

MORATORIUM ORDINANCE

APPROVED 12 DECEMBER 2023

Regarding Medical Cannabis Registered Dispensaries and Medical Cannabis Production Facilities

The TOWN OF BALDWIN hereby enacts a Moratorium Ordinance pursuant to 30-A M.R.S. Sec. 4356 as follows:

WHEREAS, there have been recent significant changes to the State statutes on medical cannabis not reflected in the Town's existing Land Use Ordinance which were enacted in 2017; and

WHEREAS, Baldwin finds itself suddenly under threat of development of medical cannabis dispensaries and medical cannabis production facilities; and

WHEREAS, this development pressure has not been adequately provided for in the Town's current Cannabis related portions of the Land Use Ordinance, portions of which now conflict with State statutes; and

WHEREAS, the changes to the State statutes on medical cannabis have rendered the application of existing comprehensive plan and land use ordinance inadequate to prevent serious public harm from commercial development in the Town of Baldwin, and

WHEREAS, after public hearing, there is strong support for this Moratorium Ordinance; and

WHEREAS, the Town will need at least 180 days to develop and implement the necessary amendments to zoning and land use ordinances and regulations to accommodate these new laws; and

WHEREAS, amendments to the Land Use Ordinance require a public hearing by the Planning Board and the Board of Selectmen, and then must be voted upon at a Town Meeting; and

WHEREAS, in the Judgment of the Town, these facts create an emergency within the meaning of 30-A M.R.S. 4356 (1)(B) and require the following Moratorium Ordinance as immediately necessary for the preservation of the public health, safety and welfare;

NOW, THEREFORE, the Town of Baldwin hereby ordains that a moratorium is hereby imposed, effective immediately and applicable, to the maximum extent permitted by

law and subject to the severability clause below to all proceedings, applications and petitions not pending (within the meaning of M.R.S. Sec. 302) as of 3 October 2023, and shall apply to any new construction or use, requiring approval under the terms of the Town's zoning and land use ordinances and regulations for such Town until the effective date of the necessary amendments to the zoning and land use ordinances and regulations or until 31 March, 2024;

BE IT FURTHER ORDAINED, that during said moratorium the Planning Board, Board of Appeals, the C.E.O., all Town agencies and all Town employees shall neither accept nor approve applications, plans, permits, licenses, and/or fees for any new construction or uses governed by this Moratorium Ordinance for any cannabis facilities for said period of time; and

BE IT FURTHER ORDAINED, that those provisions of the Town's Land Use Ordinance and regulations which are inconsistent or conflicting with the provisions of this Moratorium Ordinance, including, without limitation, the requirements for site plan review by the Planning Board, exception review by the Planning Board, are hereby repealed to the extent that they are applicable for the duration of the Moratorium Ordinance hereby ordained, but not otherwise;

BE IT FURTHER ORDAINED, that to the extent any provision of this Moratorium Ordinance is deemed invalid by a court of competent jurisdiction, the balance of the Moratorium Ordinance shall remain is valid.

BE IT FURTHER ORDAINED, that the Select Board is authorized by 30-A M.R.S. 4356 (3) to extend this moratorium for additional 180-day periods after notice and hearing if it finds that: A. The problem giving rise to the need for the moratorium still exists; and B. Reasonable progress is being made to alleviate the problem(s) giving rise to the need for the moratorium.

EMERGENCY CLAUSE:

In view of the emergency cited in the preamble, this Moratorium Ordinance shall take effect immediately upon passage by the Town Special Meeting, shall apply, to the maximum extent permitted by the law but subject to the severance clause above, to all proceedings, applications and petitions not pending as of 3 October 2023, and shall stand repealed as of 31 March 2024 unless extended as aforesaid.