



**TOWN COUNCIL
MEETING MINUTES
JULY 13, 2021
TOWN HALL**

Normand Albert 2021
Kasie Kolbe 2021
Allen Ward 2021
Mark Lunt 2022
Donald Fellows 2022
Jeffrey Ganong 2022
Fern Larochelle 2023

CALL TO ORDER. The Vice-Chairman, Donald Fellows, called the meeting to order and led the pledge of allegiance to the flag at 7:00 PM.

ROLL CALL. Members present were Councilors Kolbe, Lunt, Larochelle, Ganong, and Fellows.

VOTE (2021-146A) Councilor Larochelle, seconded by Councilor Lunt moved to excuse Councilor Ward's absence. **Order passed – Vote 5-0.**

VOTE (2021-146B) Councilor Larochelle, seconded by Councilor Kolbe moved to excuse Councilor Albert's absence. **Order passed – Vote 5-0.**

Also present were Diane Barnes, Town Manager; Diane Nadeau, Librarian; Randy Cyr, Public Works/Solid Waste Director; Brett Richardson, Economic & Community Development Director; and two citizens in the audience.

GOOD NEWS & RECOGNITION

Councilor Larochelle indicated the past weekend's Moxie Road Race and Moxie Car Show went really well. He said it was good to see the activity at both. He mentioned both events were well attended. Everyone he spoke with said they enjoyed both events.

Councilor Fellows mentioned he read an article in the local newspaper over the weekend about Conrad Davis, who has participated on many boards and committees, more recently the Police Advisory Committee, that reported his daughter's class ring had been found and returned to the family. The story was very touching and revealed how receiving this ring had positively affected this family.

PUBLIC HEARINGS - NONE

AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS - NONE

CONSENT AGENDA

VOTE (2021-147) Councilor Larochelle, seconded by Councilor Kolbe moved to approve the following consent agenda items:

- A. Municipal Accounts Payable Warrants - \$ 1,004,926.56
- B. Municipal Payroll Warrants - \$353,785.04
- C. School Accounts Payable Warrants - \$ 570,545.00
- D. School Payroll Warrants - \$ \$1,114,862.97
- E. Special Meeting Minutes for June 22, 2021
- F. Set Public Hearing on August 17 for Mass Gathering Permit for Positive Change Lisbon

Order passed - Vote 5-0.

COUNCIL ORDERS, RESOLUTIONS, & ORDINANCES

AWARD DIGITAL ADVERTISING BOOT CAMP BID

INTRODUCTION: Mr. Richardson reported on May 26, 2021, the Maine Community Foundation's (MCF) notified ECD that the Town's proposal to MCF's Start Up Scale Up Grant Program to deliver a free Digital Advertising Boot Camp for local businesses and entrepreneurs throughout Maine was funded for the requested amount of \$13,000. Lisbon's Council authorized a bid process during their June 22, 2021 meeting to select a qualified consultant to deliver the boot camp trainings. The Digital Advertising Boot Camp bid process was open from June 23rd through 1pm on July 7th. The Town received one bid from Dream Local Digital of Machias, Maine, to create, help promote, and deliver the boot camp trainings for \$13,000.

Mr. Richardson explained this Digital Advertising Boot Camp will feature a series of digital trainings to be created, produced, and delivered by a consultant, plus tailored one-on-one consulting for up to 20 Lisbon businesses. The one-on-one consulting sessions will include hands-on strategic and tactical recommendations that Lisbon businesses can implement based on their current marketing platforms and business models. The kick-off and wrap-up trainings will be held in person at the planned Entrepreneurship Hub under development with the Ancient York Masonic Lodge. The sessions in-between will be delivered via a web-based live stream statewide. The ideal consultant will have specialized skills, broad experience, and the ability to produce and deliver compelling trainings.

Mr. Richardson reports that Dream Local Digital is led by principal Shannon Kinney. Ms. Kinney and her company are well-respected digital advertising experts and are more than qualified to deliver the Boot Camp trainings. References provided strong endorsements for Dream Local Digital's ability to ensure success trainings to support local Lisbon businesses. Therefore, Mr. Richardson respectfully requests Council award the Digital Advertising Boot Camp to Dream Local Digital for \$13,000 using funds from the Maine Community Foundation Start Up Scale Up Grant.

VOTE (2021-148) Councilor Kolbe, seconded by Councilor Ganong moved to award the Digital Advertising Boot Camp to Dream Local Digital for \$13,000 using funds from the Maine Community Foundation Start Up Scale Up Grant. **Order passed - Vote 5-0.**

MAINE STATE ARPA GRANT FROM THE MAINE STATE LIBRARY

INTRODUCTION: Mrs. Nadeau is seeking Council approval to apply for the Maine State Library ARPA grant. The Maine State Library received ARPA federal funds and is offering Maine public libraries a share of the funds to assist with patron services post COVID-19 pandemic. They have calculated the funds as follows:

- (1) Base amount for all libraries is \$1,000,
- (2) A community's population and
- (3) A community's school free/reduced lunch percentage.

Mrs. Nadeau indicates the Lisbon Library qualifies for \$2,750. She said the wonderful news is that no matching funds are required to receive this grant. The grant specifies that funds must be used for COVID-19 related items, technology, services and programs to assist and improve "face-to-face" library services in their communities.

VOTE (2021-149) Councilor Larochelle, seconded by Councilor Lunt moved to authorize the Town Manager and Librarian permission to apply for a Maine State ARPA Grant. **Order passed - Vote 5-0.**

CARRY FORWARD CORRECTION

INTRODUCTION: Mrs. Barnes explained that she had inadvertently asked Council to carry forward \$20,000 twice from the Town Buildings Account (Building Expense) at the June 22 meeting on the year-end budget warrant articles. She said she moved this \$20,000 in the warrant and did not delete it from the original spot. She said we only have \$20,000 to carry forward, instead of \$40,000, and requested Council make a correction to carry forward \$20,000 instead of \$40,000.

VOTE (2021-150) Councilor Kolbe, seconded by Councilor Ganong moved to authorize the Town Manager to carry forward \$20,000 from the Town Buildings Account (Buildings Expense) instead of \$40,000. **Order passed - Vote 5-0.**

FERRY ROAD RECONSTRUCTION BOND REFERENDUM

INTRODUCTION: Mr. Cyr said due to the condition of Ferry Road, he asked Olver Associates to prepare a preliminary opinion of cost for the reconstruction of an approximate 3-mile-long portion that is in need of reconstruction. The work area would start at the end of the recently paved area near the intersection of Ferry and Marshall Road and extend approximately 13,700 linear feet (LF) to the river bend area or Brooks property. He indicated that the project scope was included in the agenda packet. The preliminary opinion of costs for this project is estimated to be about \$2,765,000. He reported this should be the last road needing to be funded through a municipal bond. He requested Council approve the project and allow the Town Manager to work with bond counsel to prepare a warrant and referendum question for the November ballot.

VOTE (2021-151) Councilor Larochelle, seconded by Councilor Ganong moved to approve the Ferry Road reconstruction and authorize the Town Manager to work with bond counsel to prepare a warrant and referendum question for the November ballot. **Order passed - Vote 5-0.**

CHAPTER 70 ZONING ORDINANCE, PROPOSED GROUND MOUNTED SOLAR ENERGY SYSTEM ORDINANCE (First Reading)

INTRODUCTION: Mr. Lunt, Vice-Chairman of the Planning Board explained that the Chairman Bill Kuhl was not able to attend tonight. He said the Planning Board received their first solar application back in June of 2020, when there were no regulations in place and with no opposition, it was approved. Months later a second solar application for Frost Hill created lots of opposition, the solar array was re-arranged on the lot to all the neighbors satisfaction and the application was approved. Because of that opposition, the Council adopted a moratorium giving the Planning Board time to develop a solar ordinance. The Planning Board approved the solar ordinance 5-0 and the town's attorney reviewed it, making minor revisions.

COUNCILOR COMMENTS: Councilor Fellows said he appreciated all the work the Planning Board has done and said he would like to see it move forward to a public hearing. He indicated he had a couple of questions that could wait to be discussed later.

Councilor Ganong said he prefers to read things that are very clear and concise that leaves no room for questions. He said he was concerned about Section 5 paragraph C that mentions lot coverage for Ground Mounted Solar Energy Systems and it says it shall be calculated based on the area of the supporting structure that is in contact with the ground and not the area of the panels, as long as the area under the panels remains vegetated and there is sufficient space between the panels to allow sunlight necessary to sustain live growth. He asked what is considered sufficient space between the panels. Mr. Lunt said the town attorney added that section. Councilor Ganong said he would like to see a number specified, something concrete so there are no challenges subject to interpretation to face. Councilor Fellows said he questioned the same thing. Mr. Lunt said there are industry standards out there to go by and a methodology to the construction of these systems that allows for certain distances. They do have to go out there to maintain them.

Councilor Fellows said he was concerned with Section 4. Definitions where the language states that the total airspace projected over the ground that is greater than 20,000 square feet; and (c) that is not directly connected to a residential structure. He asked what directly connected means. He said it seems to indicate that a resident with a big solar array of 20,000 square feet or larger that is somehow connected to a residential structure would be okay without regulation. Mr. Lunt said he thought the town's attorney would fix that but when he did not, he said, he thought perhaps the attorney understood this better than the board. Councilor Fellows said maybe the Council and/or Planning Board needs to think about it or whatever but the Council could still let it go to hearing.

VOTE (2021-152) Councilor Larochele, seconded by Councilor Ganong moved to adopt the new Chapter 70, Article VIII. Ground Mounted Solar Energy System Ordinance as follows:

Chapter 70 - Zoning Ordinance

Article VIII. - Town of Lisbon Ground Mounted Solar Energy System Ordinance:

Section 1. Purpose - The purpose of this Ordinance is to allow ground mounted solar energy systems in certain districts subject to setback, height, screening, maintenance, safety, and decommissioning requirements and Planning Board review. Refer to Sec. 70-531 Table of Land Uses. The Zoning district designation for a particular site shall be determined from the Zoning Map of Lisbon, Maine.

Section 2. Applicability - This Ordinance shall apply to Ground Mounted Solar Energy Systems applications filed with the Planning Board for site plan review pursuant to Chapter 62. Site Plans.

Section 3. Authority and Validity –

A. This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, provisions of 30-A M.R.S. § 3001, Ordinance Power, and the provisions of 30-A M.R.S. § 4352, Zoning.

B. To the extent that any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, such provision shall be removed from the Ordinance and the balance of the Ordinance shall remain valid.

C. Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other ordinance, regulation or standard, the more restrictive provision shall apply.

Section 4. Definitions –

Ground Mounted Solar Energy System: for purposes of this Ordinance: (a) a solar energy system that is structurally mounted to the ground; (b) has a physical size based on total airspace projected over the ground that is greater than 20,000 square feet; and (c) that is not directly connected to a Residential Structure.

Section 5. Dimensional Requirements –

A. Ground Mounted Solar Energy Systems in residential zoning districts shall not exceed twelve (12) feet in height when oriented at maximum tilt. Ground Mounted Solar Energy Systems shall not exceed twenty-five (25) feet in height when oriented at maximum tilt in Commercial, Industrial and Diversified Development zoning districts.

B. Minimum front setback shall be 50 feet, minimum side setback shall be 50 feet and minimum rear setback shall be 50 feet.

C. Lot coverage for Ground Mounted Solar Energy Systems shall be calculated based on the area of the supporting structure that is in contact with the ground and not the area of the panels, as long as the area under the panels remains vegetated and there is sufficient space between the panels to allow sunlight necessary to sustain live growth.

Section 6. Screening, Security, Maintenance and Regulatory Compliance –

A. Subject to the approval of the Lisbon Planning Board, the lots on which Ground Mounted Solar Energy Systems are located shall be buffered from roads and residences by plantings, berms, and natural topographical features.

B. Subject to the approval of the Lisbon Planning Board, the lots on which Ground Mounted Solar Energy Systems are located shall be protected by a perimeter fence designed to allow for passage of wildlife. One or more signs shall be affixed to the fence identifying the owner of the facility and 24-hour emergency contact information. A KnoxBox, or other system agreed to by the Fire Chief, that provides emergency access inside the security gate shall be installed.

C. For purposes of emergency services, the owner or operator of a Ground Mounted Solar Energy Systems shall provide a copy of the project summary, electrical schematic, and site plan to the Lisbon Fire Chief. All means of shutting down the system shall be clearly marked on the plan. The owner or operator shall identify a responsible person to the Fire Chief for public inquiries throughout the life of the installation.

D. The owner or operator of a Ground Mounted Solar Energy System shall maintain the facility in good condition. Maintenance shall include but not be limited to, painting, structural repairs, vegetation control and integrity of security measures. Site access shall be maintained to a level acceptable to the Lisbon Fire Chief. The owner or operator shall be responsible for the cost of maintaining the access road(s).

E. The owner or operator of a Ground Mounted Solar Energy System shall build and maintain it in compliance with all relevant Federal, State and Local Laws, Regulations, and Ordinances.

Section 7. Performance Guarantee - After the plan is approved but before a permit is issued, the applicant for a Ground Mounted Solar Energy System shall submit to the Town of Lisbon a performance guarantee in the amount of 150% of the applicant's estimated decommissioning cost of the system, subject to a review of such cost by the Code Enforcement Officer. The applicant may apply to the Code Enforcement Officer for release of the guarantee at such time that it or its assignees remove the system and associated abandoned structures, and such completed removal is found to be satisfactory by the Code Enforcement Officer.

Section 8. Decommissioning and Removal –

A. Any Ground Mounted Solar Energy System that has reached the end of its useful life, ceases to generate power or has been abandoned shall be removed pursuant to a plan approved by the Lisbon Planning Board during the application process. The owner or operator shall physically remove the installation no more than 180 days after the date of discontinued operations. The owner or operator shall notify the Code Enforcement Officer by certified mail, return receipt requested, of the proposed date of the discontinued operations and plans for removal.

B. Decommissioning shall consist of:

(1) physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site;

(2) disposal of all solid and hazardous waste in accordance with Local, State and Federal waste disposal regulations; and

(3) stabilization or re-vegetation of the site as necessary to minimize erosion. The Code Enforcement Officer may allow the owner or operator to leave landscaping or designated below-grade foundations to minimize erosion and disruptions to vegetation.

C. Absent a notice of a proposed date of decommissioning or written notice of extenuating circumstances, Ground Mounted Solar Energy Systems shall be considered abandoned when it fails to generate electricity for more than one year without having first obtained the written consent of the Code Enforcement Officer. Determination of abandonment shall be made by the Code Enforcement Officer.

D. If the owner or operator of a Ground Mounted Solar Energy System fails to remove the installation in accordance with the requirements of this section within 180 days of abandonment or the proposed date of decommissioning, the Town of Lisbon retains the right to use the performance guarantee and any and all legal or available means necessary to cause an abandoned, hazardous or decommissioned solar energy system to be removed.

Section 9. Effective Date and Duration - This Ordinance shall take effect 21 days after enactment by the Town of Lisbon unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 10. Enforcement Violations and Penalties - This Ordinance shall be enforced by the municipal officers or their designee. Violation of this Ordinance shall be subject to the enforcement and penalty provisions of 30-A, M.R.S. § 4452, Enforcement of Land Use Laws and Ordinances.

Roll Call Vote: Yeas – Lunt, Larochelle, Kolbe, Ganong and Fellows. Nays - None.
Order passed – Vote 5-0.

AMEND CHAPTER 10 BUSINESSES,
ARTICLE XI. MEDICAL MARIJUANA ESTABLISHMENTS
TO INCLUDE REGISTERED CAREGIVER CULTIVATION FACILITIES
(First Reading)

VOTE (2021-153) Councilor Larochelle, seconded by Councilor Kolbe moved to amend Chapter 10 Businesses, Article XI Medical Marijuana Establishments, to include Registered Caregiver Cultivation facilities, etc. as follows:

ARTICLE XI. - MEDICAL MARIJUANA ESTABLISHMENTS

Sec. 10-601. - Authority.

This article is enacted pursuant to authority granted under 30-A M.R.S. ~~A.~~ § 3001, ~~22 M.R.S.A. § 2423~~ and 22 M.R.S.A. § 2429-D.

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#))

Sec. 10-602. - Purpose.

The purpose of this article is to provide procedures and standards relating to the operation of medical marijuana establishments and to require their annual licensing.

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#))

Sec. 10-603. - Definitions.

As used in this article, unless the context otherwise indicates, the following terms have the following meanings:

Cultivation of marijuana for medical use. "Cultivation of marijuana for medical use" means all cultivation of marijuana for medical use must comply with state rules and state statutes.

Disqualifying drug offense. "Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more, but does not include (1) An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; or (2) An offense that consisted of conduct that would have been permitted under the Maine Medical Use of Marijuana Act.

Extraction. "Extraction" means a process of extracting marijuana concentrate from marijuana using water, lipids, gases, solvents or other chemicals or chemical processes. The use of inherently hazardous substances in marijuana extraction is restricted by state rule.

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

Manufacture or manufacturing. "Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products by a registered manufacturing facility or by a patient, caregiver or dispensary as authorized under 22 MRS, chapter 558-C. Manufacturing includes, but is not limited to, marijuana extraction or preparation by means of chemical synthesis. "Manufacturing or manufacture" does not include cultivation.

Manufacturing facility. "Manufacturing facility" means a manufacturing facility authorized under state law to manufacture marijuana products for medical use or to engage in marijuana extraction for medical use.

Marijuana testing facility "Marijuana testing facility" means an entity licensed by the ~~State~~-Department of Administrative and Financial Services and certified to test medical use marijuana, including concentrates and products containing marijuana, for research and development purposes and to analyze contaminants in, and the potency and cannabinoid profile of, marijuana samples and products containing marijuana cultivated in accordance with 22 MRS, chapter 558-C.

Medical marijuana establishment. "Medical marijuana establishment" means a registered caregiver retail store, registered dispensary, marijuana testing facility, or manufacturing facility.

Registered caregiver retail store. "Registered caregiver retail store" means a registered caregiver authorized under state law to ~~cultivate medical marijuana for qualifying patients that~~ operates a retail store to sell medical marijuana to qualifying patients.

Registered caregiver cultivation facility. "Registered caregiver cultivation facility" means a registered caregiver authorized under state law to cultivate medical marijuana for qualifying patients.

Registered dispensary. "Registered dispensary" means a dispensary authorized under state law to cultivate and dispense medical marijuana to qualifying patients and caregivers.

Registration certificate. "Registration certificate" means a ~~State~~Department of Administrative and Financial Services document containing a unique registry identification number that permits the manufacturing of marijuana and marijuana products for medical use.

Registry identification card. "Registry identification card" means a photographic identification card issued by the ~~State~~ Department of Administrative and Financial Services to an individual who is authorized to manufacture marijuana or marijuana products for medical use, in the capacity of or in the employ of a patient, caregiver, dispensary or manufacturing facility. For the purposes of state rules, the ~~State~~-Department of Administrative and Financial Services may issue a registry identification card to any person who holds an active and valid Individual Identification Card issued under Maine's Adult Use Marijuana Program authorized by 28-B MRS, chapter 1.

State registration authority. "State registration authority" means the authority created or designated by the state for the purpose of regulating and controlling registration for medical marijuana establishments.

(C.M. of 11-13-2018, V. 2018-247; C.M. of 1-15-2019, V. 2019-13; C.M. of 2-18-2020, V. 2020-40)

Sec. 10-604. - License required.

No person shall operate a medical marijuana establishment, nor shall any property owner permit the use of his or her premises to be operated as a medical marijuana establishment, without a valid license issued by the town. Each license shall be for a period of one year from the date of its issuance. A license must be obtained prior to the opening of a medical marijuana establishment. Applications for renewal licenses shall be submitted at least ninety (90) days prior to expiration of the existing term. Any licensee that fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted.

(C.M. of 11-13-2018, V. 2018-247; C.M. of 1-15-2019, V. 2019-13)

Sec. 10-605. - Application.

Each applicant for a medical marijuana establishment license shall complete and file an application on the form provided by the town clerk, together with the applicable nonrefundable license fee, as well as the following supporting materials:

- (1) Copy of the applicant's state registration application and supporting documentation, as submitted to the state registration authority, if applicable.
- (2) Copies of all state approvals or conditional approvals required to operate a medical marijuana establishment, including, but not limited to, state registry identification card, state registration certificate, state application for registration or renewal manufacturing facility tier 1 or 2 along with approval

certification, and state application for registration or renewal testing facility and dispensary facility along with approval certifications as applicable.

- (3) If not included in the applicant's state registration application, a description of the form of ownership of the business enterprise together with attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the medical marijuana establishment.
- (4) If not included in the applicant's state registration application, an affidavit that identifies all owners, officers, members, managers or partners of the applicant, their ownership interests, and their places of residence at the time of the application and for the immediately preceding three (3) years. Supporting documents, including but not limited to motor vehicle operator's license, motor vehicle registration, voter registration or utility bills shall be provided.
- (5) A release for each applicant and for each officer, owner, member, manager or partner of the applicant seeking a license allowing the Town of Lisbon to obtain criminal records and other background information related to the individual.
- (6) A statement as to the precise nature of the business with a description of the nature of all products and services offered to its customers.
- (7) A description of the premises for which the license is sought, including a plan of the premises and a list of all equipment, parts and inventory used in the operation of the medical marijuana establishment.
- (8) Evidence of an interest in the premises in which the medical marijuana establishment will be located, together with the form of interest, along with the written consent of the owner of the premises for such use if the applicant is not the owner.
- (9) Evidence of all land use approvals or conditional land use approvals required to operate the medical marijuana establishment, or applications that have been filed and are pending for the required approvals, including but not limited to building permit, conditional or special use approval, change of use permit and/or certificate of occupancy.
- (10) Copies of all other approvals or conditional approvals required to operate the medical marijuana establishment, including any applicable state food or local victualer's license as applicable.
- (11) Copies of compliance with the requirements of section 10-611 including, but not limited to State Department licensing, registration, and certification and evidence that the standards listed in section 10-610 have been met including but not limited to copies of Department of Administrative and Financial Services licensing, registration, and certification as applicable.

If the town clerk determines that a submitted application is not complete, the clerk shall notify the applicant of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the clerk's request, the application may be denied.

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#); C.M. of 2-18-2020, V. [2020-40](#))

Sec. 10-606. - Investigation of applicant, officers, etc.

Upon receipt of an application or of a notice of a change of any of the individuals listed in subsection 10-605(4) above, the town shall provide copies of the completed application to the following staff members for purposes of conducting the investigations and issuing reports as listed below:

- (1) The building inspector shall verify that the premises at which the establishment will be located complies with all applicable town ordinances including, but not limited to, the building code, electrical code, plumbing code, and section 10-611, and shall report findings in writing to the town clerk.
- (2) The code officer shall inspect the location or the proposed location to determine whether the applicable ordinances relating to land use issues and building and safety codes issues have been satisfied and shall report findings in writing to the town clerk.
- (3) The health officer shall inspect the location or proposed location to determine whether all applicable ordinances relating to health and safety have been satisfied and shall report findings in writing to the town clerk.

- (4) The fire chief or his/her agent shall inspect the location or proposed location to determine if all town ordinances and any other applicable regulations concerning fire and safety have been satisfied and shall report findings in writing to the town clerk.
- (5) The police chief or his/her agent shall investigate the application, including the criminal history record information authorized under subsection 10-605(5) and under section 10-610 and shall report findings in writing to the town clerk.

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#); C.M. of 2-18-2020, V. [2020-40](#).)

Sec. 10-607. - Action on application.

- (1) *Public hearing.* The town clerk upon receipt of a completed application and upon receipt of the reports required under section 10-606 above, shall schedule a public hearing at a regular or special meeting of the town council and shall arrange for public notice of the public hearing to appear in the newspaper of general circulation within the Town of Lisbon at least seven days prior to the date of the scheduled public hearing. Costs of the hearing notice shall be paid out of the license and processing fee.
- (2) *Town council action.* The council, after notice and public hearing, shall determine whether the applicant complies with the requirements of this article. Upon such determination by the council, the town clerk shall be authorized to issue the license.

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#).)

Sec. 10-608. - Status of license—Display.

No license issued under this article may be assigned or transferred to another entity. Any change in ownership or change in the officers of an owner shall require a new license. Licenses are limited to the premises for which they are issued and are not transferable to another location. The license shall be displayed in a conspicuous place in the medical marijuana establishment for which the license is issued.

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#).)

Sec. 10-609. - Duty to update information.

Any licensee issued a license under this article shall have the duty to maintain updated and accurate information regarding all of the information provided pursuant to the application process and as required in section 10-605 within ten days of any change of status. Failure to provide and maintain current and accurate information may result in revocation of the applicant's license.

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#).)

Sec. 10-610. - Standards for approval, denial, revocation.

A license application for a medical marijuana establishment shall be denied by the town council, and an existing license may be suspended or revoked by the town council after notice and hearing, if the applicant, or any owner of the applicant or licensee:

- (1) Fails to meet the requirements of this ordinance.
- (2) Is not at least twenty-one (21) years of age.
- (3) Is not a resident of the state of Maine.
- (4) Has had a license for a marijuana establishment revoked by a municipality or by the state.
- (5) Has not acquired all necessary state and local approvals prior to issuance of the license.
- (6) Has been convicted of a disqualifying drug offense.

(7) Has provided false or misleading information in connection with the license application.

([C.M. of 11-13-2018, V. 2018-247](#) ; C.M. of 1-15-2019, V. [2019-13](#))

Sec. 10-611. - Operating requirements.

In order to obtain a license pursuant to this ordinance, the applicant shall demonstrate to the town council that the following requirements will be met. A licensee shall comply with all of these requirements during the term of the license.

- (1) *Fixed location.* All licensed premises shall be fixed, permanent locations. Licensees shall not be permitted to operate medical marijuana establishments in other than the licensed premises, such as at farmer's markets, farm stands or kiosks.
- (2) *Security.*
 - (a) The licensed premises shall have lockable doors and windows and shall be served by an alarm system that includes automatic notification to the Lisbon Police Department.
 - (b) The licensed premises shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.
 - (c) The licensed premises shall have exterior spot lights with motion sensors covering the full perimeter of the building(s).
- (3) *Ventilation.*
 - (a) The licensed premises shall comply with all odor and air pollution standards established by ordinance.
 - (b) All medical marijuana establishments that cultivate, manufacture or extract marijuana shall have an odor mitigation system installed that has been approved by a Maine licensed engineer, indicating that the system will provide odor control sufficient to ensure that no odors are perceptible off the premises.
 - (4) *Loitering.* The facility owner/operator shall make adequate provisions to prevent patrons or other persons from loitering on the premises. It shall be the licensee's obligation to ensure that anyone found to be loitering or using marijuana or marijuana products in the parking lot or other outdoor areas of a licensed premises is ordered to leave.
 - (5) *Compliance with requirements of state and local law.* A medical marijuana establishment shall meet all operating and other requirements of state and local law. To the extent the state has adopted or adopts in the future any law or regulation governing medical marijuana establishments that conflicts in any way with the provisions of this article, the more restrictive shall control.

([C.M. of 11-13-2018, V. 2018-247](#) ; [C.M. of 12-18-2018, V. 2018-272](#) ; C.M. of 1-15-2019, V. [2019-13](#))

Sec. 10-612. - Violations; penalties.

In addition to revocation or suspension of a medical marijuana establishment license as provided in this article, the violation of any provision of this article shall be punished by a fine of not less than \$500.00 nor more than \$2,500.00 for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the town may enjoin or abate any violation of this article. 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 the benefit of the town. This section shall be enforced by the Lisbon police chief, the Lisbon codes enforcement officer, and/or their designees. Notice of violations by medical marijuana establishment licensees of other provisions of this Code shall be provided to the police chief, town officers, and town attorney.

([C.M. of 11-13-2018, V. 2018-247](#) ; C.M. of 1-15-2019, V. [2019-13](#))

Sec. 10-613. - License fee.

~~For The~~ annual license fees ~~shall be as follows: see Appendix C – Fee Schedule~~

~~Registered caregiver retail store: \$250.00~~

~~Registered caregiver cultivation facility: \$250.00~~

~~Registered dispensary: \$250.00~~

~~Manufacturing facility: \$250.00~~

~~Marijuana testing facility: \$250.00~~

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#))

Sec. 10-614. - Severability.

If any section, phrase, sentence or portion of this article is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#))

Sec. 10-615. - Appeals.

An appeal from any final decision of the town council under this article may be taken by any party to Superior Court within thirty (30) days of the decision being appealed in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

([C.M. of 11-13-2018, V. 2018-247](#); C.M. of 1-15-2019, V. [2019-13](#))

Roll Call Vote: Yeas – Lunt, Larochelle, Kolbe, Ganong and Fellows. Nays - None. Order passed - Vote 5-0.

AMEND APPENDIX C FEE SCHEDULE

COUNCILOR COMMENTS: Councilor Larochelle suggested all fees in the Medical Marijuana Establishments Ordinance be removed and placed into Appendix C Fee Schedule, that a \$250 application fee for a registered caregiver cultivation facility be added in the fee schedule, along with the Adult Use Marijuana Establishments fees. No objections were noted.

VOTE (2021-154) Councilor Larochelle, seconded by Councilor Kolbe moved to Amend Appendix C – Fee Schedule adding fees as follows:

PART II - TOWN COUNCIL RULES, REGULATIONS AND POLICIES APPENDIX C FEE SCHEDULE

Section this Code	Description	Fee/Rate
BUSINESSES		
10-613	Marijuana licensing fees:	
	Registered caregiver retail store	250.00
	<u>Registered caregiver cultivation facility</u>	<u>250.00</u>
	Registered dispensary	250.00
	Manufacturing facility	250.00
	Marijuana testing facility	250.00

<u>11-713</u>	<u>Marijuana store</u> <u>(25% go to the local D.A.R.E program)</u>	<u>5,000.00</u>
	<u>Cultivation facility</u> <u>(25% go to the local D.A.R.E program)</u>	<u>5,000.00</u>
	<u>Manufacturing facility</u> <u>(25% go to the local D.A.R.E program)</u>	<u>5,000.00</u>
	<u>Marijuana testing facility</u> <u>(25% go to the local D.A.R.E program)</u>	<u>10,000.00</u>

Roll Call Vote: Yeas – Lunt, Larochelle, Kolbe, Ganong and Fellows. Nays - None. Order passed - Vote 5-0.

AMEND CHAPTER 70 ZONING ORDINANCE,
ARTICLE IV. DISTRICT REGULATIONS,
DIVISION 13. DISTRICT USES,
SEC. 70-530 LAND USES & 70-531 LAND USE CHART
(For Ground Mounted Solar Systems & Marijuana Businesses)
(First Reading)

VOTE (2021-155) Councilor Larochelle, seconded by Councilor Kolbe moved to amend Chapter 70, Article IV. District Regulations, Division 13. District Uses, Sec. 70-530 Land Uses and 531 Land Use Chart as follows:

Sec. 70-530. - LAND USES.

All land use activities, as indicated Sec. 70-531 Table of Land Uses, shall conform to all of the applicable performance standards. The district designation for a particular site shall be determined from the Zoning Map of Lisbon, Maine.

~~*Note: Businesses dealing with Adult Use (Recreational) or with Medical Use of Marijuana are included in the Commercial/Business Uses category and are specifically titled "Medical Marijuana Businesses" and "Adult Use (Recreational) Marijuana Businesses." No marijuana business shall be considered under any other section or subsection of this Table of Land Uses.*~~

(1) Key to Table of Land Uses:

P	Permitted by right if they comply with all applicable federal, state and town laws and regulations and the performance standards in article VI of this chapter. Uses may also require Subdivision and/or Site Plan Review approvals pursuant to other provisions of this Code.
C	Permitted upon authorization of a conditional use permit by the planning board in accordance with Article III of this Chapter. {May also required Site Plan Review and/or Subdivision approval}
No	Prohibited

(2) Abbreviations:

RP	Resource Protection
LR	Limited Residential
GR	General Residential
RO-I	Rural Open Space I
RO-II	Rural Open Space II

RR	Rural Residential
LRR	Limited Rural Residential
V	Village
C	Commercial
I	Industrial
DD	Diversified Development

(C.M. of 11-15-2011, V. 2011-208; [C.M. of 10-30-2018, V. 2018-238](#))

Sec. 70-531. - TABLE OF LAND USES.

<i>Commercial/Business Uses</i>	RP	LR	GR ¹²	RO-I	RO-II	RR	LRR	V	C	I	DD ⁸
Medical Marijuana Businesses (See footnote 14 for definitions) Marijuana: Retail Store											
• Registered Caregiver Retail Store	NO	NO	NO	NO	NO	NO	NO	C	C	NO	C
• <u>Registered Caregiver Cultivation Facility</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>C14</u>	<u>C14</u>	<u>C14</u>	<u>NO</u>	<u>NO</u>	<u>C14</u>	<u>C14</u>	<u>C14</u>
• Registered Dispensaries	NO	NO	NO	NO	NO	NO	NO	C	C	C	C
• Marijuana Testing Facilities	NO	NO	NO	NO	NO	NO	NO	C	C	C	C
• Manufacturing Facilities	NO	NO	NO	NO	NO	NO	NO	NO	C	C	C
Adult Use (Recreational) Marijuana Businesses (See footnote 15 for definitions)											
• Marijuana <u>Retail</u> Stores	NO	NO	NO	NO	NO	NO	NO	NO <u>C</u>	NO <u>C</u>	NO	NO <u>C</u>
• Cultivation Facilities	NO	NO	NO	NO <u>C</u>	NO <u>C</u>	NO <u>C</u>	NO	NO	NO <u>C</u>	NO <u>C</u>	NO <u>C</u>
• Products Manufacturing Facilities	NO	NO	NO	NO	NO	NO	NO	NO	NO <u>C</u>	NO <u>C</u>	NO <u>C</u>
• Testing Facilities	NO	NO	NO	NO	NO	NO	NO	NO <u>C</u>	NO <u>C</u>	NO <u>C</u>	NO <u>C</u>

Notes:

14. **Medical Marijuana Businesses:**

- Registered caregiver retail stores - authorized to ~~cultivate medical marijuana for qualifying patients, and operating operate~~ a retail store to sell medical marijuana to qualifying patients.
- Registered caregiver cultivation facilities - authorized to cultivate medical marijuana for qualifying patients except that the facility must be organized as a legal business entity recognized under the laws of the state and that the business must operate its cultivation area solely as an indoor operation.
- Registered dispensaries - authorized to cultivate and dispense medical marijuana to qualifying patients and caregivers.
- Marijuana testing facilities - authorized to test medical marijuana for contamination, potency and cannabinoid profile.
- Manufacturing facilities - authorized to manufacture marijuana products and marijuana concentrate for medical use.
- Signs, advertising and marketing used by or on behalf of Medical Marijuana business may not be placed within 500 feet of the property line of a pre-existing public or private school.

15. **Adult Use (~~Recreational~~) Marijuana Businesses:**

- Marijuana stores - authorized to sell marijuana, marijuana products, immature marijuana plants and seedlings directly to consumers.

- Cultivation facilities - authorized to grow, prepare and package marijuana for sale to other marijuana businesses.
- Products manufacturing facilities - authorized to blend, infuse or extract components of the marijuana plant to make marijuana products such as ointments, tinctures or edibles, for sale to marijuana stores or other marijuana products manufacturing facilities.
- Testing facilities - authorized to conduct research, analysis and testing of marijuana and marijuana products for contamination, potency and safety.
- Signs, advertising and marketing used by or on behalf of an Adult Use Marijuana business may not be placed within 500 feet of the property line of a pre-existing public or private school.

<i>Industrial Uses</i>	RP	LR	GR	RO-I	RO-II	RR	LRR	V	C	I	DD⁸
Junkyards	NO	NO	NO	C	NO	C	NO	NO	NO	C	NO
Transmission facilities-radio, television, power, telephone	NO	NO	NO	C	C	C	C	NO	C	P	NO
Sawmills	NO	NO	NO	C	C	C	NO	NO	NO	P	NO
Truck Terminal	NO	NO	NO	NO	NO	NO	NO	NO	P	P	NO
Bottling & beverages	NO	NO	NO	NO	NO	NO	NO	NO	P	P	NO
Manufacturing, processing, assembly of products or Goods	NO	NO	NO	NO	NO	NO	NO	NO	P	P	NO
Above ground storage of propane or flammable petroleum fuel products stored in accordance with rules promulgated by the state fire marshal	NO	NO	NO	NO	NO	NO	NO	C	C	P	NO
Commercial & industrial uses and facilities not meeting criteria for permitted uses	NO	NO	NO	NO	NO	NO	NO	NO	C	C	NO
Temporary construction, excavation, fabrication or Processing	NO	NO	NO	C	C	C	NO	NO	C	P	NO
Accessory Uses & Structures	NO	NO	NO	P	P	C	C	P	P	P	P
<u>Ground Mounted Solar Energy System</u>	<u>C</u>	<u>C</u>	<u>NO</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>NO</u>	<u>C</u>	<u>C</u>	<u>C</u>

Roll Call Vote: Roll Call Vote: Yeas – Lunt, Larochelle, Kolbe, Ganong and Fellows. Nays - None. Order passed - Vote 5-0.

CHAPTER 10 BUSINESSES
PROPOSED ADULT USE MARIJUANA ESTABLISHMENTS ORDINANCE
(First Reading)

VOTE (2021-156) Councilor Larochelle, seconded by Councilor Kolbe moved to adopt the proposed ordinance for Chapter 10 Business Licenses, Article XII Adult Use Marijuana Establishments Ordinance as follows:

CHAPTER 10. BUSINESS LICENSES

Article XII.- ADULT USE MARIJUANA ESTABLISHMENTSSec. 70-701.-Authority.

This article is enacted pursuant to authority granted under 30-A M.R.S. § 3001 and 22 M.R.S. § 2429-D.

Sec. 70-702. -Purpose.

The purpose of this article is to provide procedures and standards relating to the operation of adult use marijuana establishments and to require their annual licensing.

Sec. 70-703.-Definitions.

As used in this article, unless the context otherwise indicates, the following terms have the following meanings:

Cultivation of marijuana for adult use. "Cultivation of marijuana for adult use" means all cultivation of marijuana for adult use must comply with state rules and state statutes.

Cultivation facility. "Cultivation facility" means a facility authorized under state law to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to products manufacturing facilities, to marijuana stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to marijuana stores.

Disqualifying drug offense. "Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more, but does not include (1) An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; or (2) An offense that consisted of conduct that would have been permitted under Chapter 3 of Title 28-B of the Maine Revised Statutes.

Extraction. "Extraction" means a process of extracting marijuana concentrate from marijuana using water, lipids, gases, solvents or other chemicals or chemical processes. The use of inherently hazardous substances in marijuana extraction is restricted by state rule.

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

Manufacture or manufacturing. "Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products as authorized under 28-B M.R.S. chapter 1. Manufacturing includes, but is not limited to, marijuana extraction or preparation by means of chemical synthesis. "Manufacturing or manufacture" does not include cultivation or testing.

Marijuana store. "Marijuana store" means a facility authorized under state law to purchase adult use marijuana, immature marijuana plants and seedlings from a cultivation facility, to purchase adult use marijuana and adult use marijuana products from a products manufacturing facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

Marijuana testing facility "Marijuana testing facility" means an entity licensed by the Department of Administrative and Financial Services to develop, research and test marijuana, marijuana products and other substances in accordance with 28-B M.R.S. chapter 1.

Adult use marijuana establishment. "Adult use marijuana establishment" means a marijuana store, a cultivation facility, a products manufacturing facility or a marijuana testing facility.

Products manufacturing facility. "Products manufacturing facility" means a facility authorized under state law to purchase adult use marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

Registration certificate. "Registration certificate" means a Department of Administrative and Financial Services document containing a unique registry identification number that permits the manufacturing of marijuana and marijuana products for adult use.

Registry identification card. "Registry identification card" means a photographic identification card issued by the Department of Administrative and Financial Services to an individual who is licensed to cultivate, sell, manufacture or test marijuana or marijuana products for adult use as an owner, officer, managers, contractor, employee or other support staff. For the purposes of state rules, the Department of Administrative and Financial Services may issue a registry identification card to any person who holds an active and valid Individual Identification Card issued under Maine's Adult Use Marijuana Program authorized by 28-B M.R.S., chapter 1.

State registration authority. "State registration authority" means the authority created or designated by the state for the purpose of regulating and controlling registration for adult use marijuana establishments.

Sec. 70-704. - License required.

No person shall operate an adult use marijuana establishment, nor shall any property owner permit the use of his or her premises to be operated as an adult use marijuana establishment, without a valid license issued by the town. Each license shall be for a period of one year from the date of its issuance. A license must be obtained prior to the opening of an adult use marijuana establishment. Applications for renewal licenses shall be submitted at least ninety (90) days prior to expiration of the existing term. Any licensee that fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted.

Sec. 70-705.-Application.

Each applicant for an adult use marijuana establishment license shall complete and file an application on the form provided by the town clerk, together with the applicable nonrefundable license fee, as well as the following supporting materials:

- (1) Copy of the applicant's state registration application and supporting documentation, as submitted to the state registration authority, if applicable.
- (2) Copies of all state approvals or conditional approvals required to operate an adult use marijuana establishment, including, but not limited to, state registry identification card, state registration certificate, state application for registration or renewal along with approval certifications as applicable.
- (3) If not included in the applicant's state registration application, a description of the form of ownership of the business enterprise together with attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the adult use marijuana establishment.
- (4) If not included in the applicant's state registration application, an affidavit that identifies all owners, officers, members, managers or partners of the applicant, their ownership interests, and their places of residence at the time of the application and for the immediately preceding three (3) years. Supporting documents, including but not limited to motor vehicle operator's license, motor vehicle registration, voter registration or utility bills shall be provided.
- (5) A release for each applicant and for each officer, owner, member, manager or partner of the applicant seeking a license allowing the Town of Lisbon to obtain criminal records and other background information related to the individual.
- (6) A statement as to the precise nature of the business with a description of the nature of all products and services offered to its customers.
- (7) A description of the premises for which the license is sought, including a plan of the premises and a list of all equipment, parts and inventory used in the operation of the adult use marijuana establishment.
- (8) Evidence of an interest in the premises in which the adult use marijuana establishment will be located, together with the form of interest, along with the written consent of the owner of the premises for such use if the applicant is not the owner.
- (9) Evidence of all land use approvals or conditional land use approvals required to operate the adult use marijuana establishment, or applications that have been filed and are pending for the required approvals, including but not limited to building permit, conditional or special use approval, change of use permit and/or certificate of occupancy.
- (10) Copies of all other approvals or conditional approvals required to operate the adult use marijuana establishment, including any applicable state food or local victualer's license as applicable.

- (11) Copies of compliance with the requirements of section 11 including, but not limited to Department of Administrative and Financial Services licensing, registration, and certification and evidence that the standards listed in section 10 have been met including but not limited to copies of Department of Administrative and Financial Services licensing, registration, and certification as applicable.

If the town clerk determines that a submitted application is not complete, the clerk shall notify the applicant of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the clerk's request, the application may be denied.

Sec. 70706 - Investigation of applicant, officers, etc.

Upon receipt of an application or of a notice of a change of any of the individuals listed in subsection 5(4) above, the town shall provide copies of the completed application to the following staff members for purposes of conducting the investigations and issuing reports as listed below:

- (1) The building inspector shall verify that the premises at which the establishment will be located complies with all applicable town ordinances including, but not limited to, the building code, electrical code, plumbing code, and section 11, and shall report findings in writing to the town clerk.
- (2) The code officer shall inspect the location or the proposed location to determine whether the applicable ordinances relating to land use issues and building and safety codes issues have been satisfied and shall report findings in writing to the town clerk.
- (3) The health officer shall inspect the location or proposed location to determine whether all applicable ordinances relating to health and safety have been satisfied and shall report findings in writing to the town clerk.
- (4) The fire chief or his/her agent shall inspect the location or proposed location to determine if all town ordinances and any other applicable regulations concerning fire and safety have been satisfied and shall report findings in writing to the town clerk.
- (5) The police chief or his/her agent shall investigate the application, including the criminal history record information authorized under subsection 5(5) and under section 10 and shall report findings in writing to the town clerk.

Sec. 70-707.-Action on application.

- (1) *Public hearing.* The town clerk upon receipt of a completed application and upon receipt of the reports required under section 6 above, shall schedule a public hearing at a regular or special meeting of the town council and shall arrange for public notice of the public hearing to appear in the newspaper of general circulation within the Town of Lisbon at least seven days prior to the date of the scheduled public hearing. Costs of the hearing notice shall be paid out of the license and processing fee.
- (2) *Town council action.* The council, after notice and public hearing, shall determine whether the applicant complies with the requirements of this article. Upon such determination by the council, the town clerk shall be authorized to issue the license.

Sec. 70-708.-Status of license—Display.

No license issued under this article may be assigned or transferred to another entity. Any change in ownership or change in the officers of an owner shall require a new license. Licenses are limited to the premises for which they are issued and are not transferable to another location. The license shall be displayed in a conspicuous place in the adult use marijuana establishment for which the license is issued.

Sec. 70-709.-Duty to update information.

Any licensee issued a license under this article shall have the duty to maintain updated and accurate information regarding all of the information provided pursuant to the application process and as required in section 5 within ten days of any change of status. Failure to provide and maintain current and accurate information may result in revocation of the applicant's license.

Sec. 70-710.-Standards for approval, denial, revocation.

A license application for an adult use marijuana establishment shall be denied by the town council, and an existing license may be suspended or revoked by the town council after notice and hearing, if the applicant, or any owner of the applicant or licensee:

- (1) Fails to meet the requirements of this ordinance.
- (2) Is not at least twenty-one (21) years of age.
- (3) Is not a resident of the state of Maine.
- (4) Has had a license for a marijuana establishment revoked by a municipality or by the state.
- (5) Has not acquired all necessary state and local approvals prior to issuance of the license.
- (6) Has been convicted of a disqualifying drug offense.
- (7) Has provided false or misleading information in connection with the license application.

Sec. 70-711.-Operating requirements.

In order to obtain a license pursuant to this ordinance, the applicant shall demonstrate to the town council that the following requirements will be met. A licensee shall comply with all of these requirements during the term of the license.

- (1) Fixed location. All licensed premises shall be fixed, permanent locations. Licensees shall not be permitted to operate adult use marijuana establishments in other than the licensed premises, such as at farmer's markets, farm stands or kiosks.
- (2) Security.
 - (a) The licensed premises shall have lockable doors and windows and shall be served by an alarm system that includes automatic notification to the Lisbon Police Department.
 - (b) The licensed premises shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.
 - (c) The licensed premises shall have exterior spot lights with motion sensors covering the full perimeter of the building(s).
- (3) Ventilation.
 - (a) The licensed premises shall comply with all odor and air pollution standards established by ordinance.
 - (b) All adult use marijuana establishments that cultivate, manufacture or extract marijuana shall have an odor mitigation system installed that has been approved by a Maine licensed engineer, indicating that the system will provide odor control sufficient to ensure that no odors are perceptible off the premises.
- (4) Loitering. The facility owner/operator shall make adequate provisions to prevent patrons or other persons from loitering on the premises. It shall be the licensee's obligation to ensure that anyone found to be loitering or using marijuana or marijuana products in the parking lot or other outdoor areas of a licensed premises is ordered to leave.
- (5) Compliance with requirements of state and local law. An adult use marijuana establishment shall meet all operating and other requirements of state and local law. To the extent the state has adopted or adopts in the future any law or regulation governing adult use marijuana establishments that conflicts in any way with the provisions of this article, the more restrictive shall control.

Sec. 70-712.-Violations; penalties.

In addition to revocation or suspension of an adult use marijuana establishment license as provided in this article, the violation of any provision of this article shall be punished by a fine of not less than \$500.00 nor more than \$2,500.00 for each offense. Each act of violation and every day upon which any such violation shall occur shall

constitute a separate offense. In addition to such penalty, the town may enjoin or abate any violation of this article. 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 the benefit of the town. This section shall be enforced by the Lisbon police chief, the Lisbon codes enforcement officer, and/or their designees. Notice of violations by adult use marijuana establishment licensees of other provisions of this Code shall be provided to the police chief, town officers, and town attorney.

Sec. 70-713.-License fee. (25% of the license fees and license renewal fees go to the local D.A.R.E program)

For annual license fees See Appendix C – Fee Schedule.

Sec. 70-714.-Severability.

If any section, phrase, sentence or portion of this article is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Sec. 70-715.-Appeals.

An appeal from any final decision of the town council under this article may be taken by any party to Superior Court within thirty (30) days of the decision being appealed in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

Roll Call Vote: Yeas – Lunt, Larochelle, Kolbe, Ganong and Fellows. Nays - None. Order passed - Vote 5-0.

OTHER BUSINESS

A. COUNCIL COMMITTEE REPORTS

1. Planning: Councilor Fellows reported this board approved a home daycare application for 140 Moody Road, two rear lots on Stable Lane, and a nine-lot subdivision on Hatch Road for Johnson Estates.
2. Water Commission: Councilor Fellows reported the board estimated to cost to repair the leaky pump on Moody Road might cost \$22,000 to fix. He indicated the Water Department would continue with their corrosion project that was to be completed in July; however, the employee working on that project has left so the board is looking for a contract to complete this work.

B. TOWN MANAGER'S REPORT

Mrs. Barnes reported on this fiscal year's fuel numbers as follows:

	<u>2020-2021</u>	<u>2021-2022</u>
Diesel	\$1.58	\$2.3412
Gas	\$1.49	\$2.3740
#2 Heating Oil	\$1.7315	\$2.325

C. DEPARTMENT HEAD WRITTEN REPORTS

Councilor Fellows indicated Councilor Ward sent in a few comments for this meeting and one comment was to thank Amy Wiers for picking up the extra tasks and for working on the Assessor's Certification of Assessment.

C. NOMINATION PAPERS FOR NOVEMBER 2021 ANNUAL MUNICIPAL ELECTION

The Town Clerk announced the following elected seats were available for the November 2, 2021 ballot:

Town Council (Three 3-Yr Terms) at large: Allen Ward, Normand Albert, and Kasie Kolbe

School Committee (Two 3-Yr Terms): Kimberly Labbe-Poisson and Kathi Yergin
Water Commission (One 3-Yr Term): Marie Hale

The Town Clerk said nomination papers will be available on or after July 26 at 8:30 AM and must be returned to the Town Clerk for filing on or before September 3 at 4:00 P.M.

APPOINTMENTS - NONE

COUNCILOR COMMUNICATIONS

Councilor Fellows announced that he has been working on creating a process for remote meetings for Lisbon now that the Governor's Emergency Executive Orders expired. He indicated the legislature passed legislation to allow towns the ability to create their own process following the guidelines outlined in that legislation. Something should be ready for the next meeting, he said.

Councilor Fellows indicated the Conservation Commission suggested the Council consider adopting another Rail to Trail Resolution. The previous one was adopted by Council in 2013. The Casco Bay Trail Alliance would like to get various communities involved to increase support to gain momentum for this project.

AUDIENCE PARTICIPATION & RESPONSE FOR NEW ITEMS - NONE

EXECUTIVE SESSION

VOTE (2021-157, 158, & 159) Councilor Larochelle, seconded by Councilor Kolbe moved to go into Executive Session at 8:10 PM per 1 MRSA Section 405 (6) (A) Personnel Matters, 405 (6) C) Economic Development, and 405 (6) (D) Union Negotiations. **Order passed – Vote 5-0.**

The Council came out of executive session at 8:42 PM.

VOTE (2021-160) Councilor Kolbe, seconded by Councilor Lunt moved to end the executive session and resume the meeting. **Order passed - Vote 5-0.**

VOTE (2021-161) Councilor Ganong, seconded by Councilor Larochelle moved to approve a loan to Ashley Wood for \$33,000 at 5% interest over a term of up to 10 years from the IRP loan account. **Order passed - Vote 5-0.**

VOTE (2021-162) Councilor Ganong, seconded by Councilor Larochelle moved to enter into a contract with Kathy Malloy, C.M.A. for Assessing Agent services effective July 14, 2021. **Order passed - Vote 5-0.**

ADJOURNMENT

VOTE (2021-163) Councilor Fellows, seconded by Councilor Larochelle moved to adjourn at 8:47 PM. **Order passed - Vote 5-0.**

Twila D. Lycette, Council Secretary
Town Clerk, Lifetime CCM/MMC
Date Approved: August 17, 2021