
Revised Code of Ordinances, City of Hallowell (1997)

[Derivation: Ord. No. 18-16, eff. 11/23/2018]

SECTION 7-342 MUNICIPAL OFFICERS TO ISSUE LICENSES FOR CANNABIS ESTABLISHMENTS

The municipal officers shall have the authority to approve or disapprove applications for licenses for the operation of cannabis establishments. The annual license fee shall be as provided in Section 7-105 of this Chapter.

The provisions of all applicable local ordinances, including without limitation the provisions of Chapter 9, and the statutes and rules adopted by the State of Maine shall apply to the regulation of cannabis establishments.

[Derivation: Ord. No. 18-16, eff. 11/23/2018]

SECTION 7-343 CANNABIS ESTABLISHMENTS; LICENSE REQUIRED

1. License Required. No person shall establish or operate any cannabis establishment without first having obtained a license for the cannabis establishment from the municipal officers. Each applicant for a license shall complete and file an application on a form prescribed by the City Clerk, together with a license fee as required in Section 7-105 of this Chapter; evidence of any State approvals required to operate the cannabis establishment; a statement identifying all owners, officers, members, managers, or partners of the applicant; and a description and sketch plan of the premises for which the license is sought.

2. Condition Precedent. Any cannabis establishment required to be licensed by the State authority created for the purpose of regulating and controlling the licensing of adult-use cannabis establishments pursuant to Title 28-B of the Maine Revised Statutes, as amended, must secure a State license from that State authority prior to submitting an application for a license pursuant to this section. A copy of the applicant's state license application and supporting documentation as filed with the State authority, and any amendments thereto, shall be filed with the application required pursuant to subsection 1, above.

3. License Issuance. The municipal officers shall license persons of good moral character to establish or operate a cannabis establishment, in accordance with the requirements set forth herein.
 - A. In determining whether to issue or deny a license application, the municipal officers shall consider (i) whether the applicant has failed any part of a state inspection or local health inspection; (ii) whether the applicant has failed to provide sufficient evidence of compliance with applicable local and state laws and regulations; (iii) whether the applicant is of good moral character, considering the applicant's criminal record, if any, and all evidence presented; (iv) the applicant's failure to pay an outstanding fine, penalty or tax owed to

the City; and (v) the City's need for additional cannabis establishments. In the review of any license application pursuant to this section, the municipal officers may require and solicit review comments concerning the approval considerations identified herein from any public officers, departments, or agencies of the City.

- B. License applications submitted pursuant to this section shall be approved or disapproved at any meeting of the municipal officers, after public notice and hearing.
- C. The municipal officers may attach to any license issued pursuant to this section such restrictions and conditions as they deem necessary, appropriate, and reasonably designed to promote the health, safety, and welfare of the public.
- D. A license issued under this section shall be effective for one year from the date of approval.

4. License Renewal. Renewal applications from persons having obtained a license under this section shall be submitted to the City Clerk in accordance with Section 7-104. The municipal officers shall annually review all renewal applications for the purpose of determining the status of the applicant's prior conformance and likelihood of continued conformance with the requirements of this Division, including the requirements of Section 3.A, above, and any restrictions or conditions of the license, and shall decide to either approve or deny the renewal application after public notice and hearing. An application for the renewal of an expired license shall be treated as a new license application if a renewal application is not submitted within thirty (30) days after the expiration or renewal date and shall be subject to the license fees and/or civil penalties set forth in Section 7-104.

5. License Suspension and Revocation. The municipal officers may suspend or revoke any license granted under this section if, after notice, and hearing, the municipal officers determine that the license holder is unfit to hold a license. The suspension or revocation of a cannabis establishment license issued by the State, the failure of a license holder to acquire and maintain all necessary local and State approvals, or the violation by a license holder of any applicable local or state laws and regulations (including without limitation the provisions of Chapter 9 or applicable building or life safety code requirements) shall be prima facie evidence that the license holder is unfit to hold a license. The municipal officers shall serve written notice of a hearing on revocation on the license holder or leave said notice at the licensed premises at least three days before the time set for hearing. At the hearing, the license holder shall be given an opportunity to hear the evidence in support of the charge against the license holder and to be heard in the license holder's own defense.

5. Voluntary Termination or Abandonment of License. Any license holder terminating or abandoning a license granted under this section must file a notice of termination or