



CITY COUNCIL AGENDA

**SPECIAL MEETING
November 1, 2016**



SPECIAL MEETING BANGOR CITY COUNCIL – NOVEMBER 1, 2016

PLEDGE ALLEGIANCE TO THE FLAG

PUBLIC COMMENT

NEW BUSINESS ITEM NO.		ASSIGNED TO COUNCILOR	
<u>16-387</u>	<u>ORDINANCE</u>	Enacting a Moratorium on Retail Marijuana Social Clubs	DURGIN

Executive Summary: This ordinance would enact a moratorium on retail marijuana social clubs in the City of Bangor.

On November 8, Maine citizens will vote on the Marijuana Legalization Act, which would legalize the recreational use of marijuana. The Police Chief and Public Health Director have indicated that there are potentially significant health and safety consequences of widespread use of marijuana, including effects on drivers and diversion of marijuana to children.

Of particular concern is the creation of marijuana social clubs. Unless specifically prohibited by the municipality, the law allows for the immediate establishment of social clubs. That means that the city could have marijuana social clubs established as early as mid-December. Concerns raised specifically by the Police Chief revolve around our ability to determine levels of impairment when operating a motor vehicle. Without such ability, the Chief has raised concerns that this poses a significant safety risk for the general public. Additionally, the City will need to determine what zones, if any are appropriate for such social clubs.

Specifically, this ordinance would prohibit retail marijuana social clubs, for a period of six months. Because the remainder of the law provides that the City will have sufficient ability to review potential legislative changes and rulemaking prior to its enactment, the City reserves the ability to make future moratoriums on other aspects of the law.

If approved, this will allow the Council an opportunity to gain additional information about the consequences of allowing these uses in Bangor and to see what regulations may be appropriate for such uses.

In order to enact this moratorium immediately, the ordinance requirement of two readings must be waived by a two-thirds vote of the Council.



CITY COUNCIL

October 27, 2016

TO THE MEMBERS OF THE CITY COUNCIL:

Notice is hereby given that a SPECIAL MEETING of the City Council will be held in the Council Chambers, City Hall, Bangor, Maine on Tuesday, November 1, 2016 at 5:30 p.m. for the purpose of considering the following:

16-387 ORDER - Enacting a Moratorium on Retail Marijuana Establishments and Retail Marijuana Social Clubs

A handwritten signature in black ink, appearing to be "Faircloth", written over a horizontal line.

Council Chair Faircloth

COUNCIL ACTION

Item No. 16-387

Date: November 1, 2016

Item/Subject: **ORDINANCE**, Enacting a Moratorium on Retail Marijuana Social Clubs

Responsible Department: Legal

Commentary:

This ordinance would enact a moratorium on retail marijuana social clubs in the City of Bangor.

On November 8, Maine citizens will vote on the Marijuana Legalization Act, which would legalize the recreational use of marijuana. The Police Chief and Public Health Director have indicated that there are potentially significant health and safety consequences of widespread use of marijuana, including effects on drivers and diversion of marijuana to children.

Of particular concern is the creation of marijuana social clubs. Unless specifically prohibited by the municipality, the law allows for the immediate establishment of social clubs. That means that the city could have marijuana social clubs established as early as mid-December. Concerns raised specifically by the Police Chief revolve around our ability to determine levels of impairment when operating a motor vehicle. Without such ability, the Chief has raised concerns that this poses a significant safety risk for the general public. Additionally, the City will need to determine what zones, if any are appropriate for such social clubs.

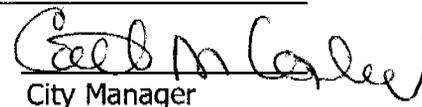
Specifically, this ordinance would prohibit retail marijuana social clubs, for a period of six months. Because the remainder of the law provides that the City will have sufficient ability to review potential legislative changes and rulemaking prior to its enactment, the City reserves the ability to make future moratoriums on other aspects of the law.

If approved, this will allow the Council an opportunity to gain additional information about the consequences of allowing these uses in Bangor and to see what regulations may be appropriate for such uses.

In order to enact this moratorium immediately, the ordinance requirement of two readings must be waived by a two-thirds vote of the Council.

Department Head

Manager's Comments:

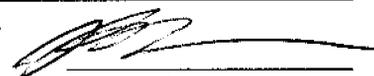

City Manager

Associated Information: Ordinance

Budget Approval:

Finance Director

Legal Approval:


City Solicitor

Introduced for

Passage

First Reading

Referral



CITY OF BANGOR

ORDINANCE, Enacting a Moratorium on Retail Marijuana Social Clubs

WHEREAS, the Marijuana Legalization Act (the "Act"), on the ballot in Maine on November 8, 2016, would legalize the recreational use of marijuana;

WHEREAS, the Act allows a municipality to regulate or prohibit the operation of retail marijuana establishments (stores, cultivation facilities, products manufacturing facilities, and testing facilities) and retail marijuana social clubs (businesses selling marijuana for consumption on the premises) within the municipality's jurisdiction;

WHEREAS, there are concerns about the public health and safety of marijuana as well as concerns about the impact that this law will have on Bangor;

WHEREAS, the City needs time to understand the outcomes of this legislation and rulemaking before determining whether retail marijuana can be safely and compatibly permitted in Bangor;

WHEREAS, the legislative process provides an opportunity for increased discussion and awareness of the consequences of allowing recreational marijuana, and discussion of the impacts on the community;

WHEREAS, the proposed law provides that, unlike the sale and cultivation of marijuana, social clubs are not subject to rule making and may be permitted as soon as certified and signed by the Governor, which could be as soon as mid-December;

WHEREAS, marijuana social clubs are a potentially ongoing public health, safety, and welfare concern in that there is no measure for public safety personnel to determine a person's ability to safely operate motorized vehicles;

WHEREAS, the increased use of marijuana in social clubs in Bangor creates the potential for additional burden on the City of Bangor's public facilities, especially the City's public health and public safety resources; and

WHEREAS, a temporary prohibition on social clubs is therefore appropriate, in order to determine what regulation, if any, is necessary;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR AS FOLLOWS, THAT

A moratorium on retail marijuana social clubs is enacted as follows:

§ 1. Necessity.

Municipalities are authorized by 30-A M.R.S. § 4356(1) to enact moratoria:

A) to prevent a shortage or an overburden of public facilities that would otherwise occur during the effective period of the moratorium or that is reasonably foreseeable as a result of any proposed or anticipated development, or

B) because the application of existing comprehensive plans, land use ordinances or regulations or other applicable laws, if any, is inadequate to prevent serious public harm from residential, commercial or industrial development in the affected geographic area.

In accordance with 30-A M.R.S. § 4356(1), the Bangor City Council finds that a moratorium on retail marijuana social clubs is necessary and warranted.

§ 2. Moratorium.

Retail marijuana social clubs, as defined in the Marijuana Legalization Act, are prohibited in the City of Bangor. Furthermore, no building permit, certificate of occupancy, or other permit shall be issued for any such use.

§ 3. Term.

This moratorium shall continue for 180 days from the date of passage. It may be extended for additional 180 day periods in accordance with 30-A M.R.S. § 4356(2) upon a finding by the Bangor City Council that the problem giving rise to this moratorium continues to exist and reasonable progress is being made to alleviate the problem giving rise to the need for the moratorium.

§ 4. Applicability.

Notwithstanding the provisions of 1 M.R.S. § 302, this moratorium shall apply retroactively to all actions and proceedings pending on November 8, 2016 or thereafter.