

Town of Anson Controlled Substance Facilities Ordinance

Section 1. Authority

This ordinance is enacted pursuant to Title 30-A M.R.S.A. Section 3001.

Section 2. Purpose

This Ordinance regulates facilities involved in the production and/or distribution of controlled substances related to opioid treatment centers (methadone clinics). This does not include regulation on Marijuana Facilities.

For Marijuana regulations and ordinance, please refer to the Town of Anson, Recreational/Adult Use/ Medical Marijuana Ordinance.

Section 3. Definitions

The following definitions have the literal meaning as they pertain to this Ordinance only:

- A. **FACILITY:** Means the location of an operation to dispense methadone or other controlled substances. Individual Registered Patients, licensed hospitals and pharmacies, and Registered Primary Caregivers under DHHS supervision are not governed by this ordinance.
- B. **CONTROLLED SUBSTANCE(s):** Drugs and other substances that are considered controlled substances un the Controlled Substances Act (CSA) or classified into five schedules. This Scheduling on the drug's acceptable medical use and the drug's abuse and dependency potential. The CSA Scheduling list is annually updated and describes basic or parent chemical.
- C. **SCHOOL:** Any public or private elementary, middle, or secondary school as those terms are intended by 30-A MR.S.A. Section 3014 (2) B.
- D. **MUNICIPAL RESTRICTED PROPERTY:** Any municipally-owned athletic field, park, playground, recreational facility or other municipally-owned property where children are the primary users.
- E. **RADIUS** — Distance shall be measured from the outer property lines.

A. Section 4. Restrictions

- B. All operations in the Town of Anson under the Statute and the DHHS Rules must be performed in such a way as to protect the required confidentiality of identity of applicants, patients, caregivers, and physicians.
- C. Locations Restricted: A facility may not be located within Two thousand (2,000) feet of the property line of any preexisting public or private school, or any safe zone as designated by the Town of Anson in accordance with state law, 30-A MRSA, section 3253.
 - a. Center Point Community Church. Or established daycare)
- D. No registered facility governed by this ordinance may be sited in the Shoreland Zone, or in a Floodplain or Wetland or any other Ordinance required by the Town of Anson.
- E. All facilities will be designed in such a way as to minimize the impact on neighboring properties and public services. At a minimum, the facility shall conform to the design provisions of the following sections of the Anson Site Plan Review Ordinance (2009)
- F. The Town of Anson Code Enforcement Officer or designee shall be responsible for conducting such reviews and inspections as are necessary to assure compliance with all other codes and ordinances.

Commented [ht1]: Any other Locations we should add?

Section 5. Exceptions

- A. A registered facility shall **only** be located on **(Do we want to specify a location as other towns have.**
- B. For confidentiality and public safety reasons, no interior layout plans or details of security features for any facility will be required to be submitted, except the minimum needed for a building permit and as requested by local fire department.
- C. Additional sections of this ordinance may be added if additional controlled substances are legislated for local or regional distribution under DHHS or State-administered control.

Section 6. Severability

In the event that any section or any portion of this ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be elected to affect the validity of any other section or portion of this ordinance. The provisions of this ordinance are hereby declared to be severable.

Section 8. Effective Date

Notwithstanding any law to the contrary, this Ordinance shall take upon adoption at a town meeting of the Town of Anson.

To the Town Clerk of the Town of Anson:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled "Town of Anson Controlled Substance Facilities Ordinance", which is to be presented to the voters for their consideration on **March 1, 2014**.

Pursuant to 30-A M.R.S.A. 53002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting on the day of the vote.

Dated: **January 14, 2014**

Anson Board of Selectmen.

Arnold Luce

James Smith

Larry McHugh

Sharon Mellows

Brenda Garland