use cannabis products manufacturing facility, an adult use cannabis store, an adult use cannabis social club or an adult use cannabis testing facility.

**CANNABIS** — The leaves, stems, flowers and seeds of a cannabis plant, whether growing or not. "Cannabis" includes cannabis concentrate but does not include hemp as defined in M.R.S.A. Title 7, § 2231, Subsection, 1-A, Paragraph D or a cannabis product.

**CANNABIS STORE** — A facility licensed under M.R.S.A. Title 28-B to purchase and sell adult use cannabis, immature cannabis plants, seedlings from a cultivation facility, and adult use cannabis products from a products manufacturing facility to consumers.

**CANNABIS TESTING FACILITY** — A public or private laboratory that:

- A. Is authorized in accordance with M.R.S.A. Title 22, Ch. 558-C, § 2423-A, Subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and
- B. Is accredited pursuant to standard ISO/IEC 17025 of the International Organizations for Standardization by a third-party accrediting body or is certified, registered or accredited by an organization approved by the department.

**CULTIVATION FACILITY** — A facility licensed under M.R.S.A. Title 28-B to purchase cannabis plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use cannabis; to sell adult use cannabis products to manufacturing facilities, to cannabis stores and to other cultivation facilities; and to sell cannabis plants and seeds to other cultivation facilities and immature cannabis plants and seedlings to cannabis stores.

**MANUFACTURING or MANUFACTURE** — The production, blending, infusing, compounding or other preparation of cannabis and cannabis products, including but not limited to, cannabis extraction or

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1. Editor's Note: This ordinance also superseded former Art. I, Retail Marijuana Establishments, adopted 6-11-2018.

preparation by means of chemical synthesis.

**PRODUCTS MANUFACTURING FACILITY** — A facility licensed under M.R.S.A. Title 28-B to purchase cannabis from a cultivation facility or another products manufacturing facility; to manufacture, label and package cannabis and cannabis products; and to sell cannabis and cannabis products to cannabis stores and to other products manufacturing facilities.

**§ 180-4. Prohibition on adult use cannabis establishments.**

Adult use cannabis establishments are expressly prohibited in the Town of Madison.

**§ 180-5. Effective date; duration.**

This article shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

**§ 180-6. Violations and penalties.**

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

**ARTICLE II**  
**Medical Use Cannabis Establishments**  
**[Adopted 10-22-2024]**

**§ 180-7. Authority.**

This article is enacted pursuant to the Medical Use of Cannabis Act, M.R.S.A. Title 22 and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001.

**§ 180-8. Purpose.**

- A. The purpose of this article is to allow for the licensed operation of medical use cannabis caregiver retail stores and medical use cannabis dispensaries in Madison, while ensuring that the same are operated safely and in accordance with state law. The purpose of this article is also to prevent the location of such establishments in close proximity to schools, day care centers, houses of worship, public parks or recreational areas, or other medical cannabis establishment(s).
- B. This article does not authorize the operation of medical use cannabis manufacturing facilities and medical cannabis testing facilities. In addition, this article does not authorize the operation of any adult use cannabis establishment.
- C. The operation of a medical cannabis caregiver within their primary residence, or in the primary residence of one or all its officers or managers, is exempt from the licensing requirements of this article. Nothing in this article is intended to prohibit any lawful use, possession, or conduct pursuant to the Maine Medical Use of Cannabis Act, 22 M.R.S.A. c. 558-C.

**§ 180-9. Definitions.**

**CANNABIS** — The leaves, stems, flowers and seeds of a cannabis plant, whether growing or not. "Cannabis" includes cannabis concentrate but does not include hemp as defined in M.R.S.A. Title 7, § 2231, Subsection 1-A, Paragraph D or a cannabis product.

**CAREGIVER RETAIL STORE** — 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 and services directly to a consumer, and that is used by a registered caregiver to offer cannabis plants or harvested cannabis for sale to qualifying patients.

**MANUFACTURING FACILITY (MEDICAL)** — A registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in cannabis extraction under M.R.S.A. Title 22, Ch. 558-C, § 2423-F.

**MEDICAL USE** — The acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of cannabis or paraphernalia relating to the administration of cannabis 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 under M.R.S.A. Title 22, Ch. 558-C.

**MEDICAL USE CANNABIS ESTABLISHMENT** — A medical use cannabis caregiver store or a medical use cannabis dispensary that operates in a location that is not the caregiver's primary residence, or in the case of a caregiver that is a registered entity, the primary residence of any of the entity's officers, partners, managers, or members. A medical cannabis establishment does not include a medical marijuana manufacturing facility or a medical marijuana testing facility, neither of which are authorized to operate in the Town of Madison.

**REGISTERED MEDICAL USE DISPENSARY** — An entity registered under M.R.S.A. Title 22, Ch.

558-C, § 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses cannabis plants or harvested cannabis or related supplies and educational materials to qualifying patients and caregivers of those patients.

#### **§ 180-10. Applicability.**

This article applies to medical use cannabis establishments. Home cultivation of adult use or medical marijuana for personal use is exempt from the licensing requirements of this article.

#### **§ 180-11. Permitted establishments.**

- A. Only cannabis establishments specifically authorized by an "opt-in" vote at a legally held Town Meeting shall be permitted. On June 10, 2024, the Town voted to "opt-in" to the retail sales of medical cannabis products. All other cannabis establishments are not permitted.
- B. A maximum of three medical cannabis establishments shall be permitted at any one time in the Town of Madison. If a medical cannabis establishment license becomes available through revocation, forfeiture or expiration, it shall be awarded on a first-come-first-served basis to the individual or entity having first submitted a complete license application that satisfies all applicable approval standards within this article. Notwithstanding this provision, if the business assets of a medical cannabis establishment are being transferred by sale to another individual or entity through purchase or otherwise, the purchaser shall have 60 days after closing of the transaction to apply for a new license, and 120 days after closing of the transaction to receive a new license without losing entitlement to a license for the medical cannabis establishment.

#### **§ 180-12. License required.**

- A. A medical use cannabis establishment shall not operate until it is licensed by the state. An applicant may not operate a cannabis establishment without a state license and all other necessary local approvals.
- B. No person shall establish, operate or maintain a medical use cannabis establishment without first obtaining an annual license from the Select Board.
- C. The Select Board may only issue one total annual medical use cannabis establishment license to a single business, individual or owner. For the purpose of this restriction, a "business" or "owner" shall include a separate business entity where the majority of ownership interests are held by the same individual(s) or entity/entities.
- D. The Select Board is authorized to issue no more than three annual medical cannabis use establishment licenses in accordance with this article.
- E. Licenses issued pursuant to this article are not transferable following a change in ownership of the licensee or a change in location of the licensed activity. Any change in ownership or change in officers of an owner of a medical use establishment shall have a priority of review to maintain the issued license, provided that a completed license application is submitted prior to the change of ownership.
- F. Medical use establishment licenses shall be administered on a first come, first serve basis based upon the date the application is deemed complete.

#### **§ 180-13. Nonconforming/grandfathered uses and activities.**

- A. The standards of § 180-14 Site requirements, are not applicable to the licensing process of grandfathered or non-conforming activities so long as any grandfathered or non-conforming use of this article obtains a license within six months of the adoption of this article.
- B. If a non-conforming use or business is terminated by the owner/operator and is discontinued for 12 consecutive months, such use shall no longer be permitted. Abandonment shall constitute discontinuance. Any conforming use housed in a building or structure destroyed by fire, or other cause to the extent 50% or more of the market value of the structure before such damage or destruction, shall be presumed to be forfeited at the time of the damage, and such use shall not be resumed, unless reconstruction is started within 18 months.

#### **§ 180-14. Site requirements.**

- A. No medical cannabis establishment shall be sited within 1,000 feet of safe zones designated by the Town of Madison in accordance with state law, 30-A M.R.S.A. § 3253.
- B. No medical cannabis establishment governed by this article may be sited in the Shoreland Zone, or in a floodplain or wetland or any other area(s) controlled by ordinance restrictions.
- C. All establishments will be designed in such a way to minimize the impact on neighboring properties and public services. New medical cannabis establishments must adhere to the submission requirements outlined in the Madison Site Plan Review Ordinance (if required).<sup>2</sup>

#### **§ 180-15. Licensing procedures.**

- A. The initial application for a medical cannabis establishment license shall be processed by the Town Manager but reviewed and considered by the Select Board for approval. Applications shall be made on a form prepared by the Town and must include all information required by § 180-16, Application, and of the form.
- B. A public hearing on an application for an initial license shall be scheduled within 30 days of receipt of a completed application.
- C. The Code Enforcement Officer (CEO), within 15 days of application receipt, shall verify that the proposed premises of the establishment will comply with this article and with all other applicable state and local laws and regulations and report the findings in writing to the Select Board.
- D. An annual renewal application shall be subject to the same review standards as applied to the initial issuance of the license application; however, a renewal application may be approved by the Town Manager and CEO if there have been no code violations or complaints.
- E. The Town Manager shall be responsible for the initial investigation of the application to ensure compliance with the requirements of this article. The Town Manager may consult with other departments and any appropriate state licensing authority as part of this investigation.
- F. The Select Board shall have the authority to impose any conditions on a license that may be necessary to ensure compliance with the requirements of this article or to address concerns about operations that may be resolved through the conditions. The failure to comply with such conditions shall be considered a violation of the license.
- G. No local license shall be granted until the Town Manager and CEO have both made a positive

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2. Editor's Note: See Ch. 484, Site Review.

recommendation upon the applicant's ability to comply with this article. Whenever inspections of the premises used for or in connection with the operation of a licensed business are provided for or required by ordinance or state law, it shall be the duty of the applicant or licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the Town authorized to make the inspection at any reasonable time that admission is requested.

**§ 180-16. Application.**

- A. Each applicant for a medical use cannabis establishment license shall complete and file an application on a form prescribed by the Town Clerk, together with the license fee.
- B. Each application shall include:
  - (1) A copy of the applicant's state license application and supporting documents as filed with the state licensing authority.
  - (2) Evidence of all state approvals or conditional approvals required to operate a medical use cannabis establishment.
  - (3) If not included in the applicant's state license application, attested copies of the articles of incorporation and bylaws if the applicant is a corporation, operating agreement if the applicant is a limited-liability company, evidence of partnership if the applicant is a partnership, or articles of association and bylaws if the applicant is an association.
  - (4) If not included in the applicant's state license application, an affidavit that identifies all owners, officers, members, managers, or partners of the applicant, their places of residence at the time of the application and for the immediately preceding three years.
  - (5) Furnish information with the application (i.e., date of birth and social security number) necessary to allow the Town to perform criminal background checks on the application and each officer, owner, manager or partner of the applicant.
  - (6) Submit evidence of right, title or interest in the premises in which the medical use cannabis establishment will be sited, along with the written consent of the owner of the premises for such use if the applicant is not the owner.
  - (7) Submit proof of insurance with coverage limits meeting the requirements set forth in the application form.
  - (8) Evidence of all land use approvals or conditional land use approvals required, as necessary, including but not limited to a building permit and site plan approval.
  - (9) An operating plan that at minimum addresses the following:
    - (a) Description of nature of all products and services.
    - (b) Operating hours.
    - (c) Disposal of waste.
    - (d) Ventilation and odor.
    - (e) Parking.
    - (f) Landscaping.

(g) Signage and how it conforms with state guidelines for medical cannabis establishments.

**§ 180-17. License expiration and renewal.**

- A. Each local license issued shall be effective for one year from the date of issuance.
- B. Annual renewal applications must be submitted 30 days prior to the date of expiration of the annual local license. An application for renewal of an expired license shall be reviewed by the CEO and Town Manager. The renewal may be approved by CEO and Town Manager if the applicant is deemed in good standing with the articles of this ordinance and all other applicable local and state ordinances and licensing requirements. The applicant for renewal may be elevated to review by the Select Board if either the CEO or the Town Manager deems it needs additional review.

**§ 180-18. License fee.**

The Select Board shall have the authority to set license fees and set a limit on the number of licenses granted to medical cannabis establishments. Fees for a local license shall be as set forth by the Select Board, added to the Town of Madison Fee Schedule,<sup>3</sup> and shall be paid annually.

**§ 180-19. Denial, suspension, or revocation of license.**

A license may be denied to the following persons:

- A. A person who fails to meet the requirements of this article. Where an applicant is an entity rather than a natural person, all natural persons with an ownership interest must meet these requirements.
- B. The applicant has submitted an incomplete application, knowingly made an incorrect statement of a material nature, or failed to supply additional information required by the Town that is reasonably necessary to determine whether the license is issuable.
- C. An applicant who is not at least 21 years of age.
- D. A person who has had a license for a cannabis establishment revoked by the Town or by the state.
- E. An applicant who has not acquired all necessary state approvals and other required local approvals prior to the issuance of a local license.
- F. An applicant who has been convicted of a criminal violation arising out of operation of a cannabis establishment.
- G. The Town may suspend or revoke a license for any violation of this section or any other applicable building-related and life safety code requirements. The Town may suspend or revoke a license if the licensee has a state license for a cannabis establishment suspended or revoked by the state. The licensee shall be entitled to notice and a hearing to any suspension or revocation.

**§ 180-20. Right of access inspection.**

Every medical cannabis use establishment licensee shall allow law enforcement officers and the Madison CEO to enter the premises at reasonable times for the purpose of checking compliance with all applicable state laws and this article.

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3. Editor's Note: See Ch. 583, Fees.

**§ 180-21. Operating requirements.**

The licensee shall comply with all of the following requirements during the term of the license:

- A. Current license shall be displayed at all times in an open and conspicuous place in the establishment for which the license has been issued.
- B. All licensed premises shall be permanent locations. Licensees shall not be permitted to operate a medical cannabis establishment in a temporary or mobile location.
- C. A medical cannabis establishment shall meet all operating and other requirements of state, local, and federal law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing cannabis establishments, the stricter law or regulation shall control.

**§ 180-22. Enforcement.**

The owner of the premises on or in which the medical cannabis establishment is located, who is not the licensee of the medical cannabis establishment, is jointly and severally liable with the licensee for any violation of this article. This article shall be enforced by the CEO, in conjunction with the Select Board. In any court action, the Town may seek injunctive relief in addition to penalties. If court action is required to enforce this article, the Town shall be awarded its enforcement costs, including reasonable attorney's fees.

**§ 180-23. Violations and penalties.**

Any violations of this article, including failure to comply with any conditions, may be enforced in accordance with 30-A M.R.S.A. § 4452. Every day a violation exists constitutes a separate violation. Operation of any medical use cannabis establishment without a Town license shall be a violation of this article. Any party committing such a violation shall immediately cease operations, whether of a construction, renovation, or business nature, upon notification by the CEO. Upon such CEO notification, and failure of the licensee or other individual or business to take the required remedial action in a timely manner, the Town can pursue fines and/or penalties under 30-A M.R.S.A. § 4452.

**§ 180-24. Severability.**

If any section, phrase, sentence or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

# MEMORANDUM

February 4, 2026

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**To:** City of Caribou Planning Board  
**CC:** Penny Thompson, City Manager  
Eric Sanderson, Economic & Community Development Specialist  
Karen Gorman, Special Projects Coordinator  
**From:** Ben Smith, AICP, Principal Planner  
Annarosa Whitman, Associate Planner  
**Subject:** Cannabis Dispensary Ordinance Work

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## Overview

North Star Planning has been working closely with City Staff to draft ordinance language that will provide clear guidance on grandfathering of the two existing medical cannabis dispensary businesses, outlines the licensing and renewal process and updates the pertinent zoning. With this updates, Registered Medical Cannabis Dispensaries and Registered Cannabis Cultivation Facilities are not allowed in any zone. However, licensed medical cannabis dispensary businesses are grandfathered as a non-conforming use and have priority in applying for one of the two (2) operating licenses granted by the city. Through this ordinance new medical cannabis dispensaries will not be able allowed to operate.

## Chapter Updates

Chapter 7, Licenses and Permits, proposed Article XI Registered Medical Cannabis Dispensaries outlines the permitting process for a registered medical cannabis dispensary. Applicants are liable for a completed application, licensing fees, site inspection and compliance fees. The initial application will be reviewed and approved with a public hearing by the City Council. Annual renewals are subject to inspections but may be approved by the City Clerk. Article XII (subject to numbering change) which prohibits adult use cannabis establishments is included in Chapter 7. Here is an overview of the ordinance draft changes to Chapter 7, Licenses and Permits:

- Updated the language to eliminate the use of “nonprofit” to comply with current Maine law. Replaced it with Registered Medical Cannabis Dispensary.
- Added language outlining the license fee, inspection fee, and any compliance inspection fees (Section 1102, 4.).
- Clarified the need for a public hearing for a new permit (Section 1102, 5). This language is based off the Article XII Liquor licenses.
- Clarified that the City Clerk may be the approval authority without a public hearing for renewals but annual inspections must be carried out by the Code Enforcement Officer, Fire Chief, and Police Chief for a renewal (Section 1102, 8). This language is based off the Article XII Liquor licenses.

- Added language clarifying penalties (Section 1106).
- Updated language to "Maine Office of Cannabis Policy" as the regulating state agency.
- Removed all instances of "Registered Cultivation Facilities".
- Added Section 12, prohibiting "Adult Use Cannabis Establishments". The language is based off the ordinance language of the town of Madison.

Chapter 13, Land Use Ordinances outlines standards for Registered Medical Cannabis Dispensaries in the City of Caribou. With these proposed changes, no new Registered Medical Cannabis Dispensaries may be permitted in any zone. Instead, existing operations may be "grandfathered" as existing non-conforming uses. The city may issue two licenses for such operations, and each of the existing dispensaries will have 60 days from enactment to apply for a license to continue operations as a non-conforming use. Here is an overview of the ordinance draft changes to Chapter 13, Land Use Ordinances:

- Updated the land use table (Section 13-204) to prohibit Registered Medical Cannabis Dispensaries in all zones. Existing facilities would potentially become non-conforming uses, pending a licensing process.
- Updated the land use table (Section 13-205) to prohibit Adult Use cannabis operations in all zones.
- Added the definition for a Registered Medical Cannabis Dispensary and medical use. (Section 4).
- Updated the language to Registered Medical Cannabis Dispensary throughout.
- Clarified in Section 4, 1. that the city will issue two licenses. The existing dispensaries will have sixty (60) days to apply for one of the licenses after enactment.
- Clarified Section 4, 1. f) which outlines that if a dispensary ceases operations for 12 months the license will be revoked. Added an exception for an appeal process. This language should be reviewed.
- In Section 4 2. Zoning only existing dispensaries are grandfathered as a nonconforming use.
- Updated Section 9 and 10 to refer to fees and penalties in chapter 7, respectively.
- Updated language to "Maine Office of Cannabis Policy" as the regulating state agency.

## Chapter 7 Licenses and Permits

### **ARTICLE XI REGISTERED NONPROFIT DISPENSARIES AND REGISTERED CULTIVATION FACILITIES** **MEDICAL CANNABIS DISPENSARIES and REGISTERED CANNABIS CULTIVATION FACILITIES**

#### **Section 1101 Purpose**

The purpose of this Article is to control the issuance of a permit to operate ~~either~~ a Registered Nonprofit Dispensary Medical Cannabis Dispensary or Registered Cultivation Facility as may be permitted by the State of Maine and the Caribou Planning Board.

#### **Section 1102 Permit Required**

1. *Operation of a Registered Nonprofit Dispensary Medical Cannabis Dispensary or Registered Cannabis Cultivation Facility*: No Permit or renewal of a Permit may be issued unless the facility is permitted by the ~~State of Maine Department of Health and Human Services~~ ~~Maine Office of Cannabis Policy~~ and the Caribou Planning Board to be eligible for a Certificate of Occupancy. No facility shall conduct business within the limits of Caribou without first securing a permit from the Municipal Officers of the City of Caribou.
2. *Applications for permit*: Applications for a permit shall be made in writing to the Municipal Officers through the City Clerk's Office and shall state:
  - a. The name of the ~~Business~~ ~~Nonprofit~~ entity
  - b. Location and type of Facility
  - c. State License Number
  - d. Copy of complete ~~State of Maine DHHS~~ ~~Maine Office of Cannabis Policy~~ Application ~~establishing the Nonprofit~~ materials and supporting documents with evidence of all state approvals or conditional approvals required to operate a Medical Cannabis Dispensary.
3. *Compliance with all laws*: No permit shall be issued unless the Applicant can prove full compliance with all applicable State and Local Ordinances pertaining to the type, operation, and location of the facility or mobile unit to be permitted.
4. *Fee*: ~~A Registered Medical Cannabis Dispensary or Registered Cannabis Cultivation Facility operating in the City of Caribou shall pay an annual local licensing fee of \$1,000.00. This fee shall be submitted to the City Clerk and is due on or before January 31 of each calendar year. The purpose of this fee is to help offset administrative and regulatory costs incurred by the municipality in overseeing compliance and permitting of registered dispensary operations.~~ ~~\$500~~ ~~In addition to the annual licensing fee, a Registered Medical Cannabis Dispensary or Registered Cannabis Cultivation Facility shall be subject to the following fees: A fee of \$500.00 for each initial or renewal site inspection conducted by the municipality. A fee of \$250.00 for any additional compliance inspections that are required outside of the normal annual review cycle. Any proposed change to a dispensary's operations, including but not limited to structural expansion, site design modification, or change of ownership, shall require submission of a new application and payment of \$1,000.00 non-refundable application fee to cover municipal review and administrative costs.~~ ~~per location of either a Registered Nonprofit Dispensary or Registered Cultivation Facility shall apply for first time and renewal applications to provide for the cost of advertising, notices to abutters, compliancy checks, and use of administrative time to process.~~
5. *Public Hearing*: ~~The Municipal Officers shall, prior to granting any permit new or annual renewal, provide for not less than 7 days notice of a public hearing, within 30 days upon the receipt of the~~

~~application, to receive written and verbal testimony from the applicant and interested members of the public pursuant to the granting of a permit. The City Council shall be the approving authority and conduct a public hearing for new annual license applications and if there is cause to question the past operation of an Establishment seeking license renewal. The City Clerk shall provide notice of a public hearing within 30 days upon the receipt of the application, at the applicant's prepaid expense, stating the date, time and place of hearing, to appear the week before the hearing in a weekly newspaper having general circulation in the municipality and by a minimum 7-day posting.~~

6. *Factors in issuing permit:* In granting or denying an application, the ~~Municipal Officers approving authority~~ shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
  - A. Conviction of the Applicant of any Class A, Class B, or Class C crime;
  - B. Noncompliance of the licensed Dispensary ~~or Cultivation Facility~~ or its use with any local zoning ordinance or land use ordinance;
  - C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with, or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
  - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
  - E. Any violation of State Law or Caribou Code directly related to the operation under the provisions of law of the Registered ~~Nonprofit Dispensary~~Medical Cannabis Dispensary or ~~Registered Cannabis~~Cultivation Facility.
7. *Term of License:* A permit shall be valid for only one (1) year from the date of first issuance and shall be subject to meeting all requirements as set forth in this Chapter for subsequent renewal.
8. *Renewal:* Annually, within 30 days prior to the license renewal date; the ~~Registered Medical Cannabis Dispensary or Registered Cannabis Cultivation Facility~~ dispensary shall be inspected by Code Enforcement, Fire Chief and Police Chief to ensure that the dispensary is in compliance for Zoning, Fire Safety and Security requirements. ~~After inspection, the City Clerk shall be the approving authority and may without conducting a public hearing approve applications for annual licenses renewals. The City Clerk shall have discretion to refer a license renewal to the City Council if the City Clerk determines a public hearing is required.~~

## Section 1103 Suspension of Revocation of a Permit

The Municipal Officers may, after public hearing preceded by notice to the Applicant and interested parties, suspend, or revoke any permit issued for the operations of ~~either a Registered Medical Cannabis Dispensary or Registered Cannabis Cultivation Facility~~ Registered Nonprofit DispensaryMedical Cannabis Dispensary or ~~Registered Cultivation Facility~~, which ~~have~~has been issued under this Article, on the grounds that the continued operations of the facility would constitute a detriment to the public health, safety, or welfare, or violates any municipal ordinances, articles, bylaws, or rules and regulations.

## Section 1104 Rules and Regulations

The Municipal Officers are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension and revocation of Registered Medical Cannabis Dispensary or Registered Cannabis Cultivation Facility Registered Nonprofit Dispensaries or Registered Cultivation Facilities permits and other limitations of these operations required to protect the public health, safety and welfare. These rules and regulations may specifically amend the determination of the location and size of permitted premises, the hours during which the permitted activities are permitted, or other operational considerations that would otherwise impact the public's wellbeing.

## **Section 1105 Permit and Appeal Procedures**

*1. Notice of decision.* -Any Licensee requesting either a Registered Medical Cannabis Dispensary or Registered Cannabis Cultivation Facility Registered Nonprofit Dispensaries or Registered Cultivation Facilities permit from the Municipal Officers shall be notified in writing of their decision no later than fifteen (30~~15~~) days from the date the request was received by the City Clerk. - In the event that a Licensee is denied a permit, the Licensee shall be provided with the reasons for the denial in writing. - The Licensee may not reapply for a permit within 30 days after an application for a permit which has been denied.

*2. Appeal.* -Any Licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within 30 days of the denial, suspension or revocation, appeal the decision to the Municipal Board of Appeals as defined in 30-A MRSA §269~~124~~11. The Municipal Board of Appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare, or that the denial, revocation or suspension was arbitrary or capricious, or that the denial, revocation, or suspension was not based by a preponderance of the evidence on a violation of any ordinance, article, bylaw, or rule or regulation of the municipality.

## **Section 1106 Penalty**

Whoever violates any of the provisions of this Article shall be punished by a fines from \$100 up to \$2,500 assessed per day for first time violation with higher penalties assessed for subsequent violations. Fines will be assessed daily until the violation has been resolved to the satisfaction of the code enforcement officer. Any violations not corrected within 15 days will be subject to a daily higher fine and a potential to have the Code Enforcement Office issue a post against occupancy. Upon a licensee receiving a fourth notice of violation within a license year the license will be referred to the City Council for a hearing on a possible license revocation and/or addition of special conditions to the license. of not more than One Hundred (\$100) for the first offense, and up to Twenty five Hundred Dollars (\$2,500) for subsequent offenses, to be recovered, on complaint, to the use of the City of Caribou. Penalties are set pursuant to Title 30 A MRSA §4452, 3 Civil Penalties, paragraph B, the minimum penalty for a specific violation is \$100.00, and the maximum penalty is \$2,500.00.

## **Section 1107 Separability**

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

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**Historical Note:** Article XI was adopted on October 25, 2010.

## **ARTICLE XIII ADULT USE CANNABIS OPERATIONS**

### **Section 1301: Purpose**

The purpose of this article is to regulate adult use cannabis establishments as defined in this article and by the State of Maine under the Adult Use Cannabis Act, MRSA Title 28-B, Subchapter 4.

**Section 1302: Prohibition on adult use cannabis operations**

Adult use cannabis operations are expressly prohibited in the City of Caribou.

**Section 1303: Effective date; Duration**

This article shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

**Section 1304: Violations and Penalties**

This article shall be enforced by the municipal officers or their designee. Violations of this article shall be subject to the enforcement and penalty provisions of 30-A MRSA § 4452.

## Original Ch. 13-700.39 (Repealed by Ordinance 3)

### 39. Registered Nonprofit Dispensaries and Registered Cultivation Facilities for Medical Marijuana

#### A. Purpose and Authority

To regulate the location of Registered Medical Marijuana Dispensaries within the City of Caribou:

Pursuant to Title 22 MRSA Chapter 558 C and §2428 (10), Maine law provides for the siting of Medical Marijuana Dispensaries as permitted by the Department of Health and Human Services. The City of Caribou also reserves the right for additional siting and licensing requirements pursuant to municipal home rule authority, Title 30-A MRSA §3001.

Whereas marijuana has been determined to have both legitimate medical uses as well as a history of widespread illegal use, this Ordinance shall serve to govern the siting and licensing requirements specific to the City of Caribou for the operation of a Registered Medical Marijuana Dispensary.

#### B. Regulations:

1. The establishment of a Registered Nonprofit Dispensary or Registered Cultivation Facility shall require review by the Caribou Planning Board as per Section 13-300 "Site Design Review" of the Caribou Code. Section 13-302 (B) shall require a mandatory public hearing as part of the Site Design Review. Siting requirements shall also apply to any and all ancillary structures, mobile units, or any future types of dispensary mechanisms as yet contemplated within this ordinance.
2. No Certificate of Occupancy shall be granted for a Registered Nonprofit Dispensary unless the structure providing the service is located in the H-1, C-1, C-2, I-1, I-2 or RC-2 Zones.
3. No Registered Nonprofit Dispensary shall be allowed in the R-1, R-2 or R-3 Residential Zones or within 300 feet of an existing residential dwelling or within 300 feet of the R-1, R-2 or R-3 Residential Zone Boundary Line.
4. No Certificate of Occupancy shall be granted for a Registered Nonprofit Dispensary if the premise concerned is located within the Drug Free Safe Zone, or 500 feet of a preexisting Private School, Day Care Facility, or House of Public Worship.
5. No Certificate of Occupancy shall be granted for a Registered Cultivation Facility unless the structure is located within a Registered Nonprofit Dispensary or is offsite from the Dispensary within the R-3 Zone and also meeting all setback requirements applicable to Registered Nonprofit Dispensaries.
6. No Certificate of Occupancy shall be granted for a Registered Nonprofit Dispensary unless the premise concerned is in complete compliance with all municipal, state and federal Codes and Regulations.

Security requirements for both the Registered Nonprofit Dispensary and associated Registered Cultivation Facilities shall include as a minimum:

- a. Lockable doors and windows to include intrusion alarms with audible and police notification components sending notification directly to or through a second party to the Caribou Police Department.
- b. Exterior security lighting comprised of spot lights with motion sensors covering the full perimeter of the facility.
- c. Video surveillance capable of covering the entire perimeter of the facility, interior, and all plants cultivated within the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day seven days per week and such records of surveillance shall be retained for a minimum duration of 90 days
7. A Registered Nonprofit Dispensary and Registered Cultivation Facility may not continue to employ an employee who is convicted of any state or federal controlled substance law, or is under indictment or charged with any state or federal controlled substance law violation, while employed at the Registered Nonprofit Dispensary and or Registered Cultivation Facility. If a principal officer or board member is convicted of any state or federal controlled substance law while a principal officer or board member of a Registered Nonprofit Dispensary or Registered Cultivation Facility, that Registered Nonprofit Dispensary or Registered Cultivation Facility shall immediately be considered in violation of this Chapter.

8. Medical Marijuana Disbursing Facilities must provide an adequate interior waiting area to ensure no exterior waiting of clients.
9. Medical Marijuana Disbursing Facilities must provide adequate off street parking on site at 1 parking space per every 150 square feet of interior space. Each parking space shall be a minimum of 9 feet wide by 21 feet long.
10. All signage shall meet the requirements of Section 13-700, □29, A through H and may not use any pictorial representations of any portion of a marijuana plant, products, by-products, or paraphernalia associated with the use or distribution of legalized medical marijuana or illegal use of marijuana.

## CHAPTER 13

### Land Use Ordinances of the City of Caribou

#### Section 13-204, Land Use Table

Principal Land Use Activity	R-1	R-2	RC-2	R-3	C-1	C-2	I-1	I-2	H-1
<u>Registered Medical Marijuana Cannabis Dispensaries</u>	NO	NO	<u>PBN</u> <u>O</u>	NO	<u>PBN</u> <u>O</u>	<u>PBN</u> <u>O</u>	<u>PBN</u> <u>O</u>	<u>PBN</u> <u>O</u>	<u>PBN</u> <u>O</u>
<u>Adult Use Cannabis Operations</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>

Section 13-700.39, General Requirements for Land Uses, Registered Medical Cannabis Dispensaries

#### Section 1: Purpose

The purpose of this Ordinance is to provide for and regulate the issuance of local licenses for a ~~Registered~~ Medical Cannabis Dispensary. This ordinance establishes clear guidelines for the ~~continued~~ operation of two medical cannabis dispensaries in the City of Caribou in accordance with the Maine Medical Use of Cannabis Act at Title 22, Chapter 558-C. The ordinance further serves to clarify that Caribou has not opted-in for any license category authorized under Title 28-B, Maine's Cannabis Legalization Act, also known as "adult use" or "recreational" cannabis, and thus these businesses are not authorized to operate in Caribou. Furthermore, The City of Caribou has not opted in Caregiver retail stores as defined in Title 22, Chapter 558-C, § 2421-A (12). Through the enactment of this ordinance, the City does not prohibit or limit "Caregivers" as defined in Title 22, Ch. 558-C, § 2421-A (11).

Section 2. Authority. This Ordinance is adopted pursuant to the authority granted by the Maine Medical Use of Cannabis Act, 22 MRS § 2429-D.

Section 3. Registered Medical Cannabis Dispensary. A ~~Registered~~ Medical Cannabis Dispensary as defined in 22 MRS § 2421-A (41) may operate in the City of Caribou subject to the requirements and restrictions of this Ordinance.

#### Section 4. Definitions

Registered Medical Cannabis Dispensary: Consistent with M.R.S.A. ~~Title 22, Ch. 558-C §2421-A 41, an entity registered in accordance with this chapter that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses cannabis paraphernalia, cannabis plants, harvested cannabis, related supplies or educational materials to qualifying~~

patients and the caregivers of those patients.

Medical use: "Medical use" means t Consistent with M.R.S.A. Title 22, Ch. 558-C §2421-A 31, The acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of cannabis or cannabis paraphernalia relating to the administration of cannabis 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 under this chapter.

## **Section 5. Standards for Authorized Registered Medical Cannabis Dispensaries**

A- Registered Medical Cannabis Dispensary may operate in the City of Caribou subject to the requirements and restrictions of this Ordinance.

— Permitted Dispensaries. Only two registered dispensaries are authorized to operate in Caribou.

### **1. License Required**

- a) The City Clerk is authorized to issue two (2) City of Caribou Registered Dispensary Registered Medical Cannabis Dispensary Licenses.
- b) Applicants for a City of Caribou Registered Dispensary Registered Medical Cannabis Dispensary License must complete an annual license application submitted on a form provided by the City. The City shall provide the license application within thirty (30) days of the enactment of this ordinance.  
— Applications will be reviewed in the order they are received by the City Clerk. The City Clerk shall determine application completeness. Once complete applications have been received by the City Clerk for the two available registered dispensary licenses, no additional applications shall be accepted.
- c) The City caps the number of registered dispensary licenses at two (2).
- d) A licensed registered dispensary Registered Medical Cannabis Dispensary in existence at the time of enactment of this Ordinance is considered "grandfathered" and will have one of the two available licenses reserved. A grandfathered registered dispensary Registered Medical Cannabis Dispensary will have sixty (60) days from the enactment of this ordinance to submit a complete license application to the City. Failure to submit a complete license application within sixty (60) days of the enactment of this ordinance will result in forfeiture of the grandfathered status and the reserved license. The City Clerk will then be authorized to accept license applications for the available license.
- e) Transferability of Licenses: An entity holding a City of Caribou Registered Dispensary Registered Medical Cannabis Dispensary license that seeks a change in ownership of greater than fifty-percent of available equity or shares, whichever the case may be, must:
  - i) Notify the City Code Enforcement Office in writing.
  - ii) Update all contact information on file with the City of Caribou as to the

ownership of the business.

iii) Provide proof that the Maine Office of Cannabis Policy has been notified of the change if such notification is required by state law or applicable state rules.

iv) Be subjected to inspections by the City Code Enforcement Office, Fire Department, and any other designated municipal authority.

a) If a registered dispensary Registered Medical Cannabis Dispensary ceases operations for a period of 12 months, for any reason, the City will revoke the license issued to the registered medical cannabis dispensary. Timing associated with an appeal process shall not count toward the 12 month period referenced above.

#### **4.2. No Caregiver Retail Stores Permitted.**

a) No business or individual shall operate or seek to establish a “Caregiver Retail Store” in the City of Caribou as defined by 22 M.R.S. Ch. 558-C § 2421-A (12).

#### **3. Zoning**

a) Registered dispensaries are only permissible in the R-3 zone. An existing registered medical cannabis dispensary, with all required permits and a valid Maine Office of Cannabis Policy license operating as of the date of enactment of this ordinance is grandfathered as a nonconforming use if it is not located in the R-3 zone.

b) A registered dispensary Registered Medical Cannabis Dispensary may not be located within 500 feet of the property line of a preexisting public or private school boundary.

#### **4. Security**

—A registered dispensary Registered Medical Cannabis Dispensary must comply with the security requirements as outlined in the Maine Medical Use of Cannabis Program Rule, 18-691 C.M.R., Ch. 2,

a) § 3 (B) and any revisions, amendments, or updates thereto.

### **Section 6. Prohibition on Adult Use (Recreational) Cannabis in license categories authorized by the Cannabis Legalization Act, Title 28-B.**

**1. No Adult Use Cannabis Operations Permitted.** No business or individual shall operate or seek to establish a facility for the cultivation, manufacture, testing, distribution, sale, or delivery of adult use (recreational) cannabis within the City of Caribou.

**2. Clarification of Scope.** This prohibition applies to all adult use operations regulated under 28-B M.R.S. and any related rules and guidance from the Maine Office of Cannabis Policy.

### **Section 7. Inspections and Compliance.**

**1. Local Inspections.** All registered medical cannabis dispensaries must remain in compliance with applicable building, safety, fire, and health codes and shall be subject to inspection by:

City Code Enforcement Officer, Fire Department, Any other designated municipal authority.

**1.2. State Compliance.** All registered medical cannabis dispensaries must comply with the Maine Medical Use of Cannabis Program statutes and rules and must remain in good standing with the Maine Office of Cannabis Policy. A ~~registered dispensary~~ Registered Medical Cannabis Dispensary will provide Caribou Code Enforcement with proof of an active license on an annual basis.

**Section 8. Enforcement.** Any violation of this ordinance may result in enforcement actions, including fines, suspension of local authorization, or termination of local operations, in accordance with applicable municipal procedures.

**Section 9. Effective Date.** This ordinance shall take effect immediately.

**Section 10. Fees.**

A Registered Medical Cannabis Dispensary or registered cannabis cultivation facility shall be subject to an annual licensing fee, initial or renewal site inspection fees, and any additional compliance inspections fees, as outlined in Chapter 7 § 1102 4.

**Section 11. Penalty** Any person violating the provisions of this ordinance may be liable for the penalties set forth in Chapter 7 §1106.

## Section 13-700.41, Prohibiting Recreational Marijuana

**Section 1.** Authority. The ordinance is adopted pursuant to the Title 30-A M.R.S. §3001 and Title 7 M.R.S. c. 417.

**Section 2.** Purpose and Intent. The purpose of this ordinance is to impose a ban on the operation of Retail Marijuana Establishments and Retail Marijuana Social Clubs in the City of Caribou to protect the health, safety, and welfare of the people of Caribou as these activities constitute a nuisance.

**Section 3.** Prohibition. The operation of Retail Marijuana Establishments which includes Retail Marijuana Stores, Retail Marijuana Cultivation Facilities, Retail Marijuana Products Manufacturing Facilities, and Retail Marijuana Testing Facilities; and the operation of Retail Marijuana Social Clubs, and all Adult Use Cannabis Operations as defined herein, are prohibited within the City of Caribou, and therefore all activities related to the abovementioned retail uses such as, but not limited to, cultivation, possession, extraction, manufacturing, processing, storing, laboratory testing, labeling, transporting, delivering, dispensing, transferring, and distributing are expressly prohibited within the City of Caribou.

### **Section 4.** Exemptions.

A. Personal Use of Marijuana. This ordinance shall not be construed to prohibit the Personal Use of Marijuana per Title 7 M.R.S. c. 417 section 2452.

B. Medical Use of Marijuana. This ordinance shall not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary under the Maine Medical Use of Marijuana Act and the City of the Caribou Code of Ordinances, c. 56 Unified Development Ordinance.

**Section 5.** Relationship with Other Ordinances. Whenever a provision of this ordinance is inconsistent with another provision of any other ordinance, regulation, or statute, the more restrictive provision shall control.

**Section 6.** Validity and Severability. Should any section or provision of this ordinance be declared by the courts to be invalid, such a decision shall not invalidate any other section or provision of this ordinance.

### **Section 7.** Enforcement.

- i. Any duly designated Caribou Police Officer is authorized and shall have the authority to enforce all provisions of this ordinance.
- ii. The City Manager is authorized to order that legal action be taken to enforce the provisions of this Ordinance.

**Section 8.** Cease Operations Order. A Police Officer may issue a written cease operations order directing the occupancy, use and other activities prohibited under this ordinance to cease immediately, and that the premises be vacated. Upon notice of the cease operations order, all occupancy, use, or other activity subject to the cease operations order shall stop immediately and the premises shall be vacated and closed.

**Section 9.** Penalty. Any person violating the provisions of this ordinance may be liable for the penalties set forth below:

A. Civil Penalties.

- i. First Violation. The maximum penalty for undertaking an activity related to Retail Marijuana Establishments or Retail Marijuana Social Clubs is \$2,500.
- ii. Multiple. The maximum penalty for undertaking an activity related to Retail Marijuana Establishments or Retail Marijuana Social Clubs is \$25,000 when it is shown that there has been a previous conviction of the same person within the past five (5) years for a violation of the ordinance
- iii. Economic Benefit. The maximum penalty may be increased if the economic benefit resulting from the violation exceeds the applicable penalties. The maximum civil penalty may not exceed an amount equal to twice the economic benefit resulting from the violation. Economic benefit includes, but is not limited to, the costs avoided or enhanced value accrued at the time of the violation as a result of the violator's noncompliance with the applicable legal requirements
- iv. Setting of Penalty. In setting a penalty, the following shall be considered:
  - a. Prior violations by the same party;
  - b. The impact caused and/or potential impact posed by the operation of the prohibited activity to the health, safety, and welfare of the people of Caribou.
  - c. The damage that cannot be abated or corrected; and
  - d. The extent to which the violation continued following an order to stop.

B. Abatement and Mitigation. The violator may be ordered to correct, abate or mitigate the violations.

C. Damage Incurred. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage incurred by the City by reason of such violation.

D. Attorney Fees. If Caribou is the prevailing party, the City must be awarded reasonable attorney fees, expert witness fees and costs.

**Section 10.** Definitions. The definitions below are per Title 7 M.R.S. c. 417, section 2442 and the

Adult Use Cannabis Act, M.R.S.A. Title 28-B, Subchapter 4 (definitions are in Subchapter 1).

**Marijuana:** Means cannabis.

**Adult Use Cannabis Operation:** An adult use cannabis cultivation facility, an adult use cannabis products manufacturing facility, an adult use cannabis store, an adult use cannabis social club, or an adult use cannabis testing facility.

**Extraction:** The process of extracting marijuana with solvents or gases.

**Person:** A natural person, partnership, association, company, corporation, limited liability company or organization or a manager, agent, owner, director, servant, officer or employee thereof. “Person” does not include any governmental organization.

**Retail Marijuana:** Cannabis that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment or retail marijuana social club.

**Retail Marijuana Cultivation Facility:** An entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.

**Retail Marijuana Establishment:** Retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility or a retail marijuana testing facility.

**Retail Marijuana Product:** Concentrated retail marijuana and retail marijuana products that are composed of retail marijuana and other ingredients are intended for use or consumption, including, but not limited to, edible products, ointments and tinctures.

**Retail Marijuana Products Manufacturing Facility:** An entity licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.

**Retail Marijuana Social Club:** An entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

**Retail Marijuana Store:** An entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers.

**Retail Marijuana Testing Facility:** Any entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.

# Email Correspondence on Q&A with MaineDOT project manager, Mark Parlin Regarding Aroostook River/Fort Street Bridge Replacement

**Received January 30<sup>th</sup>, 2026:**

1. **Question from City:** “I am following up on this to see if there is a FAQ developed yet, if there is a document containing all of the comments received during the “online public meeting” that the City Council can review”

**Response from MaineDOT:** “We are still working on the FAQ portion. I’ll try to get you a summary of the responses asap”

2. **Question from City:** “Has there been discussion about the concurrent timing of the Route 1 portion of the Route One Wildlife Crossing project?”

**Response from MaineDOT:** “Regarding the Route 1 crossing project, we will be digging into the traffic control in more depth during final design and this will certainly be discussed. We will look at the additional volume it puts into the intersection in town and if necessary, model the impact to the signal. The project that’s going on this summer should give us a pretty good indication of what the impacts are going to look like. Who is your city engineer? They may have a good sense or some history of how well certain turning movements react to additional volume.”

3. **Question from City:** “Has an in-person public meeting has been scheduled?”

**Response from MaineDOT:** “We are investigating some other options to maintain traffic that could potentially help this situation. That engineering is complex, unique, and will take some time. I’ve been checking with our designer on progress. It will likely take a month or more. Once this is completed we will reach out to communicate our findings and discuss possible methods for additional public involvement.”

4. **Question from City:** “Is that historical significance impacting the decisions on the course of action in making the structural upgrades to the bridge?”

**Response from MaineDOT:** “At this point our direction is rehabilitation not replacement. Our historic resources team member has indicated that changes to the structural steel probably won’t be an issue if it doesn’t affect the design concept of the truss and doesn’t have too much of a visual impact.”

5. **Question from City:** “Would it be possible to have a new bridge constructed and keep this historically significant bridge for pedestrians and recreational traffic?”

**Response from MaineDOT:** “We usually don’t keep the old structures in place and there are several reasons. One important consideration is the cost of repairing and maintaining the old structure so that it can be used for the other purposes. This bridge already needs a deck replacement and structure steel repairs. Let’s say in 15 years the bridge starts getting major holes in the deck and it’s unsafe for pedestrians, snowmobiles and ATV’s. What do we do?”

6. **Question from City:** “Were engineering solutions pursued to keep the bridge open?”

**Response from MaineDOT:** “I’m assuming that you mean to keep one lane of alternating traffic open. We call that staged construction. We did considerable preliminary engineering to see if we could stage construct this bridge. The deck acts like a lateral structure member, and when it is removed the bridge is no longer able to support one lane of alternating traffic. We are currently digging deeper into other options but this engineering is going to take some time.”

7. **Question from City:** “To be transparent with citizens, is it true that the Maine DOT has money for the repair of assets but do not have funds available for new construction?”

**Response from MaineDOT:** “We currently have construction funding for a rehabilitation project only.”

**CARIBOU ECONOMIC DEVELOPMENT  
25 HIGH STREET  
CARIBOU, ME 04736**



**MEMO**

**TO: Caribou Planning Board**  
**FROM: Eric Sanderson, Economic & Community Development Specialist**  
**DATE: February 4, 2025**  
**RE: Updates to Chapter 3, Article I – Animal Control Ordinance**

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**Introduction**

Since the December Planning Board meeting, staff has worked with the Police Department and volunteers from the Board to update the City Charter Chapter 3 – Animals and Fowl, Article I Dog Ordinance. As proposed, the title of the ordinance would be updated to “Article 1 Animal Control Ordinance”. The Ordinance explicitly states the existing authority of the Police Department as the Animal Control Officer for encounters and calls for animals in distress, whereas the previous ordinance spoke to the “Dog Constable” or “Police Officer”.

**Updated Standards**

The updated standards have been made after review of other communities with Animal Control Ordinances in Maine, including Presque Isle and Bangor. Included are definitions for an “owner”, “disturbance”, and “animal cruelty and abuse”. They address individuals with an unsafe number of dogs (currently limits to 3 dogs over six months old), so the Board should consider whether that limit is appropriate for personal use to maintain safe and healthful conditions in Caribou. Many of the existing standards such as dogs running at large are maintained, but expanded upon to more closely match language observed elsewhere in an effort to be as comprehensive as possible. Keeping animals outside in unsafe hot or cold conditions, animal waste, bites, and the procedure for Rabies diagnoses are also covered.

In speaking with the Police Department, Chief Saucier indicated to Economic & Community Development staff that the Police Department was supportive of these updated standards. The only concern by the Police Department was related to payment of fees to the City for an animal impounded under the Ordinance, as sometimes those are issued under varying circumstances. With this in mind, authority to waive those fees at the discretion of the Police Chief was added to Article II Section 3-201 under “Impoundment Fees”.

**Suggested Action**

If the Board is comfortable with the standards, a Public Hearing can be scheduled for the March meeting to consider making a recommendation to the City Council for adoption.

Second

Discussion

## Chapter 3 – Animals and Fowl

### **ARTICLE I DOG ANIMAL CONTROL ORDINANCE**

#### Section

- 3-101      “Owner” and/or “Keeper” Defined Purpose
- 3-102      Disturbance Owner
- 3-103      Dogs Running at Large Disturbance
- 3-104      Impounding Dogs Found Running at Large Not to Create a Nuisance
- ~~3-104-B~~      Removal & Disposal of Fees
- 3-105      Dogs Presenting an Immediate Threat Animal Cruelty and Abuse
- 3-106      Violation
- 3-107      Right to Enforcement

### **ARTICLE II IMPOUNDMENT FEES**

#### Section

- 3-201      Impoundment Fees

### **ARTICLE III NUMBER OF DOGS LIMITED**

#### Section

- 3-301      Number of Dogs Limited

### **ARTICLE IV BARKING OR HOWLING DOGS**

#### Section

- 3-401      Barking or Howling Dogs

### **ARTICLE V ANIMAL WASTE AND OTHER DISTURBANCES**

#### Section

- 3-501      Animal Waste and Other Disturbances

### **ARTICLE VI DISPOSITION OF DOGS THAT HAVE BITTEN PERSONS**

#### Section

- 3-601      Disposition of Dogs that Have Bitten Persons

### **ARTICLE VII RABIES**

#### Section

- 3-701      Rabies

### **ARTICLE VIII WHEN DOGS MAY BE KILLED**

#### Section

- 3-801      When Dogs May Be Killed

## Chapter 3 Animal and Fowl

### ARTICLE I **DOG ANIMAL CONTROL ORDINANCE**

#### **Sec. 3-101 “Owner” and/or “Keeper” Defined Purpose**

~~The word “owner” when applied to the proprietorship of a dog shall include every person having a right of property in such dog, and every person who keeps or harbors such dog or has it in their care, and every person who permits such dog to remain on or about any premises occupied by them. The word “keeper” means a person in possession or control of a dog. A person becomes a “keeper” of a stray dog if the person feeds that animal for at least 10 consecutive days.~~

The purpose of this Ordinance is to control unreasonable noise disturbances created by domesticated animals or livestock living as domesticated animals and to control domesticated animals running at large. This Ordinance also assists a municipal officer of the City of Caribou to make a judgement call as to whether an animal is in distress due to cruelty or neglect as defined in Section 3-105.

#### **Sec. 3-102 Disturbancee Owner**

~~On complaint being made to the Dog Constable that any dog within the City has unreasonably disturbed the quiet of any persons whatsoever by continued barking or howling, or in any manner, the Dog Constable shall issue notice to the “owner” and/or “keeper” of such dog ordering that such dog be kept under proper control.~~

The word “owner” when applied to the proprietorship of a domesticated pet shall include every person having a right of property in such animal, and every person who keeps or harbors such animal or has it in their care, and every person who permits such animal to remain on or about any premises they occupy.

#### **Sec. 3-103 Dogs Running At Large Disturbance**

~~No person who is an “owner” and/or “keeper” of a dog, as defined by Section 3-101 of this Article, shall cause or permit any dog to run at large within the City, as herein defined. Dogs, while on any public way or public place shall be under restraint. The word “restraint” shall mean that a dog shall be controlled by a leash; or, at “heel”, beside the competent person and obedient to that person’s commands; or, on or within a vehicle being driven or parked on any public way. A leash shall not be more than eight (8) feet long. Nothing, within this Article shall be held to require the leashing of any dog while on the property of its “owner” and/or “keeper”.~~

On complaint being made to any City of Caribou Official that any domesticated animal within the City has unreasonably disturbed the quiet of any persons whatsoever by continued barking or howling, or in any manner, the Officer shall issue notice to the owner of such animal ordering that such animal shall be kept under proper control.

### **Sec. 3-104 Impounding Dogs Found Running At Large Not to Create a Nuisance**

A domesticated animal shall be considered a nuisance if it soils, defiles or defecates on any public or private property, other than the owner's property; and the owner shall be obligated to remove and properly dispose of such waste promptly from any such public or private property.

No person who is an "owner" and/or "keeper" of an animal, as defined by Section 3-102 of this Article, shall cause or permit any animal to run at large within the City, as herein defined. Animals, while on any public way or public place shall be under restraint. The word "restraint" shall mean that a animal shall be controlled by a leash; or, at "heel", beside the competent person and obedient to that person's commands; or, on or within a vehicle being driven or parked on any public way. A leash shall not be more than eight (8) feet long. Nothing, within this Article shall be held to require the leashing of any animal while on the property of its "owner" and/or "keeper".

Any ~~Constable or Police~~ Caribou Official or Officer is hereby authorized and empowered to go upon any premises and enter any building other than a dwelling to seize and impound any ~~dog animal~~ or ~~dogs animals~~ which have been found running at large or which are in violation of any of the provisions of this Article or of any order issued hereunder when such ~~Constable or Police~~ Official or Officer is in immediate pursuit of such ~~dog animal~~ or ~~dogs animals~~. Upon seizing and impounding such an ~~dog animal~~, the ~~Constable or Police~~ Official or Officer shall collect a fee of \$25.00 from the "owner" and/or "keeper" upon releasing the ~~dog animal~~. In the alternative the ~~Constable or Police~~ Caribou Official or Officer may prosecute the "owner" and/or "keeper" of the ~~dog animal~~.

#### **See. 3-104-B Removal & Disposal of Fees**

~~It is a violation of this Section for any person who possesses or controls a dog, except guide dogs who fails to properly remove, dispose of any feces left by his or her dog on any publicly owned property or upon the premises of any person other than the owner without that person's permission.~~

### **Sec. 3-105 Dogs Presenting an Immediate Threat Animal Cruelty and Abuse**

~~After filing of complaint to the Dog Constable and/or Police Officer, if the dog poses an immediate threat to the public, the dog shall, at the discretion of the officer, be subject to muzzling, restraint and/or transported to the animal shelter for quarantine purposes at the "owner's" and/or "keeper's" expense for a period of ten (10) days.~~

Animals shall have the right to the five freedoms of animal welfare: freedom to turn around, get up, lie down, scratch, and stretch their limbs completely.

#### **A. Definitions**

- i. "Animal Cruelty" means any act of inflicting unnecessary physical or mental pain on a living creature.
- ii. "Animal Neglect" means any willful omission of lack of care for a living animal in a confined space.

### **Sec. 3-106 Violation**

Any person found to be in violation of any provision of this Ordinance or any order issued

hereunder, shall be liable to punishment by fine not less than fifty dollars (\$50.00) but not to exceed one hundred dollars (\$100.00); and each day during which such violation continues shall constitute a new offense. Said fine to be payable to the City of Caribou.

#### **Sec. 3-107 Right to Enforcement**

It shall be the duty of any designated official under the authority of the City of Caribou City Manager to include, but not limited to the Chief of Police, the Code Enforcement Office, the City Health Officer or any other authorized designee to enforce the provisions of this section.

### **ARTICLE II IMPOUNDMENT FEES**

#### **Sec. 3-201 Impoundment Fees**

Any animal impounded hereunder may be reclaimed during shelter business hours, as herein provided upon payment by the owner to City's designated shelter provider, of impoundment fees and board charges, plus the price of any shots which the animal may have received while in the care of the shelter. If the City of Caribou has incurred these costs, the owner of the animal must pay the fees outlined above to the City. The Caribou Police Department may waive fees owed to the City under this section at its discretion, with the decision designated to the Chief of Police.

### **ARTICLE III NUMBER OF DOGS LIMITED**

#### **Sec. 3-301 Number of Dogs Limited**

It shall be unlawful for any person or persons to keep or harbor within the City more than three dogs over six months old on any premises, house, barn, or other building or in or about all buildings occupied by any one family, and the keeping or harboring of dogs as aforesaid is hereby declared a nuisance pursuant to Article I of this Ordinance.

- A. The payment of a license or licenses on dogs shall not be construed to allow the keeping of more than three dogs, as aforesaid, on any one premises.
- B. This limitation shall not apply to any person, group of persons, or corporation engaged in the commercial business of racing, breeding, buying, selling or boarding of dogs or operating a veterinary establishment.

### **ARTICLE IV BARKING OR HOWLING DOGS**

#### **Sec. 3-401 Barking or Howling Dogs**

##### A. Nighttime.

- i. It shall be unlawful for any person to confine a dog(s) in an open-air enclosure, including a fenced yard, where its barking may disturb the quiet of the neighborhood after 10:00 p.m. or before 6:00 a.m. Said dog(s) shall be confined within a reasonably soundproof building during those hours so that any barking will not annoy, disturb, injure or endanger the comfort, repose, peace or safety of any individual in the City. Said dog(s) shall be allowed outdoors, however, so long as it is accompanied by a person at all times and does not bark for longer than 30 seconds.

- ii. Notwithstanding the provisions of Subsection A(1) of this section, sled dogs covered by a valid kennel license issued by the municipality or a State authority may be confined in an open-air enclosure after 10:00 p.m. or before 6:00 a.m. so long as any barking does not annoy, disturb, injure or endanger the comfort, repose, peace or safety of any individual in the City.
- B. Daytime. It shall be unlawful for any owner or person responsible to said owner to permit the continual barking of any dog(s) between 6:00 a.m. and 10:00 p.m. Continued barking shall mean the barking of any dog or dogs for a period of 15 minutes or more, during which the dog or dogs do not fall silent for more than one minute.
- C. Warning. It shall be the policy of the City of Caribou to issue a written warning for a violation of this section and take no further enforcement action, provided that no complaint has been made of a previous violation of this section regarding the owner of the dog or the property in question within the 90 days prior to the violation date.
- D. This section does not apply to dogs engaged in herding livestock or to agricultural guard dogs engaged in protecting livestock or warning the owners of danger to the livestock.

## **ARTICLE V ANIMAL WASTE AND OTHER DISTURBANCES**

### **Sec. 3-501 Animal Waste and Other Disturbances**

- A. No person shall dispense, feed, or otherwise make available to any species of wildlife, including birds, either on such person's property or on the property of another or of the City, any type or amount of food in a manner that:
  - i. Creates an unclean, unsafe, or unsanitary condition;
  - ii. Results in the accumulation of droppings, feces, or feathers;
  - iii. Attracts other wildlife; vermin, or pests;
  - iv. Creates an unreasonable disturbance;
  - v. Constitutes a private or public nuisance; or
  - vi. Otherwise deleteriously affects the quiet enjoyment by others of any private or public property.

## **ARTICLE VI DISPOSITION OF DOGS THAT HAVE BITTEN PERSONS**

### **Sec. 3-601 Disposition of Dogs that Have Bitten Persons**

- A. It shall be unlawful for the owner or person keeping or harboring any dog, when notified that such dog has bitten any person or has so injured any persons as to cause abrasion of the skin, to sell or give away such dog or to permit or allow such dog to be taken beyond the limits of the City, except under the care of a licensed veterinarian. It shall be the duty of such owner or keeper, upon receiving notice of the character aforesaid, to immediately place such dog under confinement for a period of at least 10 days. The Caribou Animal Control Official or Officer shall be notified immediately by the person in charge of the death of any dog while under confinement.
- B. The City Animal Control Official or Officer shall investigate all dog bites referred to them.
- C. Any dog which shall have been bitten by another dog suspected of having rabies shall be immediately impounded for observation as provided in this section.

D. It shall be unlawful for the owner or person keeping or harboring any dog, when notified that such dog has bitten any person or has so injured any person as to cause abrasion of the skin, to destroy such animal without permission from the City Animal Control Official or Officer.

## **ARTICLE VII RABIES**

### **Sec. 3-701 Rabies**

A. Upon positive diagnosis of rabies in any animal within the City, the Chair of the Council shall proclaim and invoke a City-wide quarantine for a period of 30 days, and upon the invoking of such quarantine no animal shall be taken into the streets or be permitted to be in the streets during such period of quarantine.

B. During such period of rabies quarantine as herein described, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed or, at the owner's expense and option, shall be treated for rabies infection by a licensed veterinarian or held 30 days under quarantine by the owner in the same manner as other animals are quarantined.

C. In the event that there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended by the Chair of the Council for an additional six months.

D. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the Animal Control Official or Officer.

E. The Animal Control Official or Officer shall direct the disposition of any animal found to be infected with rabies.

F. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by the Animal Control Official or Officer.

## **ARTICLE VIII WHEN DOGS MAY BE KILLED**

### **Sec. 3-801 When Dogs May Be Killed**

If any dangerous, fierce or vicious dog cannot be safely taken up and impounded, such dog may be slain by any police officer or duly authorized animal control officer. In all cases where any dog which has bitten a person or caused an abrasion of the skin of any person is slain by any police officer, whether by order of the court or otherwise, and a period of less than 15 days has elapsed since the day on which such dog bit any person or caused an abrasion of the skin of any person, it shall be the duty of the police officer slaying such dog to forthwith deliver the carcass and brain to the Chief of Police.

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**Historical Note:** Chapter 3, Section 110 of Caribou City Ordinances, as amended December 12, 1968 and June 4, 1980; Amended February 23, 1998, July 13, 1998 & May 12, 1999; Section 3-104 as amended by City Council April 8, 2013.

**Article I, Section 3 amended, and Articles II, III, IV, V, VI, VII and VIII added by City Council on MONTH, #, YEAR.**

State Law Reference: 7 M.R.S.A. §3913; 7 M.R.S.A. §3