

Town of Lowell

RECREATIONAL MARIJUANA PROHIBITION ORDINANCE

Attest:

City Clerk

Date _____

RECREATIONAL MARIJUANA PROHIBITION ORDINANCE

- Section 1. Title.** This ordinance shall be known and cited as the "Recreational Marijuana Prohibition Ordinance" of the Town of Lowell
- Section 2. Authority.** The ordinance is adopted pursuant to the Title 30-A M.R.S. §3001 and Title 7 M.R.S. c. 417.
- Section 3. 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 Town of Lowell to protect the health, safety, and welfare of the inhabitants of Lowell, as these activities constitute a nuisance.
- Section 4. 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 are prohibited within the Town of Lowell, 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 Town of Lowell.
- Section 5. Exemptions.**
- A. Personal Use of Marijuana. This ordinance shall not 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 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.
- Section 6. Effective Date.** This ordinance enacted on the day of by the vote of the Citizens of Lowell at Town Meeting.
- Section 7. Amendment/Repeal.** This Ordinance shall only be amended or repealed by a vote of the residents at a public Town Meeting.

Section 8. 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 9. 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 10. Enforcement.

A. The Board of Selectmen, upon the recommendation of the Code Enforcement Officer, are authorized to order that legal action be taken to enforce the provisions of this Ordinance.

Section 11. Cease Operations Order.

The Code Enforcement Officer shall 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 12. 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 \$1,000.00 per day after the notification to close the operation/business.

ii. **Multiple.** The maximum penalty for undertaking an activity related to Retail Marijuana Establishments or Retail Marijuana Social Clubs is \$5,000.00 per day after notification to close the operation/business 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.

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

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

D. **Attorney Fees.** If the Town of Lowell is the prevailing party, the Town must be awarded reasonable attorney fees, expert witness fees and costs.

Section 13. Definitions. The definitions below are per Title 7 M.R.S. c. 417, section 2442.

Marijuana: Means cannabis.

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.

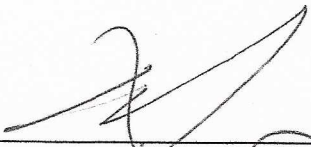
Retail Marijuana Product: Concentrated retail marijuana and retail marijuana products that are composed of retail marijuana and other ingredients and are intended for use or consumption, including, but not limited to, edible products, ointments and tinctures.

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.

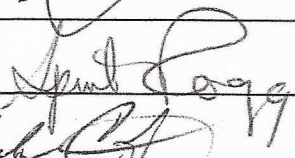
Retail Marijuana Social Club: An entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

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.

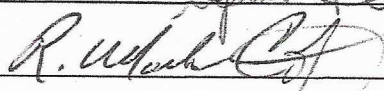
Retail Marijuana Testing Facility: An entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.



JEREMY PRIEST



APRIL FOGG



MARK COFRAN

SELECT PERSONS/ASSESSORS/OVERSEERS OF THE POOR
TOWN OF LOWELL, MAINE.

A TRUE COPY:



ANDREW SCELSO, CLERK.