



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Legislation Details (With Text)

**File #:** 20-044      **Version:** 1      **Name:**  
**Type:** Order      **Status:** Passed  
**File created:** 2/5/2020      **In control:** Town Council  
**On agenda:** 2/4/2020      **Final action:** 2/4/2020  
**Title:** To adopt an emergency ordinance establishing a moratorium on new marijuana cultivation facilities.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
2/4/2020	1	Town Council	approved	Pass

### I. Council Action Requested.

To adopt an emergency ordinance establishing a moratorium on new marijuana cultivation facilities.

### 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,”
- 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,” and
- d. Pursuant to Article II, Section 11(D) of the Charter and “to meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances.”

### III. Issue Summary.

The moratorium ordinance was not assigned an order number at the time of the Feb. 4, 2020 meeting.