

Town of Dover

Ordinance for the

Regulation of Dispensaries & Public Consumption of

Marijuana

Pursuant to the provisions of Title 18 § 4474l and Title 24 §§ 1971 et seq., the Selectboard of the Town of Dover, Vermont, for the purpose of promoting the public health, safety, welfare and convenience, does hereby ordain as follows:

Section 1. General Provisions and Definitions

- A. The purpose of this ordinance is to regulate the establishment and operation of Medical Marijuana Dispensaries within the Town of Dover, Vermont, and provide penalties for use of marijuana in a Public Place. Pursuant to 24 V.S.A. § 1971(b), this ordinance shall be a civil ordinance.
- B. “Marijuana” shall have the same meaning as provided in 18 V.S.A. § 4201(15).
- C. “Dispensary” shall have the same meaning as provided in 18 V.S.A. § 4472(5).
- D. “Public Place” shall have the same meaning as provided in 18 V.S.A. § 4230a(a)(2)(a).

Section 2. Dispensary & Public Consumption Prohibition

- A. The sale, distribution and/or dispensing of products containing .5% or less of THC is exempt from this ordinance. The consumption of products containing .5% or less of THC is exempt from this ordinance.
- B. The establishment, opening, operation or location of a Dispensary in the Town of Dover, Vermont, is prohibited.
- C. The consumption of Marijuana in a Public Place, including on any property or in any building or structure owned or controlled by the Town of Dover, is prohibited.

Section 3. Enforcement

Any violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau, except where otherwise indicated.

Violations enforced shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, the Selectboard Chairperson, the Town Health Office, a Law Enforcement officer, or a duly authorized designee of the Selectboard shall be the designated enforcement officer(s).

Nothing herein shall preclude the Town from pursuing any other remedy provided by law for the violation of this ordinance, including injunctive relief. Nothing herein shall preclude the Town from enforcing any other provision of federal, state or local law that it is authorized by law to enforce.

Section 4. Penalties and Costs

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| 1. | First offense | \$500.00 full penalty/\$150.00 waiver penalty. |
| 2. | Second offense | \$500.00 full penalty/\$250.00 waiver penalty. |
| 3. | Third & subsequent offenses | \$500.00 full penalty. |

Section 5. Severability

If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

Section 6. Effective Date

This ordinance shall become effective 60 days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted at Dover, Vermont this ____ day of _____, 2018.

DOVER SELECTBOARD

Received and recorded this ____ day of _____, 2018.

Andrew McLean, Town Clerk