

**AN ORDINANCE PERTAINING TO PERFORMANCE STANDARDS FOR  
MARIJUANA BUSINESSES**

**THE CITY OF LEWISTON HEREBY ORDAINS:**

Appendix A of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

**APPENDIX A**

**ZONING AND LAND USE CODE**

**ARTICLE XII. PERFORMANCE STANDARDS**

**Sec. 21. ~~Reserved.~~ Marijuana businesses.**

All marijuana businesses shall conform to the following provisions:

- (1) A parcel with a marijuana store operating with City approval prior to December 13, 2018 is allowed to have one additional store located on the same parcel not subject to the separation requirements in section (9), provided all state and local requirements are met and if applicable, shall be treated as a nonconforming use pursuant to Article VI, Section 4 of the Zoning and Land Use Code.
- (2) There shall be no cultivation or storage of marijuana, marijuana products outside of a structure.
- (3) Nonconforming marijuana businesses are subject to the following provisions:
  - (a) Marijuana businesses with active or pending city licenses prior (*the effective date of this ordinance*) shall be entitled to continue operation whether such use does or does not conform to the locational requirements of Section 9 of this Article of this Code or applicable zoning ordinances and shall be treated as a nonconforming use pursuant to Article VI, Section 4 of the Zoning and Land Use Code. A nonconforming business may convert to another nonconforming business pursuant to Article VI, Section 4(e) of the Zoning and Land Use Code.
  - (b) Marijuana businesses with active or pending city licenses prior to (*the effective date of this ordinance*) may be sited no less than five hundred (500) feet from the lot lines of pre-existing schools or child care facilities, measured as a buffer from the property line of the school, or child care facility, to any portion of the marijuana business.
- (4) The odor of marijuana, noxious gases, or other fumes, must not be detectable offsite, i.e., must not be detected at premises that are not under the custody or control of the establishment.

- (5) Sufficient and appropriate security measures to deter the theft of marijuana and prevent unauthorized entrance into areas containing marijuana must be provided at all times. Security measures shall include, at a minimum, the following:
- a. security surveillance cameras installed and operating 24 hours a day, 7 days a week to monitor all entrances, along with interior and exterior of the premises to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;
  - b. door and window intrusion alarm systems with audible and Police Department notification components that are professionally monitored and maintained in good working order;
  - c. a locking safe or its functional equivalent permanently affixed to the premises that is suitable for storage of all adult use marijuana products, medical marijuana products and cash stored overnight on the premises; and
  - d. exterior lighting that illuminates the exterior walls of the premises and complies with applicable provisions of the Code of Ordinances; and (e) deadbolt locks on all exterior doors and locks or bars on any other access points (e.g., windows).
- (6) Sale of edible products. No food products shall be sold, prepared, produced or assembled by a marijuana business except in compliance with all operating and other requirements of state and local law and regulations including, without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.
- (7) Signs: Notwithstanding the requirements of the Article XII, Section 16 of the Zoning and Land Use Code, all signs used by and all marketing and advertising conducted by or on behalf of a marijuana business may not involve advertising or marketing that has a high likelihood of reaching persons under 21 years of age or that is specifically designed to appeal to persons under 21 years of age. The signs, marketing, or advertising are prohibited from making any health or physical benefit claims. All signage shall meet the City's sign ordinance requirements and may use an image or images of the marijuana plant or plants, or parts thereof, as long such image or images do not exceed 20% of the sign face. Pictorial representations of other marijuana products, by-products, or paraphernalia associated with the use or distribution of retail marijuana is prohibited.
- (8) Manufacture of marijuana using inherently hazardous substances. The extraction of marijuana using inherently dangerous hazardous substances is prohibited unless:
- (a.) the person has sought and obtained authorization to do so with the State of Maine, and
  - (b.) such activity is located in a zoning district where a Marijuana Manufacturing Facility is an allowed use.

(9) Notwithstanding Sec. 21 (1) and (3) all marijuana businesses shall be sited according to the setbacks in the table below:

<u>Protected Use</u>	<u>Setback from Protected Use</u>	<u>Method of Measurement<sup>1</sup></u>
<u>Pre-existing schools, pre-existing child care facilities<sup>2</sup></u>	<u>1,000 feet</u>	<u>Buffer from the property line of the school, child care facility to any portion of the marijuana business</u>
<u>Public parks, playground or recreational facilities as per Chapter 22, Sec 22-422<sup>2</sup></u>	<u>500 feet</u>	<u>Buffer from the property line of the public parks, playground or recreational facilities to any portion of the marijuana business</u>
<u>Minimum distance between a marijuana store or dispensary and any two other marijuana stores and/or dispensaries<sup>3</sup></u>	<u>500 feet</u>	<u>Buffer from the property line of proposed marijuana store or dispensary to any portion of two other marijuana stores and/or dispensaries</u>
<u>Pre-existing dwelling in a residential zoning district<sup>2</sup></u>	<u>100 feet</u>	<u>Buffer from the property of the dwelling to any portion of the marijuana business</u>

<sup>1</sup>If the marijuana business is located within a commercial subdivision or multi-tenant structure (e.g. business park, shopping plaza, etc.), the required setback shall be measured in the same manner.

<sup>2</sup>Does not apply to cultivation, manufacturing, testing, nurseries, and dispensaries operating within the Industrial zoning district.

<sup>3</sup>Applies to stores only. Notwithstanding the foregoing, more than one marijuana business may be located on the same parcel, provided all state and local requirements are met.

Note: Additions are underlined; deletions are ~~struck out~~.