



Town of Windham

Town Offices
8 School Road
Windham, Maine

Legislation Details (With Text)

File #: 20-087 **Version:** 1 **Name:**
Type: Order **Status:** Passed
File created: 3/19/2020 **In control:** Town Council
On agenda: 3/24/2020 **Final action:** 3/24/2020
Title: To adopt an ordinance extending the existing moratorium on marijuana cultivation facilities ending on April 3, 2020 to May 12, 2020.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 20-087 Cover Sheet, 2. Moratorium Ordinance Regarding Marijuana Cultivation Facilities

Date	Ver.	Action By	Action	Result
3/24/2020	1	Town Council	approved as amended	Fail

I. Council Action Requested.

To adopt an ordinance extending the existing moratorium on marijuana cultivation facilities ending on April 3, 2020 to May 12, 2020.

II. Basis for Council Action.

Council approval of this item is required because;

- 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,”
- 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,”
- 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
- 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.

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

An emergency ordinance was first enacted February 4, 2020, with immediate applicability. 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 is required to hold a public hearing and vote on the ordinance again within that time frame.

A public hearing was held on February 25, 2020 where the moratorium was formerly adopted. A copy of the moratorium language is attached. The moratorium is due to expire on April 3, 2020.

The public hearing and action on proposed amendments to Chapter 140, Land Use Ordinance, related to the regulation of medical and adult-use marijuana as well as to proposed Chapter 160, Marijuana Business Licensing Ordinance are being postponed to April 14, 2020 and we are requesting the moratorium be extended to that date as well.