

PROPOSED LAND USE ORDINANCE AMENDMENTS RELATING TO MEDICAL MARIJUANA

Sec. 1. Amend the definition of Agricultural Land Management Practices, Agricultural Structure, and Agriculture to add the following sentence at the end of each definition:

Medical Marijuana Home Occupation and Medical Marijuana Production Facility shall not be considered agriculture for purposes of Site Plan Review.

Sec. 2 Add the following definitions to Section 3 of the Mount Vernon Land Use Ordinance:

MARIJUANA

As defined in Maine Medical Use of Marijuana Act and Rules, or the Marijuana Legalization Act, as applicable.

MARIJUANA PARAPHERNALIA

Equipment, products, or materials defined as paraphernalia in Maine Medical Use of Marijuana Act and Rules.

MARIJUANA WASTE AND/OR RESIDUE

Stems, stalks, root and other materials used in the growth, cultivation, production, and storage of marijuana. Marijuana waste and/or residue does not include an incidental amount of marijuana or excess prepared marijuana as defined in the Maine Use of Medical Marijuana Act and Rules or the Marijuana Legalization Act, as appropriate.

MEDICAL MARIJUANA

Marijuana 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 MARIJUANA HOME OCCUPATION

A home occupation that is conducted by a registered primary caregiver who resides in the dwelling as his/her primary residence in conformance with standards described in the definition of home occupation in Section 3 of this Ordinance and

A. Is performed within a single-family dwelling or within a unit in a multifamily structure;

B. Is for the purpose of assisting one or more qualifying patients with the medical use of marijuana who do not reside in the dwelling and are not family members of the primary caregiver; and

C. Complies with the Maine Medical Use of Marijuana Act and Rules or the Marijuana Legalization Act, as appropriate.

MEDICAL MARIJUANA PRODUCTION FACILITY

A facility which includes a permanent structure equal to or greater than 100 square feet used for cultivation, processing, storage, and/or distribution of medical marijuana at a location which is not the medical marijuana registered primary caregiver's primary residence in conformance with standards described in Section 6 of this Ordinance and the Maine Medical Use of Marijuana Act and Rules. This shall be considered a commercial use, subject to the requirements of Site Plan Review.

Sec. 3. Amend Section 6(B) of the Land Use Ordinance (Site Plan Review) by amending Section 6(B)(1) as follows:

1. This section does not apply to detached single and two family dwelling units, agricultural land management practices, as defined, or home occupations, as defined, except that this section does apply to Medical Marijuana Home Occupation and Medical Marijuana Production Facility.

Sec. 4. Amend Section 6(B) of the Land Use Ordinance (Site Plan Review) by adding Section 6(B)(37), Medical Marijuana as follows:

37. MEDICAL MARIJUANA. In addition to all other submission requirements and performance standards, Medical Marijuana Home Occupation and Medical Marijuana Production Facilities must provide:

- a. certification, by a mechanical engineer or other qualified professional, registered in the State of Maine, of the adequacy of the ventilation system to prevent odors from being detected beyond the boundaries of the property or submission of an Odor Control Plan, satisfactory to the Planning Board that specifies the engineering and administrative controls the facility will use to prevent odors from being detected offsite. For an existing licensed operation, submission of a revised Odor Control Plan or verification that the Odor Control Plan which was submitted for the new operations, remains in place and is functioning effectively.
- b. Documentation of the registered caregiver(s) valid Maine State-issued medical marijuana primary caregiver registry identification card(s).
- c. Accurate vicinity map drawn to scale showing the location of any existing private or public school, child-care provider, playground and/or church within 500 feet of the proposed location.
- d. Location within the facility where a copy of the medical marijuana production facility's Operations Manual and Security Plan is stored.
- e. Any medical marijuana home occupation or medical marijuana production facility in lawful existence on the effective date of this article may remain in operation in its present location without applying for or obtaining site plan review approval hereunder provided the applicant submits to the Planning Board a certification, satisfactory to the Planning Board, by a mechanical engineer or other qualified professional registered in the State of Maine of the

adequacy of the ventilation system to prevent odors from being detected beyond the boundaries of the property or an Odor Control Plan, satisfactory to the Planning Board that specifies the engineering and administrative controls the facility will use to prevent odors from being detected offsite. Said certification or Odor Control Plan shall be submitted no later than 90 days following the effective date of this article. In the event a certification or Odor Control Plan satisfactory to the Planning Board is not submitted within 90 days following the effective date of this article, the medical marijuana home occupation or medical marijuana production facility shall not be authorized to operate without obtaining full Site Plan Review approval from the Planning Board pursuant to Section 6 of the Mount Vernon Land Use Ordinance.

PROPOSED LAND USE ORDINANCE AMENDMENTS RELATING TO:

Animal Control Ordinance:

Amend the second sentence of Section V(B) (Nuisance) the Animal Control Ordinance:

- B. Noise:** It shall be unlawful for any owner or person having custody of any dog to allow such dog to become a public nuisance by unnecessarily or unreasonably annoying or disturbing the Town peace and quiet by prolonged and repetitive barking, howling, wining or other loud noises, provided that the dog is not being harassed or intruded upon by a person, vehicle or another animal. Upon written or verbal complaint, ~~signed and sworn to by the aggrieved party~~, the Officer shall investigate. A written warning to the owner from any Officer, Constable, Animal Control Officer, or Selectman that an animal is a public nuisance due to noise shall be prima facie evidence that said animal is known to the owner to be a public nuisance.

PROPOSED LAND USE ORDINANCE AMENDMENTS RELATING:

Setback proposal:

Add Section 3-B to Section 5(B) General Standards-Building (All Districts)

1. **Setbacks:** No building or accessory structure shall be constructed closer than fifteen (15) feet from any boundary line, and all buildings and accessory structures shall have a setback of at least seventy-five (75) feet from the center line of the road except as provided below.

2. **Road Setback in the Village District.** Notwithstanding any other requirement of this section, in the Village District, the minimum set back from the centerline of the road shall be fifty (50) feet.

3. **Road Setback on Minor Public Roads** and private roads. On minor public roads and private roads, accessory structures shall have a minimum setback of at least (50) feet from the centerline of the road. To qualify for the reduced setback, the building must be less than one thousand (1000) square feet in size at ground level.

3.-A. Road Setback on private rights of way equal to or less than fifteen (15) feet in width. On private rights of way with a width of fifteen (15) feet or less, accessory structures shall have a minimum setback of at least twenty (20) feet from the centerline of the right of way. To qualify for the reduced setback, the building must be less than one thousand (1000) square feet in size at ground level. This paragraph only applies in the Shoreland Zone in those instances where the owner of the private right of way owns the land on both sides of the right of way and the land underneath the right of way.

3-B. Road setbacks on private rights of way established prior to January 1, 1995, in the Shoreland Zone. On private rights of way, established prior to January 1, 1995, and located in the Shoreland Zone, other than those private rights of way covered by Section 5(B)(3-A), all structures shall have a minimum setback of at least forty (40) feet from the centerline of the right of way.