

Ordinance Introduced by Councilor _____
on April 13, 2026

**Ordinance No. 3, 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 13-700.41, GENERAL REQUIREMENTS FOR LAND USES, PROHIBITING RECREATIONAL MARIJUANA

Short Title: Amend Chapter 13 Section 13-700.41, General Requirements for Land Uses, Prohibiting Recreational Marijuana

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 13-700.41, General Requirements for Land Uses, Prohibiting Recreational Marijuana; 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 13-700.41, General Requirements for Land Uses, Prohibiting Recreational Marijuana, 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 13-700.41, General Requirements for Land Uses, Prohibiting Recreational Marijuana, 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 13-700.41, General Requirements for Land Uses, Prohibiting Recreational Marijuana; 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 13-700.41, General Requirements for Land Uses, Prohibiting Recreational Marijuana

The Chapter 13, Section 13-700.41, General Requirements for Land Uses, Prohibiting Recreational Marijuana, 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 13-700.41, 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.

The ordinance will then be adopted as such:

13-700.41 Repealed in its entirety with Ordinance 3, 2026 Series