

Town of Hampden

EMERGENCY ORDINANCE REGARDING MARIJUANA OPERATIONS

WHEREAS the legislative body of the Town of Hampden (the "Municipality") makes the following findings:

- (1) The Maine Medical Use of Marijuana Act was passed by the Maine Legislature in 2009 and has been codified in the Maine Revised Statutes ("M.R.S.A.") in Title 22, and amended in 2018, 2019, 2021, and 2023.
- (2) The Maine Cannabis Legalization Act was passed by the Maine Legislature in 2017 and has been codified in the Maine Revised Statutes ("M.R.S.A.") in Title 28 and amended in 2021.
- (3) These Acts permit a municipality to regulate both medical and adult use of cannabis; and
- (4) As a result of changes within the regulating statutes, uses of both types, if unregulated at the local level, have potentially serious implications for the health, safety and welfare of the Municipality and its residents; and
- (5) The Municipality intends to draft and adopt new and amended sections of the Town of Hampden Maine Marijuana Ordinance and relevant sections within the Town of Hampden Zoning Ordinance use table delineated as D-5, D-6, D-7, H-6, H-7, and H-8 in order to comply with amendments to the Acts, which process will take time to ensure appropriate regulation of these uses; and
- (6) In the judgment of the Hampden Town Council, the foregoing findings and conclusions constitute an emergency within the meaning of 30-A M.R.S.A. § 4356 and Section 214 of the Hampden Town Charter requiring immediate legislative action.

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

Section 1. Limitation. The Municipality does hereby declare that to protect the public health, safety, and welfare, to the extent authorized by the Acts, after the effective date of this Ordinance and during the time this Emergency Ordinance is in effect, no officer, official, employee, office, administrative board, or agency of the Municipality shall accept or approve any application for Municipal licensure.

Section 2. Existing medical and adult use privileges. This Ordinance will not limit any existing privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S.A.) or the Maine Cannabis Legalization Act (28 M.R.S.A.) to those entities already Municipality licensed and operating at the time this Emergency Ordinance is enacted.

Section 3. Conflicts/Savings Clause. Any provisions of the Municipality's ordinances that are inconsistent or conflicting with the provisions of this Emergency Ordinance are hereby repealed to the extent applicable for the duration of this Emergency Ordinance. If any section or provision of this Emergency Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Section 4. Violations. If any property is found to be in violation of this Emergency Ordinance, each day of any continuing violation shall constitute a separate violation of this Emergency Ordinance and the Municipality shall be entitled to all rights available to it pursuant to 30-A M.R.S.A. § 4452, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations.

Section 5. Effective Date. This Emergency Ordinance shall become effective immediately upon its adoption and shall remain in full force and effect for a period of 60 days thereafter, unless extended pursuant to law by the Municipality.

Adopted: 12/16/2024

Effective: 12/17/2024

Certified by: Gayle C. Decker
Gayle Decker, Town Clerk

