

PROPOSED REGULATIONS FOR MARIJUANA FACILITIES

Purpose:

To protect the health, safety, and welfare of the community. Except as allowed by law for personal, private use, the Town enacts reasonable regulations and requires compliance with zoning laws for the retail sale, cultivation and manufacturing of marijuana or marijuana products in a marijuana establishment and the cultivation, processing, and manufacturing of marijuana in a primary residence.

Allowable Locations for Medical Marijuana Dispensaries and Marijuana Establishments:

- Must be in a BC or C-2 zoning district.
- Shall not be located within 1000 feet from any preschool, kindergarten or other school or educational facility that caters to children, childcare facility, places of worship, public community center, public park, or a building with the same type of use.
- Shall not be more than two marijuana establishments and/or dispensaries operating within the Town.
- Retail sale of marijuana and marijuana products is authorized, in accordance with all applicable zoning regulations and is taxable to the end user under the retail classification of the transaction privilege tax.
- Shall be located in a permanent building with an established foundation.
- Shall be a maximum of 4900 gross square feet. May be expanded with a Conditional Use Permit.
- Operation of a marijuana testing facility is prohibited in the Town.

Allowable Locations for Medical Marijuana Offsite Cultivation and/or Infusion Sites:

- Must be in a C-2 or C-3 zoning district.
- Shall not be located within 1000 feet from any preschool, kindergarten or other school or educational facility that caters to children, childcare facility, places of worship, public community center, public park, a building with the same type of use, or a residential zoned property.
- Shall be located in an enclosed locked building.

Operational Requirements:

- Shall not sell marijuana or marijuana products to consumers, except as permitted by State Law.
- Marijuana shall not be consumed on the premises.
- Shall have operating hours no earlier than 10 am or later than 6 pm.
- During hours of darkness, building, property, adjacent right-of-way and parking lot shall be illuminated.
- “No Loitering” sign shall be posted on the front exterior of premises.
- Drive-thru services and offsite deliveries is prohibited.
- Shall provide for proper disposal of marijuana remnants or by-products.
- Shall not emit dust, fumes, vapors or odors into the environment and ensure proper ventilation and air filtration.
- Shall not display or keep marijuana or marijuana products that are visible from outside of premises.
- Shall comply with applicable laws to safely and securely engage in the extraction process.
- Medical marijuana cultivation site or infusion facility shall only be accessible to registered nonprofit medical marijuana dispensary agents associated in the registry with a nonprofit medical marijuana dispensary.

Enforcement and Penalties:

- Business license may be revoked by the Town for violation of any provision of these regulations or requirements or if the State permit is revoked. The permittee shall have the right to appeal the revocation of the business license to the Town Board of Adjustments.
- Violations are in addition to any other violation enumerated within the Town ordinances or Municipal Code or federal or state law.
- Violations may be criminal or civil. First offense is civil with \$100 fine; Second offense is civil with \$300 fine; Third and subsequent offenses are criminal class 1 misdemeanor.
- Citations for civil and criminal violations may be filed in Magistrate Court by the Police Dept or Town Attorney.