

**TOWN OF CAPE ELIZABETH ORDINANCE PROHIBITING RETAIL MARIJUANA
ESTABLISHMENTS AND RETAIL MARIJUANA SOCIAL CLUBS**

Section 1. Authority.

This Ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001.

Section 2. Definitions.

For purposes of this Ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442.

Section 3. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs.

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in the Town of Cape Elizabeth, whether as a principal use, accessory use, or otherwise.

No person or organization shall develop or operate a business in the Town of Cape Elizabeth that engages in retail or wholesale sales of a retail marijuana product, as defined by 7 M.R.S.A. § 2442.

Nothing in this Ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C.

Section 4. Effective date; duration.

This Ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 5. Penalties.

This Ordinance shall be enforced by the municipal officers of the Town of Cape Elizabeth or their designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.

Section 6. Relationship with Other Ordinances. Whenever a provision of this Ordinance is inconsistent with another provision of any other ordinance of the Town of Cape Elizabeth, regulation, or statute, the more restrictive provision shall control.

Section 7. Validity and Severability. Should any section or provision of this Ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision of this Ordinance.