

# Town of Mechanic Falls

108 Lewiston Street  
Mechanic Falls, ME 04256  
Phone: 345-2871 FAX: 345-9201  
www.MechanicFalls.org



## Changes to Marijuana Related Activities within The Mechanic Falls Land Use Ordinance

The below recommended changes to the Mechanic Falls Land-Use Code were approved by the Planning Board on Nov. 18, 2019 and recommended to the Mechanic Falls Town Council for review and adoption.

Be it ordained by the Mechanic Falls' Town Council that, effective 30 days from this date of adoption, the following revisions be encompassed within the Mechanic Falls Land Use Ordinance.

Removed Language  
New Language

### M. ~~Medical~~ Marijuana Related Activities

#### 1. No Town Liability

Marijuana is illegal under the federal Controlled Substances Act, 21 U.S.C. §§801 et seq. State and local regulations do not preempt federal law. Cultivation, processing, sales, and possession of marijuana is illegal under federal law and those who engage in such activities do so at their own risk of criminal prosecution under federal law. Local zoning in the Town of Mechanic Falls Land Use Ordinance and other regulations are not a defense against a violation of federal law.

By enacting this section M. Marijuana Related Activities in the Mechanic Falls Land Use Ordinance the Town of Mechanic Falls does not intend to encourage or promote the establishment of any business or operation, or the commitment of any act, that constitutes or may constitute a violation of state or federal law.

By operating a marijuana business pursuant to a conditional use permit issued by the Mechanic Falls Planning Board, and an annual Town of Mechanic Falls Marijuana municipal license issued by the Municipal Officers, a permit holder releases the Town of Mechanic Falls, its officers, elected and appointed officials, employees, attorneys and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of the licensee or permit holder, its owners, operators, employees, clients or customers for a violation of any state or federal law, rule or regulations related to marijuana, or from forced closure of the licensed premises because the Maine Marijuana Legalization Act M.R.S.A. Title 28-B is found to be invalid under any applicable law, including but not limited to Federal law. As part of the conditional use permit application and the Town of Mechanic Falls Marijuana municipal license application for a marijuana facility in the Town of Mechanic Falls, an applicant shall sign and submit a waiver that states the following:

- a. By applying for and accepting a Conditional Use Permit issued by the Mechanic Falls Planning Board, and an annual Town of Mechanic Falls Marijuana municipal license issued by the Municipal Officers, the permit holder waives and releases the Town of Mechanic Falls, its officers, elected and appointed officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.
- b. By applying for and accepting a Conditional Use Permit, and an annual Town of Mechanic Falls Marijuana municipal license all permit holders, jointly and severally if more than one agree to indemnify, defend, and hold harmless the Town of Mechanic Falls, its officers, elected and appointed officials, employees, attorneys and agents against all liability, claims and demands on account of any injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the marijuana business that is subject of the conditional use permit and an annual Town of Mechanic Falls marijuana municipal license.

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## 2. The Purpose

The Purpose of this section is to implement the provisions of the Maine Marijuana Legalization Act, M.R.S.A. Title 28-B which authorizes the licensing and regulation of adult-use marijuana businesses as well as Title 22 M.R.S.A. Ch 558-C which authorizes the operation of medical marijuana operations. It is further intended that the purpose of these regulations is to: Regulate the conduct of persons owning, operating, and using marijuana businesses in order to protect the public health, safety and welfare and establish a nondiscriminatory mechanism by which the Town of Mechanic Falls appropriately regulates the location and operation of retail marijuana stores, marijuana cultivation facilities, marijuana products manufacturing facilities, or marijuana testing facilities.

Adoption of State Statutory Provisions and State Administrative Regulations: Except where the provisions set forth under this Section M. of the Mechanic Falls Land Use Ordinance are inconsistent with or differ from the Maine Marijuana Legalization Act, M.R.S.A. Title 28-B or the Maine Medical Use of Marijuana Act, Title 22 M.R.S.A. Ch 558-C, as may be amended from time to time, relating to marijuana facilities, all of the provisions of the Maine Marijuana Legalization Act and the Maine Medical Use of Marijuana Act are hereby adopted by reference and apply to all conditional use applications received and permits issued by the Mechanic Falls Planning Board. If there is a conflict between the provisions of this section and the Maine Marijuana Legalization Act, M.R.S.A. Title 28-B or the Maine Medical Use of Marijuana Act, Title 22 M.R.S.A. Ch 558-C, the stricter provisions will control to the fullest extent permitted by applicable law. The Planning Board may impose such reasonable terms and conditions on conditional use permits for adult-use marijuana businesses or medical marijuana operations as may be necessary to protect the public health, safety and welfare, and obtain compliance with the Mechanic Falls Land Use Ordinance, the Maine Marijuana Legalization Act, the Maine Medical Use of Marijuana Act, Title 22 M.R.S.A. Ch 558-C, the Maine Uniform Building and Energy Code (MUBEC), the State of Maine Fire and Life Safety Codes, the State of Maine Plumbing and Electrical Codes and must obtain a food establishment license, pursuant to M.R.S.A. 22, §2167, prior to preparing edible goods containing marijuana.

The terms used in this section shall have the meaning ascribed to them in the Maine Marijuana Legalization Act, M.R.S.A. Title 28-B as well as the Maine Medical Use of Marijuana Act, Title 22 M.R.S.A. Ch 558-C, as may be amended from time to time, and such definitions are hereby incorporated into the Mechanic Falls Land Use Ordinance by reference. Only adult-use marijuana businesses specifically authorized under these provisions are permitted. All other marijuana businesses are prohibited. Medical marijuana operations are permitted as defined under these provisions and will be enforced to the extent that they do not conflict with state regulations.

## 3. Conditional Use Permit Required

No person, firm, or corporation may operate an adult-use retail marijuana store facility, an adult-use marijuana cultivation facility, an adult-use marijuana products manufacturing facility, or an adult-use marijuana testing facility, without a valid Conditional Use Permit issued by the Town of Mechanic Falls Planning Board, and an annual marijuana municipal license issued by the Municipal Officers, and a marijuana license issued from the State of Maine Licensing Authority.

No person, firm, or corporation may operate a medical marijuana retail facility, a registered medical marijuana cultivation facility, a medical marijuana products manufacturing facility, or a medical marijuana testing facility, without a valid Conditional Use Permit issued by the Town of Mechanic Falls Planning Board, and an annual marijuana municipal license issued by the Municipal Officers.

A person, firm or corporation seeking to obtain a conditional use permit from the Town of Mechanic Falls shall file an application with the Town of Mechanic Falls Planning Board in accordance with the requirements set forth in Town of Mechanic Falls Land Use Ordinance. The Town of Mechanic Falls Conditional Use Permit is a revocable privilege subject to the will and scrutiny of local authorities. Each Conditional Use Permit is separate and distinct. A separate Conditional Use Permit application shall be required for each specific marijuana business type and for each geographic location.

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Nothing in this ordinance is intended nor shall be construed to authorize or approve medical marijuana collective gardening or medical marijuana cooperatives. Operation of a retail marijuana facility without a Conditional Use Permit issued by the Mechanic Falls Planning Board and an annual marijuana municipal license issued by the Municipal Officers and a marijuana license issued from the State of Maine Licensing Authority, is a violation of the Mechanic Falls Land Use Ordinance and will be prosecuted as such.

## 4. **General Provisions**

- a. Restrictions on where a marijuana facility can locate.  
Pursuant to the Maine Marijuana Legalization Act M.R.S.A. Title 28- B as well as the Maine Medical Use of Marijuana Act, Title 22 M.R.S.A. Ch 558-C, with a Conditional Use Permit, the Town of Mechanic Falls is allowing marijuana registered caregivers, adult-use as well as medical marijuana retail stores, adult-use as well as medical marijuana cultivation facilities, marijuana products manufacturing facilities and marijuana testing facilities in the Town of Mechanic Falls and these facilities shall only be permitted to locate in the Rural, General Development, Highway Commercial, Special Commercial, and General Industrial zoning districts, in accordance with all applicable provisions set forth in section M. of the Mechanic Falls Land Use Ordinance, the Maine Marijuana Legalization Act M.R.S.A. Title 28-B, the Maine Medical Use of Marijuana Act, Title 22 M.R.S.A. Ch 558-C and all other applicable codes and regulations, including but not limited to the Maine Uniform Building and Energy Code (MUBEC), the State of Maine Fire and Life Safety Codes, the State of Maine Plumbing and Electrical Codes and a State of Maine food establishment license, pursuant to M.R.S.A. 22, §2167, prior to preparing edible goods containing marijuana.
- b. A separate Conditional Use Permit application and fee must be submitted for each type marijuana operation to the Town of Mechanic Falls Planning Board. Each approved use will be subject to an annual review and fee assessment identified herein.
- c. Marijuana social clubs are prohibited in the Town of Mechanic Falls.
- d. Applications; issuance for adult-use and medical marijuana retail facilities in the Town of Mechanic Falls shall be in accordance with provisions of the Maine Marijuana Legalization Act M.R.S.A. Title 28-B as well as the Maine Medical Use of Marijuana Act, Title 22 M.R.S.A. Ch 558-C, and the Town of Mechanic Falls Land Use Ordinance. Marijuana facility applications must be deemed complete by the CEO before the applications are presented to the Planning Board for review.
- e. Marijuana facilities proximity to other land uses: The distance limitations established by this section shall control the location of all marijuana facilities in the Town of Mechanic Falls. Distances shall be computed by direct measurement from the nearest property line of the land use listed below to the nearest portion of the building or area of outdoor cultivation of an marijuana facility. Distances shall be verified by the applicant and confirmed by the Mechanic Falls Code Enforcement Officer. Each marijuana facility shall be operated from a permanent location. No marijuana facility shall be permitted to operate from a movable, mobile or transitory location. At a minimum, no marijuana facility shall be located within the following distances from the specified land uses listed below:
  - i. 500 feet from the nearest property line of any existing public or private school grades Pre-K through 12, or existing licensed childcare facility, public library, or any public parks and public playgrounds designated as drug free safe zones by the Town of Mechanic Falls in accordance with M.R.S.A. Title 17-A, §1101 (23);
  - ii. 500 feet from the nearest property line of any existing halfway house;
  - iii. 500 feet from the nearest property line of any existing drug or alcohol rehabilitation facility;
  - iv. 500 feet from the nearest property line of any houses or worship;The suitability of the location for a marijuana facility shall be determined at the time of the issuance of the conditional use permit for such business. The fact that changes in the neighborhood that occur after the issuance of the Conditional Use Permit might render the site unsuitable for a marijuana facility under this section shall not be grounds to suspend, revoke or refuse such marijuana facility to continue doing business in this location.
- f. Marijuana facilities shall not be allowed as a home occupation. Marijuana shall not be sold from any residential unit nor shall marijuana be grown in or on any portion of residential property with the intent to sell. Residential personal marijuana cultivation shall be conducted in accordance with the Maine Marijuana Legalization Act M.R.S.A. Title 28-B, Chapter 3. Personal use of marijuana is for personal use only and shall not be sold and shall

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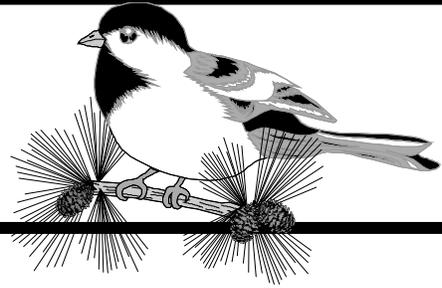
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- not be given away and/or gifted for a donation and/or for shipping/delivery fees, or any remuneration shall be accepted from a consumer for personal use grown marijuana or for personal use marijuana infused products.
- g. Hours of operation.  
A marijuana retail store facility may open no earlier than 8:00am and shall close no later than 10:00pm, Monday through Sunday. No sale of marijuana may occur upon the premises between the hours of 10:00pm and 8:00am.
- h. Direct Sales.  
All retail sales of marijuana or marijuana infused products at retail marijuana stores must be made in person, directly to the consumer/purchaser that has been verified to be twenty-one (21) years of age or older. No sales of marijuana may be made by telephone, internet, or other means of remote purchase. No sales of marijuana or marijuana infused products shall be made to a person that is or appears to be under the influence of alcohol or under the influence of any controlled substance, including marijuana. The use, consumption, ingestion or inhalation of marijuana or marijuana infused products on or within the premises of a retail marijuana store facility, marijuana cultivation facility or marijuana products manufacturing facility is prohibited.
- i. Disposal of marijuana waste shall be stored, secured, and managed in accordance with the Maine Marijuana Legalization Act MRSA Title 28-B or the Maine Medical Use of Marijuana Act, Title 22 M.R.S.A. Ch 558-C, in effect and as amended from time to time hereinafter.
- j. Persons prohibited from applying for marijuana facility conditional use permits:  
i. Any person until all relevant state marijuana licenses and fees have been paid;  
ii. Any natural person under twenty-one (21) years of age;  
iii. Any person who fails to remedy outstanding delinquent state and local taxes;  
iv. Any person who's license for a medical or marijuana business in another town, city, county or state has been revoked;  
v. Any person who is not a resident of Maine;  
vi. Any person who has made a false, misleading or fraudulent statement on his or her application; and  
vii. Any person who has pending Town of Mechanic Falls Land Use Ordinance violations.
- k. Odor Control at marijuana facilities.  
i. The applicant will submit a detailed report on the effective mitigation of any marijuana odors of the proposed operation. If any complaints are received, conditional use permit holders for marijuana facilities will rectify air quality marijuana odor concerns immediately.  
ii. Unresolved air quality marijuana odor complaints may be the basis for legal action in accordance with the Mechanic Falls Land use Ordinance and failure to correct violations may be grounds for suspension or revocation of the Mechanic Falls Conditional Use Permit.
- l. All cultivation, production, storage, display, testing and sales of marijuana and marijuana infused products must not be visible from the exterior of the property. For the purposes of this section, greenhouse cultivation shall be deemed to occur within a building. The greenhouse or outdoor cultivation area must have proper buffering, screening or fencing so its contents are not visible from any property line or public road.
- m. Issuance of a Conditional Use Permit.  
i. Upon approval of each application the Town of Mechanic Falls Planning Board shall provide the applicant with one (1) original Conditional Use Permit for each marijuana facility to be operated by the applicant. Each such copy shall show the name and address of the permit holder, the type of the facility for which it is issued, and the address of the facility at which it is to be displayed. Each conditional use permit shall be limited to use at the premises on the application for such permit. The conditional use permit remains valid as long as there is no change in use or change in ownership of the marijuana facility.  
ii. Change of use or transfer of ownership of a permitted marijuana facility shall be cause for a new Conditional Use Permit application to be filed with the Mechanic Falls Planning Board at least thirty (30) days prior to the anticipated change. The Planning Board will review the change of use or transfer of ownership of the Conditional Use Permit, at which time new conditions of approval may be applied to the new permit issued by the Town of Mechanic Falls Planning Board. The current owners of a Conditional Use permitted marijuana facility retain full responsibility of the permitted marijuana facility until the new ownership Conditional Use application is approved in writing by the Town of Mechanic Falls Planning Board and by the State licensing authority.

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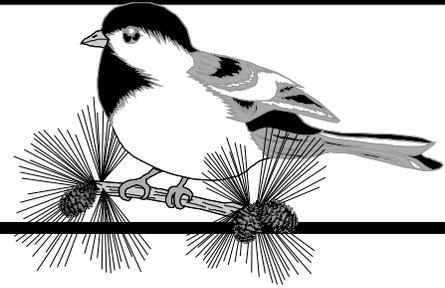
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- iii. Change in location of a permitted marijuana facility shall be cause for a new application to be filed with the Mechanic Falls Planning Board at least thirty (30) days prior to the anticipated change in location. An applicant wishing to change the location of its marijuana facility shall submit a new Conditional Use Permit to the Mechanic Falls Planning Board. Such application shall meet the requirements for a new Conditional Use Permit in the Mechanic Falls Land Use Ordinance.
- n. Hazardous chemicals storage and disposal of fertilizers, pesticides, herbicides, and any other hazardous chemicals associated with the cultivation of marijuana shall comply with all local, state, and federal laws. A Conditional Use Permit application for review of any marijuana facility shall include a floor plan showing the location of the storage of such chemicals and shall be subject to review and approval by the Fire Chief.
- o. Signage and advertising.  
All signage and advertising for marijuana facilities shall comply with applicable State of Maine signage laws as well as the provisions of section N. of the Town of Mechanic Falls Land Use Ordinance. Marijuana facility signs shall not be attractive to children.
- p. Required Notices.  
There shall be posted in a conspicuous location in each marijuana store, cultivation, and manufacturing facility, a legible sign containing the following warnings:  
**THAT THE USE OF MARIJUANA OR MARIJUANA INFUSED PRODUCTS MAY IMPAIR A PERSON'S ABILITY TO DRIVE A MOTOR VEHICLE OR OPERATE MACHINERY, AND THAT IT IS ILLEGAL UNDER MAINE LAW TO DRIVE A MOTOR VEHICLE WHEN UNDER THE INFLUENCE OF OR IMPAIRED BY MARIJUANA;**  
**THAT LOITERING IN OR AROUND A RETAIL MARIJUANA FACILITY IS PROHIBITED;**  
**THAT NO ONE UNDER THE AGE OF TWENTY-ONE (21) YEARS IS PERMITTED ON THE PREMISES UNLESS A REGISTERED MEDICAL PATIENT;**  
**THE CONSUMPTION OF MARIJUANA PRODUCTS IS NOT RECOMMENDED FOR PREGNANT OR NURSING MOTHERS;**  
**POSSESSION AND DISTRIBUTION OF MARIJUANA IS A VIOLATION OF FEDERAL LAW;**  
**NO ONSITE CONSUMPTION OR USE OF MARIJUANA; AND**  
**NO GIVEAWAYS AND/OR GIFTS: NO DISTRIBUTION OF MARIJUANA OR MARIJUANA INFUSED PRODUCTS GIVEN FREE OF CHARGE TO A CONSUMER.**
- q. Security requirements at marijuana facilities shall comply with all requirements of the State of Maine and shall include at a minimum the following:
  - i. security surveillance cameras installed to monitor all entrances, and the common areas of the marijuana facility, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the marijuana facility, and all security recordings shall be preserved for at least 30 days by the marijuana facility and be made available to law enforcement upon request for inspection, these recordings shall be continuously backed-up to both on-site and a secure, off-site location;
  - ii. robbery and burglary alarm systems which are professionally monitored and maintained in good working condition;
  - iii. a locking safe permanently affixed to the premises that is suitable for storage of all cash stored at the marijuana facility;
  - iv. exterior lighting that illuminates the exterior entrances and walls of the marijuana facility and complies with the provisions of section 7.5 of the Town of Mechanic Falls Land Use Ordinance.
  - v. access to any marijuana cultivation facility that is located in the same building as a marijuana store facility or a marijuana products manufacturing facility shall be secured so as to render the cultivation facility inaccessible to any unauthorized persons at all times.
- r. Inspection and compliance.  
Inspection of the marijuana facility is required after approval of the Conditional Use Permit. When the building in which the marijuana facility is completed in accordance with the plans submitted and approved by the Planning Board for a conditional use permit, the premises will be inspected for occupancy by the Code Enforcement Officer

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and Fire Chief, to determine compliance with the conditional use permit, building and life safety codes. Throughout the term of the Town of Mechanic Falls Conditional Use Permit for a marijuana facility, the Code Enforcement Officer, Fire Chief, and Law Enforcement may inspect the permitted premises to determine continuing compliance with the building and life safety codes and state and local laws and rules.

s. Public Nuisance.

If a violation of the Mechanic Falls Land Use Ordinance or conditions applied to a marijuana facility Conditional Use Permit is declared to be a public nuisance per se, and, in addition to any other remedy provided by law or equity, the violation may be abated by the Town of Mechanic Falls under the applicable provisions of this Ordinance or State Law.

t. Marijuana Municipal License required.

In addition to a Conditional Use Permit, a marijuana facility shall obtain a separate annual Marijuana Municipal License subject to an annual public hearing, for each type of marijuana facility, from the Town of Mechanic Falls, Municipal Officers. It is recommended that applicants familiarize themselves with the Town of Mechanic Falls Land Use Ordinance relating to marijuana facilities, as well as building codes and state licensing regulations before they complete an application and submit the fee to the Town of Mechanic Falls. The Marijuana Municipal License is not transferable, and a new license must be obtained from the Municipal Officers for a change of ownership or a change in location. The applicable marijuana business license fee shall be set forth in the Town of Mechanic Falls fee schedule, and approved by the Town of Mechanic Falls Municipal Officers, as amended from time to time. The annual adult marijuana business license fee is non-refundable.

u. All marijuana businesses shall obtain all necessary building, electrical, and plumbing permits for any portion of the structure that contains electrical wiring, light and/or watering devices that support the cultivation of and or resale of marijuana.

**15. Registered Dispensary**

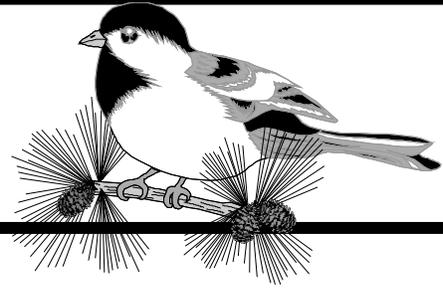
- a. ~~Shall comply at all times and in all circumstances with the provisions of State Law.~~
- b. ~~Only one (1) registered dispensary shall be permitted in the Town of Mechanic Falls.~~
- c. ~~Registered Dispensaries are prohibited in the Rural, General Residential, Downtown Business 1, Downtown Business 2, and Downtown Business 3 zoning districts.~~
- d. ~~A Conditional Use permit shall be granted by the Planning Board for a Registered Dispensary which complies with all criteria for a Conditional Use Permit as required by this Ordinance, in the General Development, Highway Commercial, Special Commercial, and General Industrial zoning districts and shall be issued in the name of the Dispensary and the name of the principal owning a security interest in the dispensary. The following requirements shall apply to a Registered Dispensary:~~
  - i. ~~A dispensary shall not be located within 500 feet of the property line of a pre-existing public or private school, school dormitory, school ground, daycare center, daycare home, public playground, or public park, as measured in a straight line from the premises to the property line.~~
  - ii. ~~A dispensary shall not be located on the same property that contains residential apartments or other dwelling units, whether or not occupied.~~
  - iii. ~~A dispensary that is required to obtain a license for the preparation of food pursuant to M.R.S.A. Title 22, section 2167, shall obtain a Victualer's License from the Town Clerk of Mechanic Falls prior to preparing goods containing marijuana for consumption by a registered patient.~~
  - iv. ~~Permit shall terminate upon the sale, lease, demise or other transfer of the property, or the transfer of a controlling interest in the dispensary.~~

**25. Registered Primary Medical Marijuana Caregiver Operation**

- a. Shall comply at all times and in all circumstances with the provisions of State Law. A Conditional Use permit for a Registered Medical Marijuana Caregiver Operation does not include approval for a Retail Operation.
- b. Registered Primary Medical Marijuana Caregiver Operations are prohibited in the General Residential, Downtown Business 1, Downtown Business 2, and Downtown Business 3 zoning districts.
- c. A Use Permit may be granted by the Code Enforcement Officer for a Registered Primary Medical Marijuana Caregiver Operation in the Rural, General Development, Highway Commercial, Special

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Commercial, and General Industrial zoning districts. The following requirements shall apply to a Registered ~~Primary~~ Medical Marijuana Caregiver Operation:

- i. The Permit shall be issued to the Registered ~~Primary~~ Medical Marijuana Caregiver Operation and to the Principal person owning a controlling interest in the Registered Primary Caregiver Operation, if applicable.
- ii. It shall not be located within 500 feet of the property line of a pre-existing public or private school, school dormitory, school ground, daycare center, daycare home, public playground, or public park, as measured in a straight line from the premises to the property line.
- iii. Shall not take place on a property that contains a two-family dwelling or a multi-family dwelling.
- iv. May be operated in a single-family dwelling provided the following is met:
  1. It must be carried out without creating a nuisance; altering the residential character of the structure or neighborhood; or changing the character of the lot from its principal use as a residence, and must be clearly incidental and secondary to the residential use of the dwelling.
  2. It must be carried on wholly within a principal or accessory structure. ~~There must be no~~ Outside storage or display of materials, products or equipment shall be shielded from view to the furthest extend as not to change the general condition of the property.
  3. ~~It may be carried on in an area not to exceed 500 square feet.~~
  4. It is the residence of the Primary Caregiver.
  5. The single-family dwelling does not contain an accessory dwelling unit.
  6. All Use Permits issued pursuant to the adoption of this section shall terminate upon the sale, lease, devise or other transfer of the property by the Permit Holder, or of the transfer of a controlling interest in the Permit Holder.
  7. They shall keep marijuana plants in an enclosed, locked facility not visible from outside of the premises where the plants are grown to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana at the registered primary caregiver operation, unless the plants are being transported because the primary caregiver is moving.

## **6. Adult-Use & Medical Marijuana Cultivation Facility**

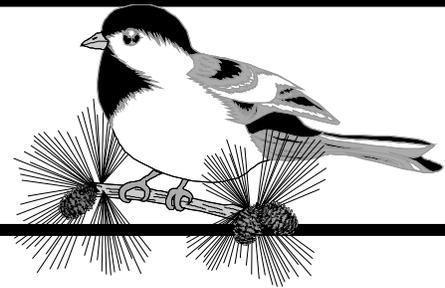
- a. Only four (4) Marijuana Cultivation Facilities shall be permitted in the Town of Mechanic Falls.
- b. Marijuana Cultivation Facilities are prohibited in the General Residential, Downtown Business 1, Downtown Business 2, and Downtown Business 3 zoning districts.
- c. A Conditional Use permit shall be granted by the Planning Board for a Marijuana Cultivation Facility in the Rural, General Development, Highway Commercial, Special Commercial, and General Industrial zoning districts and shall be issued in the name of the Dispensary and the name of the principal owning a security interest in the Marijuana Cultivation Facility. The following requirements shall apply to a Marijuana Cultivation Facility:
  - i. A Marijuana Cultivation Facility shall not be located on the same property that contains residential apartments or other dwelling units, whether or not occupied.
  - ii. Permit shall terminate upon the sale, lease, demise or other transfer of the property, or the transfer of a controlling interest in the Marijuana Cultivation Facility.
  - iii. Cultivation facilities will be subject to annual inspections by Fire, Police & Code Enforcement prior to approval of a Conditional Use Permits or its subsequent renewals.
  - iv. Previously existing Medical Marijuana Cultivation operations have until April 1, 2020 to apply for approval under the Mechanic Fall Land Use code without facing fines for operating without a Conditional Use Permit.

## **7. Adult-Use & Medical Marijuana Manufacturing Facility**

- a. Marijuana Manufacturing Facilities shall be permitted in the Town of Mechanic Falls.
- b. Marijuana Manufacturing Facilities are prohibited in the General Residential, Downtown Business 1, Downtown Business 2, and Downtown Business 3 zoning districts.

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c. A Conditional Use permit shall be granted by the Planning Board for a Marijuana Manufacturing Facility in the Rural, General Development, Highway Commercial, Special Commercial, and General Industrial zoning districts and shall be issued in the name of the Marijuana Manufacturing Facility and the name of the principal owning a security interest in the Marijuana Manufacturing Facility. The following requirements shall apply to a Marijuana Manufacturing Facility:

- i. A Marijuana Manufacturing Facility shall not be located on the same property that contains residential apartments or other dwelling units, whether or not occupied.
- ii. Permit shall terminate upon the sale, lease, demise or other transfer of the property, or the transfer of a controlling interest in the Marijuana Manufacturing Facility.

## **8. Adult-Use & Medical Marijuana Testing Facility**

a. Marijuana Testing Facility shall be permitted in the Town of Mechanic Falls.  
b. Marijuana Testing Facilities are prohibited in the General Residential, Downtown Business 1, Downtown Business 2, and Downtown Business 3 zoning districts.

c. A Conditional Use permit shall be granted by the Planning Board for a Marijuana Testing Facility in the Rural, General Development, Highway Commercial, Special Commercial, and General Industrial zoning districts and shall be issued in the name of the Marijuana Testing Facility and the name of the principal owning a security interest in the Marijuana Testing Facility. The following requirements shall apply to a Marijuana Testing Facility:

- i. A Marijuana Testing Facility shall not be located on the same property that contains residential apartments or other dwelling units, whether or not occupied.
- i. Permit shall terminate upon the sale, lease, demise or other transfer of the property, or the transfer of a controlling interest in the Marijuana Testing Facility.

## **9. Adult-Use & Medical Marijuana Retail Operations**

a. Only four (4) Marijuana Retail Facilities shall be permitted in the Town of Mechanic Falls.  
b. Marijuana Retail Facilities are prohibited in the General Residential, Downtown Business 1, Downtown Business 2, and Downtown Business 3 zoning districts.

c. A Conditional Use permit shall be granted by the Planning Board for a Marijuana Retail Facility in the Rural, General Development, Highway Commercial, Special Commercial, and General Industrial zoning districts and shall be issued in the name of the Marijuana Retail Facility and the name of the principal owning a security interest in the Marijuana Retail Facility. The following requirements shall apply to a Marijuana Retail Facility:

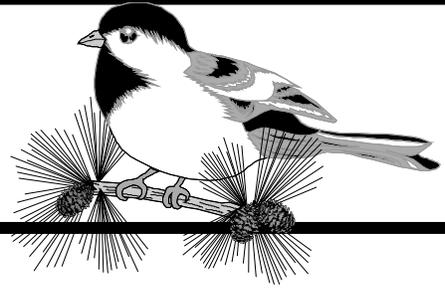
- i. A Marijuana Retail Facility shall not be located on the same property that contains residential apartments or other dwelling units, whether or not occupied.
- ii. Permit shall terminate upon the sale, lease, demise or other transfer of the property, or the transfer of a controlling interest in the Marijuana Retail Facility.

### Proposed Fee Schedule

Medical Marijuana Cultivation	\$250.00	Annually	100% Town + Public Hearing Fee
Adult-Use Marijuana Cultivation Facility			
Tier 1 (Up to 500 sqft mature plant canopy)	\$1,500.00	Annually	100% Town + Public Hearing Fee
Tier 2 (501 – 2,000 sqft mature plant canopy)	\$2,500.00	Annually	100% Town + Public Hearing Fee
Tier 3 (2,001 – 7,000 sqft mature plant canopy)	\$5,000.00	Annually	100% Town + Public Hearing Fee
Tier 4 (7,001 – 20,000 sqft mature plant canopy)	\$12,000.00	Annually	100% Town + Public Hearing Fee
Marijuana Manufacturing Facility	\$2,500.00	Annually	100% Town + Public Hearing Fee
Marijuana Testing Facility	\$500.00	Annually	100% Town + Public Hearing Fee
Marijuana Retail Facility	\$1,500.00	Annually	100% Town + Public Hearing Fee

# Town of Mechanic Falls

108 Lewiston Street  
Mechanic Falls, ME 04256  
Phone: 345-2871 FAX: 345-9201  
[www.MechanicFalls.org](http://www.MechanicFalls.org)



Adopted this 2nd day of December 2019.

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Cathy Fifield, Council Chair

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John Emery II, Council Member

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Kieth Bennett, Council Member

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Nick Konstantoulakis, Council Member

PROPOSED