



**GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET**



Meeting Date	12/20/2023	Department	Code Enforcement <input type="button" value="v"/>
Agenda Item	3a. Public Hearing regarding a change to the City Code chapter 11- Cannabis Establishment Licensing.		
Est. Cost	N/A		

Background Information	see attached information
-------------------------------	--------------------------

Requested Action	Mayor Hart opens and closes the public hearing
City Manager and/or Finance Review	
Council Vote/ Action Taken	
Departmental Follow-Up	

City Clerk Use Only	1 st Reading _____	Advertised _____	EFFECTIVE DATE _____
	2 nd Reading _____	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____

To: Gardiner City Council

From: Joel Greenwood – Contract Planner

Subject: City Code Amendment – ~~Marijuana/ Cannabis~~ Establishment Licensing

The Ordinance Review Committee recommends the following changes to the City Code:

1. Amend Title V, Chapter 11:

CHAPTER 11

~~Marijuana-Cannabis~~ Establishment Licensing

Ordinance¹⁷

Section 1. Authority

This ordinance is adopted by the City under its home rule authority, Title 30-A M.R.S. Section 3001 and in accordance with the provisions of Title 28-B M.R.S Chapter 1 Subchapter 4 which authorizes municipal regulation of adult use ~~Marijuana-Cannabis~~ Establishments and Title 22 M.R.S Chapter 558-C Section 2429-D which authorizes municipal regulation of medical ~~Marijuana Cannabis~~ Establishments.

Section 2. License Required

No ~~Marijuana Cannabis~~ establishment as defined in this ordinance shall operate within the City of Gardiner unless the establishment is currently licensed by the City in accordance with the provisions of this ordinance.

Section 3. Term of License

A license for a ~~Marijuana-Cannabis~~ establishment shall be valid for one year from the date that the license is approved by the City Council unless otherwise specifically limited by vote of the City Council. The City Council may approve a license for less than one year to coordinate state and City licensing timeframes or as a conditional license to allow an applicant to address conditions of approval on the license.

Section 4. Licensing Procedures

Applications for a ~~Marijuana Cannabis~~ establishment license shall be processed and reviewed according to the following procedures.

4.1. Application Submission

An application for a ~~Marijuana-Cannabis~~ establishment license shall be submitted to the City Clerk. Applications for renewal of a license or for the renewal of a license involving the expansion or relocation of the establishment must be submitted at least forty-five (45) days prior to the expiration of the current license. The application must include all of the materials set forth in the submission requirements of Section 5, 6 or 7 depending on the type of application.

4.2. Review of Application for Completeness

The City Manager or her/his designee shall review the application for completeness in accordance with the submission requirements of Section 5, 6 or 7. If the City Manager or her/his designee finds the application to be complete, he/she shall notify the City Clerk that the application should be advertised for public hearing and placed on the City Council's agenda. If the City Manager or his/her designee finds that the application is not complete, he/she shall notify the applicant of the additional materials required. Upon receipt of additional information the City Manager or her/his designee shall repeat the process until the application is deemed to be complete. An application shall not be advertised for public hearing or scheduled for City Council consideration until the application is found to be complete.

4.3. Public Hearing

The City Council shall hold a public hearing on a completed application for a **Marijuana Cannabis** establishment license. The notice of the public hearing shall be posted in accordance with City procedures and shall be advertised in a newspaper that is widely circulated in the City at least seven (7) days prior to the public hearing. The notice shall include the date, time and location of the hearing together with the name of the applicant, the type of **Marijuana Cannabis** establishment for which the license is sought and the location of the establishment identified by both street address and Tax Map and Lot number.

4.4. Council Action

Within thirty (30) days of the public hearing, the City Council shall review the application for conformance with the applicable standards set forth in Section 5, 6 or 7 depending on the type of licensing. The City Council shall make findings of fact as to the application's conformance with the standards of approval. The Council shall act to approve the granting of the license, to deny the granting of the license, or to approve the granting of the license with conditions. The Council may grant conditional approval of a license for a period of less than one year. When an application involves the renewal and relocation of an existing license, the City Council may allow for an overlap of up to ninety (90) days between the existing license and the renewal license to allow for the preparation of the new facility. When the City Council allows overlapping licenses, no retail sales shall occur at the new location until retail sales at the prior location have ceased.

Section 5. First-Time License Application

An application for a new **Marijuana-Cannabis** establishment license shall be processed and reviewed in accordance with the following:

5.1. Submission Requirements

An application for a ~~Marijuana Cannabis~~ establishment license for an establishment that is not currently licensed by the City of Gardiner shall include all of the following information:

5.1.1. A completed and signed application form (provided by the City)

5.1.2. The appropriate annual license fee for the type of facility in accordance with the schedule of fees set forth in Section 8.

5.1.3. If the application is for an adult use ~~Marijuana Cannabis~~ establishment, written evidence that the applicant has received a state conditional license for the type of facility proposed.

5.1.4. If the application is for a medical ~~Marijuana Cannabis~~ establishment, written evidence that applicant has obtained all state approvals for the type of facility proposed.

5.1.5. A copy of the Planning Board's notice of decision approving the facility in accordance with the Land Use Code. If the Planning Board's approval included any conditions of approval, written documentation setting forth how those conditions have been or will be met.

5.1.6. A written report prepared by the Code Enforcement Officer documenting the proposals compliance with all applicable land use, building, plumbing and electrical codes. If the report of the Code Enforcement Officer identifies any areas of noncompliance, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.

5.1.7. A written report prepared by the Fire Chief documenting the proposals compliance with all applicable fire and life safety codes. If the report of the Fire Chief identifies any areas of noncompliance, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.

5.1.8. A written report prepared by the Police Chief addressing the adequacy of provisions to provide for the security of the establishment and to avoid any potential for nuisances from the use of the establishment. If the report of the Police Chief identifies any areas of concern, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.

5.1.9. If the proposed establishment will discharge to the public sewer system, a written report prepared by the Superintendent of the Wastewater Treatment System addressing the potential implications of discharging wastewater to the sewer system and providing treatment for this material including the need for any pre-treatment of discharges. If the report of the Superintendent identifies any areas of concern, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.