

# TOWN OF CORNISH

## MEDICAL CANNABIS ORDINANCE

The purpose of this ordinance and related guidelines is to regulate the cultivation, processing, storage, and distribution of medical cannabis consistent with the Town of Cornish Land Use and Development Ordinance and the Maine Medical Use of Marijuana Act (Maine Revised Statutes Title 22, Chapter 558-C).

### (a) Approval Process

Any proposal to establish a new, or alter an existing, medical cannabis registered dispensary or medical cannabis production facility shall require approval of the Planning Board as a conditional use. The Planning Board and applicant shall follow: the application process, the review process, performance standards of this ordinance, and the inherent authority of the Planning Board as defined by Article IV (Administration, Enforcement and Penalties) of the Town of Cornish Land Use and Development Ordinance. Notification of site walks and public hearings shall include all property owners within 500 linear feet, measured in a straight line from the property boundary of the proposed dispensary or facility. Notification of property owners shall be mailed at least ten days before the scheduled site walk and public hearing. The Planning Board shall be responsible for mailing notifications to property owners to the address identified on a mailing list provided by the town. In addition to other public notification requirements, the town shall notify the York County Sheriff's Office, the Maine Department of Health and Human Services – Center For Disease Control and Prevention (or its successors), and the Maine Revenue Services prior to the public hearing on any application.

### (b) State Authorization

Before submission of a conditional use application, the applicant must demonstrate to the Planning Board their authorization to cultivate, process, store and distribute medical cannabis pursuant to the Maine Medical Use of Marijuana Act (Maine Revised Statutes Title 22, Chapter 558-C).

### (c) Exemptions

As an accessory use, medical cannabis home production shall be allowed in any qualifying patient's primary year-round residence (as defined by Maine Revenue Services) or any registered medical cannabis caregiver's primary year-round residence (as defined by Maine Revenue Services) in every Land Use District and Overlay District, without any requirements for land use permitting. This exemption shall also extend to registered medical cannabis caregivers who cultivate, process or store medical cannabis in a qualifying patient's primary year-round residence (as defined by Maine Revenue Services) for that qualifying patient's sole use.

(d) Performance Standards

In addition to other requirements of this section and related provisions of the Town of Cornish Land Use and Development Ordinance, the following shall apply to any application for a new or amended medical cannabis registered dispensary or a medical cannabis production facility:

(1) Medical Cannabis Registered Dispensary Limit

There shall be no more than one medical cannabis registered dispensary in the Town of Cornish.

(2) Medical Cannabis Production Facility Limit

There shall be no more than four registered medical cannabis caregivers allowed to operate within a single medical cannabis production facility.

(3) Density Limit

Only one medical cannabis production facility shall be permitted per lot. This separation requirement will prevent a concentration of these facilities and helps to ensure compliance with the State prohibition against collectives.

(4) Proximity Location to Other Uses

No medical cannabis registered dispensary or medical cannabis production facility shall be closer than 500 linear feet, measured in a straight line from the dispensary or facility building entrance, to the nearest point on the boundary of any property which is occupied by an existing medical cannabis production facility, licensed day care facility, school, church or town owned property (excluding town owned roads).

(5) Security

Before granting a Conditional Use permit, the Planning Board shall require that the applicant has reviewed the applicant's property and building security plans with the York County Sheriff's Department and the Sheriff's Department finds the security measures are consistent with state requirements.

(6) Outside Appearance

No signs containing the word "marijuana", "cannabis", "420", "710" or any other terms to indicate medical cannabis presence, or any graphics/images such as a green cross or any portion of a marijuana plant or otherwise identifying medical cannabis shall be erected, posted or in any way displayed on the outside of a medical cannabis registered dispensary or a medical cannabis production facility. Interior advertisements, displays of merchandise or signs depicting the activities of a medical cannabis registered dispensary or a medical cannabis production facility shall be screened to prevent public viewing from outside such facility.

(7) Odorous Air Contaminants

It shall be an unlawful nuisance for any person to cause or permit the emission of odorous air contaminants from any source so as to result in detectable odors that leave the premises upon which they originate and interfere with the reasonable and comfortable use and enjoyment of property. Upon the following occurrence, any odor will be deemed to interfere with reasonable and comfortable use and enjoyment of property:

- (I) If odorous air contaminants are detected when one volume of the odorous air has been diluted with seven or more volumes of odor-free air, as measured by any instrument, device or method designed to be used in the determination of the intensity of an odor. Measurement shall be taken at property boundary lines.

(8) Approved Locations

All medical cannabis registered dispensaries and medical cannabis production facilities will be subject to the Conditional Use Permit process used by the Planning Board. Medical cannabis registered dispensaries shall only be permitted in the Industrial Park District. Medical cannabis production facilities shall only be permitted in the Industrial Park, Commercial, Rural Residential, and Agricultural districts. Further, medical cannabis production facilities shall be prohibited from operating in the Historic District Overlay and the Aquifer Protection Overlay.

(e) Validity and Severability

Should any section or provision of this ordinance be declared by the courts to be invalid or unlawful, such decision shall not invalidate any other section or provision of this ordinance.

## DEFINITIONS

**Marijuana:** As defined in State Administrative Rules (10-144 CMR Chapter 122), §1.17, "Marijuana."

**Medical Cannabis:** Cannabis that is acquired, possessed, cultivated, manufactured, used, delivered, transferred or transported to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition.

**Medical Cannabis Caregiver:** A person, licensed hospice provider or licensed nursing facility that is designated by a qualifying patient to assist the qualifying patient with the medical use of cannabis in accordance with state law. A person who is a registered medical cannabis caregiver must be at least twenty-one (21) years of age and may not have been convicted of a disqualifying drug offense.

**Medical Cannabis Land Uses:** Any of three (3) types of land uses, defined below, that cover the full range of options for lawful cultivating, processing, storing and distributing medical cannabis.

1. *Medical Cannabis Home Production (Land Use):* Cultivating, processing and/or storing of medical cannabis by a qualifying patient at their own primary year-round residence or a registered medical cannabis caregiver at their own primary year-round residence for use by a qualifying patient. This definition shall also extend to registered medical cannabis caregivers who cultivate, process or store medical cannabis in a qualifying patient's primary year-round residence for that qualifying patient's sole use. This shall be considered an accessory use.

2. *Medical Cannabis Production Facility (Land Use):* A facility used for cultivating, processing, and/or storing medical cannabis by one or more registered medical cannabis caregiver(s) at a location which is not the registered medical cannabis caregiver's primary year-round residence or their patient's primary year-round residence. This shall be considered a commercial use.

3. *Medical Cannabis Registered Dispensary (Land Use):* A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses cannabis, paraphernalia or related supplies and educational materials to qualifying patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. This shall be considered a commercial use.

**A true attested copy of ordinance adopted at  
Special Town Meeting on November 2, 2016**

**Katherine Blake**

**Town Clerk**