

TOWN OF SKOWHEGAN, MAINE

Controlled Substance Facilities Ordinance

Adopted June 13, 2016

The Skowhegan Board of Selectmen devise this Public Safety Ordinance, and ordain that:

- 1) This Ordinance regulates facilities involved in the production and/or distribution of controlled substances including but not limited to medical marijuana dispensaries and opioid treatment centers (methadone clinics). For the purpose of this Ordinance, “facility” means the location of an operation to dispense methadone or other controlled substances, or to grow or dispense marijuana. Individual Registered Patients, licensed hospitals and pharmacies, and Registered Primary Caregivers under DHHS supervision are not governed by this ordinance.
- 2) All operations in Skowhegan under the Statute and the DHHS Rules must be performed in such a way as to protect the required confidentiality of identity of applicants, patients, caregivers, and physicians.
- 3) Locations Restricted: A registered facility shall only be located on US Route 201 or US Route 2 east of ME Route 150, or Northgate Industrial Park or Southgate Industrial Park. A facility may not locate within one thousand (1,000) feet of the property line of any pre-existing public or private school, or any safe zone as designated by the Town of Skowhegan in accordance with state law, 30-A MRSA, section 3253. (Current safe zones are: Bucky Quinn Ball Field on South Factory Street, Pat Quinn Ball Field on East Maple Street, Memorial Field on East Maple Street, Carl Wright Ball Fields at the Community Center, the Community Center.)
- 4) No registered facility governed by this ordinance may be sited in the Shoreland Zone, or in a Floodplain or Wetland or any other Ordinance required by the Town of Skowhegan.
- 5) A marijuana growing facility is considered primarily a nursery for plants and must be fenced, completely enclosed, and secured by locks, lights, motion detection devices, and such other security systems as may be required by the DHHS. This growing facility may NOT be or contain an open field or garden. It may be sited with the dispensary or may be on a different lot.
- 6) All facilities will be designed in such a way as to minimize the impact on neighboring properties and public services. At a minimum, the facility shall conform to the design provisions of the following sections of the Skowhegan Site Plan Review Ordinance (2008, or as amended):
 - a. Section 3.A.3 (public safety)
 - b. Section 3.A.5 (waste disposal and storage)
 - c. Section 3.B (vehicle access and parking)
 - d. Section 3.C.1 (exterior lighting), and
 - e. Section 3.C.3 (buffering)

The Skowhegan Code Enforcement Officer shall be responsible for conducting such reviews and inspections as are necessary to assure compliance with all other codes and ordinances.

- 7) For confidentiality and public safety reasons, no interior layout plans or details of security features for any facility will be required to be submitted, except the minimum needed for a building permit..
- 8) No application for a Certificate of Occupancy shall be approved for a facility unless it has been issued a valid registration certificate by the State pursuant to 22 M.S.S.A. § 2428(2) and meets all other State and local laws and regulations.
- 9) Because the products in medical marijuana have proliferated to include extracts, pills, sprays, and topical products (ointments, salves, and lotions) due to differing needs of patients, different prescriptions by physicians, and increasing knowledge of various effects of the complex chemistry of the several cannabis species and strains, multiple facilities may share in the DHHS approved process of manufacturing, preparing, and packaging the usable marijuana.
- 10) Municipal Officers, Town Officials, and Citizens are referred to the State Statute and to the DHHS Rules, as amended.
- 11) Additional sections of this ordinance may be added if additional controlled substances are legislated for local or regional distribution under DHHS or State-administered control.
- 12) Severability: The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any of them shall be declared unconstitutional, invalid, or unenforceable, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.
- 13) This Ordinance and subsequent amendments take effect on the date of enactment by Town Meeting vote.