COMMERCIAL CANNABIS ORDINANCE

For the Town of Georgetown, Maine

Adopted AUGUST 30, 2020

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### Section 1. Purpose

The purpose of this Ordinance is to provide for the regulation of commercial cannabis establishments as defined in this Ordinance and the laws and rules of the State of Maine. The Ordinance establishes the requirements for coming into compliance with the standards of the Town of Georgetown.

### Section 2. Authority

This Ordinance is adopted pursuant to and consistent with municipal home rule powers provided in Article VIII, Part 2, Section 1, of the Constitution of the State of Maine and 30-A MRSA § 3001, et seq. The Town reserves to the discretion of the Select Board and its designee(s) the right to interpret and act on the provisions of this Ordinance.

Unless otherwise provided herein, this Ordinance adheres to the terms of the Medical Use of Marijuana Act, M.R.S.A. Title 22-A, chapter 1, et seq., and the Marijuana Legalization Act, M.R.S.A. Title 28-B, Chapter 1, et seq., each as may be amended, as well as rules issued by the State of Maine pursuant to these statutes.

**Section 3. Availability**

A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public.

**Section 4. Severability**

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

**Section 5. Conflict with other Ordinances**

This Ordinance does not supersede the requirements of any other Georgetown ordinance. All other Town ordinances remain in full force and effect. Operations conducted in compliance with this Ordinance must meet the terms of all other applicable ordinances.

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation, or statute administered by the Town, the more restrictive provision, as determined by the Town, shall control.

**Section 6. License Administration**

A. License Required.No person shall commercially operate a cannabis establishment without first obtaining a license from the Town of Georgetown, in addition to an active license from the State of Maine. Cannabis establishments may not conduct business in the Town of Georgetown unless they simultaneously hold an active license issued by the State of Maine as well as an active license issued by the Town. A person who is issued a license under this Ordinance shall have a copy of the license posted in a visible place on site while the work authorized by the license is performed. Any license or permit required by this Ordinance shall be in addition to any other license or permit required by other law or ordinance.

B. Administering Agent.All approvals and denials of license applications must be communicated in writing or electronic writing by the Select Board through the Town Clerk, who is responsible for granting approvals or denials of all applications for licenses to operate cannabis establishments in the Town of Georgetown, as well as re-licensing pursuant to this Ordinance.

C. License Application.

(1) Every applicant for a license shall submit a written application, including a site plan, on a form provided by the Town, to the Select Board through the Town Clerk. Town officers and officials may require the submission of additional information necessary to determine conformance with the provisions of this Ordinance. The applicant shall have the burden of demonstrating that the proposed land-use activity is in conformity with the purposes and provisions of this Ordinance.

(2) All applications for licenses shall be signed by an owner or individual who can show evidence of right, title, or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for the license, certifying that the information in the application is complete and correct.

(3) All applications for licenses shall be signed by an owner or individual who can show evidence of existing state licensure by the Office of Marijuana Policy.

(4) All applications shall be dated, and the Town Clerk shall note upon each application the date of its receipt.

(5) Applications shall be submitted along with the following applicable fee(s):

* Initial application fee: $250.00
* Annual License fee:
  + Cultivation (tiers in accordance with state law)
    - Nursery - $150.00
    - Tier 1 - $250.00
    - Tier 2 - $750.00
    - Tier 3 - $2,000.00
    - Tier 4 - $4,000.00
  + Manufacturing
    - Utilizing substances **not** categorized under Maine law as “inherently hazardous” - $250.00
    - Utilizing substances categorized under Maine law as “inherently hazardous” - $750.00
  + Testing - $500.00

D. License Approval or Denial.Within 30 days of the date of receiving a written application, the Town Clerk shall notify the applicant in writing either that the application is complete or, if the application is incomplete, that specified additional material is needed to make it complete. The Select Board shall approve or deny all license applications in writing within 30 days of receiving completed applications.

After receipt of a completed application, the Select Board shall approve an application if the Code Enforcement Officer determines based on the information presented that the proposed use:

1. Is not likely to result in water pollution, erosion, or sedimentation to surface waters;
2. May adequately provide for the disposal of all wastewater;
3. Is not likely to have an adverse impact on spawning grounds, fish, aquatic life, or bird or other wildlife habitat;
4. Is likely to conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
5. Is not likely to adversely affect archaeological and historic resources as designated in the comprehensive plan;
6. Is not likely to adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities District;
7. Is not likely to adversely affect known rare or endangered species on the site;
8. Is not likely to exacerbate floodplain development issues;
9. Is in conformance with the provisions of this Ordinance and other Georgetown ordinances;

(10) The applicant has acquired all necessary state and local approvals prior to the

issuance of the license;

(11) The applicant has not had a license for a cannabis establishment revoked by the

Town or State;

(12) The applicant has not been convicted of a criminal violation arising out of operation

of a cannabis establishment;

(13) The applicant has not provided false or misleading information in connection with

the license application.

Licenses shall not be denied if the proposed use is found to be in conformance with the provisions of applicable Town Ordinances, although licenses may be made subject to reasonable conditions to assure conformity with the purposes and provisions of this Ordinance and other applicable Town Ordinances and State laws.

No approval shall be granted for an application if the establishment would violate any other local ordinance, regulation, or statute administered by the Town. If a license is denied, the reason(s) for denial shall be stated in writing.

E. Expiration of License and Renewal. Licenses shall expire one year from the date of issuance. After expiration, a request for a renewed license will be considered. Applications for the renewal of any cannabis establishment license are subject to the same requirements applying to any new initial licensing applications at the time of renewal application.

**Section 7. License Scope; Public Information; Non-conforming practices**

A. Scope of License. Licensees are only authorized to undertake activities permitted under the terms of the active license(s) they hold; no persons may conduct any activity for which they have not received all the requisite licenses and/or permits required by the State of Maine and Town of Georgetown.

B. Information Public. Information submitted to the Town for licensing purposes and Town documentation related to licenses is subject to the Maine Freedom of Access Act and may be made public.

C. Non-conforming Practices. Cannabis establishments are required to comply with the terms of licensure. Should this Ordinance be amended in a manner that changes the terms of licensure; (1) applicants for re-licensure must comply with all applicable new Ordinance terms and are not automatically considered to be “grandfathered” in a manner that would allow them to continue a practice upon re-licensure that is no longer in conformance with the amended Ordinance, and (2) license holders are authorized to continue until their existing license term expires any previously conforming practices which as a result of an ordinance amendment have become non-conforming.

**Section 8.** **Additional License Terms and Conditions**

In order to obtain a license pursuant to this ordinance, the licensee shall demonstrate to all reviewing officials that the following requirements will be met to the extent applicable. The licensee shall comply with all these requirements during the term of the license.

A. Agricultural Requirements.

1. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the former Maine Department of Agriculture on 1 November 2001, and the Nutrient Management Law (7 MRSA §§ 4201-4209).
2. Manure shall not be stored or stockpiled within 75 feet, horizontal distance, of water bodies, tributary streams, or wetlands. All manure storage areas within the Shoreland Zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
3. Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area within the Shoreland Zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of the plan shall be considered a violation of this Ordinance.
4. There shall be no new tilling of soil within 75 feet, horizontal distance, from water bodies and coastal wetlands, nor within 25 feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this Ordinance and not in conformance with this provision may be maintained.

B. Water Quality. No activity shall deposit on or into the ground or discharge to the waters

of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream, or wetland.

C. Storm-Water Runoff. All new construction and development shall be designed to

minimize storm-water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces, and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of storm waters.

D. Erosion and Sedimentation Control.

1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a license shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the Code Enforcement Officer for approval and shall include, where applicable, provisions for:

(a) Mulching and re-vegetation of disturbed soil.

(b) Temporary runoff control features such as hay bales, silt fencing, or diversion ditches.

(c) Permanent stabilization structures such as retaining walls or rip-rap.

1. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
2. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
3. Any exposed ground area shall be temporarily or permanently stabilized within one week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases, permanent stabilization shall occur within nine months of the initial date of exposure. In addition:

(a) Where mulch is used, it shall be applied at a rate of at least one bale per 500 square feet and shall be maintained until a catch of vegetation is established.

(b) Anchoring the mulch with netting, peg and twine, or other suitable method may be required to maintain the mulch cover.

(c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

1. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a 25-year storm or greater, and shall be stabilized with vegetation or lined with riprap.

E. Soils. All land uses shall be located on soils in or upon which the proposed uses or

structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and prepared by State-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists, and other persons who have training and experience in recognizing and evaluating soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, and presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

1. Septic Waste Disposal. All subsurface waste-disposal systems shall be installed in

conformance with the State of Maine Subsurface Wastewater Disposal Rules and Georgetown ordinances.

1. Pesticides. The application of pesticides must be in compliance with the Best

Management Practices approved by the Commissioner of Agriculture, Conservation, and Forestry.

1. Archaeological Sites. Any proposed land use activity involving structural development or

soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National

Register of Historic Places, as determined by the Planning Board, shall be submitted by

the applicant to the Maine Historic Preservation Commission for review and comment at

least 20 days prior to action being taken by the Planning Board. The Board shall consider

comments received from the Commission prior to rendering a decision on the application.

1. Criminal History. Licensees are subject to the State of Maine criminal background

compliance requirements established in Title 28-B M.R.S.A., section 202(2) and enforced

through state licensure.

1. School Setback. In compliance with Federal law, commercial cannabis establishments

shall not be operated on property located within 1,000 feet of the property line of the

Georgetown Central School.

**Section 9. Enforcement.**

A. Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance.

B. Code Enforcement Officer Authority. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance.

1. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the Town officers and be maintained as a permanent record.
2. The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to license approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance. Notice is not required for on-site inspections conducted during the establishment’s normal hours of operation. Notice is required for on-site inspections conducted outside of the establishment’s normal hours of operation.

C. Records. The Code Enforcement Officer shall keep a complete record of all essential

transactions of the office related to licenses administered under this Ordinance, including applications submitted, licenses granted or denied, revocation actions, revocation of licenses, appeals, court actions, violations investigated, violations found, and fees collected.

D. Legal Actions. When the action above does not result in the correction or abatement of

the violation or nuisance condition, the Selectmen, upon notice from the Code

Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town. The Selectmen or their authorized agent are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized Town official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

E. Fines. Any person including but not limited to a landowner, a landowner's agent, or a

contractor, who violates any provision or requirement of this Ordinance shall be subject to a fine assessed by the Selectmen of not less than $50 or more than $500 for each violation, as well as the cost of cleanup. Any person assessed a penalty under this Ordinance may appeal to the Board of Appeals. Any person found guilty of a violation under this Ordinance shall be liable for the legal costs of the Town, as well as the cost of remediation.

**Section 10. Appeals.**

A. Powers and Duties of the Board of Appeals. The Board of Appeals shall have the

following powers:

1. Administrative Appeals. To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where an aggrieved party alleges that there is an error in order, requirement, decision, or determination made by, or failure to act by, the Select Board in its review of and action on a license application under this Ordinance. Any order, requirement, decision, or determination made, or failure to act, in the enforcement of this Ordinance is not appealable to the Board of Appeals.
2. Administrative Appeals Process. The Board of Appeals may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Code Enforcement Officer in the administration of this Ordinance and from determinations of the Select Board in its review of action on a license application under this Ordinance. Such hearings shall be held in accordance with State laws. Following such hearing, the Board of Appeals may reverse the decision of the Code Enforcement Officer or Select Board only upon a finding that the decision is clearly contrary to specific provisions of this Ordinance.
3. Appeal Procedure.

(a) Making an Appeal

(i) An administrative appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer, under this Ordinance, except for enforcement-related matters, and from a decision of the Select Board to approve or deny an application under this Ordinance. Such an appeal shall be taken within 30 days of the date of the official, written decision appealed from, except that the Board of Appeals, upon a showing of good cause, such as an extraordinary health or other serious situation, may waive the 30-day requirement. Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which meets the requirements of the Board of Appeals Ordinance.

(ii) Upon receiving an application for an administrative appeal, the Code Enforcement Officer or Select Board shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

(iv) The Board of Appeals shall hold a public hearing on an administrative appeal within 35 days of its receipt of a complete written application, unless this time period is extended by the parties.

(v) Hearings by the Board of Appeals shall be held and conducted in such a manner as to provide to every party the opportunity to present his or her case or defense by oral or documentary testimony, to submit rebuttal testimony, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(b) Decision by Board of Appeals.

(i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

(ii) The person filing the appeal shall have the burden of proof.

(iii) The Board shall decide all administrative appeals within 35 days after the close of the hearing, and shall issue a written decision on all appeals.

(iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant within seven days of its decision. Copies of written decisions of the Board of Appeals shall be given to the Code Enforcement Officer, and the Select Board.

(v) When a decision by the Select Board is reversed, the Board of Appeals shall return the matter to the Select Board for issuance or denial of the license, and may direct that the Select Board attach such conditions as are deemed necessary or proper to carry out the purposes of the Ordinance or as may be otherwise necessary to protect and preserve the public’s health, safety and general welfare.

B. Appeal to Superior Court. Except as provided by 30-A MRSA § 2691.3.F, any aggrieved

party who participated as a party during the proceedings before the Board of Appeals

may take an appeal to Superior Court in accordance with State laws within 45 days from

the date of any decision of the Board of Appeals.

C. Reconsideration. In accordance with 30-A MRSA § 2691.3.F, the Board of Appeals may

reconsider any decision within 45 days of its prior decision. A request to the Board to

reconsider a decision must be filed within 10 days of the decision that is being

reconsidered. A vote to reconsider and action taken on that reconsideration must occur

and be completed within 45 days of the date of the vote on the original decision.

Reconsideration of a decision shall require a positive vote of the majority of the Board

members originally voting on the decision, and proper notification to the landowner,

petitioner, Code Enforcement Officer, Select Board and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony. Appeal of a reconsidered decision to Superior Court must be made within 15 days after the decision on reconsideration.

**Section 11. Medical and Personal Use.** This Ordinance shall not be more restrictive than the laws and regulations of the State of Maine with respect to the personal use of cannabis for adult use purposes by persons at or over 21 years of age, or the medical use of cannabis by qualifying patients.

1. Medical use. The medical use by qualifying patients authorized pursuant to this Ordinance is defined at the time of adoption in [Title 22, section 2423-A](http://legislature.maine.gov/legis/statutes/22/title22sec2423-A.html) of the Maine Revised Statutes.
2. Personal use. The personal use for non-medical purposes authorized pursuant to this Ordinance is defined at the time of adoption in [Title 28-B, Chapter 3](http://legislature.maine.gov/legis/statutes/28-B/title28-Bch3sec0.html) of the Maine Revised Statutes.

**Section 12. Definitions**

Unless otherwise defined in this Ordinance, the terms referred to in this Ordinance shall have the same meaning as is provided by the definitions under the laws and rules of the State of Maine, including but not limited to the definitions contained in the Maine Medical use of Marijuana Act (22 M.R.S. §2422), Maine Marijuana Legalization Act (28-B M.R.S. §102), Adult Use Marijuana Program Rules (18-691 C.M.R. ch. 1), the Maine Medical use of Marijuana Program Rule (18-691 C.M.R. ch. 2), Marijuana Manufacturing Facilities Rule (18-691 C.M.R. ch. 4), and Rules for the Certification of Marijuana Testing Facilities (18-691 C.M.R. ch. 5).

Cannabis: As used in this Ordinance, “Cannabis” has the same meaning as “Marijuana” in state law. “Cannabis” means the leaves, stems, flowers and seeds of a cannabis plant, whether growing or not. “Cannabis” includes cannabis concentrate but does not include hemp as defined in 7 M.R.S. §2231, or a cannabis product.

Cannabis concentrate: "Cannabis concentrate" means the resin extracted from any part of a cannabis plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish. In determining the weight of cannabis concentrate in a cannabis product, the weight of any other ingredient combined with cannabis or cannabis concentrate to prepare the cannabis product may not be included.

Cannabis drink: “Cannabis drink” means a liquid edible cannabis product with a concentration of less than 1 mg of THC per ounce of liquid

Cannabis establishment: “Cannabis establishment” means a commercial cultivation facility, products manufacturing facility, or testing facility licensed under Maine law and rule and this Ordinance.

Cannabis extraction: "Cannabis extraction" means the process of extracting cannabis concentrate from cannabis using water, lipids, gases, solvents or other chemicals or chemical processes.

Cannabis flower: "Cannabis flower" means the pistillate reproductive organs of a mature cannabis plant, whether processed or unprocessed, including the flowers and buds of the plant. "Cannabis flower" does not include cannabis trim or whole mature cannabis plants.

Cannabis plant: “Cannabis plant” means all species of the plant genus cannabis, including, but not limited to, a mother plant, a mature cannabis plant, an immature cannabis plant or a seedling but it does not include a cannabis product or “hemp” as defined in 7 MRS § 2231.

Cannabis products: “Cannabis products” means a product composed of cannabis or cannabis concentrate and other ingredients that is intended for use or consumption. “Cannabis product” includes, but is not limited to, an edible cannabis product, a cannabis ointment and a cannabis tincture. “Cannabis product” does not include cannabis concentrate.

Cannabis Testing Facility or Testing Facility: “Cannabis Testing Facility” or “Testing Facility” means an entity licensed according to 28-B MRS §503, including those also registered as cannabis testing facilities in accordance with 22 MRS §2423-A, to test cannabis, cannabis products and other substances for research and development and to analyze contaminants in and the potency and cannabinoid profile of samples in an approved location.

Cannabis trim: “Cannabis trim” means any part of a cannabis plant, whether processed or unprocessed, that is not cannabis flower or a cannabis seed.

Cannabis waste: “Cannabis waste” means cannabis, cannabis plants or cannabis products that are unfit for retail sale for reasons including, without limitation, failed mandatory testing, expired products or crop failure.

Caregiver: “Caregiver” means a person or an assistant of that person that provides care for a qualifying patient in accordance with section 2423-A, subsection 2. (See also “Registered caregiver” definition).

Cultivation: “Cultivation” or “cultivate” means the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of cannabis for use or sale. "Cultivation" or "cultivate" **does not include** manufacturing, testing or cannabis extraction.

Cultivation facility: "Cultivation facility" means a facility licensed under this Ordinance to purchase cannabis plants and seeds from other cultivation facilities; to cultivate, prepare and package cannabis; to sell cannabis to products manufacturing facilities, to cannabis stores and to other cultivation facilities; and to sell cannabis plants and seeds to other cultivation facilities and immature cannabis plants and seedlings to cannabis stores. A cultivation facility includes a nursery cultivation facility. Licensees that cultivate cannabis in a nursery cultivation facility may sell an unlimited number of cannabis seeds and a sum total of 12 seedlings and immature plants to a consumer 21 years of age or older.

Edible cannabis product: "Edible cannabis product" means a cannabis product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing cannabis or cannabis concentrate.

Inherently hazardous substance: “Inherently hazardous substance” means a liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash point at or lower than 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. “Inherently hazardous substance” does not include any form of alcohol or ethanol.

License: A duly authorized document duly issued by the State of Maine or Town of Georgetown officially authorizing an applicant to operate a commercial cannabis establishment.

Local authorization: “Local authorization” means authorization from The Town of Georgetown in accordance with State of Maine law (including but not limited to 28-B M.R.S. §402).

Manufacture: “Manufacture” or “manufacturing” means the production, blending, infusing, compounding or other preparation of cannabis and cannabis products, including but not limited to cannabis extraction or preparation by means of chemical synthesis. "Manufacture" or "manufacturing" does not include cultivation or testing.

Marijuana: For the purposes of this Ordinance, “Marijuana” has the same meaning as “Cannabis” as defined in this Ordinance.

Plant canopy: “Plant canopy” means the total surface area within the licensed premises of a cultivation facility that is authorized by the State of Maine and Town of Georgetown for use at any time by the cultivation facility licensee to cultivate mature cannabis plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used by the cultivation facility licensee, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the licensed premises of cultivation facility that are used by the licensee to cultivate immature cannabis plants and seedlings and that are not used by the licensee at any time to cultivate mature cannabis plants.

Premises: “Premises” held under the control of the applicant or licensee means the designated area within a structure or structures and land specified in a license application that is owned, leased or otherwise related to the cultivation, manufacture, or testing of cannabis and cannabis products occurs. The premises must be a contiguous area and may be occupied only by one establishment, unless otherwise permitted by Maine law or rule or this Ordinance, except that nothing in this definition may be construed to prohibit the siting of multiple cannabis establishments in the same building or property so long as each establishment operates in a physically distinct space from any other establishment.

Qualifying patient: “Qualifying patient” means a person who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of marijuana in accordance with the laws of the State of Maine, including but not limited to Title 22, section 2423-B.

Registered caregiver: “Registered caregiver” means a caregiver who is registered by the State of Maine in accordance with the laws of the State of Maine, including but not limited to Title 22, section 2425-A.

Sale: "Sale" or "sell" means a transfer of cannabis or cannabis products for consideration.

Testing: "Testing" or "test" means the research and analysis of cannabis, cannabis products or other substances for contaminants, safety or potency. "Testing" or "test" does not include cultivation or manufacturing.

Testing facility: "Testing facility" means a facility licensed under this Ordinance to develop, research and test cannabis, cannabis products and other substances.

Tier: Licensing “tiers” in this Ordinance shall be in accordance with state law.

Town: When used herein, “Town” means the Georgetown Select Board or its designee(s).