Amendment to Chapter 180
Drugs and Drug Paraphernalia

Article II
Medical Use Cannabis Establishments

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§ 180-11. Permitted establishments.

A. Only cannabis establishments specifically authorized by an "opt-in" vote at a legally held Town Meeting shall be permitted. On June 10, 2024, the Town voted to "opt-in" to the retail sales of medical cannabis products. All other cannabis establishments are not permitted.

B. A maximum of ~~three~~ four medical cannabis establishments shall be permitted at any one time in the Town of Madison. If a medical cannabis establishment license becomes available through revocation, forfeiture or expiration, it shall be awarded on a first-come-first-served basis to the individual or entity having first submitted a complete license application that satisfies all applicable approval standards within this article. Notwithstanding this provision, if the business assets of a medical cannabis establishment are being transferred by sale to another individual or entity through purchase or otherwise, the purchaser shall have 60 days after closing of the transaction to apply for a new license, and 120 days after closing of the transaction to receive a new license without losing entitlement to a license for the medical cannabis establishment.

§ 180-12. License required

A. A medical use cannabis establishment shall not operate until it is licensed by the state. An applicant may not operate a cannabis establishment without a state license and all other necessary local approvals.

B. No person shall establish, operate or maintain a medical use cannabis establishment without first obtaining an annual license from the Select Board.

C. The Select Board may only issue one total annual medical use cannabis establishment license to a single business, individual or owner. For the purpose of this restriction, a "business" or "owner" shall include a separate business entity where the majority of ownership interests are held by the same individual(s) or entity/entities.

D. The Select Board is authorized to issue no more than ~~three~~ four annual medical cannabis use establishment licenses in accordance with this article.

E. Licenses issued pursuant to this article are not transferable following a change in ownership of the licensee or a change in location of the licensed activity. Any change in

ownership or change in officers of an owner of a medical use establishment shall have a priority of review to maintain the issued license, provided that a completed license application is submitted prior to the change of ownership.

F. Medical use establishment licenses shall be administered on a first come, first serve basis based upon the date the application is deemed complete.

§ 180-13 Nonconforming/grandfathered uses and activities.

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A. The standards of § 180-14 Site requirements, are not applicable to the licensing process of grandfathered or non-conforming activities so long as any grandfathered or non-conforming use of this article obtains a license within six months of the adoption of this article.

B. If a non-conforming use or business is terminated by the owner/operator and is discontinued for 12 consecutive months, such use shall no longer be permitted. Abandonment shall constitute discontinuance. Any conforming use housed in a building or structure destroyed by fire, or other cause to the extent 50% or more of the market value of the structure before such damage or destruction, shall be presumed to be forfeited at the time of the damage, and such use shall not be resumed, unless reconstruction is started within 18 months.

C. Nonconforming / grandfathered establishments may be sold or transferred to another entity or individual in accordance with Sections 180-11 and 180-12(E).

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§ 180-18. License fee.

The Select Board shall have the authority to set license fees for ~~and set a limit on the number of licenses granted to~~ medical cannabis establishments. Fees for a local license shall be as set forth by the Select Board, added to the Town of Madison Fee Schedule, and shall be paid annually.

§ 180-22. Enforcement.

~~The owner of the premises on or in which the medical cannabis establishment is located, who is not the licensee of the medical cannabis establishment, is jointly and severally liable with the licensee for any violation of this article.~~ This article shall be enforced by the CEO, in conjunction with the Select Board. In any court action, the Town may seek injunctive relief in addition to penalties. If court action is required to enforce this article, the Town shall be awarded its enforcement costs, including reasonable attorney's fees, in accordance with State law.