

LEWISTON CITY COUNCIL

WORKSHOP AGENDA

Tuesday, September 10, 2019

City Council Chambers

6:00 pm Workshop

Pledge of Allegiance to the Flag.

WORK SESSION

1. Tree Street Banners – 10 minutes
2. No Smoking in City Parks – 10 minutes
3. Nursery Schools in Residential Zones – 10 minutes
4. Review of Draft Marijuana Ordinance – 30 minutes
5. Review of Draft Rental Registration Ordinance – 20 minutes

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, September 10, 2019
6:00 PM

1. Tree Street Banners – 10 minutes

The City has been approached by representatives of Community Credit Union regarding the installation of banners in the street tree neighborhood similar to those we have in areas of the downtown. The banners would be purchased and installed at no cost to the City, but City approval is required. An example of such a banner is attached. We would like to review this request with you.

2. No Smoking in City Parks – 10 minutes

The Council recently held a workshop at which extending the no smoking prohibition to Dufresne Plaza was discussed. At that time, the Council indicated a desire to designate all city parks and recreational facilities no smoking areas. A revised ordinance to that effect is attached. Recently, the City Council also adopted a fine schedule for violating the no smoking restriction on certain public ways adjacent to St. Mary's Hospital. That fine schedule differs from the current fine schedule for violating the smoking restrictions in certain parks. We are suggesting that the two fine schedules be the same and wish to review the proposed ordinance and fine schedule with you prior to introducing them for first reading.

3. Nursery Schools in Residential Zones – 10 minutes

The City Council recently approved a land use ordinance change that permits nursery schools as a conditional use in the Neighborhood Conservation A district if the property in question is at least one acre in size. At that time, the Council asked the Planning Board to consider whether such a use should be allowed in a number of other residential districts. The Planning Board subsequently discussed this and voted 3-2 to recommend expanding this use; however, 4 votes are required for a positive recommendation. The effect of this vote, then, is to not support the expansion. We would like to discuss this with the Council and determine how to proceed.

4. Review of Draft Marijuana Ordinance – 30 Minutes

Staff has continued to develop a draft ordinance regulate marijuana businesses in Lewiston. In addition, the Planning Board recently recommended adoption of land use ordinance changes that would recognize this use category. At this point, we believe we are close to having a draft that could be introduced for first reading and a public hearing. We would like to review the draft with you and identify any outstanding issues that require direction from the Council.

5. Review of Draft Rental Registration Ordinance – 20 Minutes

Attached please find a draft of a rental registration ordinance. We would like to review this ordinance with you prior to introducing it for first reading and an initial public hearing.



Welcome
TO OUR TREE STREET
NEIGHBORHOOD

Chapter 54

PARKS AND RECREATION*

- Sec. 54-7. Unlawful to be in the following city parks and school grounds during certain hours; exception.
- Sec. 54-8. Public drinking of alcoholic beverages prohibited.
- Sec. 54-10. Smoking on athletic fields during certain times and on city playgrounds and in certain parks prohibited.

Sec. 54-7. Unlawful to be in the following city parks and school grounds during certain hours; exception.

It shall be unlawful for any person to be or remain in Farwell School grounds, Franklin Pasture Athletic Complex, ~~Gaslight Park~~, Geiger School grounds, Judge Armand A. Dufresne, Jr. Plaza, Knox Street Park, Leeds Park, Lewiston Athletic Park, Lincoln Street Boat Launch and Park, Lionel Potvin Park, Longley School grounds, Jude's Place at Marcotte Park, Mark W. Paradis Park, Martel School grounds, Mayher Park, McMahon School grounds, Montello School grounds, Pettingill School Park, Randall Road Softball Complex, Raymond Park, Ricker Park, Simard-Payne Police Memorial Park, Smiley Park, ~~St. Mary's playground (Oxford Street)~~, Sunnyside Park and Veterans Memorial Park in the city between the hours of 9:00 p.m. and 5:00 a.m., unless such person is in lawful employment, participating in a program or activity sponsored or authorized by the city.

(Code 1982, § 20-7; Ord. No. 94-11, 10-6-94; Ord. No. 01-8, 7-5-01; Ord. No. 01-16, 10-18-01; Ord. No. 09-03, 7-02-09; Ord. No. 13-02a, 3-21-13; Ord. No. 15-05, 7-2-15; Ord. No. 15-11, 11-05-15; Ord. No. 18-05, 8-09-18)

Sec. 54-8. Public drinking of alcoholic beverages prohibited.

(a) *Definitions.* As used in this section, the following terms have the following meanings:

Liquor means and includes any alcoholic, spirituous, vinous, fermented or other alcoholic beverage or combination of liquors and mixed liquors, intended for human consumption, which contains more than one-half of one percent of alcohol by volume.

Open container means not having a cap, stopper or other cover in place.

Public park, playground or recreational facility means any of the following city-owned or operated public fields, parks, playgrounds and recreational facilities:

- Child's Park;
- Couture Park;
- Farwell School grounds;
- Franklin Pasture Athletic Complex;
- ~~Gaslight Park;~~
- Geiger School grounds;

PARKS AND RECREATION

~~Holy Family athletic field;~~

Judge Armand A. Dufresne, Jr. Plaza;

Kennedy Park;

Knox Street Park;

Leeds Park;

Lewiston Athletic Park;

Lewiston Memorial Armory;

Lincoln Street Boat Launch and Park;

Lionel Potvin Park;

Longley School grounds;

~~Jude's Place at~~ Marcotte Park;

Mark W. Paradis Park;

Martel School grounds;

Mayer Park;

McMahon School grounds;

Montello School grounds;

Pettingill School Park;

Randall Road Softball Complex;

Raymond Park;

Ricker Park;

Riverside Greenway;

Simard-Payne Police Memorial Park;

Smiley Park;

~~St. Mary's playground (Oxford Street);~~

Sunnyside Park;

Veterans Memorial Park.

- (b) *Penalty.* A person is guilty of public drinking if he drinks liquor while at any public park or playground, unless at specific events authorized by the city council.
- (c) *Evidence.* The possession of an open container of liquor at a public park or playground is prima facie evidence of a violation of this section.

(Code 1982, § 20-8; Ord. No. 94-11, 10-6-94; Ord. No. 01-8, 7-5-01; Ord. No. 01-16, 10-18-01; Ord. No. 09-01, 3-19-09; Ord. No. 13-02a, 3-21-13; Ord. No. 15-04, 6-4-15; Ord. No. 15-05, 7-2-15)

PARKS AND RECREATION

Sec. 54-10. Smoking in public parks, playgrounds or recreational facilities~~on athletic fields during certain times, on city playgrounds and in certain parks~~ prohibited.

Smoking and all other use of tobacco products, including vaping and e-cigarette use, will not be permitted on city-owned public parks, playgrounds or recreational facilities, athletic fields for the period commencing one half hour prior to and for the duration of any city or school department scheduled or sanctioned activity or event.

~~Smoking and all other use of tobacco products in Mark W. Paradis Park, Pettingill School Park and all city-owned playground areas, to include playgrounds, aquatic areas, skateparks and basketball courts as outlined in Section 14-47 (e) is prohibited.~~

(Ord. No. 09-03, 7-02-09; Ord. No. 15-05, 7-2-15)

Sec. 54-11. Penalties

~~A violation of section 54-10 shall be subject to minimum fines as established by a policy adopted by the City Council. A person who violates a section of this chapter (except section 54-9) is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a civil penalty of not less than \$25.00 and not more than \$100.00. First time violators may have the penalty waived upon proof of receipt of tobacco education materials. The effective date of this section shall be June 2, 2010.~~

(Ord. No. 09-03, 7-02-09)



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Lewiston Planning Board

FROM: Douglas Greene, AICP, RLA; Deputy Director/City Planner

DATE: August 12, 2019

RE: Nursery School Text Amendment

The Planning Board held a public hearing and made a recommendation to the City Council at their June 10th meeting for a Nursery School text amendment. Subsequently, on July 16, 2019, the City Council approved the text amendment that defines Nursery Schools and allows them as a conditional use in the Neighborhood Conservation "A" (NCA) district subject to conditions contained in the definition. This text amendment also moved Nursery Schools out of the *Academic Institution* Land Use Category and aligns it more closely with Child Care Facilities in the Land Use Chart found in Article XI, Section 22 Land Use Requirements.

At the same July 16th meeting, the City Council also approved a motion instructing the Planning Staff to draft a text amendment for Nursery Schools that would include Low Density Residential (LDR), Medium Density Residential (MDR) and Suburban Residential (SR) districts to the definition of Nursery Schools along with the same conditions that apply to the Neighborhood Conservation "A" (NCA) district uses. Also part of this text amendment would be to remove a special note (22) in the Land Use Chart for the LDR, MDR and SR that require a Nursery School to be "*Accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile home parks*". This change is found in the attached Land Use Chart.

The Staff supports this text amendment as it will allow Nursery Schools, in residential zones with low density, subject to the same conditions that apply to the NCA district.

Action Required: Make a motion pursuant to Article VII (Planning Board- Powers and Duties), Section 4 and Article XVII (Amendment and Other Legal Provisions), Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council for a text amendment to Article II, Definitions, to include Low Density Residential (LDR), Medium Density Residential (MDR) and Suburban Residential (SR) districts to the definition of Nursery Schools and to Article XI, District Regulations, Section 22, Land Use Table to remove note (22) from the same zoning districts for the Nursery School land use category.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor and City Council

FROM: Douglas Greene, AICP, City Planner

DATE: September 17, 2019

RE: Planning Board Recommendation: Text Amendment for Nursery Schools in 3 Low Density Residential Districts

The Planning Board took the following action at their meeting held on August 12, 2019:

MOTION: by Norman Ancil, pursuant to Article VII (Planning Board- Powers and Duties), Section 4 and Article XVII (Amendment and Other Legal Provisions), Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council for a text amendment to Article II, Definitions, to include Low Density Residential (LDR), Medium Density Residential (MDR) and Suburban Residential (SR) districts in the definition of Nursery Schools and to Article XI, District Regulations, Section 22, Land Use Table by removing note (22) from the same zoning districts for the Nursery School land use category. Second by Kristine Kittridge.

VOTED: 3-2 in favor (Motion Failed Due to Lack of Majority Votes) In Opposition: Benjamin Martin and Lucy Bisson

The Planning Board discussed a recently adopted ordinance that allows Nursery Schools in all zoning districts and in the Neighborhood Conservation "A" (NCA) district subject to specific conditions. The above referenced text amendment would continue to allow Nursery Schools in 3 low density residential districts; however, be subject to the same conditions as the NCA district and remove Land Use Chart note 22 from LDR, MDR and SR districts, which requires Nursery Schools to be "*Accessory to public schools, religious facilities, multifamily or mixed residential developments or mobile home parks*".

During the public hearing, opponents argued that 12 students per session would create traffic problems and be detrimental to the proposed low density residential districts. Supporters felt Nursery Schools are a good addition to neighborhoods.

AN ORDINANCE PERTAINING TO NURSERY SCHOOLS

THE CITY OF LEWISTON HEREBY ORDAINS:

Appendix A of the Code of Ordinances of the City of Lewiston, Maine, is hereby amended as follows:

**APPENDIX A
ZONING AND LAND USE CODE
ARTICLE II. DEFINITIONS**

Sec. 2 Definitions

Nursery School means a house or other place in which a person or combination of persons maintains or otherwise carries out for consideration during the day a regular program which provides care for three (3) or more children, who are between the ages of thirty-three (33) months and under eight (8) years of age, provided that:

1. No session conducted for the children is longer than three and one half (3 ½) hours in length;
2. No more than two (2) sessions are conducted per day;
3. Each child in attendance at the nursery school attends only one session per day;
4. No hot meal is served to the children.
5. Nursery schools in the Neighborhood Conservation "A" (NCA), Low Density Residential (LDR), Suburban Residential (SR) and Medium Density Residential (MDR) Districts shall be limited to no more than 12 children per session.
6. Nursery schools in the Neighborhood Conservation "A" (NCA), Low Density Residential (LDR), Suburban Residential (SR) and Medium Density Residential (MDR) Districts shall be limited to properties containing a minimum of one (1) acre in size.
7. Nursery schools in the Neighborhood Conservation "A" (NCA), Low Density Residential (LDR), Suburban Residential (SR) and Medium Density Residential (MDR) Districts shall be accessory to a single family residence.

ARTICLE XI. DISTRICT REGULATIONS

Sec. 22. Land Use Requirements, (c) Land Use Table (See attached Land Use Chart)

REASONS FOR THE PROPOSED AMENDMENT

On July 16, 2019, the City Council approved a text amendment that defines Nursery Schools and allows them as a conditional use in the Neighborhood Conservation "A" (NCA) district subject to conditions contained in the definition. This text amendment also moved Nursery Schools out of the *Academic Institution* Land Use Category and aligns it more closely with Child Care Facilities in the Land Use Chart found in Article XI, Section 22 Land Use Requirements.

The City Council also approved a motion at the July 16th meeting, instructing the Planning Staff to draft a text amendment for Nursery Schools that would include Low Density Residential (LDR), Medium Density Residential (MDR) and Suburban Residential (SR) districts to the definition of Nursery Schools along with the same conditions that apply to the Neighborhood Conservation “A” (NCA) district uses. Also part of this text amendment would be to remove a special note (22) in the Land Use Chart for the LDR, MDR and SR that require a Nursery Schools to be “*Accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile home parks*”. This change is found in the attached Land Use Chart.

The purpose of the original text amendment was to define Nursery Schools and to allow them as a conditional use in the Neighborhood Conservation “A” (NCA) district. Nursery Schools were not specifically mentioned in Article XI, Section 22 Land Use Requirements and Land Use Chart. The Planning and Code Enforcement Office currently interprets and places Nursery Schools in the Academic Institution Land Use category. “*Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures*”. (Article XI, Section 22 Land Use Requirements)

CONFORMANCE WITH 2017 COMPREHENSIVE PLAN

The 2017 Legacy Lewiston Comprehensive Plan is somewhat silent with regards to child care facilities and early childhood education. The applicant’s cover letter mentions how Lewiston is changing and challenges each citizen to participate and take on a role no matter how large or small. She also describes how the city’s limited financial resources delays the implementation of the Comprehensive Plan’s goals. The people of Lewiston can help to the implementation process with their time, sweat, passion and perseverance. We are not coming to you asking for money, we are using our own resources to add something positive to the city of Lewiston and to the education for the youth of the city, the next generation. In addition, the Comprehensive Plan also mentions small businesses on page 168.

“Promote Grassroots Initiatives

Smaller, incremental, and uniquely Lewiston initiatives are just as important to economic growth as large-scale investments. Lewiston has a significant population of young adults, an age group has untapped potential and will likely be a driving force behind future grassroots planning and business initiatives.”

Proposed Text Amendment to Add Nursery School in Land Use Chart

Land Use Table: All Zoning Districts 08.12.19	Rural Agricultural (RA)	Low Density Residential (LDR)	Suburban Residential (SR)	Medium Density Residential (MDR)	Riverfront (RF)	Neighborhood Conservation "A" (NCA)	Neighborhood Conservation "B" (NCB)	Office Residential (OR)	Downtown Residential (DR)	Institutional Office (IO)	Community Business (CB)	Highway Business (HB)	Centreville (CV) ⁽³⁰⁾	Office Service (OS)	Industrial (I)	Urban Enterprise (UE)	Mill (M)	Resource Conservation (RC) (18)	Groundwater conservation Overlay (GC) ⁽³⁾	No Name Pond Conservation Overlay (NNP) ⁽²⁹⁾	Mobile Home Park Overlay (MH) ⁽³⁰⁾	
USES(19)(33)																						
Accessory use or structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Commercial-Service																						
Veterinary facilities excluding kennels and humane societies								P		P	P	P										
Veterinary facilities including kennels and humane societies	C													P		P						
Nursery School	C	C(22)	C(22)	C(22)	P	C	C	P	P	P	P	P	P	P	P	P	P					
Small day care facilities	C	P(22)	P(22)	P(22)		P(22)	P	P	P	P	P	P	P	P	P	P	P					
Day care centers	C				P			P		P												
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks		C(22)	C(22)	C(22)		C(22)	C(22)															
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services					P(9)		C(31)	P(9)	P(9)	P	P(9)	P	P(9)	P	P	P	P(6)					
Restaurants					P(1)				P(1)	P(5)	P(26)	P(26)	P(1)	P	P(6)	P	P(1)					
Drinking places					P					C	C	C	P		P(6)							
Adult business establishments					P																	
Hotels, motels, inns					P				C	P(4)	P	P	P	P		P	P					
Movie theaters except drive-in theaters					P				P		P	P	P	P		P	P					
Places of indoor assembly, amusement or culture					P						P	P	P	P		P	P					
Art and crafts studios					P		C		P	C	P	P	P	P		P	P					
Personal Services					P		P	P	P	P	P	P	P	P		P	P					
Retail stores					P				P	P	P	P	P	P		P(6)	P	P				
Neighborhood retail stores					P				P	P	P	P	P	P		P(6)	P	P				
Lumber and building materials dealer					C(21)		P			C	C	P										
Gasoline service stations												P										
Gasoline service stations which are a part of and subordinate to a retail use											P	P										
New and used car dealers												P										
Recreational vehicle, mobile home dealers												P										
Equipment dealers and equipment repair												P										
Automotive services including repair											P(9)	P				P						
Registered dispensary(27)												C		C	C	C	C					
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.												P		P	P	P						
Tattoo Establishments											C	C										
Industrial																						
Light industrial uses												P(9)	P(9,38)	P	P	P	P					
Industrial uses													P(16)		P	C	C					
Building and construction contractors												P(6)		P(6)	P(6,7)	P(6,7)	P(6,7)					
Fuel oil dealers and related facilities															P	P	P					
Wholesale sales, warehousing and distribution facilities and self-storage facilities												P		P	P	P	P					
Self storage facilities														P								
Commercial solid waste disposal facilities																C	C					
Landfills and auto graveyards																C	C					
Recycling and reprocessing facilities																C	C					
Private industrial/commercial developments(23)											P	P		C	P	P	P					
Transportation																						
Airports or heliports	C																					
Commercial parking facilities					P		C		C(9)	C	C	P	P			P	P					
Transit and ground transportation facilities					P				C				P			P	P					
Transportation facilities												P			C	P	P					
Public and Utility																						
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
Power transmission lines, substations, telephone exchanges,microwave towers or other public utility or communications use	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C					
Municipal buildings and facilities	C	C	C	C	P	C	C	C	P	C	P	P	P	P	P	P	P					
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways																						
Dams																						

Proposed Text Amendment to Add Nursery School in Land Use Chart

Land Use Table: All Zoning Districts 08.12.19	Rural Agricultural (RA)	Low Density Residential (LDR)	Suburban Residential (SR)	Medium Density Residential (MDR)	Riverfront (RF)	Neighborhood Conservation "A" (NCA)	Neighborhood Conservation "B" (NCB)	Office Residential (OR)	Downtown Residential (DR)	Institutional Office (IC)	Community Business (CB)	Highway Business (HB)	Centerville (CV) ⁽²⁾	Office Service (OS)	Industrial (I)	Urban Enterprise (UE)	MHI (M)	Resource Conservation (RC) (18)	Groundwater conservation overlay district (GC) ⁽²⁾	No Name Pond Conservation Overlay (NWP) ⁽²⁾	Mobile Home Park Overlay (MH) ⁽²⁾
Institutional																					
Religious facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P				
Cemeteries	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P				
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities				C	P		C	P	P	P	P	P	P	P		P	P				
Hospitals, medical clinics					P		C	P	C	P	P	P	P	P		P	P				
Museums, libraries, and non-profit art galleries and theaters					P				P	P			P	P			P				
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or				C(13)	P		C(13)	C	P	P(12)(24)	P	P	P	P	P	P	P				
Civic and social organizations							C	P		C			P								
Public community meeting and civic function buildings including auditoriums					P				P	P			P				P				
Residential																					
Single-family detached dwellings on individual residential lots	P(8)	P	P	P		P	P(2)	P	P(11)	P(2)											
Mobile homes on individual residential lots	P(8)			P(35)																	
Two-family dwellings				P		P(37)	P	P	P(11)			P(14)									
Multifamily dwellings in accordance with the standards of Article XIII				P(34)	P(11)		P	P	P(11)	P	P		P			P	P				
Single-Family attached dwelling in accordance with the standards of Article XIII	C			P(34)	P(11)		P	P	P(11)	P											
Mixed single-family residential developments in accordance with the standards of Article XIII	C	P		P			P														
Mixed residential developments in accordance with the standards of Article XIII		P		P			P	P													
Mixed use structures					P(11)		P	P	P(11)	P	P	P	P			P	P				
Lodging houses							P		P(11)												
Home occupations	P	P	P	P		P	P	P	P		P						C				
Bed and breakfast establishments as a home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P				
In-law apartments in accordance with the standards of Article XII	P	P	P	P		P	P	P	P				P				P				
Single family cluster development	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P				
Family day care home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Shelters							C		C												
Dormitories												P									
Natural Resource																					
Agriculture	P(8)																			P	
Farm Stands	P																				
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	P	P	P		P	P	P			P	P		P	P	P				P	
Earth material removal	C													C	C						
Community gardens ⁽²⁰⁾	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Water dependent uses, e.g. docks and marinas					P												P			C	
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet																				C	
Recreation																					
Campgrounds	C																			P	C
Public or private facilities for nonintensive outdoor recreation	C	C	C	C	P	C	C	C	C											P	P
Commercial outdoor recreation and drive-in theaters					P						C	C		C						P(32)	
Fitness and recreational sports centers as listed under NAICS Code 713940					P			P			P	P	P	P	P	P	P			P	



CITY OF LEWISTON
Department of Planning & Code Enforcement

TO: Mayor and City Council
FROM: David Hediger, Director of Planning and Code Enforcement
DATE: September 5, 2019
RE: A text amendment to the Lewiston Code of Ordinances, Appendix A of the Zoning and Land Use Code, Articles II, V, and XI for the definition and regulation of Adult Use and Medical Marijuana.

On December 4, 2018, the Council adopted language amending the Code of Ordinances, Article XV, Medical Marijuana – Distribution and Cultivation, to remove references to registered dispensaries and clarify that the city has not opted in under state law to authorize registered caregiver retail stores, registered dispensaries, marijuana testing facilities, or marijuana manufacturing facilities. That action resulted in only registered caregiver grow operations (up to 30 mature plants) being allowed as a permitted use in four zoning districts: Highway Business, Office Service, Industrial, and Urban Enterprise. Any registered caregiver retail stores currently existing are now legally nonconforming.

At the December meeting, Councilors made clear their desire to continue the discussion of where and what type of marijuana operations should be allowed in Lewiston. At the Council workshop on February 12, 2019 staff recommended regulating medical marijuana and adult use marijuana similarly. Adult use marijuana and medical marijuana are governed by two separate statutes, the Adult Use Marijuana Act (28-B M.R.S. §§ 101-1504) and the Maine Medical Use of Marijuana Act (22 M.R.S. §§ 2421-2430-B). While each statute contains distinct language on local authority to regulate marijuana use and distribution for each particular purpose, staff proposed the two uses be regulated similarly from a local zoning, licensing, and performance standards perspective. On March 12, 2019 staff presented recommendations related to definitions, zoning, performance standards, and licensing requirements. On April 17, 2019 caregivers licensed in Lewiston were invited to a meeting with Planning and Code Enforcement and Lewiston Police to review the recommendations that were provided to the Council. Overall, caregivers seemed to be supportive of the regulations, while providing suggestions for staff’s consideration. Additional workshops were held with the Council on May 28th and July 16th upon which staff provided additional revisions for their consideration.

On August 26, 2019 the Planning Board voted 6-1 to send a favorable recommendation to amend the Code of Ordinances and the Zoning and Land Use Code with respect to the regulation of Adult Use and Medical Marijuana.

What may municipalities regulate?

Municipalities may regulate adult use marijuana establishments locally. They may limit the type, number, and location of establishments, impose performance standards, and require licensing fees. This includes cultivation facilities, products manufacturing facilities, testing facilities, and stores. Municipalities may regulate home cultivation, but may not generally prohibit, zone, or license the activity.

Municipalities may regulate medical marijuana establishments locally. This includes registered caregiver retail stores, registered dispensaries, marijuana testing facilities, or marijuana manufacturing facilities. Municipalities cannot prohibit or limit number of caregivers.

Municipalities may not allow a marijuana store licensee that is also a registered caregiver or a registered dispensary to sell or offer for sale to consumers adult use marijuana and adult use marijuana products within the same facility or building in which the licensee also sells or offers for sale to qualifying patients marijuana and marijuana products for medical use pursuant to the Maine Medical Use of Marijuana Act, pursuant to 28-B M.R.S. §504.5

Zoning and Land Use Code Amendments

The proposed amendment updates the existing Zoning and Land Use Ordinance to regulate both adult use and medical marijuana. Lewiston’s current regulations are limited to primary caregiver operations and were adopted in 2010. At that time, dispensaries for medical marijuana were not specifically permitted in any zoning district in the City of Lewiston and, in order to be in compliance with the new law at that time, the Zoning and Land Use Code had to be amended to allow for such use. The State has since changed the law with respect to medical marijuana and adult use marijuana, resulting in the need for definition amendments and determinations of where to allow marijuana businesses.

This amendment updates definitions in the Zoning and Land Use Code, referencing the specific state statute definitions contained in the Adult Use Marijuana Act (28-B M.R.S. §§ 101-1504) and the Maine Medical Use of Marijuana Act (22 M.R.S. §§ 2421-2430-B). The amendment also focuses on the specific zoning districts in which marijuana business may operate.

Land Use Definitions

Staff is recommending medical marijuana and adult use marijuana business be subject to the same zoning requirements. The following table summarizes the existing use groups of adult use and medical marijuana as regulated by the state and Lewiston’s proposed use group.

Adult Use Marijuana Act Use Groups	Medical Use of Marijuana Act Use Groups	Proposed Lewiston Ordinance Use Groups
Cultivation facilities	Not defined	Marijuana cultivation facility

Manufacturing facilities	Marijuana manufacturing facilities	Marijuana manufacturing facility
Testing facilities	Marijuana testing facilities	Marijuana testing facility
Stores	Caregiver stores	Marijuana store
Nursery cultivation facilities	(blank, not defined)	Marijuana nursery
(blank: not defined)	Dispensaries	Marijuana dispensary

Zoning Districts

Zoning districts must be reviewed for suitability of marijuana uses. Staff has identified the following zoning districts contained in Article XI, Section 22 of the Zoning and Land Use Code as appropriate for the proposed marijuana use groups noted above:

- Districts in which the city currently permits industrial and light industrial uses are to be considered for cultivation, manufacturing, testing, nurseries, and dispensaries: Industrial, Urban Enterprise, Mill, Highway Business and Office Service.
- Marijuana stores are to be considered in those districts that currently permit retail uses: Riverfront, Community Business, Highway Business, Centreville, Urban Enterprise and Mill.
- Downtown Residential or Neighborhood Conservation “B” districts, which currently allow retail uses, will not allow any marijuana stores, since the majority of uses in these districts are residential.

Licensing Provisions

Establishing licensing provisions is really where the City may establish requirements to ensure marijuana business activity is conducted in a safe and fair manner for the health, safety, and welfare of the community. Attached are specific licensing requirement to be included in an amended section of Section 22, Business, Article XV of the Code of Ordinances. The ordinance provisions referencing licensing are not part of the Zoning and Land Use Code; therefore, they are technically outside the Planning Board’s jurisdiction. However, staff requested and the Board provided a favorable recommendation on this section of the Code, too.

Section 22-430 contains 17 performance standards that marijuana businesses must follow to operate in Lewiston. Sections that have been the focus of past discussion with the Council include, but are not limited to:

2. Marijuana businesses operating with City approval prior to December 13, 2018, shall be entitled to continue operation whether such use does or does not conform to the locational requirements of Section 22-430 (3) and (4) of this Article of this Code or applicable zoning ordinances and shall be treated as a nonconforming use pursuant to Article VI,

Section 4 of the Zoning and Land Use Code. A nonconforming business may convert to another nonconforming business pursuant to Article VI, Section 4(e) of the Zoning and Land Use Code.

3. No marijuana business shall be sited within seven hundred and fifty (750) feet of the lot lines of pre-existing schools or child care facilities and public parks, playgrounds or recreational facilities owned by the city.
4. The minimum distance between a marijuana store or dispensary and any two other marijuana stores and/or dispensaries in the same or adjoining zoning district shall be 500 feet as measured along the ordinary course of travel between the main entrance of each premises.
11. Marijuana businesses are prohibited from having drive-through pick-up facilities. Marijuana businesses are prohibited from providing home delivery services; provided, however, that registered caregivers (and not medical marijuana assistants unless they are also medical marijuana registered caregivers) may provide home delivery services.
17. Businesses may not be located within 300 feet as measured along the ordinary course of travel between the main entrance of the business and of a legally established dwelling in a residential zoning district, in existence prior to the establishment of the business.

Exemptions

- Each person of 21 years of age or older who is domiciled at that parcel or tract of land is not subject to the above referenced provisions, whether growing as a primary caregiver for themselves and or for their personal adult use as allowed per state law, as long as cultivation is located within fully enclosed structures and any odor from marijuana plants or other marijuana products remain confined within the premises and not be detectable off-site of premises that are not under the custody or control of the establishment or create a public nuisance at common law.
- Registered caregivers manufacturing out of their residence shall apply for and obtain a permit for a home occupation in accordance with Articles II and V of the Zoning and Land Use Code and shall comply with all applicable standards set forth in this ordinance. Registered Caregivers who manufacture medical marijuana only for themselves and/or members of their household are exempt from this requirement and are not required to obtain a permit or license as it applies to this section of ordinance. Adult use manufacturing out of a residence is prohibited.
 - Registered caregivers manufacturing requirements apply to operators producing edible marijuana products out of their home. This is consistent with how the City currently regulates home food processors. Operators are required to obtain a home occupation permit, which limits employees to those residing on the premises and prohibits stock-in-trade on the property. They are also required to obtain a local special food handler's license and a food processing license from the Maine

Department of Agriculture. The City may want to revisit adult use manufacturing operating in a residence once the state adopts rules.

Conclusion

The regulation of marijuana businesses is complicated and confusing. Changes are often being made at the state level to the law and rules, both of which impact how businesses operate and how municipalities may regulate. Interested parties continue to make inquiries on a weekly basis about Lewiston's ordinance.

At this time, the Planning Board has provided a favorable recommendation to adopt the proposed Zoning and Land Use and Code of Ordinance amendments. Staff will review these specific changes with the Council in a workshop in effort to address any remaining concerns. Prior to a hearing being schedule for the Council's adoption of any ordinance amendment, staff will be requesting the city attorney to review to ensure consistency and avoid conflicts with any state provisions.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor Cloutier and Lewiston City Council
FROM: David Hediger, Director of Planning and Code Enforcement
DATE: September 5, 2019
RE: Planning Board Action

The Planning Board took the following action at their meeting held on August 26, 2019 regarding a text amendment to the Lewiston Code of Ordinances, Appendix A of the Zoning and Land Use Code, Articles II, V, and XI for the definition and regulation of Adult Use and Medical Marijuana.

The following motions were made:

MOTION:

by Benjamin Martin pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council amend to Appendix A of the Zoning and Land Use Code, Articles II, V, and XI for the definition and regulation of Adult Use and Medical Marijuana. Second by Lucy Bisson

VOTED: 6-1 (Passed, Opposed by Pauline Gudas)

MOTION:

by Benjamin Martin to send a favorable recommendation to the City Council to amend Section 22, Business, Article XV of the Code of Ordinances regulating and licensing Adult Use and Medical Marijuana. Second by Lucy Bisson

VOTED: 6-1 (Passed, Opposed by Pauline Gudas)

AN ORDINANCE PERTAINING TO MARIJUANA BUSINESSES

THE CITY OF LEWISTON HEREBY ORDAINS:

Appendix A of the Code of Ordinances of the City of Lewiston, Maine, is hereby amended as follows:

APPENDIX A
ZONING AND LAND USE CODE

ARTICLE II. DEFINITIONS

Sec. 2. Definitions

Cultivation or Cultivate: the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale.

Home occupation means an occupation conducted in a dwelling unit or a structure accessory thereto, provided that all of the following criteria are met:

- (1) No person other than a member of the family residing on the premises shall be engaged in such occupation; and
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the total floor area of the dwelling unit and accessory structures used in the home occupation shall be used in the conduct of the home occupation; and
- (3) There shall be no change in the outside appearance of the building or premises, or any visible evidence of the conduct of such home occupation other than one (1) sign, except as hereinafter permitted; and
- (4) No traffic shall be generated by such home occupations in greater volumes than would normally be expected in the neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required yard; and
- (5) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the home occupation is conducted in a detached one-family dwelling, or outside the dwelling unit if conducted in any other form of dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in a radio or television receiver off the premises, or causes fluctuations in line voltage off the premises; and
- (6) There shall be no stock in trade regularly maintained or any new commodity sold on the premises; and
- (7) The following are specifically excluded as home occupations: Convalescent or

nursing home, tourist home, animal hospital, restaurants, doctors' offices, dentists' offices, real estate offices, registered ~~primary~~ caregivers, beauty shops and barber shops, except those that are owner-occupied, one (1) chair, appointment-only shops that meet all the other home occupation criteria.

Manufacture or Manufacturing: the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.

Marijuana means the leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake or sterilized seed of the plant which is incapable of germination. means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not.

Marijuana Business: any business involved in the cultivation, processing, testing, sale, or manufacturing of marijuana products for adult or medical use to include: Facilities for Marijuana Cultivation, Marijuana Manufacturing, Marijuana Testing as well as Registered Dispensaries and Marijuana Stores, or Registered Caregivers licensed under this Ordinance.

Marijuana Cultivation facility: a facility licensed under this ordinance to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to Manufacturing Facilities, to Adult Use Marijuana Stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to Marijuana Stores; cultivate, prepare and package medical marijuana at a location that is not the residence of the Registered Caregiver or Qualifying Patient

Marijuana Nursery Cultivation Facility: a facility licensed under this ordinance to cultivate adult marijuana with not more than 1,000 SF of plant canopy pursuant to MRS 28-B Section 501.

Marijuana Manufacturing Facility: a facility licensed under this ordinance to purchase marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities; or, a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in marijuana extraction under section MRS 22 Section 2423-F.

Marijuana Store: a facility licensed under this ordinance where qualified individuals may purchase marijuana, immature marijuana plants and seedlings from a Cultivation Facility, purchase marijuana and marijuana products from a Manufacturing Facility and sell marijuana, marijuana products, immature marijuana plants and seedlings to consumers.

Marijuana Testing Facility: a facility licensed under this ordinance to: develop, research and test adult use marijuana, adult use marijuana products and other substances; or authorized in accordance with MRS 22 Section 2423-A, subsection 10, to analyze contaminants in and the potency and cannabinoid profile of medical marijuana samples and is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the State of Maine.

Medical use means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification.

Registered primary caregiver or primary caregiver means a person, a hospice provider licensed under Title 22 M.R.S.A. chapter 1681 or a nursing facility licensed under Title 22 M.R.S.A. chapter 405 that provides care for a registered patient and that has been named by the registered patient as a primary caregiver to assist with a registered patient's medical use of marijuana. A person who is a primary caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense. a person or an assistant of that person that provides care for a qualifying patient and who is registered by the State of Maine pursuant to MRS 22 Section 2425-A.

Registered dispensary or dispensary means a not-for-profit entity registered pursuant to State Law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to registered patients who have designated the dispensary to cultivate marijuana for their medical use and the registered primary caregivers of those patients. an entity that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients as that term is defined in MRS22 Section 2422(6), as may be amended.

Registered patient means a patient who has a registry identification card issued by the State of Maine.

ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Sec. 3. General Provisions.

- (y) Registered primary caregivers. Adult use and medical marijuana. Notwithstanding Article IX, District Regulations, the following provisions apply to registered primary caregivers as defined in Article II, Section 2 and personal adult use:
- (1) Each person 21 years of age or older who is cultivating as a caregiver or for adult use as allowed per state law other than for the personal use Registered primary caregivers engaged in the cultivation of medical marijuana for two to five registered patients shall not cultivate medical marijuana on or within any property containing more than two dwelling units.

- (2) ~~Registered primary caregivers not engaged in the cultivation of medical marijuana and registered primary caregivers engaged in the cultivation of medical marijuana for one registered patient~~ Each person 21 years of age or older who is cultivating as a caregiver for their personal medical use and/or for their personal adult use as allowed per state are not subject to sections 5 and 6 of this Article and are permitted throughout the City.
- (3) Each person 21 years of age or older who is cultivating as a caregiver or for adult use as allowed per state law other than for the personal use ~~Registered primary caregivers engaged in the cultivation of medical marijuana for two to five registered patients~~ are permitted in accordance with Article XI and subject to licensing as per Chapter 22, Article XV of the Code of Ordinances of the City of Lewiston.

ARTICLE XI. DISTRICT REGULATIONS

Sec. 22. Land Use Requirements

(c) *Land Use Table* – use appearing in the table are part of this Code and set forth the use allowed in all districts. (see attached)

Land Use Table Notes

(27) ~~Only one allowed in the city.~~ Must comply with Lewiston Code of Ordinances, Chapter 22, Article XV.

Reason For Proposed Amendment

The proposed amendment updates the existing Zoning and Land Use Ordinance to regulate both adult use and medical marijuana. Lewiston’s current regulations are limited to primary caregiver operations and were adopted in 2010. At that time, dispensaries for medical marijuana were not specifically permitted in any zoning district in the City of Lewiston, and in order to be in compliance with the new law at that time, the Zoning and Land Use Code had to be amended to allow for such use. The State has since changed the law with respect to medical marijuana and adult use marijuana, resulting in the need for definition amendments and determinations of where to allow marijuana businesses.

This amendment updates definitions in the Zoning and Land Use Code, referencing the specific state statute definitions contained in the Adult Use Marijuana Act (28-B M.R.S. §§ 101-1504) and the Maine Medical Use of Marijuana Act (22 M.R.S. §§ 2421-2430-B). The amendment also focuses on the zoning districts in which marijuana business may operate.

- Districts in which the city currently permits industrial and light industrial uses will allow as permitted uses marijuana cultivation, manufacturing, testing, nurseries, and registered dispensaries: Industrial, Urban Enterprise, Mill, Highway Business and Office Service.
- Marijuana stores shall be allowed in those districts that currently permit retail uses: Riverfront, Community Business, Highway Business, Centreville, Urban Enterprise and Mill.
- Downtown Residential and Neighborhood Conservation “B” districts, which currently allow retail uses, will not allow any marijuana stores, since the majority of uses in those districts are residential.

All marijuana business will be subject to local licensing requirements contained in Lewiston Code of Ordinances, Chapter 22, Article XV. Medical marijuana and adult use marijuana establishments will be subject to the same local licensing and zoning requirements.

Conformance With The Comprehensive Plan

- Page 116: “Continue to promote Lewiston and enhance the City’s competitive advantage in order to attract high-quality companies, entrepreneurs, and knowledge-based businesses to the area.”
- Page 164: “Lewiston must build on its growing momentum to actively invite new investment and create the critical mass of economic energy needed to launch the City into a new era of growth and productivity.” “Encourage infill and redevelopment within the downtown, existing service area, and designated growth area.”

ARTICLE XV. ADULT USE AND MEDICAL MARIJUANA

Sec. 22-420. Purpose.

The purpose of this chapter is to implement the Marijuana Legalization Act, 28-B M.R.S. §101 et seq.; the Maine Medical Use of Marijuana Act, 22 M.R.S. §2421 et seq., and to protect the public health, safety, and welfare of the residents of and visitors to the City of Lewiston by prescribing the manner in which the cultivation and distribution of marijuana can be conducted in the City. This Article XV is adopted pursuant to the authority granted by 28-B M.R.S.A. § 401 *et seq.*, as may be amended, and 22 M.R.S.A. §2429-D *et seq.*, as may be amended. In addition, this chapter:

Provides for the safe sale and distribution of marijuana to those who qualify to obtain, possess, and use marijuana under the Marijuana Legalization Act and Maine Medical Marijuana Act.

Protects public health and safety through reasonable controls on marijuana cultivation, manufacturing, testing, and distribution operations as they relate to noise, air and water quality, food safety, neighborhood and customer safety, security for these operations and their personnel, and other health and safety concerns.

To impose fees to cover the City's costs of licensing the cultivation and distribution of marijuana and enforcing the regulations outlined in this Article.

Adopts a mechanism for the monitoring compliance with the provisions of this chapter.

Sec. 22-421. Applicability.

This article shall apply to any persons or entities operating or interested in operating a Marijuana Businesses within the city.

Sec. 22-422. Definitions.

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

City Department means any or all of the chief of police, the fire chief, the director of planning and code enforcement and their designees who administer the provisions of this chapter.

Cultivation or Cultivate: the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale.

Disqualifying offense means a conviction for a violation of a state or federal law that is a crime punishable by imprisonment for one year or more. It does not include an offense that consisted of conduct that would have been permitted under this chapter.

Enclosed, locked facility means a closet, room, or other enclosed area within a building, or an

enclosed locked facility within a greenhouse, that is equipped with locks or other security devices that permit access only by a licensee.

Food Establishment means a factory, plant, warehouse, or store in which food and food products are manufactured, processed, packed, held for introduction into commerce, or sold and includes a caregiver or a registered dispensary that prepares food containing marijuana for medical use by a qualifying patient. It does not include a caregiver conducting an activity for a qualifying patient who is a member of the caregiver's family as defined in MRS Title 22 Section 2422 5-A.

Harvested Marijuana: the plant material harvested from a mature marijuana plant, except the stalks, leaves and roots. "Harvested marijuana" includes marijuana concentrate and marijuana products.

Immature marijuana plant: a marijuana plant that is not a mature marijuana plant or a seedling.

Manufacture or Manufacturing: the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.

"*Marijuana*" means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not.

Marijuana Business: any business involved in the cultivation, processing, testing, sale, or manufacturing of marijuana products for adult or medical use to include: Facilities for Marijuana Cultivation, Marijuana Manufacturing, Marijuana Testing as well as Registered Dispensaries and Marijuana Stores, or Registered Caregivers licensed under this Ordinance.

Marijuana Cultivation facility: a facility licensed under this ordinance to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to Manufacturing Facilities, to Adult Use Marijuana Stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to Marijuana Stores; cultivate, prepare and package medical marijuana at a location that is not the residence of the Registered Caregiver or Qualifying Patient

Marijuana Nursery Cultivation Facility: a facility licensed under this ordinance to cultivate adult marijuana with not more than 1,000 SF of plant canopy pursuant to MRS 28-B Section 501.

Marijuana Manufacturing Facility: a facility licensed under this ordinance to purchase marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities; or, a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in marijuana extraction under section MRS 22 Section 2423-F.

Marijuana Store: a facility licensed under this ordinance where qualified individuals may purchase marijuana, immature marijuana plants and seedlings from a Cultivation Facility, purchase marijuana and marijuana products from a Manufacturing Facility and sell marijuana, marijuana products, immature marijuana plants and seedlings to consumers.

Marijuana Testing Facility: a facility licensed under this ordinance to: develop, research and test adult use marijuana, adult use marijuana products and other substances; or authorized in accordance with MRS 22 Section 2423-A, subsection 10, to analyze contaminants in and the potency and cannabinoid profile of medical marijuana samples and is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the State of Maine.

Medical use means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification.

Multifamily dwelling means a building containing three (3) or more dwelling units, such buildings being designed for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units, and which is not a single-family attached dwelling.

Plant Canopy: the total surface area within the licensed premises of an Adult Use Marijuana Cultivation Facility that is authorized for use at any time by the cultivation facility licensee to cultivate mature marijuana 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 non-contiguous 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 a cultivation facility that are used by the licensee to cultivate immature marijuana plants and seedlings and that are not used by the licensee at any time to cultivate mature marijuana plants.

Qualifying patient: 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 MRS 22 Section 2423-B.

Registered caregiver: a person or an assistant of that person that provides care for a qualifying patient and who is registered by the State of Maine pursuant to MRS 22 Section 2425-A.

Registered Dispensary: an entity that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational

materials to qualifying patients and the caregivers of those patients as that term is defined in MRS22 Section 2422(6), as may be amended.

Testing or test: the research and analysis of marijuana, marijuana products or other substances for contaminants, safety or potency.

Sec. 22-423. License required.

No person shall engage, operate or maintain a Marijuana Business in the city unless such person has first acquired a license in accordance with this Article. The following do not require a license:

Each person 21 years of age or older who is growing as a primary caregiver for personal medical use and/or for personal adult use as allowed per state law and is doing so on the premises at which that person is domiciled is not subject to the licensing provisions of this ordinance as long as all cultivation is located within fully enclosed structures and any odor from marijuana plants or other marijuana products remains confined within the premises and is not detectable off-site of the premises that are under the custody or control of the individual or which create a public nuisance at common law. Outdoor cultivation of marijuana for personal recreational or medical use is prohibited.

Registered Caregivers who manufacture or cultivate medical marijuana only for themselves and/or members of their household are exempt from the requirement to obtain a permit or license as it applies to this section of ordinance. Adult use manufacturing in any structure or property with a residence is prohibited.

Unless otherwise allowed, the cultivation, manufacturing, testing or sale of marijuana from a residence is prohibited, unless it is for personal use.

Sec. 22-424. Food establishment license.

A food establishment license must be obtained prior to preparing goods containing marijuana that are intended for consumption.

Registered caregivers who manufacture prepared goods containing medical use marijuana intended for ingestion, including tinctures, at their residences must apply for and obtain a permit for a home occupation in accordance with Appendix A, Articles II and V of the Code of Ordinances, Zoning and Land Use Code, and must obtain a food establishment license from the City and the Department of Agriculture, Conservation and Forestry (DACF), and shall comply with all applicable standards set forth in this ordinance.

Adult use manufacturing out of a residence is prohibited, unless it is for personal use in accordance with MRS 28-B, Section 1503.

Sec. 22-425. Reserved.

Sec. 22-426. Background checks.

The city clerk shall order background checks on all applicants for a Marijuana Businesses license. Updated background checks shall be conducted annually at the time of license renewal. Background checks shall be conducted in each state where such individuals have resided since the age of 18.

Sec. 22-427. Reserved.

Sec. 22-428. Reserved.

Sec. 22-429. Application requirements.

All applications for Marijuana Business licenses under this article shall be filed with, and in a form satisfactory to, the city clerk. All applicants must be qualified according to the provisions of this Article and shall provide sufficient information to demonstrate that they meet all qualifications and standards established in this Ordinance.

If the applicant who wishes to operate a Marijuana Business is a single individual, that person must sign the license application. If the applicant who wishes to operate a Marijuana Business is more than one individual, each person who has an interest in the business must sign the application. Each applicant must meet all qualifications set forth in this Article. Each applicant shall be considered a licensee if a license is granted.

The completed application for a Marijuana Business license shall contain, at a minimum, the following information and shall be accompanied by the specified documentation:

- a. If the applicant is an individual, the applicant's legal name and any aliases and proof that the applicant is at least twenty-one (21) years of age.
- b. If the applicant is a partnership, the complete name of the partnership and the names of all partners, whether the partnership is general or limited, along with a copy of the partnership agreement, if any, and proof that all partners are at least twenty-one (21) years of age.
- c. If the applicant is a corporation, its complete name, the date of its incorporation, evidence that the corporation is in good standing with the State of Maine, the names and capacities of all officers, directors, and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and proof that all officers, directors, and principal stockholders are at least twenty-one (21) years of age.
- d. If the applicant is a limited liability company (LLC), its complete name, the date of its establishment, evidence that the LLC is in good standing with the State of Maine, the names and capacities of all members, a copy of its operating agreement, if any, the address of its

registered office for service of process, and proof that all members are at least twenty-one (21) years of age.

e. If the applicant intends to operate the Marijuana Business under a name other than that of the applicant, the Marijuana Business' name must be stated and the required registration documents must be submitted.

f. If the applicant, an officer, member, or employee has been convicted of criminal activity under State and/or federal law, the specified criminal offense involved must be listed including the date, place, and jurisdiction of each conviction.

g. If the applicant, as an individual, partner, or officer, director, or principal stockholder of a corporation engaged in a Marijuana Business, has had a previous license application denied or had such a license suspended or revoked under this ordinance or in any other governmental jurisdiction, the applicant must list the name and location of the Marijuana Business, the reason for which the license was denied, suspended, or revoked, the date of the denial, suspension, or revocation, and the position held in the Marijuana Business.

h. If the applicant holds any other permits/licenses under this ordinance or other similar Marijuana Business license from another governmental jurisdiction, the applicant shall provide the names and locations of such other permitted/licensed businesses.

i. The type of Marijuana Business for which the applicant is seeking a license.

j. The location of the proposed Marijuana Business, including a legal description of the property, street address, and telephone number.

k. Sufficient documentation demonstrating possession or entitlement to possession of the proposed licensed premises of the Marijuana Business pursuant to a lease, rental agreement, purchase and sale agreement, ownership, or other arrangement for possession of the premises.

l. The applicant's telephone number, email address, mailing address and residential address.

m. The applicant's driver's license or State of Maine Identification Card and, if applicable, a copy of a valid registered primary caregiver identification card issued by the State of Maine

n. A sketch showing the configuration of the subject premises, including building footprint, interior layout identifying floor space to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.

o. A copy of a City Tax Map depicting the property lines of the premises and the property lines of other properties containing any existing Marijuana Businesses within five hundred (500) feet of the subject property and the property lines of any pre-existing schools or child care facilities and public parks, playgrounds or recreational facilities owned by the city

within seven hundred and fifty (750) feet of the subject property, measured in accordance with Section 22-430 (3) and (4).

p. A nonrefundable application fee in accordance with the city's policy manual as established by the city council.

q. Proof that, pursuant to 28-B M.R.S. § 402, the applicant has been issued a conditional license by the State of Maine to operate the Adult Use Marijuana Business.

Three (3) copies of the license application and all supporting documentation must be provided at time of application.

All applications for a Marijuana Business license shall be kept confidential by the City.

Sec. 22-430.

Performance standards for Marijuana Business.

All marijuana businesses shall conform to the following provisions:

1. No outside cultivation or storage of marijuana, marijuana products, or related supplies is permitted.
2. Marijuana businesses operating with City approval prior to December 13, 2018, shall be entitled to continue operation whether such use does or does not conform to the locational requirements of Section 22-430 (3) and (4) of this Article of this Code or applicable zoning ordinances and shall be treated as a nonconforming use pursuant to Article VI, Section 4 of the Zoning and Land Use Code. A nonconforming business may convert to another nonconforming business pursuant to Article VI, Section 4(e) of the Zoning and Land Use Code.
3. No marijuana business shall be sited within seven hundred and fifty (750) feet of the lot lines of pre-existing schools or child care facilities and public parks, playgrounds or recreational facilities owned by the city. For the purposes of this paragraph, "school" includes a public school, as defined in Title 20-A, section 1, subsection 24, a private school, as defined in Title 20-A, section 1, subsection 22, a public preschool program, as defined in Title 20-A, section 1, subsection 23-A or any other educational facility that serves children from prekindergarten to grade 12. "Public parks, playgrounds or recreational facilities" includes those areas as defined in Section 54-8 of the Lewiston's Code of Ordinances. For purposes of this section, the term "child care facility" means a "child care facility" as that term is defined in 22 M.R.S. § 8301-A (1-A)(B), as may be amended. Setbacks shall be measured along the ordinary course of travel between the main entrance of the business and the closest lot line of pre-existing schools or child care facilities and public parks, playgrounds or recreational facilities owned by the city. If the marijuana business is located within a commercial subdivision or multi-tenant structure (i.e. business park, shopping plaza, etc.), the required setback shall be measured in the same manner. Notwithstanding

the foregoing, more than one marijuana businesses may be located on the same parcel, provided all state and local requirements are met. Cultivation, manufacturing, testing, nurseries, and dispensaries operating within the industrial zoning district are exempt from this setback requirement.

4. Separation of marijuana stores and registered dispensaries. The minimum distance between a marijuana store or dispensary and any two other marijuana stores and/or dispensaries in the same or adjoining zoning district shall be 500 feet as measured along the ordinary course of travel between the main entrance of each premises. Notwithstanding the foregoing, more than one marijuana businesses may be located on the same parcel, provided all state and local requirements are met.
5. All activities of marijuana businesses, including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors. Marijuana businesses are not permitted to conduct outdoor sales or services of any kind. Any common areas, including, but not limited to storage areas and building facilities, shared with another marijuana business must be clearly identified as such in the license application.
6. Odor management. For all marijuana businesses, the odor of marijuana must not be detectable offsite, i.e., must not be detected at premises that are not under the custody or control of the establishment. To prevent and control marijuana odors, an odor control plan describing the odor(s) originating or anticipated to originate at the premises and the control technologies to be used to prevent such odor(s) from leaving the premises shall be submitted as part of the license application.
7. Marijuana businesses shall include appropriate ventilation systems to mitigate noxious gases or other fumes used or created as part of the operation.
8. Sufficient measures and means of preventing smoke, debris, dust, fluids and other substances from exiting a marijuana business must be provided and operating at all times.
9. Sufficient and appropriate security measures to deter the theft of marijuana and prevent unauthorized entrance into areas containing marijuana must be provided at all times. Security measures shall include, at a minimum, the following:
 - (a) security surveillance cameras installed and operating 24 hours a day, 7 days a week to monitor all entrances, along with interior and exterior of the premises to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;
 - (b) door and window intrusion alarm systems with audible and Police Department notification components that are professionally monitored and maintained in good working order;
 - (c) a locking safe or its functional equivalent permanently affixed to the premises that is suitable for storage of all adult use marijuana products, medical marijuana products and cash stored overnight on the premises;
 - (d) exterior lighting that illuminates the exterior walls of the premises and complies with applicable provisions of the Code of Ordinances; and
 - (e) deadbolt locks on all exterior doors and locks or bars on any other access points

(e.g., windows).

10. Sale of edible products. No food products shall be sold, prepared, produced or assembled by a marijuana business except in compliance with all operating and other requirements of state and local law and regulation including, without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.
11. Drive-through and home delivery. Marijuana businesses are prohibited from having drive-through pick-up facilities. Marijuana businesses are prohibited from providing home delivery services; provided, however, that registered caregivers (and not medical marijuana assistants unless they are also medical marijuana registered caregivers) may provide home delivery services. Adult use marijuana customers may only purchase and obtain adult use marijuana products from within a marijuana store.
12. Manufacture of marijuana. The extraction of marijuana using inherently dangerous substances is prohibited unless (a) the person has sought and obtained authorization to do so with the State of Maine, and (b) such activity is located in a zoning district where a Marijuana Manufacturing Facility is an allowed use.
13. Signs: Notwithstanding the requirements of the Article XII, Section 16 of the Zoning and Land Use Code, all signs used by and all marketing and advertising conducted by or on behalf of a marijuana business may not involve advertising or marketing that has a high likelihood of reaching persons under 21 years of age or that is specifically designed to appeal to persons under 21 years of age. The signs, marketing, or advertising are prohibited from making any health or physical benefit claims. All signage shall meet the City's sign ordinance requirements and may use an image or images of the marijuana plant or plants, or parts thereof, as long such image or images do not exceed 20% of the sign face. Pictorial representations of other marijuana products, by-products, or paraphernalia associated with the use or distribution of retail marijuana is prohibited.
14. Other laws remain applicable. A marijuana establishment shall meet all operating and other requirements of State and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing adult use marijuana and/or marijuana establishments, the stricter law or regulation shall control.
15. Businesses must satisfy all applicable State of Maine and city code requirements such as, but not limited to, electrical, plumbing, building, ventilation, energy conservation, life safety, and mechanical in addition to the environmental performance standards with respect to odors and other environmental considerations as per Appendix A, Article XII, Section 19.
16. The cultivation of marijuana within or on the property of a multifamily dwelling is prohibited;
17. Businesses may not be located within 300 feet as measured along the ordinary course of travel between the main entrance of the business and of a legally established dwelling in a residential zoning district, in existence prior to the establishment of the business.

Sec. 22-431. Reserved

Sec. 22-432. Reserved.

Sec. 22-433. Inspection of marijuana businesses

A marijuana business is subject to inspection as follows:

1. Submission of a license application for a marijuana business shall constitute permission for entry and inspection.
2. A marijuana business shall allow the City Department to carry out an inspection in accordance with this chapter at any reasonable time.
3. During an inspection, the City Department may identify violations of this chapter or other provisions of the Code or State Law. The marijuana business may receive written notice by certified mail of the nature of the violations. If so, the marijuana business must notify, in writing, the representative of the City Department identified in such notice within ten (10) business days of the date of the notice of violations identifying the corrective actions taken and the date of the correction.
4. Failure to cooperate with required inspections and to respond to notices of violations as specified shall be grounds for the city clerk or the City Department to temporarily suspend the license of the marijuana business, subject to potential license revocation by the city administrator.

Sec. 22-434. Denial of application.

The city clerk may deny an application for a license based on the applicant's failure to comply with the application requirements set out in these rules, including the applicant's failure to provide the required information; and/or a determination that the information provided was materially inaccurate or incomplete.

Sec. 22-435. Disqualifying conviction.

The City shall not approve a license for a marijuana business if the applicant has been convicted of a disqualifying offense in Maine or another jurisdiction, specifically a conviction, within the past 10 years, for a violation of a state or federal law that is a crime punishable by imprisonment for one year or more; misdemeanor convictions (or local ordinance violations) involving a controlled substance, dishonesty, theft, or fraud within the past 5 years; submitting an application that contains false information; failure to demonstrate the ability to maintain adequate premises liability and casualty insurance; failure to meet other criteria established by the State; and tax delinquency issues at the local, state, or federal level.

The city clerk or the City Department shall temporarily suspend the license for a marijuana business for any violations of the provisions contained within this chapter.

Sec. 22-436. Revocation of license.

Grounds for revocation of a license of a marijuana business by the city administrator include the following:

1. Conviction of the licensee of selling, furnishing, or giving marijuana to a person who is not allowed to possess marijuana in accordance with these rules and the applicable state statutes.
2. Conviction of a disqualifying drug offense.
3. Conviction of dispensing, delivering, or otherwise transferring marijuana to a person other than a registered patient who has designated the registered primary caregiver to cultivate marijuana.
4. Failure to cooperate with required inspections.
5. Failure to timely rectify any Notice of Violations.
6. Violations of any laws, rules, or ordinances that govern the operation of a marijuana business.
7. Committing, permitting, aiding or abetting any illegal practices in the operation of a marijuana business;
8. Conduct or practices that are detrimental to the safety and welfare of patient or/customers;
9. Providing information that is materially inaccurate or incomplete; and
10. Revocation or suspension of any state license or permit related to the Marijuana Business with which the licensee is associated

Sec. 22-437. Reserved.

Sec. 22-438. License administration for a marijuana business.

The city clerk and the City Department may impose conditions on the approval of any license application under this article 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 city clerk of the receipt of all approvals required from any federal or state agency or department pursuant to federal or state law prior to operations.

(b) That the applicant provide documentation to the city clerk of the receipt of any approvals required by any city board pursuant to this Code prior to the issuance of any license under this article.

Sec. 22-439. Reserved.

Sec. 22-440. Reserved.

Sec. 22-441. Reserved.

Sec. 22-442. Penalty for violation of article.

Any person who violates any provision of this article or the terms of any license issued under this article may be penalized in the following manner:

- (1) Temporary suspension. The city clerk and the City Department are authorized, pursuant to section 22-44, to immediately and temporarily suspend any license when continued operation of the licensed premises or activity presents a danger to the health, safety or the general welfare of the public.
- (2) The city administrator may suspend or revoke a license for a marijuana business in accordance with the provisions of section 22-436 of this article.
- (3) Civil penalties. A violator may be required to pay the penalties imposed by section 1-8 of this Code or 30-A M.R.S.A. (4452 et seq. as amended). A court judgment in the city's favor may result in a court order that the owner and/or operator of said Marijuana Business abate any violations, pay a penalty in accordance with the city's policy manual as approved by the city council, and pay the court costs and legal and expert witness fees incurred by the city. Notwithstanding the above, the chief of police may initiate criminal proceedings relative to individuals engaged in the unlawful distribution, use and cultivation of marijuana.

Sec. 22-443. Confidentiality.

All applications and supporting information submitted by primary caregivers under this ordinance, and the identity of registered primary caregivers and registered patients, shall be confidential pursuant to the Act, 22 M.R.S.A. §2425(8), and the Maine Freedom of Access law, 1 M.R.S.A. §402(3)(F). (Ord. No. 10-15, 1-6-11)

Sec. 22-444. Reserved

Marijuana Business Fee structure recommendations

The current license application fee in Lewiston is \$550 annually. Given the unforeseen number of existing establishments and the potential for more, as well as the amount of time and resources involved by various departments in processing and inspecting establishments (i.e. clerks, police, fire, planning/code enforcement), there is a justifiable need to increase the fee. Some caregivers expressed concerns with the proposed increases. A quick review communities suggests these are reasonable and consistent. Recommended fee's include:

- Marijuana Store: Annual Operation Permit/License Fee: \$1,500
- Marijuana Manufacturing Facility: Annual Operation Permit/License Fee: \$1,000
- Marijuana Testing Facility: Annual Operation Permit/License Fee: \$500
- Marijuana Cultivation:
 - Tier 1: 250 to 500 SF of plant canopy: Annual Permit/Licensing Fee: \$1,000.
 - Tier 2: 501-2,000 SF of mature plant canopy: Annual Permit/License Fee: \$1,500.
 - Tier 3: 2,001-7,000 SF of mature plant canopy: Annual Permit/License Fee: \$2,500.
 - Tier 4: 7,001-20,000 SF of mature plant canopy: Annual Permit/License Fee: \$5,000.
 - Nursery Cultivation: Cultivation of not more than 1,000 SF of plant canopy in compliance with 28-B M.R.S. §501.3: Annual Permit/License Fee: \$1,500 (Plant canopies of individual Nursery Cultivations are permanently capped at 1,000 SF.)
- Dispensary: Annual Operation Permit/License Fee: \$1,500

ARTICLE 18. BUILDINGS AND BUILDING REGULATIONS

Article 1. Registration Requirement for multi-family buildings

18-1. Purpose; intent.

The city has a large number of multi-family buildings, many of which are older and present property owners and managers significant challenges regarding upkeep and maintenance while placing a significant burden on the city’s code enforcement efforts. The number of real estate proprietorships, partnerships, and corporations that own buildings in the city, sometimes managed through property management companies, creates challenges to the proper enforcement of the city’s fire, building, and property maintenance codes, all of which are designed to ensure the public safety and welfare of residents.

The purpose of this article is to: require disclosure of the ownership of these buildings; identify those responsible for maintaining them and responding to violations identified through city inspections; ensure the city has access to contact information on the individual who is responsible for responding to emergencies; provide basic information on these buildings to allow the city to effectively develop and implement housing policies and programs; and provide residents, including both owners and renters, accurate, complete, and transparent data about the city’s Multi-Family housing stock. Information priorities include:

- (a) Accurate, up-to-date, and complete ownership, management, and contact information for every Multi-Family building;
- (b) An accurate inventory of dwelling unit quantity and configuration; and
- (c) An accurate assessment of certain items that impact the health and safety of dwelling units.

18-2. Definitions.

The following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this article, which are defined in articles adopted by reference, have the meanings ascribed to them as stated in those articles.

Business Operator: A specific individual person, not a corporation or partnership, with a legal ownership interest in a property who makes financial, maintenance, and policy decisions.

Emergency Contact: The individual that responds to emergency after hours calls from tenants and public safety personnel.

Legal Owner: The individual or legal entity, such as an LLC or LP, holding the deed to the property.

Multi-Family Building: A detached building in common ownership interest containing three (3) or more dwelling units designed for residential use and occupancy by three (3) or more families living independently of one another, including mixed use buildings, that is not a single-family dwelling, excluding Boarding and Lodging Houses or such other buildings that are separately licensed by the City or the State of Maine.

Property Management Company, Property Manager: An individual or business entity, which may be the Building Owner, Business Operator, or a party that has no ownership stake in a property, that serves as property manager on behalf of and at the direction of the Business Operator or Legal Owner; an individual or business entity that maintains and repairs the physical property and often manages tenant relationships and routine matters involving the property. The Property Manager serves as the primary contact for the City, its inspectors, and tenants.

Rent: Payments made for the use of a premises, including, but not limited to, money, services, trade, or a combination thereof; or the sharing of housing expenses with persons not part of the homeowner's immediate family.

18.3. Applicability; exceptions.

- (a) The provisions of this article apply to all Multi-Family Buildings except as noted in (b).
- (b) The provisions of this article do not apply to single family dwelling units; dwelling units in cooperative, condominium, or townhouse buildings where no one entity owns more than two dwelling units; lodging houses, hotels, motels, or bed and breakfasts; hospitals; convalescent, rest, or nursing homes; residential care or congregate care facilities or other institutional beds or rooms used for medical or mental health treatment services otherwise licensed by the city or state; or mobile home parks.

18.4. Registration required.

All Multi-Family buildings in which rental housing is located must be individually registered with the city, at no cost, under the terms of this article. No person, including without limitation a legal owner, owner's associate, real estate broker, associate real estate broker, real estate agent, business operator, or property manager, shall allow any rental housing unit to be occupied, or let or offer to another any Multi-Family rental housing unit for occupancy, or charge, accept or retain rent for any dwelling unit, unless the Legal Owner, the Business Operator, or the Property Manager has registered under the terms of this article. Any person carrying on such a business activity without registering is in violation of this article.

A registration certificate will be issued to the Legal Owner of the building named on the approved registration form or, at the request of the Legal Owner, to the Property Manager. One certificate will be issued for each building. The certificate for each building shall include emergency contact information for that building.

The registration certificate, or a facsimile thereof, shall be posted and shall remain posted in close proximity to the main entrance of the structure in an area that is easily accessible to tenants during the full period the registration is in effect.

Such registration is voided upon the sale or transfer of the building to a new owner.

18.5. Renewal; term.

Before March 1 of each year, the Legal Owner, the Business Operator, or the Property Manager shall submit a registration application for each Multi-Family building. Within 60 days of purchasing or transferring the ownership of such building, or converting a building into a Multi-Family property including through the addition of more units, the Legal Owner, the Business

Operator, or the Property Manager shall register the building. Newly constructed Multi-Family buildings must be registered within 30 days of the date the city issues a certificate of occupancy. All registrations expire at the end of February.

18.6. Registration Process and Requirements.

A registration application shall be made to the City Clerk's Office on a form furnished by the City Clerk and shall include the following information:

- (a) Name, business or residence address, cell and primary telephone numbers, and email address of the Legal Owner or owners of the building;
- (b) Name, business or residence address, cell and primary telephone numbers, and e-mail address of the Business Operator of the building;
- (c) Name, business or residence address, cell and primary telephone numbers, and e-mail address of the Property Manager of the building. This is the individual with whom the City will schedule inspections and who takes responsibility for maintaining the building, including responding to emergencies occurring during business hours. This individual may be the Legal Owner or the Business Operator
- (d) Emergency Contact. The name, business or residence address, cell and primary telephone numbers, and e-mail address for the city's primary contact for after hours emergencies at the building.
- (e) Street address, map and lot, and real estate tax identification number of the building.
- (f) Number and type of dwelling units within the building. For each dwelling unit, the floor number, unit number and/or letter and/or designation, bedroom count, and whether the unit is or is not occupied must be provided.
- (g) The year the building was constructed and documentation, if any, of the buildings lead free or lead safe status.
- (h) Whether the building has a monitored or supervised fire alarm or sprinkler system.

Any Changes to the information required in (a), (b), (c), and (d) that occur more than thirty days in advance of the date of the next required registration must be reported to the city clerk within fifteen days of its occurrence.

As a condition of registration, all owners must allow on-site inspections of their buildings by the city including, without limitations, all rental units.

All Multi-family buildings must be registered prior to March 1, 2020.

18.7. Rejection of Registration

The city clerk may reject any registration application where the application is incomplete or has been determined to include inaccurate information. Buildings with rejected registrations will be considered unregistered.

18.8. Unregistered multi-family buildings.

Any person failing to register a multi-family building or failing to comply with any other requirement of this article shall be in violation of this article and subject to a civil penalty enforced by the code enforcement office and a fine as established by the city council.

Unregistered multi-family buildings are not eligible for any City administered state, federal, or city-sponsored loans or grants or other city-sponsored or provided programs that are available through separate applications and which are not universally provided to all multi-family buildings.

18.9. Appeals.

The Zoning Board of Appeals shall hear appeals of orders, decisions, or determinations made relative to application and interpretations of this article. Appeals to the Zoning Board of Appeals shall be submitted as otherwise set forth in City Code regarding administrative appeals, subject to the payment of any fees as may be determined by the municipal officers from time to time.

18.10. Severability.

If any clause, sentence, paragraph, section, article, or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

NOTE: Potential Fine Schedule: Fines are established through the City's Master Policies as approved by the City Council. This requires a separate action. Suggested fine schedule: \$50 per month for the first month or portion thereof during which the building fails to have a current registration, \$100 per month for the next months or portions thereof up to the sixth month and \$200 per month for any additional months or portions thereof beyond six. For other violations, \$100 per offense.