



Town of Windham

Town Offices
8 School Road
Windham, Maine

Legislation Details (With Text)

File #: 16-210 **Version:** 1 **Name:**

Type: Order **Status:** Passed

File created: 11/10/2016 **In control:** Town Council

On agenda: 12/13/2016 **Final action:** 12/13/2016

Title: To adopt an ordinance establishing a moratorium on all proceedings, applications, and petitions for the development, including all relevant permits, of Retail Marijuana Establishments and Retail Marijuana Social Clubs.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 16-210 Cover Sheet, 2. Retail Marijuana Establishment DRAFT Moratorium Ordinance Atty Rev 111516 without emergency clause

Date	Ver.	Action By	Action	Result
12/13/2016	1	Town Council	approved	Pass

I. Council Action Requested.

To adopt an ordinance establishing a moratorium on all proceedings, applications, and petitions for the development, including all relevant permits, of Retail Marijuana Establishments and Retail Marijuana Social Clubs.

II. Basis for Council Action.

Council approval of this item is required because;

- a. Pursuant to Article I, Section 2 of the Charter the town “may enact reasonable by-laws, regulations and ordinances for municipal purposes, not inconsistent with the Constitution and laws of the State of Maine,”
- b. Pursuant to Article I, Section 2 of the Charter “the administration of all the fiscal, prudential and municipal affairs of said Town, with the government thereof, except as otherwise provided by this Charter, shall be and are vested in one body of seven (7) members, which shall constitute and be called the Town Council,” and
- c. Pursuant to Article II, Section 3(I) of the Charter the Council shall have the power to “exercise all the legislative, financial, borrowing and other powers now or hereafter given by statute to inhabitants of towns acting in Town Meeting except as otherwise provided herein, and also exercise all the powers now or hereafter given by statute to municipal officers of towns.”

III. Issue Summary.

Please refer to the attached full text of the moratorium ordinance.

The Council adopted an emergency ordinance imposing a moratorium at its meeting of November 22, 2016 (order 16-209). Pursuant to Windham’s Charter an emergency ordinance may be adopted without a public hearing but may only remain in effect for sixty (60) days. In order to remain in effect

beyond sixty (60) days the Council will have to hold a public hearing and vote on the ordinance again within that time frame. A public hearing and vote are scheduled for the meeting of December 13, 2016.