

**TOWN OF WILTON  
ORDINANCE ESTABLISHING A MORATORIUM ON  
ADULT USE AND MEDICAL CANNABIS ESTABLISHMENTS**

WHEREAS, the Cannabis Legalization Act, 28-B M.R.S. §§ 401-402, and the Maine Medical Use of Cannabis Act, 22 M.R.S. § 2429-D, authorize a municipality to decide whether to allow some or all types of adult use and medical cannabis establishments within the municipality as well as limit the number of and regulate the location and operation of adult use establishments, including cultivation products manufacturing facilities, testing facilities and cannabis stores, as well as medical cannabis establishments, including caregiver retail stores, registered dispensaries, cannabis testing facilities, and manufacturing facilities, as those terms are defined in the Acts; and

WHEREAS, the Town of Wilton (“the Town”) currently allows, through the Town’s Adult Use and Medical Marijuana Ordinance and Zoning Ordinance, Cannabis Establishments (the Adult Use and Medical Marijuana Ordinance uses the terms “marijuana business” which includes Medical Marijuana cultivation facility, a Medical Marijuana caregiver retail store, a Medical Marijuana products manufacturing facility, a Medical Marijuana testing facility, an Adult Use marijuana cultivation facility, an Adult Use marijuana store, an Adult Use marijuana products manufacturing facility, and an Adult Use marijuana testing facility, while the Zoning Ordinance uses the terms Marijuana Retail Sales, Marijuana Cultivation-Indoor, Marijuana Cultivation-Outdoor, Marijuana Mfg., Processing & Testing), but does not limit the number or provide an adequate mechanism to regulate and control the operation of Cannabis Establishments; and

WHEREAS, Cannabis Establishments 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 Cannabis Establishments; and

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

WHEREAS, the Town needs a reasonable amount of time to determine the implications of Cannabis Establishments 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 and licensing regulations concerning Cannabis Establishments; and

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

**1. Definitions.** As used in this Ordinance, the following terms have the meaning outlined in the Town of Wilton Adult Use and Medical Marijuana Ordinance as well as the following meanings:

*Adult use marijuana* shall mean “adult use cannabis” as that term is defined in 28-B M.R.S. § 102(1), as may be amended.

*Adult Use Marijuana Cultivation Facility* shall mean a “cultivation facility” as that term is defined in 28-B M.R.S. § 102(13), as may be amended, and includes “marijuana cultivation-indoor,” and “marijuana cultivation-outdoor” as those terms are used in the Town of Wilton Zoning Ordinance.

*Cannabis Establishment* shall mean a Marijuana Business, a Medical Marijuana cultivation facility, a Medical Marijuana caregiver retail store, a registered dispensary, a Medical Marijuana products manufacturing facility, a Medical Marijuana testing facility, an Adult Use marijuana cultivation facility, an Adult Use marijuana store, an Adult Use marijuana products manufacturing facility, or an Adult Use marijuana testing facility, as those terms are used in the Town of Wilton Adult Use and Medical Marijuana Ordinance, as well as marijuana retail sales, marijuana cultivation-indoor, marijuana cultivation-outdoor, marijuana mfg., processing & testing, as those terms are used in the Town of Wilton Zoning Ordinance.

*Adult Use Marijuana Products Manufacturing Facility* shall mean a “products manufacturing facility” as that term is defined in 28-B M.R.S. § 102(43), as may be amended, and includes “marijuana mfg., processing & testing” as that term is used in the Town of Wilton Zoning Ordinance.

*Adult Use Marijuana Store* shall mean a “cannabis store” as that term is defined in 28-B M.R.S. § 102(34), as may be amended, and includes “marijuana retail sales” as listed in the Town of Wilton Zoning Ordinance.

*Adult Use Marijuana Testing Facility* shall mean a “testing facility” as that term is defined in 28-B M.R.S. § 102(54), as may be amended, and includes “marijuana mfg., processing & testing” as that term is used in the Town of Wilton Zoning Ordinance.

*Medical Marijuana Cultivation Facility* shall mean a facility licensed under the Town of Wilton Adult Use and Medical Marijuana Ordinance to cultivate, prepare and package medical marijuana at a location that is not the residence of the registered caregiver or qualifying patient.

*Medical Marijuana Caregiver Retail Store* shall mean a “caregiver retail store” as that term is defined in 22 M.R.S. § 2422(I-F), as may be amended, and includes “marijuana retail sales” as listed in the Town of Wilton Zoning Ordinance.

*Medical Marijuana Products Manufacturing Facility* shall mean a “manufacturing facility” as that term is defined in 22-B M.R.S. § 2422(4-R), as may be amended, and includes “marijuana mfg., processing & testing” as that term is used in the Town of Wilton Zoning Ordinance.

*Medical Marijuana Testing Facility* shall mean a “cannabis testing facility” as that term is defined in 22 M.R.S. § 2422(5-C), as may be amended, and includes “marijuana mfg., processing & testing” as that term is used in the Town of Wilton Zoning Ordinance.

*Registered Dispensary* shall mean a “registered dispensary or dispensary” as those terms are defined in 22 M.R.S. § 2422(6)(43), as may be amended.

**2. Prohibition.** The Town does hereby declare a moratorium on all Cannabis Establishments as well as the location, operation, or licensing of all Cannabis Establishments within the Town not operating with municipal approval during the time this Ordinance is in effect.

During the time this Ordinance is in effect, no official, officer, board, body, agency, agent or employee of the Town of Wilton shall accept, process or act upon any application for any approval, including but not limited to a business permit, building permit, certificate of occupancy, site plan review, conditional use, or any other approval, relating to the establishment, or operation, of a Cannabis Establishment. No person shall establish or operate a Cannabis Establishment within the Town of Wilton proposed during the time this Ordinance is in effect or shall expand the operations of any Cannabis Establishment that was established or operated prior to the effective date of this Ordinance.

**3. Pending Proceedings.** Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, this Ordinance shall apply to any proposal to establish, operate, or expand a Cannabis Establishment, whether or not an application or a proceeding to establish or operate a business or operation for a cannabis establishment would be deemed a pending proceeding under 1 M.R.S. § 302.

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

**5. Violations.** The Code Enforcement Officer of the Town of Wilton shall enforce this Ordinance. If any Cannabis Establishment is established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance and the Town shall be entitled to all rights available to it pursuant to 30-A M.R.S. § 4452, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney’s fees and costs in prosecuting any such violations.

**6. Effective Date.** This Ordinance shall become effective immediately upon its adoption and shall remain in full force and effect for a period of 180 days thereafter, unless extended pursuant to law or until a new and revised set of regulations is adopted by the Town, whichever shall first occur.