

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

Section 1. Authority.

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001.

Section 2. Definitions.

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

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

Notwithstanding any provisions in the Town of Kennebunkport's Land Use Ordinance or any other applicable ordinance to the contrary, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in the Town of Kennebunkport.

No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product or that otherwise engages in the activities of a retail marijuana cultivation facility, a retail marijuana products manufacturing facility, a retail marijuana testing facility and/or a retail marijuana social club, as those terms are defined by 7 M.R.S.A. § 2442, regardless of the licensure status of such business.

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.A. c. 558-C, or pursuant to the Maine Marijuana Legalization Act, 7 M.R.S.A. c. 417.

Section 4. Effective date; duration.

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enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 5. Penalties.

The Code Enforcement Officer is authorized and shall have the authority to enforce all provisions of this ordinance and shall have the same powers and duties conferred to the Code Enforcement Officer under Section 11.9 of the Land Use Ordinance to enforce this ordinance. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.