



Town of Windham

Town Offices
8 School Road
Windham, Maine

Legislation Text

File #: 18-193, **Version:** 1

I. Council Action Requested.

To adopt an extension of 180 days to the Mineral Extraction Moratorium Ordinance.

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,” and if
- e. Pursuant to 30-A MRSA 4356 a moratorium may be extended for additional periods of 180 days if (A) the problem giving rise to the moratorium still exists; and (B) reasonable progress is being made to alleviate the problem giving rise to the need for the moratorium.

III. Issue Summary.

Please refer to the attached mineral extraction moratorium ordinance adopted as an emergency on April 24, 2018 and subsequently on May 22, 2018 following a public hearing. This amendment was adopted by the Council as an emergency on June 19, 2018 and was the subject of a public hearing and vote at the meeting of June 26, 2018.

The Mineral Extraction Committee’s recommendations are tentatively scheduled as a discussion item on October 23, 2018.