

TOWN OF NEWRY
MORATORIUM ORDINANCE REGARDING RETAIL RECREATIONAL
MARIJUANA

WHEREAS, the legislative body of the Town of Newry (the “Town”) makes the following findings:

- (1) The Marijuana Legalization Act was approved by Maine voters in November 2016 and has been codified in the Maine Revised Statutes in Title 7, chapter 417; and
- (2) The unregulated location and operation of “Retail Marijuana Establishments” and “Retail Marijuana Social Clubs,” as defined in 7 M.R.S.A. chapter 417, as well as other types of retail recreational marijuana activity within the Town, raises legitimate and substantial questions about the impact of such activity, establishments, and social clubs on the Town, including questions as to compatibility with existing land uses and developments in the Town; potential adverse health and safety effects on the community; the possibility of illicit sale and use of marijuana and marijuana products to and by minors; and the possibility of unlawful use of marijuana and marijuana products; and
- (3) As a result of the foregoing issues, retail recreational marijuana activity, and the location and operation of Retail Marijuana Establishments and Retail Marijuana Social Clubs within the Town, have potentially serious implications for the health, safety, and welfare of the Town and its residents; and
- (4) The Town currently has no regulations governing retail recreational marijuana activities, Retail Marijuana Establishments and Retail Marijuana Social Clubs, and existing ordinances are insufficient to prevent serious public harm that could result from the unregulated development of Retail Marijuana Establishments and Retail Marijuana Social Clubs and from other types of retail recreational marijuana activity; and
- (5) An overburdening of public facilities and resources, including public safety resources, is a reasonably foreseeable result of Retail Marijuana Establishments and Retail Marijuana Social Clubs located in the Town and/or other types of retail recreational marijuana activity in the Town; and
- (6) The State’s regulatory structure is unknown at this time as the Maine Legislature and State agencies have not developed final legislation or regulations concerning Retail Marijuana Establishments and Retail Marijuana Social Clubs; and
- (7) Because the State’s regulatory structure governing retail recreational marijuana activities is unknown at this time, the role and authority of the Town and of other Maine municipalities in

regulating retail recreational marijuana activities and the location, operation and licensing of Retail Marijuana Establishments and Retail Marijuana Social Clubs also is unknown at this time, and will remain so until the Maine Legislature and State agencies have not developed final legislation or regulations concerning Retail Marijuana Establishments and Retail Marijuana Social Clubs; and

(8) In the judgment of the legislative body of the Town, the foregoing findings and conclusions constitute an emergency with the meaning of 30-A M.R.S. §4356 requiring immediate legislative action.

NOW THEREFORE, pursuant to 30-A M.R.S. §4356, be it ordained by the Town as follows:

Section XXV. RECREATIONAL MARIJUANA

A. MORATORIUM

The Town does hereby declare a moratorium on all retail recreational marijuana activity, and the location, operation, or licensing of any and all “Retail Marijuana Social Clubs” and “Retail Marijuana Establishments,” as defined in 7 M.R.S. chapter 417, including but not limited to, retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities within the Town.

No person or organization shall engage in any retail recreational marijuana activity or develop or operate a Retail Marijuana Establishment or Retail Marijuana Social Club within the Town on or after the effective date of this Ordinance. During the time this moratorium 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 a license, building permit, any other type of land use approval or permit and/or any other permits or licenses related to a Retail Marijuana Establishment, Retail Marijuana Social Club, or retail recreational marijuana activities.

B. PENDING PROCEEDINGS

Notwithstanding 1 M.R.S. §302 or any other law to the contrary, this Ordinance shall govern any proposed retail recreational marijuana activity and Retail Marijuana Establishments or Retail Marijuana Social Clubs 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.

C. MEDICAL MARIJUANA ACT

This Ordinance will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S. §§2421-2430-B) to qualifying patients, primary caregivers, or

registered dispensaries, including cultivation facilities associated with any of those classifications.

D. CONFLICTS/SAVINGS CLAUSE

Any provisions of the Town's ordinances that are inconsistent or conflicting with the provisions of this Ordinance are hereby repealed to the extent applicable for the duration of the 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.

E. VIOLATIONS

If any retail recreational marijuana activity is conducted, or Retail Marijuana Establishment or Retail Marijuana Social Club 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 available to it pursuant to 30-A 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.

F. EFFECTIVE DATE

This Ordinance shall become effectively immediately upon its adoption and shall remain in full force and effect for a period of 180 days thereafter, unless extended pursuant to law or until a new and revised set of regulations is adopted by the Town, whichever shall first occur.