

Ordinance Introduced by Councilor _____
on April 13, 2026

Ordinance No. 2, 2026 Series
City of Caribou
County of Aroostook
State of Maine

AN ORDINANCE TO AMEND CHAPTER 13, THE LAND USE ORDINANCES OF THE CITY OF CARIBOU, SECTION 13-700.39, GENERAL REQUIREMENTS FOR LAND USES, REGISTERED MEDICAL CANNABIS DISPENSARIES

Short Title: Amend Chapter 13 Section 13-700.39, General Requirements for Land Uses, Registered Medical Cannabis Dispensaries

WHEREAS the City of Caribou is a Local Unit of Government under the State of Maine and is granted home rule authority under Maine Revised Statutes, Title 30-A, §3001; and

WHEREAS the City of Caribou has adopted Section 13-700.39, General Requirements for Land Uses, Registered Medical Cannabis Dispensaries; and

WHEREAS the Caribou Planning Board was established to administer the Zoning Ordinance, Chapter 13 of City Code; and

WHEREAS the Caribou Planning Board determined that amendments to were made where necessary to Section 13-700.39, General Requirements for Land Uses, Registered Medical Cannabis Dispensaries, to comply with Ordinance 3, 2025 Series, passed by the Caribou City Council; and

WHEREAS the Caribou Planning Board conducted a public meeting and hearing February 12, 2026, to receive comments on proposed changes to Chapter 13, Section 13-700.39, General Requirements for Land Uses, Registered Medical Cannabis Dispensaries, which hearing was preceded by the notification to the general public in accordance with City notification procedures; and

WHEREAS the Caribou Planning Board has forwarded a positive recommendation to the City Council for the proposed Chapter 13 Section 13-700.39, General Requirements for Land Uses, Registered Medical Cannabis Dispensaries; and

WHEREAS the Caribou City Council and staff had a first read of the proposed ordinance changes at the February 23, 2026, City Council meeting and forwarded feedback to staff who made the adjustments which were reviewed by legal counsel who viewed the updates to not be substantive enough to remand back to the Planning Board; and

NOW THEREFORE, the City Council of the City of Caribou, County of Aroostook, State of Maine, pursuant to the requirements of the City of Caribou Charter, Section 2.11, does ordain the following:

Section I. Chapter 13 Revision to Section 13-700.39, General Requirements for Land Uses, Registered Medical Cannabis Dispensaries

The Chapter 13, Section 13-700.39, General Requirements for Land Uses, Registered Medical Cannabis Dispensaries, is hereby amended as indicated in the attached Exhibit A.

Section II. Severability

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section III. Posting and Effective Date

This ordinance, being introduced on April 13, 2026, and a public hearing being held on May 11, 2026, was duly passed by the City Council of the City of Caribou, Maine, this _____ day of _____ 2026. This ordinance shall become effective 30 days after adoption by the City Council.

Courtney Boma, Mayor

Jody Smith, Deputy Mayor

Dan Bagley, Councilor

Jennifer Kelley, Councilor

Tamara Lovewell, Councilor

Paul Watson, Councilor

Lori Knight - Phair, Councilor

Attest:

Danielle Brissette, City Clerk

Exhibit "A"

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

Section 1. Authority. This Ordinance is adopted under authority granted by M.R.S. Title 22, Chapter 558-C, Maine Medical Use of Cannabis Act § 2429-D.

Section 21. Purpose

The purpose of this Ordinance is to provide for and regulate the operation of ~~issuance of local licenses for a Registered~~ Registered Medical Cannabis Dispensaries within the City of Caribou. This ordinance establishes clear guidelines for the ~~continued~~ operation of two (2) Registered Medical Cannabis Dispensaries in the City of Caribou, in accordance with M.R.S. Title 22, Chapter 558-C ~~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 3. No Caregiver Retail Stores Permitted. No business or individual shall operate or seek to establish a "Caregiver Retail Store" in the City of Caribou, as defined by M.R.S. Title 22 Ch. 558-C § 2421-A(12). However, this ordinance does not prohibit or limit the operation of "Caregivers" as defined in M.R.S. Title 22, Ch. 558-C § 2421-A (11).

Section 4. No Adult Use Stores Permitted. No business or individual shall operate or seek to establish an "Adult Use Retail Store" under M.R.S. Title 28-B, Chapter 1 Cannabis Legalization Act.

Section 53. Registered Medical Cannabis Dispensary. ~~A Registered Dispensary~~ Registered Medical Cannabis Dispensary, as defined in ~~22~~ M.R.S. Title 22, Ch. 558-C, § 2421-A (41) may operate in the City of Caribou, subject to the requirements and restrictions of this Ordinance.

Section 64. 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~~ Consistent with M.R.S.A. Title 22, Ch. 558-C §2421-A (31), ~~t~~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 7. 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 Permit Required. Upon approval and direction of the City Council, the City Clerk is authorized to issue two (2) City of Caribou Registered Medical Cannabis Dispensary Permits. Applicants for a Registered Medical Cannabis Dispensary permit must complete an initial permit application and annual renewal applications, submitted on the appropriate form provided by the City, in accordance with City of Caribou Code, Chapter 7, Article XI.~~

- ~~1. 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).~~

- ~~2. Zoning.~~

- ~~a) Registered Medical Cannabis Dispensaries are allowed in Zones R3 and RC2 only.~~
- ~~b) Registered Medical Cannabis Dispensary may not be located:
 - ~~i) Within 300 feet of an existing residential dwelling~~
 - ~~ii) Within 300 feet of an adjoining Zone Boundary Line~~
 - ~~iii) Within a Drug Free Safe Zone, or within 500 feet of a pre-existing Private School, Day Care Facility, or House of Public Worship.~~~~

- ~~3. Security.~~

~~— A registered dispensary Registered Medical Cannabis Dispensaries must comply with the security requirements outlined in the Maine Medical Use of Cannabis Program Rule, 18-691 C.M.R., Ch. 2, § 3 (B) and any revisions, amendments, or updates thereto.~~

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

~~— 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.~~

~~— 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 8. 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 the City Code Enforcement Officer, Fire Department, and any other designated municipal authority, as may be required.~~

1.2. State Compliance. All Registered Medical Cannabis Dispensaries must comply with the Maine Medical Use of Cannabis Program statutes and rules Act and must remain in good standing with the Maine Office of Cannabis Policy. On an annual basis, permitted Registered Medical Cannabis Dispensaries shall provide the Caribou Code Enforcement Officer proof of an active license issued by the Maine Office of Cannabis Policy.

Section 9. Enforcement. Any violation of this ordinance may result in enforcement actions, including fines, suspension or revocation of permit, and imposition of special conditions or constraints regarding operations, in accordance with applicable municipal procedures. of local authorization, or termination of local operations, in accordance with applicable municipal procedures.

Section 10. Effective Date. This ordinance shall take effect immediately 30 days after enactment by the Caribou City Council, and shall remain in effect until it is amended or repealed.

Section 11. Fees. A Registered Medical Cannabis Dispensary shall be subject to annual permitting fees, initial or renewal site inspection fees, and any additional compliance inspections fees that may be required, as outlined in City of Caribou Code, Chapter 7 § 1102(7).

Section 12. Penalty. Any person violating the provisions of this ordinance may be liable for the penalties set forth in City of Caribou Code, Chapter 7 §1105.

The ordinance will then be adopted as such: