

Chapter 161 Marijuana

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§ 161-1.2 Definitions.

For purposes of this chapter, the following terms, which are defined in this chapter or in Chapter 280, Zoning, shall apply unless otherwise indicated:

CULTIVATION

See Chapter 280, Zoning, Article II, Definitions.

EXTRACTION

See Chapter 280, Zoning, Article II, Definitions.

HEMP

See Chapter 280, Zoning, Article II, Definitions.

MANUFACTURING

See Chapter 280, Zoning, Article II, Definitions, "light manufacturing" and "medical marijuana manufacturing facility." Manufacturing does not include cultivation or testing.

MARIJUANA

See Chapter 280, Zoning, Article II, Definitions.

MARIJUANA GROWER

A licensee that cultivates marijuana and may package it at a licensed marijuana production facility.

[Amended 5-5-2020 by Order No. 19-874-01]

MARIJUANA MANUFACTURER

A licensee that obtains or receives cultivated marijuana and manufactures or prepares marijuana products at a licensed marijuana production facility.

[Amended 5-5-2020 by Order No. 19-874-01]

MARIJUANA MANUFACTURING FACILITY

See Chapter 280, Zoning, Article II, Definitions.

[Amended 5-5-2020 by Order No. 19-874-01]

MARIJUANA OPERATION

A marijuana property, or hemp grower or cultivator, marijuana manufacturer, or marijuana production facility.

[Amended 5-5-2020 by Order No. 19-874-01; 4-19-2022 by Order No. 22-151-01]

MARIJUANA PRODUCTION FACILITY

See Chapter 280, Zoning, Article II, Definitions.

Chapter 161 as Amended by City Council Order #: 24-60-01 Adopted on 2/20/2024. Additions are UNDERLINED, Deletions are ~~CROSSED-OUT~~. Only Amended Sections of Chapter 161 are listed in this document.

[Amended 5-5-2020 by Order No. 19-874-01]

MARIJUANA PROPERTY

See Chapter 280, Zoning, Article II, Definitions, "licensed marijuana property."

MARIJUANA RETAIL STORE

See “marijuana retail store” in Chapter 280, Zoning, Article II, Definitions. Also see “marijuana stores.” Also see definitions as set forth in 28-B M.R.S. § 102.

[Amended 5-5-2020 by Order No. 19-874-01]

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161-1.3 Enforcement; violations and penalties.

A. No person, firm, corporation, or other entity shall:

- (1) Manufacture marijuana products or marijuana concentrate or engage in extraction except as authorized in the Code.
- (2) Cultivate marijuana for personal use and by caregivers as permitted the Maine Medical Use of Marijuana Act, Maine Marijuana Legalization Act, or state administrative rules, as appropriate, or as authorized in the Code. [Amended 5-5-2020 by Order No. 19-874-01]
- (3) Grow hemp outdoors as permitted in 7 M.R.S. § 2231 except when licensed by the State and the City. [Amended 4-19-2022 by Order No. 22-151-01]

(4) Operate a marijuana retail store except as authorized in the Code.

- B. This chapter shall be enforced by the Code Enforcement Officer and the Police Department according to the enforcement provisions specified in Chapter 90 and Chapter 149.
- C. Any person, firm, or corporation, who violates any provision of this chapter or the terms of a license may be penalized in the same manner as specified in Chapter 90 and Chapter 149.

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§ 161-2.2 License required and duration of license.

No person, firm, or corporation may operate a marijuana property without first obtaining a license for such purpose under Chapter 149, Licensing. All new or renewal marijuana property licenses issued shall expire annually on May 31.

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§ 161-3.2 License required and duration of license.

No person, firm, or corporation may operate as a marijuana or hemp grower, or manufacturer without first obtaining a license for such purpose under Chapter 149, Licensing. All new or renewal marijuana operation licenses issued shall expire annually on March 31. Such licensed operations may only occur at a licensed marijuana property, except for hemp growing.

Article IV
Marijuana Stores

[Amended 5-5-2020 by Order No. 19-874-01; 4-19-2022 by Order No. 22-151-01]

§ 161-4.1 **Statutory authority.**

This article is enacted pursuant to the Marijuana Legalization Act, Title 28-B M.R.S. Chapter 1; and Municipal Home Rule Authority, Maine Constitution, Art. VIII, Pt. 2; and 30-A M.R.S. § 3001.

§ 161-4.2 **Definitions.**

For purposes of this article, "marijuana stores," are defined as set forth in 28-B M.R.S. § 102.

§ 161-4.3 **Prohibitions enumerated; intent.**

- A. Marijuana stores, are expressly prohibited in this municipality, except as permitted under Chapter 280, Zoning, and Chapter 149, Licensing.
- B. (Reserved)
- C. Nothing in this article is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, Title 22 M.R.S. Chapter 558-C.

§ 161-4.4 **When effective; duration.**

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

§ 161-4.5 License required; duration and hearing.

No person, firm, or corporation may operate a marijuana retail store without first obtaining a license for such purpose under Chapter 149, Licensing. All new or renewal marijuana retail store licenses issued shall expire annually on December 31. A public hearing is required annually before a new or renewal license can be issued.