

**Ordinance Prohibiting Retail Marijuana Social Clubs and Retail Marijuana Establishments
in the Town of Waldoboro**

Section 1. Authority.

This Ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S. ch. 417 and the Town of Waldoboro's Home Rule Authority, Me. Const., art. VIII, pt. 2 and 30-A M.R.S. § 3001.

Section 2. Definitions.

For purposes of this Ordinance, retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities are defined as set forth in 7 M.R.S. § 2442. Specifically:

- A. **Retail marijuana establishment.** "Retail marijuana establishment" means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility, or a retail marijuana testing facility.
- B. **Retail marijuana store.** "Retail marijuana store" means an entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers.
- C. **Retail marijuana cultivation facility.** "Retail marijuana cultivation facility" means an entity licensed to cultivate, prepare, and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.
- D. **Retail marijuana products manufacturing facility.** "Retail marijuana products manufacturing facility" means an entity licensed to purchase retail marijuana; manufacture, prepare, and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores, and retail marijuana social clubs.
- E. **Retail marijuana testing facility.** "Retail marijuana testing facility" means an entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.
- F. **Retail marijuana social club.** "Retail marijuana social club" means an entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

Section 3. Prohibition on Retail Marijuana Social Clubs and Retail Marijuana Establishments.

7 M.R.S. § 2447(4) of the Marijuana Legalization Act states in relevant part “[a] municipality may . . . prohibit the operation of retail marijuana establishments and retail marijuana social clubs within its jurisdiction.” Pursuant to this authority, in addition to the authority outlined in Section 1 of this Ordinance, retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, are expressly prohibited in the Town of Waldoboro.

No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product, as defined by 7 M.R.S. § 2442.

Nothing in this Ordinance is intended to prohibit any lawful use, possession, or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S. ch. 558-C.

Section 4. Effective date; duration.

This Ordinance shall take effect immediately upon enactment by the municipal legislative body and shall remain in effect until it is amended or repealed.

Section 5. Pending Proceedings.

Notwithstanding 1 M.R.S. § 302 or any other law to the contrary, this Ordinance shall govern any proposed retail recreational marijuana activity, retail marijuana establishment, or retail marijuana social club for which an application for a building permit, certificate of occupancy, site plan, or any other required approval has been submitted to the Town, whether or not a pending proceeding, prior to the enactment of this Ordinance.

Section 6. Penalties.

This Ordinance shall be enforced by the Town of Waldoboro’s Municipal Officers or their designee. Violations of this Ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S. § 4452, including, but not limited to, fines and penalties, injunctive relief, and reasonable attorney’s fees and costs in prosecuting any such violations.

Section 7. Severability.

Should any section or part of a section or any provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.