

The Town of Glenburn hereby ordains that the following ordinance be enacted:

TOWN OF GLENBURN MORATORIUM
ORDINANCE REGARDING MEDICAL MARIJUANA CAREGIVER USES
Effective 09/14/23 to 04/09/24

WHEREAS, the Maine Medical Use of Marijuana Act (the "Act"), codified in the Maine Revised Statutes in Title 22, Chapter 558-C, authorizes registered caregivers to possess, cultivate, and transfer medical marijuana to qualifying patients, as these terms are defined by 22 M.R.S. 2422; and

WHEREAS, the Act expressly recognizes municipal home rule authority to regulate registered caregiver operations, except that a municipality may not prohibit or limit the number of registered primary caregivers; and

WHEREAS, the unregulated location and operation of medical marijuana retail stores, testing facilities, manufacturing facilities, grow facilities, and other caregiver uses, within the Town of Glenburn raises legitimate and substantial questions about the impact of such activity on the Town, including questions as to compatibility with existing land uses and developments in the Town; the sufficiency of municipal infrastructure to accommodate such activity; and the possibility of unlawful sale of medical marijuana and medical marijuana products;

WHEREAS, as a result of the foregoing issues, the location and operation of medical marijuana retail stores, testing facilities, manufacturing facilities, grow facilities, and other caregiver uses, within the Town have potentially serious implications for the health, safety, and welfare of the Town and its residents; and

WHEREAS, existing ordinances are insufficient to prevent serious public harm that could result from the unregulated development of medical marijuana retail stores, testing facilities, manufacturing facilities, grow facilities, and other caregiver uses; and

WHEREAS, an overburdening of public facilities and resources, including public safety resources, is a reasonably foreseeable result of the unregulated location and operation of registered caregiver retail stores, testing facilities, manufacturing facilities, grow facilities, and other caregiver uses in the Town; and

WHEREAS, in the judgment of the Town Council, the foregoing findings and conclusions constitute an emergency within the meaning of 30-A M.R.S. 4356, requiring immediate legislative action.

NOW THEREFORE, BE IT ENACTED by the Glenburn Town Council that this Ordinance entitled, "Moratorium Ordinance Regarding Medical Marijuana Caregiver Uses," be, and hereby is, enacted:

Section 1. Moratorium. The Town does hereby declare a moratorium on the location, permitting, approval, operation, or licensing of any and all medical marijuana uses within the Town of Glenburn. No person or organization shall develop or operate a new medical marijuana use that

was not in lawful existence on or after the effective date of this Ordinance. During the time this Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Town shall accept, process, approve, deny, or in any other way act upon any application for license, building permit, any other type of land use approval or permit and/or any other permits or licenses related to a medical marijuana use.

Section 2. Definitions. For purposes of this Ordinance, the term "medical marijuana uses" means a registered caregiver as defined in Title 22 M.R.S. 2422(11), and includes a caregiver cultivation facility, a caregiver processing facility or any other associated use.

Section 3. Pending Proceedings. Notwithstanding 1M.R.S. 302 or any other law to the contrary, this Ordinance shall govern any proposed medical marijuana use for which an application for a building permit, certificate of occupancy, site plan or any other required approval has been submitted to the Town, whether or not a pending proceeding, prior to the enactment of this Ordinance, but it shall not apply to any medical marijuana use that has received site plan approval from the Town prior to August 24, 2021.

Section 4. Conflicts/Savings Clause. Any provisions of the Town's ordinances that are inconsistent with or conflicting with the provisions of this Ordinance are hereby repealed to the extent applicable for the duration of this moratorium. If any section or provision of this Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Section 5. Violations. If any medical marijuana use is established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance and the Town shall be entitled to all rights and remedies available to it pursuant to 30A M.R.S. 4452, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorneys' fees and costs in prosecuting any such violations.

Section 6. Effective Date. This Moratorium Ordinance shall take effect at the expiration of 30 days after adoption, but shall be applicable as of August 24, 2021. The moratorium shall remain in effect for one hundred and eighty (180) days from the date of adoption of this Ordinance, unless extended, repealed, or modified by the Town Council.

Adopted by Glenburn Town Council 09/16/21, effective 10/16/21, but shall be applicable as of August 24, 2021 and shall remain in effect for one hundred and eighty (180) days from the date of adoption unless extended, repealed, or modified by the Town Council. (This ordinance shall not apply to any medical marijuana use that has received site plan approval from the Town prior to August 24, 2021.)

Extension #1—180-day Extension of Moratorium, adopted 03/17/22, applicable 03/16/22

Extension #2—180-day Extension of Moratorium, adopted 09/15/22, applicable 09/13/22

Extension #3—180-day Extension of Moratorium, adopted 03/09/23, applicable 03/12/23

Extension #4—180-day Extension of Moratorium, adopted 09/14/23, applicable 09/14/23