

MUNICIPALITY OF BLUE HILL
MORATORIUM ORDINANCE ON CANNABIS ESTABLISHMENTS

WHEREAS, the “Cannabis Legalization Act,” has become law in Maine, codified in the Maine Revised Statutes in Title 28-B, section 101, et seq.; and

WHEREAS, the Cannabis Legalization Act (hereinafter, “Act”) authorizes municipalities to or regulate the number of cannabis stores and the location and operation of cannabis establishments, including cannabis stores, cannabis cultivation facilities, cannabis products manufacturing facilities and cannabis testing facilities, as those terms are defined in the Act, as well as providing the option to not allow cannabis establishments, including stores, cultivation facilities, manufacturing facilities and testing facilities, within their jurisdiction; and

WHEREAS, the Act does not limit the privileges or rights afforded by the Maine Medical Use of Cannabis Act (22 M.R.S. §§ 2421 – 2430-N) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities associated with any of those classifications; and

WHEREAS, the Municipality’s current ordinances do not include any regulations related to cannabis establishments under the Act; and

WHEREAS, the unregulated location and operation of cannabis establishments within the Municipality of Blue Hill raises legitimate and substantial questions about the impact of such establishments on the Municipality, including questions about the compatibility of cannabis establishments with existing uses and development in residential, commercial and industrial zoning districts; the potential adverse health and safety effects of cannabis establishments on the community if allowed, or if not properly regulated; the possibility of illicit sale and use of cannabis and cannabis products to minors and misuse of cannabis and cannabis products by those who would abuse the uses authorized under the Act; potential criminal activity associated with the cultivation, manufacturing, sale and use of cannabis and cannabis products for non-medicinal purposes and the potential increased burden on the Municipality’s law enforcement and fire departments; and the adequacy of the Municipality’s streets and infrastructure to accommodate the additional traffic and/or population that may result from the presence of cannabis establishments; and

WHEREAS, the possible effect of the location and operation of cannabis establishments within the Municipality has potentially serious implications for the health, safety and welfare of the Municipality and its residents; and

WHEREAS, the Municipality needs time to review the Act and to review its own ordinances to determine the implications of future proposed cannabis establishments to develop reasonable ordinances governing either a prohibition or regulation of the location and operations of such establishments to address the concerns cited above; and

WHEREAS, the Municipality's current ordinances are insufficient to prevent serious public harm that could be caused by the unregulated development of cannabis establishments and other uses authorized by the Act, thereby necessitating a moratorium; and

WHEREAS, the board of municipal officers, the administration and the planning board, with the professional advice and assistance of the sheriff's department, shall study the Municipality's current ordinances to determine the land use and other regulatory implications of cannabis establishments and consider what locations, if any, and conditions of approval, if any, might be appropriate for such uses, and in the best interest of the Municipality; and

WHEREAS, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of cannabis establishments and other uses authorized by the Act, being located in the Municipality; and

WHEREAS, it is anticipated that such a study, review, and development of recommended ordinance changes will take at least one hundred and eighty (180) days from the date, the Municipality enacts this Moratorium Ordinance on cannabis establishments;

NOW, THEREFORE, be it ordained by the legislative body of the Municipality of Blue Hill, that the following Moratorium Ordinance on cannabis establishments be, and hereby is, enacted, and, in furtherance thereof, the legislative body does hereby declare a moratorium on the location, operation or licensing of any cannabis establishments, including cannabis stores, cannabis cultivation facilities, cannabis products manufacturing facilities and cannabis testing facilities, within the Municipality.

This Moratorium Ordinance shall take effect, once enacted by the legislative body, but shall be applicable as of November 5, 2025 as expressly provided below. The moratorium shall remain in effect for one hundred and eighty (180) days from the date of applicability of this Ordinance, unless extended, repealed, or modified by the legislative body, for the express purpose of drafting an amendment or amendments to the Municipality's current ordinances to protect the public from health and safety risks including, but not limited to compatibility of cannabis establishments with existing

and permitted uses in residential, commercial and industrial zoning districts; the correlation of cannabis establishments with activities authorized and regulated under the Maine Medical Use of Cannabis Act; the potential adverse health and safety effects of cannabis establishments on the community if not properly regulated; the possibility of illicit sale and use of cannabis and cannabis products to minors and misuse of cannabis and cannabis products by those who would abuse the uses authorized under the law; criminal activity associated with the cultivation, manufacturing, sale and use of cannabis and cannabis products for non-medicinal purposes and the potential increased burden on the public safety agencies serving the Municipality in responding to the same; and the adequacy of the Municipality's infrastructure to accommodate the additional traffic and/or population that may result from the presence of cannabis establishments in the Municipality.

BE IT FURTHER ORDAINED, that this Ordinance shall apply to cannabis establishments, including cannabis stores, cannabis cultivation facilities, cannabis products manufacturing facilities and cannabis testing facilities, as those terms are defined by the Act, that may be proposed to be located within the Municipality on or after the November 5, 2025 applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any proposed cannabis establishment for which an application for a building permit, Certificate of Occupancy, site plan or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board or other Municipal official or board prior to the applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall develop or operate a cannabis establishment within the Municipality on or after the effective date of this Ordinance without complying with whatever ordinance amendment or amendments the legislative body may enact as a result of this Moratorium Ordinance, which may include an outright prohibition; and

BE IT FURTHER ORDAINED, that during the time this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Municipality shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit or any other type of land use approval or permit and/or any other permits or licenses related to a cannabis establishment; and

BE IT FURTHER ORDAINED, that those provisions of the Municipality's ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the

moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that if cannabis establishments are established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the Municipality shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations; and

BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.