

Town of Raymond
July 31, 2018
SPECIAL TOWN MEETING WARRANT

TO: Nathan White, a resident of the Town of Raymond, in the County of Cumberland and State of Maine.

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Raymond, qualified by law to vote in Town affairs, to meet at the Broadcast Studio at 423 Webbs Mills Road in said town on Tuesday, July 31, 2018, at 6:00 P.M., then and there to act on Articles 1 through 3 as set out below.

ARTICLE 1: To elect a moderator to preside at said meeting.

ARTICLE 2: Shall an ordinance entitled 'Ordinance Establishing a Moratorium on Registered Caregiver Retail Stores?' be enacted?

TOWN OF RAYMOND

**ORDINANCE ESTABLISHING A MORATORIUM ON
REGISTERED CAREGIVER RETAIL STORES**

WHEREAS, the Maine Medical Use of Marijuana Act, codified at 22 M.R.S.A. Chapter 558-C, authorized primary caregivers to possess and cultivate marijuana for qualifying patients and to receive monetary compensation for costs associated with assisting qualifying patients; and

WHEREAS, the Legislature enacted the Act to Amend Maine's Medical Marijuana Law (the "Act") on July 9, 2018; and

WHEREAS, the Act specifically gives municipalities the authority to regulate registered caregivers, registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities; and

WHEREAS, the Act authorizes caregivers to operate one retail store to sell harvested marijuana to qualifying patients for the patients' medical use; and

WHEREAS, the Act prohibits municipalities from authorizing new registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities after the effective date of the Act unless the legislative body has voted to adopt or amend an ordinance or approve a warrant article allowing registered caregiver retail stores, registered dispensaries, marijuana testing facilities or manufacturing facilities; and

WHEREAS, the Act specifically authorizes the continued operation of registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are operating with municipal approval prior to effective date of the Act; and

WHEREAS, the Act will become effective 90 days after the Legislature adjourns from the current special session; and

WHEREAS, registered caregiver retail stores raise a number of concerns related to public safety and welfare, including, but not limited to, potential adverse effects on neighborhoods, security of the facilities, and odors that may create a public nuisance or hazard; and

WHEREAS, there has been an increasing number of requests regarding the establishment of registered caregiver retail stores; and

WHEREAS, the Town's existing ordinances do not provide an adequate mechanism to regulate and control the location and operation of registered caregiver retail stores and are inadequate to prevent serious public harm that could be caused by the unregulated development of registered caregiver retail stores; and

WHEREAS, the Town needs a reasonable amount of time to determine the implications of registered caregiver retail stores and to develop reasonable regulations governing their location and operation; and

WHEREAS, during the period of this Moratorium, the Town will work on developing appropriate land use regulations concerning registered caregiver retail stores;

NOW THEREFORE, pursuant to the authority granted to it by 30-A M.R.S.A. § 4356, be it hereby ordained by the legislative body of the Town of Raymond as follows:

1. DEFINITIONS.

As used in this Ordinance, the following terms have the following meanings as defined in the Marijuana Legalization Act:

"Marijuana": means cannabis.

"Registered Caregiver Retail Store": a facility or location in which a registered medical marijuana caregiver sell harvested marijuana to qualifying patients for the patients' medical use through a storefront.

2. APPLICABILITY AND PURPOSE.

This moratorium shall apply to retail registered caregiver retail stores, as defined above, that are proposed to be located within the Town of Raymond on or after the effective date of this Ordinance. Notwithstanding anything to the contrary in 1 M.R.S.A. § 302 or any other law, this Ordinance applies to any application relating to the establishment or operation of a proposed registered caregiver retail store, whether or not such application had become a "pending proceeding" as defined in 1 M.R.S.A. § 302 prior to the enactment of this Ordinance. Properties that are currently permitted as general retail operations shall not be permitted to operate as a registered caregiver retail store and shall only be permitted by the Town in accordance with future land use regulations concerning registered caregiver retail stores.

3. PROHIBITION.

During the time this Ordinance is in effect, no official, officer, board, body, agency, agent or employee of the Town of Raymond shall accept, process or act upon any application for any approval, including but not limited to a building permit, certificate of occupancy, site plan review, conditional use, or any other approval relating to the establishment or operation of a business or operation of a registered caregiver retail store. No person shall establish or operate a business or operation of a registered caregiver retail store within the Town of Raymond without complying with whatever ordinance amendments the Town may enact as a result of this Ordinance. This prohibition does not apply to activities of registered medical marijuana caregivers that occur within a caregiver's residence or the residence of a qualifying patient.

4. ENFORCEMENT, VIOLATION AND PENALTIES.

This Ordinance shall be enforced by the Code Enforcement Officer of the Town of Raymond. Any person who violates Section 3 of this ordinance shall be subject to civil penalties and other remedies as provided in 30-A M.R.S.A. § 4452.

5. EFFECTIVE DATE.

This Ordinance takes effect immediately upon adoption and shall expire on the 180th day thereafter, unless earlier extended by the Board of Selectmen.

6. SEVERABILITY.

Should any section or provision of this Ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.

ARTICLE 3: Shall an ordinance entitled "Ordinance Establishing a Moratorium on Mobile Homes in the Limited Residential/Recreational 1 (LRR1) and Limited Residential/Recreational 2 (LRR2) Shoreland Zoning Districts?" be enacted?

TOWN OF RAYMOND

ORDINANCE ESTABLISHING A MORATORIUM ON MOBILE HOMES IN THE LIMITED RESIDENTIAL/RECREATIONAL 1 (LRR1) AND LIMITED RESIDENTIAL/RECREATIONAL 2 (LRR2) SHORELAND ZONING DISTRICTS

WHEREAS, Maine law allows municipalities to regulate the location and design criteria of mobile homes as long as mobile homes are permitted to be placed or erected on individual house lots

in a number of locations on undeveloped lots where single-family dwellings are allowed, subject to the same requirements as single-family dwellings pursuant to 30-A M.R.S. 4358(2); and

WHEREAS, the Town currently specifically allows Manufactured Housing Type 1/Mobile Homes as a permitted use in the Rural District and the Rural Residential District, and allows single family residential in the Limited Residential/Recreational 1 (LRR1) and Limited Residential/Recreational 2 (LRR2) Shoreland Zoning Districts which includes mobile homes; and

WHEREAS, there has been an increasing number of requests regarding the placement of mobile homes in the LRR1 and LRR2 Districts; and

WHEREAS, the Town's existing ordinances do not provide an adequate mechanism to regulate and control the location of Manufactured Housing Type 1/Mobile Homes in the LRR1 and LRR2 Districts and are inadequate to prevent public harm that could be caused from residential development; and

WHEREAS, the Town needs a reasonable amount of time to determine the implications of Manufactured Housing Type 1/Mobile Homes in the LRR1 and LRR2 Districts and to develop reasonable regulations governing their location; and

WHEREAS, during the period of this Moratorium, the Town will work on developing appropriate land use regulations concerning Mobile Homes/Manufactured Housing Type 1 in the LRR1 and LRR2 Districts;

NOW THEREFORE, pursuant to the authority granted to it by 30-A M.R.S.A. § 4356, be it hereby ordained by the legislative body of the Town of Raymond as follows:

2. DEFINITIONS.

As used in this Ordinance, the following terms have the following meanings as defined in the Raymond Land Use Ordinance and 30-A M.R.S. 4358:

Manufactured Housing - A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For the purpose of this section, two types of manufactured housing are included. Those two types are:

1. Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development Standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit.

This term also includes any structure, which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured

Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et. seq.; and

2. Those units commonly called "modular homes," which the manufacturer certifies are constructed in compliance with Title 10, Chapter 975, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

2. APPLICABILITY AND PURPOSE.

This moratorium shall apply to Manufactured Housing Type 1/Mobile Homes, as defined above, that are proposed to be located within the LRR1 and LRR2 Districts in the Town of Raymond on or after the effective date of this Ordinance. Notwithstanding anything to the contrary in 1 M.R.S.A. § 302 or any other law, this Ordinance applies to any application relating to a Manufactured Housing Type 1/Mobile Home within the LRR1 and LRR2 Districts, whether or not such application had become a "pending proceeding" as defined in 1 M.R.S.A. § 302 prior to the enactment of this Ordinance.

3. PROHIBITION.

During the time this Ordinance is in effect, no official, officer, board, body, agency, agent or employee of the Town of Raymond shall accept, process or act upon any application for any approval, including but not limited to a building permit, certificate of occupancy, site plan review, conditional use, or any other approval relating to a Manufactured Housing Type 1/Mobile Home in the LRR1 and LRR2 Districts.

4. ENFORCEMENT, VIOLATION AND PENALTIES.

This Ordinance shall be enforced by the Code Enforcement Officer of the Town of Raymond. Any person who violates Section 3 of this ordinance shall be subject to civil penalties and other remedies as provided in 30-A M.R.S.A. § 4452.

5. EFFECTIVE DATE.

This Ordinance takes effect immediately upon adoption by Special Town Meeting and shall expire on the 180th day thereafter, unless earlier extended by the Board of Selectmen.

6. SEVERABILITY.

Should any section or provision of this Ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.

Given under our hands this 19th day of July AD 2018.

Teresa Sadak, Chairman

Rolf Olsen, Vice Chair

Marshall Bullock, Parliamentarian

Samuel Gifford

Lawrence Taylor

I attest that this is a true copy.

Susan L Look
Town Clerk