

## Chapter 7 Licenses and Permits

### ARTICLE XI REGISTERED MEDICAL CANNABIS DISPENSARIES

#### Section 1101 Purpose

The purpose of this Article is to control the issuance of a permit to operate a Registered Medical Cannabis Dispensary within the City of Caribou, pursuant to Maine Revised Statutes, Title 22, Chapter 558-C – Maine Medical Use of Cannabis Act

#### Section 1102 Permit Required

1. *Operation of a Registered Medical Cannabis Dispensary:* No permit or renewal of a permit may be issued by the City of Caribou unless the facility is licensed by the Maine Office of Cannabis Policy. No facility shall conduct business within the limits of Caribou as a Registered Medical Cannabis Dispensary without first securing a permit from the City of Caribou.
2. *Compliance with all laws:* No permit shall be issued unless the applicant can prove full compliance with all applicable State laws and local ordinances pertaining to the type, operation, and location of the facility to be permitted
3. *Applications for permit:* Applications for a permit shall be made in writing to the City of Caribou through the Caribou City Clerk's Office and shall include:
  - a. The name of the business entity
  - b. Location and type of facility
  - c. Maine Office of Cannabis Policy license number(s)
  - d. Copy of completed Maine Office of Cannabis Policy Medical Use of Cannabis Program Dispensary Registration Application, and all materials and supporting documents, showing evidence of all State approvals or conditional approvals required to operate as a Registered Medical Cannabis Dispensary within the State of Maine
  - e. Copy of Caribou Planning Board Site Design Review approval, including application materials, plan sets, and findings of fact, pursuant to Chapter 13 (Sec 13-300)
  - f. Cop(ies) of the completed local inspection form(s), signed by the Code Enforcement Officer, Police Chief, and Fire Chief, and which clearly certify the facility is suitable for occupancy and operation as a Registered Medical Cannabis Dispensary
  - g. Non-refundable application fee of \$1,000.00. If the permit is approved, this sum will be applied to the first-year annual permit fee, as described in item 7. below
4. *Existing dispensaries:* Registered Medical Cannabis Dispensary in operation at the time of enactment of this ordinance will have sixty (60) days to submit a complete permit application to the City Clerk. Failure to submit a complete permit application within sixty (60) days of the enactment of this ordinance will result in termination of the existing permit.
5. *Application review:* Permit applications will be reviewed in the order they are received by the City Clerk. The City Clerk shall determine application completeness, before forwarding the application package to the Caribou Planning Board for initial Site Design Review.
6. *Local authorization required:* For approved applications, the Caribou City Clerk shall complete a Maine Medical Cannabis Program Dispensary Local Authorization Form and submit it to the Maine Office of Cannabis Policy.

7. *Fees:* A Registered Medical Cannabis Dispensary operating in the City of Caribou shall pay an annual permit fee of \$1,000.00. This fee shall be submitted to the Caribou City Clerk with any new application or at the time of renewal. The purpose of this fee is to help offset administrative and regulatory costs incurred by the municipality in overseeing compliance and permitting of Registered Medical Cannabis Dispensary operations. In addition to the annual permit fee, Registered Medical Cannabis Dispensaries shall be required to pay 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 the normal annual review cycle. Any proposed change to 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 a \$1,000.00 non-refundable application fee to cover municipal review and administrative costs.
8. *Approval authority and public hearing:* The Caribou City Council is the approval authority for all new permit applications. After completion of the Planning Board Site Design Review, the City Council shall conduct a public hearing for new permit applications. For each renewal application, the City Manager is delegated as the approval authority, as described in item 11. below. The City Clerk shall provide notice of public hearings at the applicant's prepaid expense, stating the date, time and place of the public hearing. Notices shall be posted no later than 7 days prior to the scheduled public hearing in a weekly newspaper having general circulation in the municipality and on the home page of the City of Caribou website.
9. *Factors in issuing permit:* In granting or denying an application, the City Council shall record its decision and indicate the reason(s) for denial, if applicable. A permit may be denied on one or more of the following grounds:
  - a. Finding of fact and recommendations by the Planning Board, based on the results of the Site Design Review
  - b. Conviction of the applicant of any Class A, Class B, or Class C crime;
  - c. Noncompliance with any local zoning or land use ordinance;
  - d. 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 permitted premises and caused by persons patronizing or employed by the permitted premises, or other such conditions caused by persons patronizing or employed by the permitted premises that unreasonably disturb, interfere with, or affect the ability of persons or businesses residing or located in the vicinity of the permitted premises to use their property in a reasonable manner;
  - e. Repeated incidents of record, such as breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the permitted premises and caused by persons patronizing or employed by the permitted premises;
  - f. Any violation of Federal, State, or local laws, regulations, or policies directly related to the operation of the Registered Medical Cannabis Dispensary
10. *Term of permit:* A permit shall be valid for one (1) year from the date of first issuance and shall be subject to all requirements set forth in this Article for renewal.
11. *Renewal:* Approval authority for permit renewals is delegated to the Caribou City Manager. No later than 30 days prior to the Registered Medical Cannabis Dispensary's State license renewal date; the City of Caribou shall conduct an annual inspection of the Registered Medical Cannabis Dispensary. Inspections shall be conducted by the Code Enforcement Officer, Fire Chief and Police Chief to ensure that the Registered Medical Cannabis Dispensary remains in compliance

with zoning, fire safety and security requirements. After satisfactory inspection, the City Manager may, without additional review or approval by the City Council and without conducting a public hearing, approve applications for permit renewals. The City Manager shall have discretion to refer a permit renewal application to the City Council for review and approval if the City Manager determines there is cause to question the past operation of the permitted Registered Medical Cannabis Dispensary and/or that the conduct of a public hearing would be in the best interests of the citizens of Caribou.

12. *Transferability of permits:* An entity holding a City of Caribou Registered Medical Cannabis Dispensary permit that seeks a change in ownership of greater than fifty-percent of available equity or shares, whichever the case may be, must:
  - a. Notify the City Code Enforcement Office in writing.
  - b. Update all contact information on file with the City of Caribou as to the ownership of the business.
  - c. 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.
  - d. Be subject to inspections by the City Code Enforcement Office, Fire Department, Police Department, and any other designated municipal authority, as may be required.
13. *Forfeiture of permit:* If a Registered Medical Cannabis Dispensary ceases operations for a period of 12 months, for any reason, the City will revoke the permit issued to the Registered Medical Cannabis Dispensary.
14. *Conditions:* The City Council shall be authorized to impose special conditions or constraints on a permit, in order to ensure compliance with the requirements of this article, address concerns about operations, and protect the public health, safety and welfare of the citizens of Caribou.

### **Section 1103 Suspension or Revocation of a Permit**

The City Manager shall report to the City Council any findings that may warrant the suspension or revocation of a permit, and/or impact the decision to renew a permit pursuant to Section 1102(11). The City Council may, after providing required notice and conducting a public hearing, suspend or revoke any permit for the operation of a Registered Medical Cannabis Dispensary, on the grounds that continued operations could constitute a detriment to the public health, safety, or welfare of the citizens of Caribou, or would violate any State laws, local ordinances, policies or regulations.

### **Section 1104 Notice of Decision**

The Caribou City Clerk shall notify the applicant in writing of the City Council's decision no later than fifteen (15) days after the date the decision was made. In the event that an applicant is denied a permit, the applicant shall be provided with the reasons for the denial in writing. The applicant may not reapply for a permit for a period of 30 days from the date an application has been denied.

### **Section 1105 Violations and Penalties**

Whoever violates any of the provisions of this Article shall be punished by fines from \$100 up to \$2,500 per day, with lower fines assessed for first time violations and higher penalties assessed for subsequent and/or repeated 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 higher daily fines and/or a decision by the Code Enforcement Office to issue a post against

occupancy. After four notices of violation within a permit year, the permit will be referred to the City Council for possible permit suspension or revocation and/or the imposition of special conditions on the permit.

#### **Section 1106 Separability**

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

#### **Section 1107 Effective Date**

This article shall take effect 30 days after enactment by the Caribou City Council, and shall remain in effect until it is amended or repealed.

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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 30 days after enactment by the Caribou City Council, 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(s). Violations of this Article shall be subject to the enforcement and penalty provisions of 30-A MRSA § 4452.