

STATE OF MAINE
Warrant for the Special Hollis Town Meeting
November 06, 2018

STATE OF MAINE

COUNTY OF YORK

To: Kaden Flynn, a constable in the Town of Hollis,

Greetings:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants in said Town of Hollis qualified to vote in town affairs to meet at the Hollis Fire Station, 405 Plains Road, in said Town of Hollis on Tuesday, the sixth day of November A.D. 2018 (November 06, 2018) at 6:45 a.m. in the morning to act on **Article 1**. The polls will open at 7:00 a.m. (seven o'clock in the forenoon) and close at 8:00 p.m. (eight o'clock in the evening) to act on **Article: 2** through **4** all by secret ballot voting.

Article 1: To elect a moderator by written ballot to preside at said meeting.

Article 2: To elect one (1) Select Board Member & Overseer of the Poor to fill a vacant term expiring in June of 2019.

Article 3: Shall an ordinance entitled, "Ordinance Establishing a Moratorium on Medical Marijuana Registered Caregiver Retail Stores, Medical Marijuana Registered Dispensaries, Medical Marijuana Testing Facilities and Medical Marijuana Manufacturing Facilities" be enacted?

Article 4: Shall an ordinance entitled, "The Town of Hollis Minimum Standards for Rental Housing and Vacant Buildings dated 8/15/2018" be enacted?

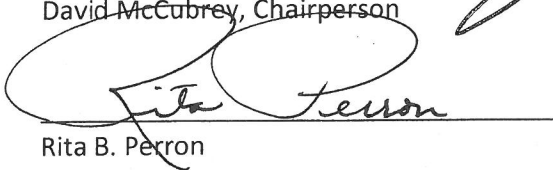
This is an amended Special Town Meeting Warrant signed August 15th of 2018 and replaces the July 18th 2018 Warrant.

Given this 15th day of August of 2018,

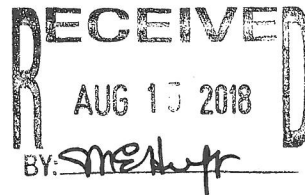
Hollis Select Board



David McCubrey, Chairperson



Rita B. Perron



The Registrar of Voters will hold regular Town office hours two weeks prior to the election, Tuesday, Thursday and Friday, 9 -4 and Wednesday noon- 8 p.m.

The Registrar of Voters will be available at the polls to correct any errors, correct a name or address on the voting list and to accept registrations of persons eligible to vote and to accept new enrollments.

A person who is not registered to vote may not vote in any election.

A voter not enrolled in a political party may not vote in a primary election.

Return on the Warrant

Hollis Special Town Meeting being held on November 06, 2018

Town of Hollis, York County, State of Maine

Date: _____

Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of said Town, qualified as herein expressed, to meet at said time and place, and for the purposes therein named, by posting an attested copy of said warrant at the Hollis Town Hall, Your Country Store , Johnson's Garage and The Hollis Town Clerk's Office in said town, being public and conspicuous places in said town, on the _____ day of October 2018 A.D. , being at least seven days before the Special Town Meeting on November 06, 2018.

Kaden Flynn, Constable

TOWN OF HOLLIS
ORDINANCE ESTABLISHING A MORATORIUM ON
MEDICAL MARIJUANA REGISTERED CAREGIVER RETAIL STORES, MEDICAL
MARIJUANA REGISTERED DISPENSARIES,
MEDICAL MARIJUANA TESTING FACILITIES AND
MEDICAL MARIJUANA MANUFACTURING FACILITIES

WHEREAS, the Maine Medical Use of Marijuana Act, codified at 22 M.R.S.A. Chapter 558-C, authorized primary caregivers to possess and cultivate marijuana for qualifying patients and to receive monetary compensation for costs associated with assisting qualifying patients; and

WHEREAS, the Legislature enacted the Act to Amend Maine's Medical Use of Marijuana Law (the "Act") on July 9, 2018; and

WHEREAS, the Act specifically gives municipalities the authority to regulate registered caregivers, registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities; and

WHEREAS, the Act authorizes caregivers to operate one retail store to sell harvested marijuana to qualifying patients for the patients' medical use; and

WHEREAS, the Act prohibits municipalities from authorizing new registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities after the effective date of the Act unless the legislative body has voted to adopt or amend an ordinance or approve a warrant article allowing registered caregiver retail stores, registered dispensaries, marijuana testing facilities or manufacturing facilities; and

WHEREAS, the Act specifically authorizes the continued operation of registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are operating with municipal approval prior to effective date of the Act; and

WHEREAS, the Act will become effective ninety days after the legislature adjourns the 2018 Second Special Session; and

WHEREAS, registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities raise a number of concerns related to public safety and welfare, including,

but not limited to, potential adverse effects on neighborhoods, security of the facilities, and odors that may create a public nuisance or hazard; and

WHEREAS, there has been an increasing number of requests regarding the establishment of registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities ; and

WHEREAS, the Town's existing ordinances do not provide an adequate mechanism to regulate and control the location and operation of registered caregiver retail stores and are inadequate to prevent serious public harm that could be caused by the unregulated development of registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities; and

WHEREAS, the Town needs a reasonable amount of time to determine the implications of registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities and to develop reasonable regulations governing their location and operation; and

WHEREAS, during the period of this Moratorium, the Town will work on developing appropriate land use regulations concerning registered caregiver retail stores;

NOW THEREFORE, pursuant to the authority granted to it by 30-A M.R.S.A. § 4356, be it hereby ordained by the legislative body of the Town of Hollis as follows:

1. DEFINITIONS.

As used in this Ordinance, the following terms have the following meanings as defined in the Marijuana Legalization Act:

“Marijuana”: means cannabis.

“Registered Caregiver Retail Store” means a facility or location in which a registered medical marijuana caregiver sell harvested marijuana to qualifying patients for the patients' medical use through a storefront.

Registered dispensary" or "dispensary" means an entity registered under section 2428 (or new section 2425-A) that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the primary caregivers of those patients.

“Marijuana testing facility” means a public or private laboratory that:

A. Is authorized in accordance with section 2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and

B. Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the Department of Administrative and Financial Services.

“Marijuana manufacturing facility” means a facility or location used for the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.

2. APPLICABILITY AND PURPOSE.

This moratorium shall apply to registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities as defined above, that are proposed to be located within the Town of Hollis on or after the effective date of this Ordinance. Notwithstanding anything to the contrary in 1 M.R.S.A. § 302 or any other law, this Ordinance applies retroactively to any and all applications relating to the establishment or operation of a proposed registered caregiver retail store, registered dispensary, marijuana testing facility and manufacturing facility whether or not such application had become a “pending proceeding” as defined in 1 M.R.S.A. § 302 prior to the enactment of this Ordinance. Properties that are currently permitted as general retail or manufacturing operations shall not be permitted to operate as a registered caregiver retail store, registered dispensary, marijuana testing facility and manufacturing facility and shall only be permitted by the Town in accordance with future land use regulations.

3. PROHIBITION.

During the time this Ordinance is in effect, no official, officer, board, body, agency, agent or employee of the Town of Hollis shall accept, process or act upon any application for any approval, including but not limited to a building permit, certificate of occupancy, site plan review, conditional use, or any other approval relating to the establishment or operation of a business or operation of a registered caregiver retail store, registered dispensary, marijuana testing facility or manufacturing facility. No person shall establish or operate a business or operation of a registered caregiver retail store, registered dispensary, marijuana testing facility or manufacturing facility within the Town of Hollis without complying with whatever ordinance amendments the Town may enact as a result of this Ordinance. This prohibition does

The Town of Hollis Minimum Standards for Rental Housing and Vacant Building Dated 8/15/2018

Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

Basement shall mean the portion of a building below the ground floor having not more than half of its clear height below the adjoining grade.

Dwelling Unit shall mean any house, building or part thereof which is occupied or intended to be occupied, in whole or in part, for living and sleeping by one (1) or more occupants. Dwelling premises shall mean the land and auxiliary buildings thereon used or intended to be used in conjunction with a dwelling.

Enforcement authority means and includes the building authority or his or her designee, and the health authority.

Habitable room shall mean a room used, or intended to be used, for living, sleeping, cooking, or eating purposes and excludes bathrooms, toilet rooms, laundries, pantries, halls, closets, heater rooms, utility rooms, and attics. Basement or cellar areas are not habitable rooms except as permitted in this article.

Multiple dwelling shall mean any dwelling containing more than two (2) dwelling units, rooming units, or combination of both.

Occupant shall mean any person, including an owner or operator, residing in or having actual possession of a dwelling unit or rooming unit.

Operator shall mean any person who has charge, care, management, or control of any dwelling or part thereof in which dwelling units or rooming units are let or offered for occupancy.

Owner shall mean any person or persons who alone or jointly legally owns the property.

Supplied shall mean installed, furnished, or provided by the owner at his or her expense.

Minimum Standards for Dwellings Established.

The following are the established minimum standards for buildings used for dwelling purposes in the town. All such buildings not now conforming to these standards will be required to meet such minimum standards, and buildings newly constructed or converted for dwelling purposes shall meet such minimum standards. The standards set forth herein are intended to be minimum only and shall not be construed otherwise, nor shall they apply wherever a greater standard is required by any other ordinance or law.

Sec. 1. Minimum standards for structural elements.

No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, rooming unit, or a combination of the same, which does not comply with the following minimum standards:

- (a) Foundations, basements, cellars, exterior walls, roofs. Every foundation, basement, cellar, exterior wall, and roof shall be substantially weathertight, watertight; shall be structurally sound and in good repair; and shall be safe for the intended use as well as capable of supporting whatever load normal use may cause to be placed thereon.
- (b) Every exterior wall or portion thereof shall be painted or stained. Insulation shall be installed and maintained so as not to present a health or safety hazard to occupants. Water from roofs shall be so drained and conveyed therefrom as not to cause repeatedly wet floors, walls, or ceilings, or hazard to adjacent buildings or the occupants thereof.
- (c) Interior floors, walls, ceilings and doors. Every floor, wall, ceiling, and door shall be in a structurally sound condition and in good repair.
- (d) Exterior windows, doors and skylights. Every window or door, including basement or cellar door and hatchway, and skylight shall be substantially weathertight, watertight, and shall be kept in sound working condition and good repair.
- (e) Stairways, stairwells, stairs and porches. Every inside and outside stairway, stairwell, stairs, and porch and any appurtenances thereto shall be structurally sound, in good repair, and safe to use.
- (f) Chimneys, flues and vent. Every chimney and every flue, vent, and smoke pipe and any attachments thereto shall be structurally sound, in good repair, and safe to use.
- (g) Required equipment and utilities. Every supplied facility, piece of equipment, or utility which is required under this article shall be so constructed and installed that it will function safely and effectively and shall be maintained in good working condition.

Sec. 2. Sanitation and maintenance of equipment; division of responsibility therefor.

Every dwelling, dwelling unit, rooming house, rooming unit, dwelling premises, or combination of the same, shall be kept and maintained in a sanitary and clean condition, and facilities shall be provided, in accordance with the following division of responsibility:

- (a) Maintenance of assigned areas. Every occupant of a dwelling, dwelling unit, or rooming unit shall maintain in a clean and sanitary manner that part of the dwelling, dwelling unit, or rooming unit, and dwelling premises which he or she occupies and controls.
- (b) Maintenance of shared areas. Every owner or operator of a multiple dwelling or rooming house shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and dwelling premises.

Sec. 3. Standards for unoccupied residential structures.

The owner of any unoccupied structure containing dwelling units or rooming units or any combination thereof shall comply with the following minimum standards:

(a) Foundations, basements, cellars, exterior walls, roofs. Every foundation, basement, cellar, exterior wall and roof shall be substantially weathertight, watertight; shall be structurally sound and in good repair; and shall be safe for the intended use as well as capable of supporting whatever load normal use may cause to be placed thereon.

(b) Interior floors, walls, ceilings and doors. Every floor, wall, ceiling and door shall be in a structurally sound condition.

(c) Exterior windows, doors and skylights. Every window or door, including basement or cellar door and hatchway, and skylight shall be substantially weathertight, and watertight and shall be kept secured to prevent ingress of people.

(d) Stairways, stairwells, stairs and porches. Every outside stairway, stairwell, stairs and porch and any appurtenances thereto shall be structurally sound, in good repair and safe to use.

(e) Chimneys, flues and vent. Every chimney shall be structurally sound.

Sec. 4. Minimum plumbing standards.

No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, or rooming unit which does not comply with the following minimum standards:

(a) Basic facilities. Every dwelling unit shall contain within its walls, in sound operating condition, a kitchen sink, a private flush toilet, lavatory basin, and bathtub or shower.

(b) Water supply. Every kitchen sink, lavatory basin, and bathtub or shower required by this article shall be properly connected with hot and cold-water lines.

(c) Maintenance of plumbing fixtures. All fixtures required by this article and all fixtures installed in addition thereto shall be properly installed and maintained in sound mechanical condition, free from defects, leaks, or obstructions, and in accordance with the state plumbing.

Sec. 5. Minimum lighting standards.

No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, or rooming unit which does not comply with the following minimum standards:

(a) Habitable rooms. Every habitable room, other than rooms used primarily for sleeping, shall contain at least two (2) separate duplex convenience outlets or at least one (1) duplex convenience outlet and one (1) ceiling-type or wall-type electric light fixture.

(b) Rooms used primarily for sleeping, bathrooms, utility rooms, cellars and basements. Every room used primarily for sleeping, water-closet compartment, bathroom, laundry room, furnace room, cellar and basement shall contain at least one (1) ceiling-type or wall-type electric light fixture.

(c) Passageways and common stairway. Every passageway and stairway shall have at least one (1) ceiling-type or wall-type electric light fixture adequate to provide safe passage.

(d) Extension cords. No temporary wiring shall be used except extension cords which run directly from portable electrical fixtures to convenience outlets, ceiling or wall-type fixtures and which do

not lie under rugs or other floor coverings, nor extend through doorways, transoms or similar openings through structural elements.

(e) Maintenance of lighting fixtures. All fixtures required by this article and all fixtures installed in addition thereto shall be maintained in good and safe working conditions and shall be installed in accordance with the electrical code of the town.

Sec. 6. Inspections.

The health or building authority or his or her designee, upon showing, proper identification, shall have the right to enter at any and all reasonable times into or upon any dwelling or dwelling premises within the Town for the purpose of inspecting the dwelling or dwelling premises in order to determine compliance with the provisions of this article and for the purpose of examining and inspecting any work performed under the provisions of this article, and it shall be a violation of this article for any person to interfere with or prevent such inspection.

Sec. 7. Notices.

When any violation is found to exist within the meaning of this article, the health or building authority or his or her designee shall give the owner, operator or occupant, or both a written order or notice which shall set forth the violation and shall contain a reasonable time limit for the correction thereof.

Sec 8. Reinspection's.

After the expiration of the time for correction of a violation, the health or building authority or his or her designee shall make a reinspection of the premises, and if the violation has not been corrected and no appeal is pending as hereinafter provided, such authority may make such further order as he deems advisable or he may proceed to take legal action against the person liable for such violation.

Sec. 9. Properties unfit for human habitation; and posted against occupancy.

Any dwelling, dwelling unit, rooming house, rooming unit, or any structure or portion thereof being used for human habitation which is in violation of the provisions of this article to the extent that it is unfit for human habitation according to the standards contained herein or other applicable standards may be condemned for habitation and posted against occupancy by the building authority or his or her designee. Property unfit for human habitation shall include but not be limited to:

(a) Properties which are either damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested in such a manner as to create a serious hazard to the health, safety, and general welfare of the occupants or the public;

(b) Properties which lack plumbing, ventilating, lighting or heating facilities or equipment adequate to protect the health, safety and general welfare of the occupants or the public;

(c) Properties which, because of their general condition, state of the premises, number of occupants, or location, are so unsanitary, unsafe, overcrowded or otherwise dangerous or detrimental that they create a serious menace to the occupants or the public;

Sec. 10. Notice of condemnation and posting; order to vacate.

The building authority or his or her designee shall give notice in writing to the property owner or operator of such condemnation and posting, and in the event such property is occupied, he or she shall give like notice to the occupant, which shall also include a reasonable time limit within which such property shall be vacated.

Sec. 11. Property not to be occupied again for habitation.

No property which has been condemned and posted against occupancy shall again be used for the purpose of habitation until the building authority or his or her designee shall in writing approve of its use and shall likewise authorize the removal of the posted notice. Notices not to be removed; property not to be used or let; exception. It shall be a violation of this article for any person to deface or remove any such posted notice without the prior approval of the building authority or his or her designee, and it shall also be a violation of this article for any person to occupy or let to another for occupancy any property which has been condemned and posted as provided above without receiving the prior approval of the building authority or his or her designee.

Sec. 12. Violations.

(a) Any owner, occupant, or operator of a building, structure, or premises shall be guilty of an offense and subject to penalties who allows a violation to occur or remain at any building, structure, or premises that he or she owns, occupies, or controls; or fails to comply with any lawful order issued pursuant to this Article.

(b) The imposition of a penalty for a violation does not excuse that violation or allow it to continue.

Sec. 13. Enforcement & Violations.

(a) Any owner, occupant, or operator of a building, structure, or premises shall be guilty of an offense and subject to the penalties and remedies provided in Chapter and 30-A M.R.S. § 4452. The minimum penalty for a specific violation is \$100, and the maximum penalty is \$2,500 per day.

(b) The enforcement authority is authorized to institute, or cause to be instituted by the Town Attorney, in the name of the Town any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this article.

(c) A \$50 reinspection fee shall be charged each time the property is reinspected.

EFFECTIVE DATE.

This Ordinance takes effect immediately upon adoption. **This Ordinance shall take effect immediately upon voter approval at the Special Town Meeting November 06, 2018. Article 4: Shall an ordinance entitled, "The Town of Hollis Minimum Standards for Rental Housing and Vacant Buildings dated 8/15/2018" be enacted?**

SEVERABILITY.

Should any section or provision of this Ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.