

TOWN OF PERU, MAINE
ADULT USE MARIJUANA STORE ORDINANCE

1. PURPOSE.

The purpose of this Ordinance is to provide for and regulate Adult Use Marijuana Stores as defined in this Ordinance and by the State of Maine under the Marijuana Legalization Act, 28-B M.R.S.A. Chapter 1, as may be amended. This Ordinance shall be known and cited as the “Town of Peru Adult Use Marijuana Store Ordinance” or the “Ordinance.”

2. AUTHORITY.

This Ordinance is adopted pursuant to the authority granted by 28-B M.R.S.A. § 401 *et. seq.*, as may be amended.

3. DEFINITIONS.

As used in this Ordinance, the following words and phrases shall have the meanings ascribed to them in this Section.

Adult Use Marijuana shall mean “adult use marijuana” as that term is defined in 28-B M.R.S.A. §102(1), as may be amended.

Adult Use Marijuana Product shall mean “adult use marijuana product” as that term is defined in 28-B M.R.S.A. §102(2), as may be amended.

Applicant shall mean a person that has submitted an application for licensure as an Adult Use Marijuana Store pursuant to this Ordinance.

Licensed Premises shall mean the premises specified in an application for a State or Local License pursuant to this Ordinance that are owned or in the possession of the Licensee and within which the Licensee is authorized to sell adult use marijuana and/or adult use marijuana products in accordance with the provisions of this Section and the requirements of State law and regulations.

Licensee shall mean a person licensed pursuant to this Ordinance.

Local License shall mean any license required by and issued under the provisions of this Ordinance.

Local Licensing Authority shall mean the Selectboard of the Town of Peru.

Marijuana shall mean “marijuana” as that term is defined in 28-B M.R.S.A. §102(27), as may be amended.

Adult Use Marijuana Store shall mean a “marijuana store” as that term is defined in 28-B M.R.S.A. §102(34), as may be amended.

Ordinance shall mean this Town of Peru Adult Use Marijuana Store Ordinance.

Owner shall mean a person whose beneficial interest in an Adult Use Marijuana Store is such that the person bears risk of loss other than as an insurer, has an opportunity to gain profit from the operation or sale of an Adult Use Marijuana Store and has a controlling interest in an Adult Use Marijuana Store.

Person shall mean a natural person, partnership, association, company, corporation, limited liability company or organization or a manager, agent, owner, director, servant, officer or employee thereof. “Person” does not include any governmental organization.

State License shall mean any license, registration or certification issued by the State Licensing Authority.

State Licensing Application shall mean the application form and supporting materials required by the State for the purpose of a person obtaining a State license, registration or certification for sale of adult use marijuana and/or adult use marijuana products in this State.

State Licensing Authority shall mean the authority (or authorities) created by the State for the purpose of regulating and controlling the licensing of the sale of adult use marijuana and/or adult use marijuana products in this State.

4. ADULT USE MARIJUANA STORES.

Adult Use Marijuana Stores shall be considered a “Retail Business” under this Ordinance and State law and regulations.

5. PROHIBITED ACTIVITIES.

a. No Adult Use Marijuana Store shall be established or operated within the Town without first receiving and then maintaining all required State and municipal approvals.

b. No Adult Use Marijuana Store shall conduct any activity for which it has not received the required State License.

c. An Adult Use Marijuana Store may not be operated on property located within 1000 feet of the property line of a preexisting public or preexisting private school (K-12).

6. LICENSE REQUIRED.

An Adult Use Marijuana Store shall not operate until it is licensed by the State Licensing Authority pursuant to the requirements of 28-B M.R.S.A. Chapter 1, as may be amended.

a. Licensee shall complete and return a DBA (Doing Business As) form to the Town Clerk. The Clerk will keep the original for Town records and the Licensee will receive a copy.

b. Whenever inspections of operation of a licensed business are provided for or required by ordinance or State law, or reasonably necessary to secure compliance with any ordinance or State law, it shall be the duty of the Applicant or Licensee, or the person in charge of the premises to be inspected, to admit any officer, official or employee of the Town authorized to make the inspection at any reasonable time that admission is requested.

7. OPERATING REQUIREMENTS.

The Licensee shall comply with all the following requirements during the term of the License:

a. The current License shall be displayed at all times in a conspicuous location within the Licensed Premises.

b. All Licensed Premises shall be fixed, permanent locations. Licensees shall not be permitted to operate an Adult Use Marijuana Store in temporary or mobile locations.

c. An Adult Use Marijuana Store shall meet all operating and other requirements of State and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing Adult Use Marijuana Stores, the stricter law or regulation shall control.

8. VIOLATIONS AND PENALTIES.

The operation of any Adult Use Marijuana Store without in violation of the requirements of this Ordinance shall be a violation of this Ordinance. Violations shall be subject to a minimum civil penalty of \$100 and a maximum civil penalty of \$500. Each day a violation continues shall be a separate offense. In any court action, the Town may seek injunctive relief in addition to penalties. The Town shall be entitled to recover its costs of enforcement, including its attorney's fees and costs.

9. SEVERABILITY.

The provisions of this Ordinance are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

10. OTHER LAWS.

Except as otherwise specifically provided herein, this Ordinance incorporates the requirements and procedures set forth in the Maine Marijuana Legalization Act, 28-B M.R.S.A. Chapter 1, as may be amended. In the event of a conflict between the provisions of this Ordinance and the provisions of the Maine Marijuana Legalization Act or any other applicable State or local law or regulation, the more restrictive provision shall control.

11. EFFECTIVE DATE.

This Ordinance shall take effect upon enactment by Town Meeting.


Adopted on June 14, 2022 by Town Meeting/ v o t e

To the Town Clerk of the Town of Peru, Maine

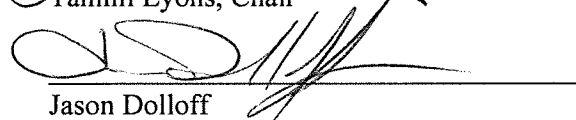
We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled "Town of Peru Adult Use Marijuana Ordinance," which is to be presented to the voters for their consideration on June 14, 2022.

Dated: April 11, 2022

SELECTBOARD



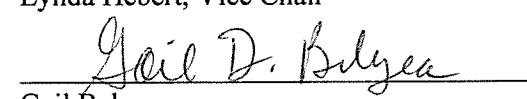
Tammi Lyons, Chair



Jason Dolloff



Lynda Hebert, Vice Chair



Gail Belyea