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## Chapter 149: Licensing

### Article I: Business Licensing

#### § 149-1.1 Definitions

For the purposes of this chapter, the following definitions shall apply unless the content clearly implies otherwise.

**Contamination of processes or products** The act of rendering or making a process or product impure, unsuitable, or unusable by introducing harmful or undesirable elements, whether biological or chemical.

#### § 149-1.2 License required.

No person shall carry on any business described in this ~~chapter~~ article, within the ~~CityTown of Sanford~~, without a license. The ~~CityTown~~ Clerk shall have authority to issue Category 1 licenses and the ~~CityTown~~ Council only shall have authority to issue Category 2 licenses. Any person, corporation or partnership carrying on such a business through an agent shall be deemed a violator of this prohibition. All licenses shall be kept on site for inspection.

#### § 149-1.32 Taxes and fines owed.

No license shall be issued unless the applicant has paid all outstanding fines, penalties and personal property taxes owed to the ~~CityTown of Sanford~~ by the applicant.

#### § 149-1.43 Fees.

[Amended 11-25-2008; 12-30-2008]

No license ~~shall will~~ be issued until the fee required ~~therefore~~ and set out in this section shall have been paid. If the fee set forth in this section shall differ from that which is required by state law, the statutory fee shall prevail.

#### **Category 1 Licenses**

Arcades

Auctioneer, nonresident

Boxing, wrestling, body building and other indoor sporting exhibitions

Circuses

Carnivals

Coin-operated entertainment devices

Itinerant vendors

Lunch wagons

Peddlers (including dispensing and vending machines, except farmers distributing only "their" products)

Victualers

Off premises catering permit

#### **Fee**

\$100 per year

\$10 per day or \$25 for 3 days

\$100 per exhibition

\$100 per day

\$50 per day

\$50 per year

\$20 per day

\$50 per year

\$100 per year

\$50 per year

\$25 per application

July 13, 2016

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Order #: 16-61.10 on July 19, 2016

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## **Category 2 Licenses**

Liquor hearing and liquor advertisement  
Beano-bingo (to CityTown)  
Games of chance (to CityTown)  
Transfer of liquor licenses (to CityTown)  
Mental health and abuse clinics  
Electronic video machines  
Medical marijuana production facility

## **Fee**

\$75 per application  
\$100 per year  
\$50 per game per year  
\$25 per application  
\$100 per clinic  
\$150 per machine  
\$100 per year

### **§ 149-1.54 Duration of license.**

All licenses shall expire on December 31, except as otherwise provided by the general laws of the State of Maine.

### **§ 149-1.65 Issuance of new liquor licenses.**

Upon receipt of an application for a new liquor license, the CityTown Clerk and CityTown Council shall follow the procedure required by 28-A M.R.S.A. §§ 651 to 654, as amended.

### **§ 149-1.76 Authority to issue licenses.**

The CityTown Clerk shall have the authority to issue all licenses shown as Category 1 licenses in this chapter ~~§ 149-3~~ to qualified applicants. The CityTown Council only shall have authority to issue Category 2 licenses and shall follow the procedures outlined in state law for their issuance.

### **§ 149-1.8 Licensing application requirements.**

149-1.8.1 All applications for licenses under this chapter shall be filed with, and in a form satisfactory to, the City Clerk, together with such supporting documents and information, as the City Clerk may prescribe.

149-1.8.2 All applications for licensing shall require the approval of the City Council subject to the procedures outlined in this chapter.

149-1.8.3 Such application shall include but is not limited to the following:

149-1.8.3.1 Name, address, and contact information, including phone number and email address, of the applicant, all other persons having a legal interest in the facility and property, and the individual(s) designated by the applicant to manage operation of the facility, if any.

149-1.8.3.2 Location within the premises for which a license is sought, identified by both City tax map and lot number and street address.

149-1.8.3.3 Dimensions and acreage of the property.

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149-1.8.3.4 Copy of an approved site plan, if required under Chapter 280: Zoning.

149-1.8.3.5 Description of the use and facility and how the location and improvements associated with the proposed facility comply with the requirements of Chapter 280: Zoning and this chapter.

149-1.8.3.6 Type, location, and total cubic feet and equivalent pounds of carbon dioxide, gas, super cooled liquid, pesticide, fertilizer, or other chemical stored or used in the operation of the facility, if any, and location of all alarms and shut offs.

149-1.8.3.7 Any other approvals required by city, state, or federal agencies.

149-1.8.3.8 Other information specified in Article II: Mental Health and Abuse Clinics; Outpatient Addiction Treatment Clinics, Article III: Electronic Video Machines, and Article IV: Medical Marijuana Production Facilities.

149-1.8.3.9 Two (2) copies of the license application and all supporting documentation and a CD containing pdf files for the application and each piece of supporting documentation.

#### § 149-1.9 Administration.

149-1.9.1 City Clerk review. A license application shall be filed with and reviewed by the City Clerk to determine if it is complete. If the application is not deemed complete, the application shall be returned to the applicant and shall be considered to be denied. If the application is deemed to be complete, and the facility has not secured site plan, conditional use, or other required permits under Chapter 280: Zoning, the applicant shall be directed to schedule a meeting with the Planning Department.

149-1.9.2 Planning Board Review. Upon referral from the City Clerk and submission of the appropriate site plan, conditional use, or other required permits under the provisions of Chapter 280: Zoning, the Planning Department shall process applications for review. Upon approval, the Planning Department shall forward the determination to the City Manager, who shall schedule the licensing application for review by the City Council.

#### 149-1.9.3 City Council review.

The City Council may impose conditions on the approval of any license application it deems necessary to ensure compliance with the provisions of this chapter or any other provision of law. Such conditions may include, but are not limited to, documentation of the following requirements:

149-1.9.3.1 All landscaping, screening, or other requirements imposed by the Planning Board has been installed, completed, and approved by appropriate City staff.

149-1.9.3.2 All requirements imposed by any other regulatory bodies having jurisdiction has been installed, completed, and approved.

149-1.9.3.3 All other measures required to improve the operations of the facility or minimize its impacts on the surrounding neighborhood have been constructed or implemented.

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149-1.9.3.4 The applicant shall meet with the Chief of Police or other state or municipal officials, upon request, to establish a good working relationship between the City and the owner and operators of the facility and to provide for review of the operation of the facility.

**§ 149-1.107 Records; disposition of fees.**

A record of the issuance of such license, with the name of the licensee and the fee paid, shall be kept by the City Clerk of the Town of Sanford. The fees collected by the City Clerk for all licenses provided herein shall be turned over to the City Treasurer of the Town of Sanford in the same manner as tax moneys, and to be credited to the Licenses and Fees Account.

**§ 149-1.118 Annual Inspections.** A license shall not be granted without an annual inspection and submission of a license application shall constitute permission for entry and inspection. The Inspection Team, which consists of a representative of the ~~Sanford Fire Department~~, ~~a representative of the Sanford Police Department~~ and the Code Enforcement Department Officer, shall, at least once a year, inspect every facility to be licensed under this article located within the ~~CityTown of Sanford~~ for the purpose of determining if the applicant is in compliance with all applicable laws, ordinances, rules and regulations. If there are no violations or objections by the Inspection Team to the issuance of any license listed in § 149-1.43, the Inspection Team shall give signed consent for approval to the ~~CityTown Clerk or CityTown Council~~ prior to the issuance of the applicable license. Annual inspections shall take place at a reasonable time and prior to a determination on the license application. Businesses with no regularly scheduled hours shall be given twenty-four (24) hours notice for an annual inspection. When an inspection is conducted for a use that is sensitive to contamination of its processes or products, the Inspection Team shall use the following Protection from Contamination Protocols to the extent practicable:

**149-1.11.1 The facility operator shall:**

149-1.11.1.1 Prior to inspection, provide a floor plan of the facility which identifies, at a minimum, all walls, the layout of operations, including storage, and the location of exits, signs, key components of emergency, security, growing and other lighting, fire extinguishers, mechanical rooms, key components of the ventilation system, including but not limited to intake and exhaust vents, key components of any filtration system, key components of the sprinkler system and sprinkler heads, including clearance heights, electrical panel, storage areas for hazardous materials, including but not limited to chemicals and gases, plumbing fixtures; and

149-1.11.1.2 Maintain a Material Safety Data Sheet for any chemicals it uses in its operation and described in its Operations Manual and Safety Plan, required in Chapter 280: Zoning, which shall be make available to the Inspection Team upon request.

149-1.11.1.3. Provide a flow chart of the operation that identifies and directs the Inspection Team first to the area of the site that is cleanest and most sensitive to contamination and proceed to progressively less clean and/or sensitive areas until the inspection is complete.

**149-1.11.2 The Inspection Team shall:**

149-1.11.2.1 Don disposable boot covers, gowns, gloves, and hairnets if provided by the facility operator.

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149-1.11.2.1 Provide the operator of the production facility a camera, heat-temperature gun, and a two (2)-way communication device. The facility operator will work with the Inspection Team, which will direct the facility operator to designated areas, to provide visual access and direct feedback to allow the inspection to take place without requiring the Inspection Team to enter areas of the facility that are sensitive to potential contamination.

149-1.11.3 If the Inspection Team observes violations, modifications of the facility which required a permit which was not obtained, or cannot satisfactorily conduct the inspection through remote observation then the Inspection Team may have to enter the facility to complete the inspection. If physical entry is required, the Inspection Team shall use the Protection from Contamination Protocols described in this chapter to minimize the likelihood of contamination.

**§ 149-1.129 Violations and penalties.**

[Amended 11-25-2008]

149-1.12.1 The City Council shall have the power to suspend or revoke licenses issued under this chapter. Any person who violates any provision of this ~~chapter~~article or ~~Article II of this chapter~~ or the terms of any license issued under this ~~chapter~~article may be penalized in the following manner:

149-1.12.1.1A- Temporary suspension. The ~~CityTown~~ Manager or the ~~CityTown~~ Council is authorized to immediately and temporarily suspend any license when the City Manager or City Council determines continued operation of the licensed premises or activity presents a danger to the health, safety or the general welfare of the public.

149-1.12.1.2B- Suspension or revocation. The ~~CityTown~~ Council may suspend or revoke a license in accordance with the provisions of this ~~chapter~~article.

149-1.12.1.3C- Fines. Any person violating the provisions of this ~~article~~ or ~~Article II of this chapter~~ shall be subject to a fine assessed by the ~~CityTown~~ Manager or Code Enforcement Department~~Officer~~ payable to the ~~CityTown~~ as follows:

149-1.12.1.3.1 First violation: \$500.

149-1.12.1.3.2 Second violation: \$750

149-1.12.1.3.3 Third violation: \$1,000.

149-1.12.2D Civil penalties. In addition to any fine imposed under this chapter~~Subsection C above~~, a violator shall be required to pay the penalties imposed in this ~~chapter~~Code or 30-A M.R.S.A. § 4452 et seq., as amended. In any such proceeding, the ~~CityTown~~ may seek a court order that the owner and/or operator of the licensed ~~facility~~activity abate any violations, pay a penalty between one-hundred dollars (\$100) and twenty-five-hundred dollars (\$2,500) per violation, per day, and pay the court costs and attorneys' and expert witness fees incurred by the CityTown.

**§ 149-1.1310 Suspension and revocation of licenses; retention of fees; hearings.**

[Added 11-23-2008]

July 13, 2016

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~~149-1.13.1A.~~ Any license issued by the ~~CityTown~~ may be suspended or revoked by the ~~CityTown~~ Council and any license fees may be retained by the ~~CityTown~~, upon a finding by the ~~City~~ Council that the licensee has violated the ordinances of the ~~CityTown~~ or the laws of the ~~state~~State, or has willfully or persistently failed to comply with any applicable rules and regulations or any order of the ~~CityTown~~ with respect to the licensed premises or activities. Any action to suspend or revoke a license may be commenced upon the initiative of the ~~City~~ Council, upon the recommendation of the ~~CityTown~~ Manager or any law enforcement officer or other ~~CityTown~~ official charged with approving, inspecting or otherwise regulating the licensee's business or ~~facility~~activity, or upon complaint from any resident of the ~~CityTown~~.

~~149-1.13.2B.~~ Prior to suspending or revoking a license, the ~~CityTown~~ Council shall hold a hearing at a regular meeting of the ~~City~~ Council or a special meeting thereof called for that purpose. At such a meeting, the licensee shall have the right to be heard. Notice of the hearing for suspension or revocation of a license shall be given in writing, setting forth grounds for the complaint and the time and place of the hearing. Such notice ~~shall~~may be mailed by the ~~CityTown~~ Clerk or other ~~CityTown~~ official, postage prepaid, to the licensee at his last known address, at least ~~forty-eight~~ (48) hours prior to the date set for hearing. The decision and order of the ~~CityTown~~ Council following such hearing shall be final and conclusive.

## **Article II: Mental Health and Abuse Clinics; Outpatient Addiction Treatment Clinics**

[Adopted 11-25-2008<sup>[1]</sup>]

*[1] Editor's Note: This ordinance was adopted as Ch. 153 but was renumbered to maintain the organization of the Code.*

### **§ 149-2.11 ~~Purpose and findings.~~**

~~149-2.1.1A.~~ The ~~CityTown~~ Council finds that an outpatient addiction treatment clinic can be a valuable component of our health-care system if operated by qualified and responsible operators and subject to reasonable regulations to assure effective operation. The ~~CityTown~~ Council also recognizes the importance of appropriately siting clinics in order to protect the public health, safety, and welfare. This requires restricting the proximity of clinics to schools, ~~child-care providers~~family day-care homes, ~~small day-care facilities, day-care centers~~, public parks and playgrounds, and other locations where children and young adults may frequent. It requires siting in locations accessible by public transportation, zoned to assure the compatibility of other ~~allowed~~permitted uses in the zone with and to such clinics, and selected to assure the personal safety and privacy of the patients and clients of such clinics. In addition, the ~~CityTown of Sanford~~ and private interests have devoted substantial resources and made significant efforts to attract retail and commercial development into the downtown sections of Sanford and the Village of Springvale, and location of a clinic in these areas may conflict with this development plan.

~~149-2.1.2B.~~ The ~~CityTown~~ Council finds that it is in the best interests of the ~~CityTown~~ to protect areas where efforts are currently being made to stimulate new business investment, and encourage focused and planned economic growth, which includes the areas identified above. The location of outpatient addiction treatment clinics in these areas could detract from these efforts without benefiting the patients and clients of such facilities. Proper locating ~~shall~~will also avoid adverse law enforcement impacts and the overburdening of police and rescue resources while at the same time protect the personal privacy, convenience, and interests of the patients and clients of such facilities. The ~~CityTown~~ Council finds that with the reasonable and necessary location restrictions listed herein and in the

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~~CityTown~~ 's Land Use Code, there remains sufficient suitable areas within the ~~CityTown~~ to site mental health and abuse centers, including outpatient addiction treatment clinics. Licensing of these facilities ~~shall~~will enhance community relations with the providers of such clinics, establish lines of communications with operators of the facilities, and provide for periodic review of and reasonable control over their operations. Licensing of these facilities is appropriate and consistent with the ~~CityTown~~'s policies and practices to review and license business activities that can have an adverse impact on its citizens. The licensing is not meant to conflict with the licensing done at the ~~state~~State level pursuant to 14-118 CMR Ch. 4, Regulations for Licensing/Certifying Substance Abuse Treatment Programs in the State of Maine, but to provide separate and additional requirements as necessitated by the above findings to protect the local interests of persons in Sanford, Maine.

~~149-2.1.3C. In addition~~Additionally, the ~~CityTown~~ Council has delegated to the Planning Board application of the land use development standards ~~of the Town's Code in Chapter 280 of the Town's Code: Zoning~~. Also the ~~CityTown~~ Council finds that using the North American Industry Classification System (NAICS) to identify the activity regulated hereunder is the fairest and most equitable method available and treats all similarly classified uses the same. ~~This method is already in use in the Airport Development Zone, and the Town anticipates using the identification system in future commercial and industrial uses.~~

#### § 149-2.212 Applicability.

~~149-2-2.1A.~~ This article shall apply to any outpatient addiction treatment clinic which is located or to be located within the ~~CityTown~~ of Sanford. Notwithstanding anything to the contrary in 1 M.R.S. §302, this article applies to any application relating to the establishment or operation of a mental health and abuse center or outpatient addiction treatment clinic, whether or not such application had become a "pending proceeding" as defined in 1 M.R.S. §302 prior to the enactment of this chapter.

~~149-2-2.2B. Allowed locations and setback requirements for an~~An outpatient addiction treatment clinic (NAICS No. 621420) is described in Chapter 280: Zoning~~a conditionally permitted use in the SB, IB<sub>2</sub> and IR Zones outside of 2,500 feet from any school and 1,000 feet from any Town of Sanford park.~~Additionally~~In addition~~, at the time of application, the applicant must demonstrate that it is not within one-thousand (1,000) feet of a child day-care, family day-care or other child-care provider.

#### § 149-2.313 Definitions.

For purposes of this article, the following definitions shall apply unless the content clearly implies otherwise:

**Child Day-care Provider** ~~For purposes of this chapter, this term is defined in Chapter 280: Zoning~~A building, structure or other place in which a person, or combination of persons, maintains or otherwise carries out a regular program, for consideration, for any part of the day providing protection and child care for more than 12 children under 13 years of age, who are unattended by parents or guardians for any part of the day, and which holds all necessary licenses and permits from the State of Maine and/or the Town of Sanford.

~~Family Day-Care Home~~ Child care for three to 12 children under 13 years of age (not related by blood or marriage to or legal wards of the operator, or foster children living in the private family residence (i.e.,

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~~dwelling unit) serving as the day-care home) who are unattended by parents or guardians for any part of the day. A family day-care home shall be operated by a person who is domiciled and a resident within the private family residence, and who is the holder of all necessary licenses and permits from the State of Maine and/or the Town of Sanford.~~

**Mental Health and Abuse Clinic** ~~(North American Industry Classification System No. 621420)~~ For purposes of this chapter, this term is defined in Chapter 280: Zoning.~~This industry comprises establishments with medical staff primarily engaged in providing outpatient services related to the diagnosis and treatment of mental health disorders and alcohol and other substance abuse. These establishments generally treat patients who do not require inpatient treatment. They may provide a counseling staff and information regarding a wide range of mental health and substance abuse issues and/or refer patients to more extensive treatment programs, if necessary.~~

**Outpatient Addiction Treatment Clinic** For purposes of this chapter, this term is defined in Chapter 280: Zoning.~~A program or facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering with addictions, including but not limited to gambling, alcohol or controlled substance addictions. This includes, but is not limited to, substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. An outpatient addiction treatment clinic does not include an inpatient or residential addiction treatment program, or a program consisting solely of support group activities without treatment by licensed health practitioners, such as Alcoholics Anonymous, Narcotics Anonymous, and similar programs (Also considered NAICS No. 621420.)~~

**Sanford Downtown Area** That area identified by the Sanford Downtown Legacy and shown on the map entitled "Sanford Downtown," as it may hereafter be amended, and it also includes the area identified by the Lafayette Circle, which includes all property within one-thousand-three-hundred-twenty (1,320) feet of the Lafayette School.

**School** A building, together with its contiguous accessory buildings and grounds and uses, for the education and learning of children. Uses within the meaning of this definition shall include, but are not limited to, private and public preschool, elementary, middle and high school.

**Springvale Village** That area defined in the study prepared by Kent Associates and referenced in the Springvale Design Guidelines in Chapter 280: Zoning, as it may be hereafter amended.

#### § 149-2.414 Licensing application requirements.

149-2.4.1A. ~~All applications for licenses under this article shall be filed in accordance with § 149-1.8, and in a form satisfactory to, the Sanford Town Clerk, together with such supporting documents and information as the Town Clerk may prescribe.~~

~~B. All applications for licensing under this category require the approval of the Town Council subject to the procedures outlined in this article and in Article I of Chapter 149.~~

149-2.4.3C. ~~Such application shall include, but is not limited to, the following:~~



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149-2.4.2.1 In addition to the information specified in § 149-1.8, an application for a mental health and abuse clinic or outpatient addiction treatment clinic shall provide:

~~149-2.4.2.1.1 Name, address, and contact information, including a phone number of the applicant and all other persons having a legal interest in the clinic and property and the individual(s) hired by the applicant to manage operation of the facility, if any. The application shall state the name, address, social security number, and contact information, including telephone number, of a person designated by the applicant as the responsible operator, and shall include the written consent of such person to a full background and reference check by the CityTown.~~

~~149-2.3.2 The location of the premises for which a license is sought by identification of Town Tax Map and lot number and street address.~~

~~149-2.3.3 The dimensions and acreage of the property.~~

~~149-2.4.4 A copy of a site plan, drawn to a scale of 50 feet or less to the inch, which contains the information listed in 280, Zoning, Article XVII, Site Plan Review, § 280-101, Procedures for major development, as amended.~~

~~149-2.4.2.1.25 A detailed description of the proposed outpatient addiction treatment clinic to include the following: population to be served, client services, methods of treatment, identification of controlled substances to be kept on site and how the applicant shallwill prevent their theft or misuse, staffing requirements, security provisions, hours of operation, anticipated parking demand, peak-hour traffic, and identification and copies of other required licenses.~~

~~6 Identification of any other approvals required the Town of Sanford, by any State agency or department, or of any federal agencies.~~

~~149-2.4.2.1.37 A nonrefundable application fee of five-hundred dollars (\$500), and an original and 15 copies of the license application and all supporting documentation.~~

§ 149-2.515 Administration. The application shall be administered under the provisions of § 149-1.9, except as noted below.

149-2.5.1A. CityTown Clerk review. When a license~~License applications for an~~ outpatient addiction treatment clinics ~~(NAICS No. 621420) is~~shall be filed with the CityTown Clerk, ~~and the Clerk shallwill~~ order a background check from the Police Department for the applicant, individuals with a legal interest in the facility, and any individual(s) hired to manage operation of the facility. The license application with the background check ~~shallwill~~ then be reviewed by the CityTown Clerk to determine if the application is complete. ~~If the application is not deemed complete, the license application will be returned to the applicant and considered to be denied. If the application is deemed to be complete for review by the Town Clerk, the applicant will be notified that the applicant should schedule a preapplication meeting with the Planning Director.~~

~~B. Planning Board review.~~ Upon receiving the application and notice from the applicant, the Planning Director ~~will review the application for completeness as a permitted or conditionally permitted major site plan under the provisions of Chapter 280, Zoning of the Town of Sanford Municipal Code. The~~

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~~Planning Director shall contact the applicant and schedule a preapplication meeting with the applicant. The application will be processed as a permitted or conditional use major site plan subject to any and all applicable sections of the Town of Sanford Municipal Code, Chapter 280, Zoning. After the Planning Board has reviewed the application, it will render its findings to the Town Manager, who will schedule the application for review by the Town Council subject to any guidelines from time to time established by the Council.~~

**149-2.5.2C. CityTown Council review.**

149-2.5.2.1 The ~~Town of Sanford CityTown~~ Council shall conduct two (2) public hearings on the application to allow adequate time for public comment and review.

~~2 The Sanford Town Council may impose conditions on the approval of any license application under this article the Council deems necessary to ensure compliance with the provisions of this article or any other provision of law. Such conditions may include, but are not limited to, the following:~~

~~a That the applicant provide documentation to the Town Clerk of the receipt of all approvals required by any federal or State agency or department pursuant to federal and/or State law prior to operations.~~

~~b That any landscaping, screening, or other requirements imposed by the Planning Board must be installed, completed and approved by the appropriate Town staff prior to the issuance of any license under this article.~~

~~c That all requirements imposed by any other regulatory body having jurisdiction must be installed, completed and approved prior to the issuance of any license under this article.~~

~~d The CityTown Council may require the applicant to construct or implement other measures when those measures are designed to improve the operations of the clinic or minimize the impact of the clinic on the surrounding neighborhood.~~

149-2.5.2.2.3e That the applicant ~~meets~~submit to semiannual meetings with the Chief of Police or other ~~state~~State or municipal official semiannually. The purpose of said meetings is to establish a good working relationship between the ~~CityTown~~ and the owner and operators of clinics and to provide for review of the operation of the clinic on a regular basis.

**§ 149-2.616 Nonconforming uses.**

Any mental health and abuse center or outpatient addiction treatment clinic in lawful existence on the effective date of this article may remain in operation in its present location without applying for or obtaining the license required hereunder until the later of December 31 of the calendar year in which this article is adopted or twelve (12) months following the effective date of this article. Thereafter, such clinics shall be required to comply with all the licensing provisions of this article. A clinic in lawful existence and operation on the effective date of this article may continue as sited and being operated on that date but shall be considered a lawful nonconforming use subject to all restrictions and regulations on nonconforming uses in this article and ~~the~~Chapter 280: Zoning and Land Use Code as from time to time amended.

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**~~§ 149-17 Violations and penalties.~~**

~~Any person who violates any provision of this article or the terms of any license issued under this article may be penalized as provided in § 149-9 of this Code.~~

**~~§ 149-18 Suspension and revocation of license; hearings.~~**

~~The Town Council shall have the power to suspend or revoke licenses issued under this article as provided in § 149-10 of this Code.~~

**Article III. Electronic Video Machines**

[Adopted 12-30-2008<sup>[1]</sup>]

*[1] Editor's Note: This ordinance was adopted as Ch. 154 but was renumbered to maintain the organization of the Code.]*

**§ 149-3.119 Purpose.**

The ~~CityTown~~ Council has determined that the regulation of electronic video machines promotes the health, safety, and welfare of Sanford's citizens by assuring that all electronic video machines in Sanford are licensed and operated in conformance with the laws of the State of Maine and of the ~~CityTown~~ of Sanford.

**§ 149-3.220 Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**Electronic Video Machine** A machine, however operated, which has a video screen featuring an electronically simulated game or games, and delivers or entitles the person playing or operating it to receive the privilege of playing the electronic video machine, but does not deliver or entitle the person playing or operating the electronic video machine to receive any cash, premiums, merchandise, tickets or something of value other than the privilege of playing the electronic video machine without charge.

**§ 149-3.321 License required.**

Establishments which operate electronic video machines must be licensed in accordance with ~~state~~State law and in accordance with ~~Article I of Chapter 149 of this Code~~this chapter.

**§ 149-3.422 Licensing information; affidavit.**

In addition to the requirements of § 149-3.321 and Article I of ~~Chapter 149 of this Code~~this chapter, each applicant must annually submit the following information with ~~an~~his or her application for licensing each electronic video machine:

~~A.~~ The following affidavit must be signed by each member of the governing board of the applicant and by the applicant's manager and shall be duly notarized.

"I \_\_\_\_\_ (Name) do declare under the penalties of false swearing, pursuant to 17-A M.R.S. § 452 (2008), and/or the revocation of any licenses granted pursuant to Chapter 149: Licensing of

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the Code of the ~~City~~Town of Sanford, Maine, that in my capacity as an officer or manager of the \_\_\_\_\_ (Name of Not-for-Profit) I am familiar with the laws, both ~~state~~State and local, which govern the operation of electronic video machines. I am unaware of any illegal activity, including but not limited to illegal gambling as defined in Title 17-A M.R.S. Part 2, Chapter 39, regarding our electronic video machines, and should I become aware of any illegal activity I will immediately notify the Maine State Police, Bureau of Non-Profit Gaming Licenses."

#### **§ 149-3.523 Posting of affidavit.**

All affidavits required by § 149-3.422 of this Code shall be posted in a prominent location within twenty-five (25) feet of the electronic video machines licensed under this article.

### **Article IV: Medical Marijuana Production Facilities**

#### **§ 149-4.1 Purpose and findings.**

149-4.1.1 The City Council finds that a medical marijuana production facility can be a valuable component of the City's health care system if operated by qualified and responsible operators and subject to reasonable regulations to assure effective operation. The City Council also recognizes the importance of appropriately siting medical marijuana production facilities in order to protect the public health, safety, and welfare, including but not limited to security and preventing the impacts of medical marijuana production from extending beyond the residential/commercial property line of the housing unit or suite of units in which the production activity is taking place.

149-4.1.2 The City Council finds that with the reasonable and necessary location restrictions and performance standards listed in the Chapter 280: Zoning, there remains sufficient suitable areas within the City to site medical marijuana production facilities. Licensing of these facilities shall provide for periodic review of and reasonable control over their practices to ensure that life safety concerns are addressed. Licensing is not intended to conflict with M.R.S. Title 22, Chapter 558-C, Maine Medical Use of Marijuana Act, or 10-144 CMR Chapter 122, Maine Medical Marijuana Administrative Rules, but provides separate and additional requirements as necessitated by the above findings to protect the interests of persons in the City.

149-4.1.3 In addition, the City Council has delegated to the Planning Board application of the land use development standards of Chapter 280: Zoning.

§ 149-4.2 Applicability. This article shall apply to all medical marijuana production facilities which are located or proposed to be located within the City. Notwithstanding anything to the contrary in 1 M.R.S. § 302, this article applies to any application relating to the establishment or operation of a medical marijuana production facility, whether or not such application had become a "pending proceeding" as defined in M.R.S. § 302 prior to the enactment of this article.

#### **§ 149-4.3 Definitions.**

For purposes of this article, the following terms, which are defined in this chapter or Chapter 280: Zoning, shall apply unless otherwise indicated:

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These Amendments to Chapter 149 were adopted by the Sanford City Council  
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## **Medical Marijuana**

### **Medical Marijuana Production Facility**

#### **Medical Marijuana Registered Primary Caregiver**

##### **§ 149-4.4 Licensing application requirements.**

149-4.4.1 All applications for licenses under this article shall be filed in accordance with §149-1.8.

149-4.4.2 In addition to the information specified in § 149-1.8, an application for a medical marijuana production facility shall provide:

149-4.4.2.1 Documentation of the registered caregiver(s) valid Maine state issued medical marijuana primary caregiver registry identification card(s).

149-4.4.2.2 Accurate vicinity map drawn to scale showing the location of any existing private or public school, child-care provider, playground and/or church within five (500) feet of the proposed medical marijuana production facility.

149-4.4.2.3 Location within the facility where a copy of the medical marijuana production facility's Operations Manual and Security Plan is stored.

149-4.4.2.4 For any new operation, certification, by a mechanical engineer or other qualified professional, registered in the State of Maine, of the adequacy of the proposed ventilation system to prevent odors from being detected beyond the boundaries of the property and specifications and/or capacity for which the system is designed.

§ 149-4.5 **Administration.** The application shall be administered under the provisions of § 149-1.9.

##### **§ 149-4.6 Pre-existing medical marijuana production facilities.**

Any medical marijuana production facility in lawful existence on the effective date of this article may remain in operation in its present location without applying for or obtaining a license required hereunder until December 31 of the calendar year in which this article is adopted or twelve (12) months following the effective date of this article, whichever is later. Thereafter, such facilities shall be required to comply with all the licensing provisions of this article. A medical marijuana production facility in lawful existence and operation on the effective date of this article may continue as sited and operated on that date if a licensing application is submitted in accordance with this article, until such time as the valid Maine state issued medical marijuana primary caregiver registry identification card or local licensing application is denied or revoked.

No person shall have any entitlement or vested right to licensing under this article. To lawfully engage in operating a medical marijuana production facility, all persons must obtain a license under these regulations.

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A pre-existing business operating under this article must cease operation within forty-five (45) days after the issuance of a denial letter or revised denial letter, as applicable.

**§ 149-4.7 Confidentiality for medical marijuana registered caregivers.**

An individual who possesses a valid Maine state issued medical marijuana primary caregiver registry identification card need not identify himself or herself in an application for a license for a medical marijuana production facility. The cardholder must identify himself or herself and provide the relevant cards to the City Clerk for examination, but the identity of the cardholder shall not be a public record and the City Clerk shall not share the identity of the cardholder, except as necessary by law in the performance of his or her duties. At the time of application the cardholder may appoint a representative to appear before the City Council on his or her behalf. Advertisements for public hearing shall contain the location of the proposed medical marijuana production facility and the identity of the owner of the real estate and the identity of the designated representative. The City Clerk may certify to the City Council that the applicant meets the necessary legal requirements as a cardholder(s).