

Marijuana Business Ordinance for the Town of Hollis Maine

This Ordinance shall be known and cited as the “Marijuana Business Ordinance for the Town of Hollis Maine” and will be referred to hereinafter as the “Ordinance”. The Ordinance limits all subject Marijuana Businesses in Hollis to the zoning districts specified under the Zoning Ordinance Table of Uses attached, prescribes definitions related to Marijuana Businesses, provides for Conditional Use permitting, final local licensing, regulation of Marijuana Businesses, and performance standards for Marijuana Businesses.

Purpose

The purpose of this Ordinance is to provide for and regulate the issuance of Town of Hollis Conditional Use Permits for Marijuana Businesses in order to promote the health, safety, and general welfare of the citizens of Hollis, and to establish reasonable and uniform regulations for the appropriate locations of Marijuana Businesses in Hollis. All Marijuana Businesses activities and operations shall be subject to the provisions of this Ordinance, the Conditional Use Permit, and Local License.

To establish a Marijuana Business within the Town of Hollis, a Person or Business Entity shall, in this order:

1. Obtain a Conditional License from the State of Maine; then
2. Obtain a Conditional Use Permit from the Hollis Planning Board; then
3. Obtain a complete Local Authorization form from the Hollis Select Board; then
4. Obtain an Active State License from the State of Maine; then
5. Obtain a Local License from the Hollis Select Board; then
6. Obtain a Certification of Occupancy from the Code Enforcement Officer.

Conflict with Other Laws

Except as otherwise specifically provided herein, this Ordinance incorporates the requirements and resulting Rules set forth in the Maine Marijuana Legalization Act, 28-B M.R.S.A. Chapter 1, as may be amended and the Maine Medical Use of Marijuana Act, 22 M.R.S.A. Chapter 558-C, as may be amended, collectively, the “State Marijuana Laws”. In the event of a conflict between the provisions of this Ordinance and the provisions of Maine Marijuana Laws, the more restrictive provision shall control.

Amendments

1. An amendment to this Ordinance may be approved by the Select Board without a Town vote only when changes are required by State Law.
2. For all other changes to this Ordinance, the Select Board shall inform the voters by reviewing proposed amendments at a Select Board meeting and place the proposed changes on the next Warrant for a simple majority vote of the Town.

Effective Date

The effective date of this Ordinance shall be the date of the adoption by the voters of the Town.

Validity and Severability

The provisions of this Ordinance are severable, and if any provisions shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

Definitions

As used in this Ordinance, the terms below shall be defined as indicated. All other terms used in this Ordinance, if not defined below, shall have the same definitions as set forth in the Maine Marijuana Laws, as may be amended.

Active State License: A license issued by the State that authorizes cultivation, sample collection, testing, manufacture or sale of marijuana or marijuana products in accordance with State Marijuana Law.

Applicant: A person or business entity who has submitted an application for a Conditional Use Permit pursuant to this Ordinance that has not yet been approved or denied.

Assistant means a person paid to perform a service for a caregiver, dispensary, manufacturing facility or marijuana testing facility in accordance with this chapter (Chapter 558-C) whether as an employee or independent contractor.

Business Entity means a partnership, association, company, corporation, limited liability company or other entity incorporated or otherwise formed or organized by law. "Business Entity" does not include a federal, state or municipal government organization.

Caregiver means a person or an assistant of that person that provides care for a qualifying patient.

Caregiver retail store means a store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessible to the public and sales of goods or services directly to the consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualified patient.

Collective means an association, affiliation or group of caregivers who physically assist each other in the act of cultivation, processing, or distribution of marijuana for medical use for benefit of the members of collective.

Conditional State License A license issued by the State that authorizes the Licensee to seek Local Authorization to operate a cultivation facility, testing facility, products manufacturing facility or marijuana store. The Conditional State License does not authorize possession, transfer, cultivation, testing, manufacture or sale of marijuana or marijuana Products.

Conditional Use Permit A permit issued by the Hollis Planning Board under the provisions of State Law, this Ordinance and the Hollis Zoning Ordinance.

Cultivation or Cultivate means the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale. "Cultivation" or "cultivate" does not include manufacturing, testing, or selling marijuana or marijuana extraction.

Cultivation Facility A facility where activities permitted under a State-issued license to operate a Marijuana Cultivation Facility license occur. Cultivation Facilities may be of the following types:

1. Tier 1 Marijuana Cultivation Facility. Not more than 500 square feet of Plant Canopy.
2. Tier 2 Marijuana Cultivation Facility. Not more than 2,000 square feet of Plant Canopy.
3. Tier 3 Marijuana Cultivation Facility. Not more than 7,000 square feet of Plant Canopy.

4. Tier 4 Marijuana Cultivation Facility. Not more than 20,000 square feet of Plant Canopy.
5. Nursery Cultivation Facility. Not more than 1,000 square feet of Plant Canopy. Not more than thirty (30) Mature Marijuana Plants and an unlimited number of Immature Marijuana Plants and Seedlings.

Disqualifying drug offense means a conviction for a violation of a state or federally controlled substance law that is a crime punishable by imprisonment for one year or more, except that “disqualifying drug offenses” does not include:

- A. An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years prior to the submission of an application for a license under this chapter; or
- B. An offense that consisted of conduct that is authorized under chapter 3.

Edible marijuana product means a marijuana product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing harvested marijuana. “Edible marijuana product” does not include an edible product containing hemp.

Flowering means, with respect to a marijuana plant, the gametophytic or reproductive state of a female marijuana plant during which the plant is in a light cycle intended to produce flowers, trichomes and cannabinoids characteristic of marijuana.

Identity statement means the name of a business entity as it is commonly known and used in any advertising or marketing by the business entity.

Immature Marijuana Plant means a marijuana plant that is not a mature marijuana plant or a seedling. “Immature marijuana plant” does not include hemp as defined.

Inherently hazardous substance means a liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash point at or lower than 100 degrees Fahrenheit, including, but not limited to butane, propane and diethyl ether. “Inherently hazardous substance” does not include any form of alcohol or ethanol.

Licensed Premises: The premises or business entity to operate a marijuana business.

Licensee: A person or business entity licensed to operate a marijuana business.

Local Authorization: Confirmation of compliance with the Ordinance submitted by the Town to the State in accordance with 28-B MRS§402. Local authorization is not required for Sample Collectors.

Local License: A license issued by the Town of Hollis Select Board for operation of a Marijuana Business.

Manufacturing or Manufacture means the production, blending, infusing, compounding or other preparation of marijuana and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. “Manufacturing” or “Manufacture” does not include cultivation or testing.

Marijuana means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. “Marijuana” includes marijuana concentrate but does not include hemp or a marijuana product.

Marijuana business: Any Adult Use or Medical Marijuana Cultivation Facility, Manufacturing Facility, Testing Facility, Registered Dispensary, Registered Caregiver Retail Store, or Marijuana Store permitted under this Ordinance; each is a separate business.

Marijuana plant. means all species of the plant genus cannabis, including, but not limited to, a mother plant, an Immature marijuana plant or seedling. "Marijuana plant" does not include hemp.

Marijuana product means a product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption. "Marijuana Product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate or a product containing hemp.

Marijuana store: A facility where activities permitted under a State-issued license to operate a marijuana store. "Marijuana Store" includes an Adult Use Retail Store, a Registered Caregiver Retail Store or a Registered Dispensary.

Mature marijuana plant means a marijuana plant that is flowering. "Mature marijuana plant" does not include hemp.

Medical use means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia related to the administration of marijuana 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.

Member of the family means a person who is a resident of the State and who is a spouse, domestic partner, child, sibling, aunt, uncle, niece, nephew, parent, stepparent, grandparent or grandchild of another person. "Member of the family" includes a person who is a resident of the State and who is living with a person as a spouse and a natural parent of a child or person.

Member of the Household means 2 or more people who are residents of the State and who reside in a shared dwelling unit.

Owner: A Person whose beneficial interest in a marijuana business is such that the person bears risk of loss other than as an insurer, has an opportunity to gain profit from the operation or sale of a marijuana business and/or has a controlling interest in a marijuana business.

Person: A natural person, partnership, association, corporation, manager, agent, owner, director, servant, officer, or employee thereof. "Person" does not include any governmental organizations.

Plant canopy means the total surface area within the licensed premises of a cultivation facility that is authorized by the department for use at any time by the cultivation facility to cultivate mature marijuana plant. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all the area within the boundaries. If the surface area of a plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used by the cultivation facility licensee, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of plant canopy may not include the areas within the licensed premises of a cultivation facility that are used by the licensee to cultivate immature

marijuana plants and seedlings and that are not used by the licensee at any time to cultivate mature marijuana plants.

Premises The physical location at which a marijuana business is to conduct its business.

Products manufacturing facility: A facility where activities permitted under a State-issued license to operate a marijuana products manufacturing facility occur.

Qualified patient means a person who possess a valid certification for the medical use of marijuana pursuant to Title 22, section 2423-B.

Registered caregiver: A registered caregiver that provides care for a qualifying patient and who is registered by the State of Maine pursuant to 22 M.R.S. 2425-A.

Registered Caregiver Retail Store: A marijuana store operated by a registered caregiver.

Registered dispensary or dispensary means an entity registered under section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana plants or harvested marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

Resident means a natural Person who is domiciled in this State, maintains a permanent place of abode in this State and spends in the aggregate more than 183 days of the taxable year in this State.

Sale or sell means a transfer or delivery of marijuana or marijuana products for consideration.

Sample collector means a person licensed under this chapter to collect samples of marijuana and marijuana products for testing and to transport and deliver those samples to a testing facility for testing.

Seedling means a marijuana plant that is not flowering, less than 6 inches in height; and less than 6 inches in width.

State License: Any license, registration or certification issued by the State Licensing Authority.

State Licensing Authority: The regulatory authority created or designated by the State for the purpose of regulating and controlling the licensing of marijuana businesses in the State.

Testing or test: The research and analysis of marijuana, marijuana products or other substances for contaminants, safety or potency. "Testing" or "test" includes the collection of samples of marijuana and marijuana products for testing purposes, but does not include the cultivation or manufacturing.

Testing facility: A facility licensed to develop, research, and test marijuana, marijuana products and other substances.

Visiting qualifying patient means a patient who is authorized for the medical use of marijuana in this State in accordance with section 2423-D and who is not a resident of the State or who has been a resident of the State less than 30 days.

Visibly intoxicated means in a state of intoxication accompanied by a perceptible act, a series of acts or the appearance of an individual that clearly demonstrates the state of intoxication.

Written certification means a document on tamper-resistant paper signed by a medical provider that is valid for the term provided by the qualifying patient's medical provider, except that the term of a written certification may not exceed one year, and that states that in the medical provider's professional opinion a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's medical diagnosis or symptoms associated with the medical diagnosis.

Numbers of Licenses to be Granted

Pursuant to 28-B M.R.S. 402, the Town has placed the following Local License limits to the following categories of Marijuana Businesses (License limits will be based on the Conditional Licenses granted by the State):

1. Total of four (4) Marijuana Stores
 - a. Two (2) Adult Use Marijuana Stores
 - b. Two (2) Medical Marijuana Stores
2. Total of six (6) Marijuana Cultivation Facilities (A facility may include multiple buildings or greenhouses operating under a single license.)
3. Total of four (4) Marijuana Manufacturing Facilities.
4. Total of two (2) Marijuana Testing Facilities.
5. Registered Caregiver Licenses are not limited by the Town, but additional New Medical Marijuana Businesses are not authorized if the numbers listed above for Medical Marijuana Businesses are Already at the capacity listed or exceeded.

Operating as a Home Occupation

1. Adult use Marijuana Businesses are not allowed by an operator registered as a Home Occupation and are not subject to the Conditional Use Permit application requirements.
2. A Registered Caregiver may operate under a Home Occupation as registered with the Code Enforcement Officer.
3. A Registered Caregiver Retail Store shall not operate under a Home Occupation.
4. Applicants operating a State Registered Caregiver business that is also a Hollis Registered Home Occupation, operating in accordance with all State and local laws prior to the adoption of this Ordinance, who intend to continue operations without change, shall inform the Code Enforcement Officer within thirty (30) days of the adoption of the Ordinance of their intent to continue operating under the adopted Ordinance as a legally non-conforming use. A Conditional Use Permit is not required. A Local License is required. The Applicant shall apply to the Select Board for a Local License.

Conditional Use Permit Required

1. No Person or Business Entity shall apply for a Conditional Use Permit to operate a Marijuana Business prior to obtaining a Conditional State License.
2. An Applicant for a Marijuana Businesses will be required to apply for a Conditional Use Permit application on the forms provided by the Town.

Timelines for Conditional Use Permit Applications

Applications for Marijuana Business Conditional Use Permits shall be administered and reviewed on a first come, first served basis based upon the date the Conditional Use Permit application and application fee was received by the Code Enforcement Officer.

1. The order in which applications are referred to the Planning Board will be determined by the Code Enforcement Officer.
2. First Priority Applicants: Applicants operating a compliant Home Occupation Registered Caregiver business in accordance with all State and local laws prior to the adoption of this Ordinance, who intent to apply for a Marijuana Business license, may submit a Conditional Use Permit Application within sixty (60) days of the adoption of the Ordinance. The number of Conditional Use Permit Application to any individual whether applying individually or as business entity is one (1). If they are granted a Conditional Use Permit and wish to apply for additional Conditional Use Permits, they will become a third priority applicant.
3. Second Priority Applicants: Sixty (60) days after the adoption of this Ordinance, property owner who has owned property in Hollis for at least one (1) year prior to adoption of this Ordinance may apply for a Conditional Use Permit.
4. Third Priority Applicants: One Hundred and Twenty (120) days after the adoption of this Ordinance, any other Applicant for a Conditional Use Permit may submit an application with the Code Enforcement Officer.
5. If a Conditional Use Permit is denied, or a Local License is denied, not renewed revoked or otherwise forfeited, Applicants on file will be contacted to proceed with their Conditional Use Permit application, if available Local Licenses remain in the Marijuana Business category.

Conditional Use Permit Application Submission Requirements

All Conditional Use Permit applications must be submitted to the Code Enforcement Officer on forms provided by the Town, in accordance with standard Conditional Use Application procedure. The Code Enforcement Officer will assist the Applicant in to ensure all required submittal material has been received for referral to the Planning Board. The Planning Board has the sole and final authority in determination of a complete application.

In submitting a complete Conditional Use Permit application, an Applicant for a Marijuana Business shall:

1. Provide all information required for a Conditional Use application under the Hollis Zoning Ordinance.
2. State the type of Marijuana Business for which the Applicant is seeking a license.
3. If the proposed Premises are leased or otherwise not owned by the Applicant, provide a signed certification by the Owner allowing the operation of the Marijuana Business in this application on the Premises.
4. State the Applicant's name, corporate identity, and all corporate Owners, providing their mailing address, residential address and phone numbers.
5. Provide a copy of the approved Conditional State License.
6. Provide a waste disposal plan.
7. Provide fumes and odor control plan.
8. Provide a security plan.
9. Provide a signage plan.
10. Provide a State of Maine License for pesticide application (if applicable).
11. Provide a State of Maine License for the use of Inherently Dangerous Substances (if applicable).
12. Provide a State of Maine License for edible food products (if applicable).

The Code Enforcement Officer or designee may request additional information from the Applicant before the application will be considered for Planning Board submission.

Once the Code Enforcement Officer finds all required submittal material has been received, the application will be prioritized and referred to the Planning Board in order of priority for determination of a complete application, review, and final decision.

Regulations Specific to Marijuana Businesses

Local Authorization

Prior to the Applicant being able to obtain an Active State License, the applicant shall:

1. Submit a copy of the Planning Board Finding of Fact and Conditions of Approval.
2. Provide a copy of the approved Conditional License issued by the State.
3. Submit the Local Authorization Form for completion. Provide the Applicant's name, corporate identity, and names of all corporate Owners, including their mailing address, residential address and phone numbers.
4. Provide a copy of the Applicant's State or Federal Identification.
5. The Select Board will confirm that all fees to include the initial application fee to the Planning Board and all licensing fees for the specific Marijuana Business applied for have been submitted to the Town.
6. The Select Board will (after the fees have cleared) complete the Local Authorization Review form and submit the Local Authorization Review Form to the State as required.
7. If the Local Authorization Review Form is not able to be completed within ninety (90) days, the Town may either make a decision not to approve the application or notify the Applicant in writing of the delay and extend the review period for a maximum of an additional ninety (90) days. The Local Authorization Review form must be completed by the Select Board within one hundred and eighty (180) days of the initial date of the receipt of the application and the application fee.
8. If the Applicant fails to submit a completed application within one hundred and eighty (180) days of the initial date of the application request and submission of an application fee, the application will be considered to be abandoned and the license will be available to other applicants.

Local License

Upon receipt of the Active State License and a Certificate of Occupancy by the Code Enforcement Officer, the Select Board shall issue a Local License and the Applicant will be permitted to commence operations.

No more than one Marijuana Business may be located on the same Premises unless each Marijuana Business obtains a separate State and Local License.

Local License Expiration and Renewal

1. The Licensee (Applicant) is fully responsible for following timelines for License renewal. Failure to follow the procedure is not grounds for a hardship appeal.
2. Each Local License issued under this Ordinance shall be valid for the term of license granted by the Active State License (the license year). Local License years will run concurrently with the Active State License years.
3. Applications for renewal of a Local License shall be submitted to the Code Enforcement Officer, with applicable fees, no less than 60 days prior to expiration of a current term.
4. The Code Enforcement Officer or designee and the Fire Chief or designee will perform the Annual Inspection and make recommendations on remediation of any problems/issues identified

5. The Code Enforcement Officer will review any complaints or issues that have been identified during the year and make recommendations to the Select Board on whether the license should be renewed or denied.
6. Upon the completion of the review by the Code Enforcement Officer, the Select Board will schedule a public hearing and review any concerns that are raised with the Licensee (Applicant).
7. Based on their findings, the Select Board will let the Licensee know of the Select Board decision and will collect licensing fees before sending the Local Authorization Form to the State if the license is to be renewed.
8. In the event that the Select Board denies the renewal request, the Licensee is entitled to appeal the decision.

Right of Access/Inspection

1. The Code Enforcement Officer or designee will inspect a Marijuana Business Premises prior to issuance of a Certificate of Occupancy and annually thereafter. The Code Enforcement Officer will verify that the facility is constructed and can be operated in accordance with the Conditional Use Permit, the Local License, the requirements of this Ordinance, and all applicable State and local laws.
2. The Fire Chief or designee will inspect a Marijuana Business Premises prior to issue of a Certificate of Occupancy and annually thereafter to verify that the facility is constructed and can be operated in accordance with all laws and regulations under the purview of the Fire Chief.
3. The initial inspection shall occur as scheduled by both the Code Enforcement Officer and Fire Chief.
4. Whenever inspections of a Marijuana Business Premises are required by this Ordinance, State or local law, or are reasonably necessary to determine compliance, admittance to the Premises shall be afforded to the inspector without delay.

Performance Standards for Marijuana Businesses

1. All State mandated performance standards will be met.
2. All Marijuana Businesses shall comply with all applicable State laws, local laws, and regulations.
3. Except as permitted under the Marijuana Laws, the use, consumption, ingestion, or inhalation of Marijuana or Marijuana Products on or within the Premises of a Marijuana Business is prohibited.
4. Marijuana Businesses, except for Registered Caregivers, are not permitted to conduct outdoor Cultivation, Manufacturing Sales or services of any kind.
5. Marijuana Businesses shall submit emergency contact information to both the Select Board and the Hollis Fire Department.
6. No Marijuana Business may be located within 1,000 (one thousand) feet of a private or public school.

Marijuana Cultivation and Manufacturing Facilities

1. A Knox Box shall be installed at the facility's exterior entrance for emergency access. All Knox Boxes shall be obtained, installed, and maintained in coordination with the Hollis Fire Department.
2. Facilities must comply with NFPA-1 Chapter 38 standards for *Marijuana Growing, Processing, or Extraction Facilities*. These standards will be utilized by Hollis Fire Department during their review of applications and inspections of these Premises.

Marijuana Stores

1. A Marijuana store is required to comply with all applicable State laws, local laws, and regulations.
2. A Marijuana store is required to post specific hours of operation.
3. A Marijuana Store must be operated from a permanent location.
4. A Marijuana Store may not use vending machines for Sales, may not have “drive-through” or “drive-up” window-serviced Sales, and may not have internet-based Sales with credit/debit card payment and delivery.
5. Registered Caregiver Retail Stores, Registered Caregivers, and Registered Dispensaries may deliver Marijuana and Marijuana Products to medical Marijuana qualified patients.

Residential Cultivation of Marijuana

Residential Cultivation of Marijuana for Adult Use

The total number of marijuana plants that may be cultivated for adult use on any parcel or tract of land located within the Town is limited to three (3) mature marijuana plants, twelve (12) immature marijuana plants and an unlimited number of seedlings by each person 21 years of age or older who is domiciled at that parcel or tract of land.

Residential Cultivation of Marijuana by Registered Caregivers

1. If a Registered Caregiver cultivates medical marijuana or manufactures medical marijuana products only for themselves, members of their family (living with or apart from the Registered Caregiver) and/or members of the household, the Registered Caregiver is exempt for having to obtain any local permit or local license.
2. If a Registered Caregiver is operating out of their residence, the Registered Caregiver shall apply for and obtain a permit for home occupation.
3. A permit for home occupation allows the Registered Caregiver to cultivate up to thirty (30) mature marijuana plants or 500 square feet of plant canopy, sixty (60) Immature marijuana plants, and unlimited seedlings.

Residential Cultivation of Marijuana by Medically Qualified Patients

The total number of mature marijuana plants that may be cultivated by medically qualified patients on any parcel or tract of land located within the Town is limited to six (6) mature marijuana plants, twelve (12) immature marijuana plants and unlimited seedlings by each qualified patient.

Residential Cultivation of Marijuana by Unregistered Caregivers

An unregistered caregiver may cultivate for and assist up to two (2) qualified patients who are members of the caregiver’s family or household. The total number of marijuana plants that may be cultivated for each qualified patient is six (6) mature marijuana plants, twelve (12) Immature marijuana plants and unlimited seedlings for each qualified patient.

Transfer of Ownership and Change of Location

1. Local Licenses issued under this Ordinance are limited to the Licensed Premises approved and are not transferable to another location.
2. Any licensee who seeks to move a licensed Marijuana Business to a new location shall acquire a renewal of the Local License to the new location.
3. No license issued under this Ordinance may be assigned or transferred to another individual or license.
4. Any change in ownership or change in the officers of a licensee shall require a new license.

Confidentiality

Registered Caregivers submitting applications and supporting information that is confidential under 22 M.R.S.A, as may be amended, and the Maine Freedom of Access Act, 1 M.R.S.A. 403(3)(F) shall mark such information as confidential.

Indemnification

By accepting a Local License issued pursuant to this Ordinance, the Licensee waives and releases the Town, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of any Marijuana Business Owners, operators, employees, clients, or customers for a violation of local, State or federal laws, rules, or regulations.

By accepting a Local License issued pursuant to this Ordinance, the Licensee agrees to indemnify, defend, and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims, and demands on account of any injury, loss, or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss, or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of a permitted Marijuana Business.

Denial, Suspension or Revocation of License

1. The Town of Hollis Select Board has the authority to deny, suspend, or revoke a Local License.
2. A Local License under this Ordinance shall be denied to an Applicant or Licensee who:
 - a. Fails to meet the requirements of this Ordinance.
 - b. Has had a permit or license for a Marijuana Business revoked by the State.
 - c. Has not acquired all necessary State and local approvals prior to the issuance of a Local License.
 - d. Has been convicted of a criminal violation arising out of operation of a Marijuana Business.
3. The Town will suspend or revoke a Local License for any violation of this Ordinance or any other applicable building and life safety code requirements.
4. The Town may suspend or revoke a Local License if the Licensee has an Active State License for a Marijuana Business suspended or revoked by the State.
5. The Licensee shall be entitled to notice and a hearing prior to Local License suspension or revocation.

Appeals

1. Any appeal of a decision by either the Planning Board (during initial license) or the Select Board (during a renewal) under the provisions of this Ordinance shall be made to the Appeals Board.
2. An aggrieved party may appeal any final licensing, denial, suspension, or revocation decision of the Town under the Ordinance to Superior Court in accordance with 30-A. M.R. S 4482-A and the provisions of Rule 80 B of the Maine Rules of Civil Procedure.

Enforcement

Violations

1. Any violation of this Ordinance, including any failure to comply with any condition, shall be deemed to be a violation of 30-A.M.R.S. 4452.
2. Each day of violation constitutes a separate offense.
3. Commencement of any Marijuana Business without a Conditional Use Permit, Local License, and an Active State License shall be a violation of this Ordinance. Any person committing such a violation shall

immediately cease operations, whether of a construction, renovation, or business nature, upon notification by the Code Enforcement Officer or designee.

4. Upon such notification, the Town may pursue fines and/or penalties under 30-A M.R.S. 44532.
5. If the Code Enforcement Officer finds that any provision of this Ordinance is being violated, the Code Enforcement Officer shall notify the Licensee in writing, indicating the nature of the violation and ordering action(s) necessary to correct the violation(s), including but not limited to, discontinuance of illegal use of land, buildings, or structure, or work being done, removal of illegal buildings or structures, and abatement or mitigation of violations. A copy of such notices shall be submitted to the Select Board and be maintained as a permanent record.
6. The Code Enforcement Officer shall keep a complete record of all essential transactions related to the Conditional Use Permit and Local License, including, but not limited to, Marijuana Business Conditional Use Permit applications submitted, granted, or denied, revocation actions, revocations, appeals, court actions, violations investigated, violations found and fees collected.

Legal Actions

1. When the above violations actions do not result in the voluntary correction or abatement of the violation by the subject Marijuana Business, the Select Board, upon receiving written notification from the Code Enforcement Officer, shall institute any and all actions and proceedings, either legal or equitable, including revocation of the Local License, injunctions of violations and the impositions of penalties and/or fines to enforce the provisions of this Ordinance.
2. The Select Board, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action.

Penalties/Fines

1. Any Person, including but not limited to, a Marijuana Business Owner, a property Owner where such Marijuana Business is located, or any agent or contractor for same, who orders or conducts any activity in violation of this Ordinance, or fails to comply with any of the requirements, shall be penalized in accordance with 30-A M.R.S. 4452.
2. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense.
3. In addition to such penalty, the Town may enjoin or abate any violation of this Ordinance.
4. All fines and penalties, together with costs of prosecution of violations, which shall include the Town's cost and attorney's fees, shall inure to benefit the Town.

AMENDMENTS TO USE TABLE: TOWN OF HOLLIS ZONING CHART	HCV-40K	HCV-80K	NHV-40K	NHV-160K	WBV	RR2	RR2C	RR3	RR3S	RR3C	NHRCZ	FHZ	EOZ	RP	SITE
Adult Use Marijuana Cultivation Facility		C		C		C		C	C	C			C		C
Medical Marijuana Cultivation Facility		C		C		C		C	C	C			C		C
Adult Use Marijuana Products Manufacturing Facility		C		C		C							C		C
Medical Marijuana Products Manufacturing Facility		C		C		C							C		C
Adult Use Marijuana Store	C	C	C	C	C								C		C
Medical Marijuana Store (Caregiver Retail Store)	C	C	C	C	C								C		C
Medical Marijuana Dispensary	C	C	C	C	C								C		C
Adult Use Marijuana Testing Facility		C	C	C	C	C		C	C	C			C		C
Medical Marijuana Testing Facility		C	C	C	C	C		C					C		C

HCV-40 K - Hollis Center Village
 HCV-80 K - Hollis Center Village
 NHV-40 K - North Hollis Village Zone
 NHV-160 K - North Hollis Village Zone
 WBV - West Buxton Village
 RR2- Rural Residential Two-Acre Zone
 RR2C
 RR3- Rural Residential Three- Acre Zone
 RR3S
 NHRCZ- North Hollis Residential Conservation Zone
 FHZ- Flood Hazard Zone
 EOZ- Economic Overlay Zone
 RP- Resource Protection Zone