

TOWN OF MADISON, MAINE
Chapter 170: Outpatient Addiction
Treatment Centers and/or Clinics
Adopted X

§170-1 Purpose

The Town of Madison recognizes that an outpatient addiction treatment center and/or clinic can be a valuable component of our health care system. The Town recognizes that with reasonable and necessary siting restrictions listed herein, there remains sufficient suitable areas within the town to site outpatient addiction treatment centers and/or clinics. Licensing of these facilities is appropriate and consistent with the town's policies and practices to review and license business activities that impact its citizens. The licensing is not meant to duplicate the licensing done at the state level pursuant to state law and rules pursuant to 14-118 CMR Ch. 4 *Regulations for Licensing / Certifying Substance Abuse Treatment Programs in the State of Maine*, but to provide separate and additional requirements as necessitated by the above findings.

§170-2 Applicability

This Ordinance shall apply to any outpatient addiction treatment center and/or clinic that is located within the town of Madison. Licensed hospitals, pharmacies, veterinary clinics, medical marijuana/cannabis retailers, and residential nursing facilities are not governed by this ordinance.

§170-3 Definitions

Outpatient Addiction Treatment Center/Clinic

A program or treatment facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering with addictions, including but not limited to alcohol or controlled substance addictions. This includes, but is not limited to, substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. An outpatient addiction treatment clinic does not include an inpatient or residential addiction treatment program, or a program consisting solely of support group activities without treatment by licensed health practitioners, such as Alcoholics Anonymous, Narcotics Anonymous, and similar programs.

§170-4 Application Requirements

All applications for licenses under this ordinance shall be filed with, and in a form satisfactory to, the Code Enforcement Officer. Such applications shall include, but is not limited to the following:

1. Name, address and contact information including a phone number of the applicant and all other persons having a legal interest in the clinic and property and the individual(s) hired by the applicant to manage operations of the treatment center and/or clinic, if any.

2. The location of the premises for which a license is sought by identification of town tax map number and street address.
3. The dimensions and acreage of the property.
4. A copy of a site plan, drawn to scale of 50 feet or less to the inch, which contains the following information:
 - a. The boundary line of the property for which a license is sought
 - b. The location of all existing and proposed buildings and structures on the site
 - c. The location of all existing and proposed parking areas and walkways and any other improvements to the site
 - d. The location and characteristics of all existing and proposed fencing to be maintained for screening
5. A site location map at a scale of not greater than 1" to 100' showing
 - a. All adjoining residential uses and any schools, churches, family day care homes, small day care facilities, day care centers, public parks, and playgrounds
 - b. The location and characteristics of all vehicular entrances and exits serving the property
 - c. For applications directly abutting US Route 201, the site location map must show all buildings within 600' of the proposed location of the center and/or clinic
6. A detailed description of the proposed outpatient addiction treatment clinic to include the following
 - a. Population to be served
 - b. Client services
 - c. Methods of treatment
 - d. Identification of controlled substances to be kept on site
 - e. Staffing requirements
 - f. Security provisions
 - g. Hours of operation
 - h. Anticipated parking demand
 - i. Peak hour traffic

- j. Identification of other required licenses
- 7. Identification of any other approvals required by the Town of Madison, by any state agencies, by any state departments, or any federal agencies
- 8. A nonrefundable application fee

§170-5 Location Requirements

- A. A registered treatment clinic shall only be located in the following areas of town:
 - 1.) The eastern portion of the Madison Business Gateway (outside the high school safe zone designated by the Town of Madison in accordance with state law, 30-A MRSA section 3253) and
 - 2.) On land parcels directly abutting US Route 201, between White School House Rd and the Skowhegan town line. There must be a minimum 500' distance between the Treatment Clinic's primary structure and any existing primary structures on neighboring properties.

No registered treatment clinic governed by this ordinance may be sited in the Shoreland Zone, or in a Floodplain or Wetland or any other area(s) controlled by ordinance restrictions.

All clinics will be designed in such a way as to minimize the impact on neighboring properties and public services. New treatment clinic installations must adhere to the submission requirements outlined in the Madison Site Plan Review Ordinance. Applicants may request waivers, but the Board of Appeals retains the authority to grant or deny these requests.

§170-6 Review Procedure

- A. License applications for outpatient addiction treatment clinics shall be filed with the Code Enforcement Officer (CEO). The CEO will order a background check for the applicant, individuals with a legal interest in the treatment clinic and any individual hired to manage operations of the treatment clinic. The license application with the background check will then be reviewed by the CEO to determine if the application is complete. If the application is not deemed complete, the license shall be denied.
- B. If necessary, the application will be reviewed by the planning board to complete a site plan review hearing on the proposed center and/or clinic. Upon completion of the site plan review, the planning board will forward the application to the Select Board with a recommendation regarding the issuance of a license. If site plan review is not required, the CEO will forward the application directly to the Select Board.
- C. Once the Select Board receives the application or the recommendation from the

planning board, the Select Board shall schedule public hearings for the Select Board to consider the request to establish the proposed outpatient addiction treatment clinic. The Select Board shall conduct two public hearings on the application for a license to allow adequate time for public comment and review.

- D. The Select Board 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 provides documentation to the Town Clerk of the receipt of all approvals required by any federal and state agencies or departments pursuant to federal or state laws prior to clinic operations.
 - b. That the applicant provide documentation to the town clerk of the receipt of any approvals required by any town boards pursuant to this code prior to the issuance of any license under this article.
 - c. Approval of a license shall be for a period of one (1) year subject to annual renewal by the Board of Selectman upon continued compliance to the regulations. The license is non-transferable.
 - d. Fee: an annual fee will be paid at the time of application for a license or renewal. Refer to the Town of Madison Fee Schedule.

§170-7 Enforcement

The Madison Code Enforcement Officer shall be responsible for conducting annual reviews and inspections of outpatient addiction treatment clinics, ensuring compliance with all codes and ordinances, and taking appropriate enforcement actions in case of violations.

§170-8 Violation and Penalties

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:

- A. The code enforcement officer is authorized to immediately and temporarily suspend any license when continued operation of the licensed premises or activity presents a danger to the health, safety or general welfare of the public.
- B. The Board of Selectman may suspend or revoke a license in accordance with the provisions of this ordinance.
- C. Any person who violates this ordinance shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the Municipality's attorney's fees and costs, all in accordance with Title 30-A M.R.S.A. §4452. Each day such violation continues shall constitute a separate violation. Moreover, any person who violates this ordinance shall be responsible for all fines, penalties, damages and costs, including, but not limited to attorneys' fees, costs, and legal and expert witness fees incurred by the Municipality.

§170-9 Severability

- A. The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any of them shall be declared unconstitutional, invalid, or unenforceable, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.
- B. This Ordinance and subsequent amendments take effect on the date of enactment by Town Meeting vote.

DRAFT