

**TOWN OF MADAWASKA
SPECIAL TOWN MEETING WARRANT**

**AROOSTOOK, SS
STATE OF MAINE**

TO: Ross Dubois, a constable in the Town of Madawaska, County and State aforementioned.

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Madawaska, in said County, qualified by law to vote in said town affairs to meet at the Madawaska Middle/High School Cafeteria on Monday March 12, 2018 at 6:30 pm to act on articles 1, 2, 3, & 4.

Article 1 To choose a moderator to preside at said meeting.

Article 2 Shall an Ordinance entitled "Madawaska Male Fowl Ordinance" be enacted? 30-A M.R.S.A. § 3002 (3).

RECOMMENDED BY BOARD OF SELECTMEN

Article 3 Shall an Ordinance entitled "March 2018 Amendments to the Town of Madawaska Sex Offender Ordinance" be enacted. 30-A M.R.S.A. § 3002 (3).

RECOMMENDED BY BOARD OF SELECTMEN

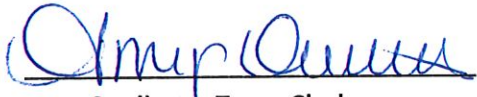
Article 4 Shall the Town of Madawaska adopt the "Municipality of Madawaska Moratorium Ordinance On Retail Marijuana Establishments, Retail Marijuana Stores, Retail Marijuana Social Clubs, and Retail Marijuana Cultivation Facilities" (in the form attached hereto), which shall be in effect for a period of 180 days retroactively commencing February 1, 2018. 30-A M.R.S.A. § 4356.

RECOMMENDED BY BOARD OF SELECTMEN

The Board of Selectmen hereby give notice that the Registrar of Voters will be at the Madawaska Town Office for the purpose of registering and correcting the list of voters at the Madawaska Town Office during regular business hours from 9:00 am to 3:00 pm.

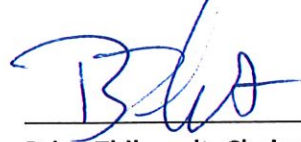
Dated and signed at Madawaska, Maine this 1stth Day of March 2018

A TRUE AND ATTESTED COPY:



Amy Ouellette, Town Clerk
Town of Madawaska

Madawaska Board of Selectmen



Brian Thibeault, Chairman



Don Chasse, Vice Chairman



Denise Duperre, Selectmen

Alan Pelletier, Selectmen



Brenda Theriault, Selectmen



TOWN OF MADAWASKA

328 St. Thomas Street, Suite 101, Madawaska, Maine 04756-1299
Tel — (207) 728-6351 • Fax — (207) 728-3611

Madawaska Male Fowl Ordinance

Applicability- This ordinance applies to residents inside the High Density, Medium Density, Commercial, and Industrial zones. This ordinance is to be applied retroactively. Upon adoption of this ordinance those residents in nonconformance will have 30 days to gain compliance with the provisions within this ordinance.

Roosters, Peacocks, and other Male Fowls known for their loud call are strictly prohibited within the High Density, Medium Density, Commercial, and Industrial zones.

Enforcement- Any enforcement associated with this ordinance will be enforced by the Code Enforcement Officer. All enforcement actions of this ordinance will follow the same standards as written in Chapter I Section IV-Administration of the "Land Use Development Code for the Town of Madawaska, Maine" which reads as:

"SECTION IV ADMINISTRATION

A. ENFORCEMENT OFFICER

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Code. If the Code Enforcement Officer shall find that any of the provisions of this Code are being violated, he shall notify by certified mail the person (s) responsible for such violations. Indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal activity; or shall take any other action authorized by this Code to insure compliance with or to prevent violation of its provisions.

B. LEGAL ACTION AND VIOLATIONS



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When a violation of any provisions of this Code is found to exist, the attorney for the Town upon notice from the Town Manager or Code Enforcement Officer as directed by the Board of Selectmen, is hereby authorized and directed to institute any and all actions and proceedings either legal or equitable that may be appropriate or necessary for the enforcement of the provisions of this Code, the same to be brought in the name of the Town.

C.

FINES

Any person, firm or corporations being the owner of or having control or use of any building or premise, who violates provisions hereof, shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than \$20.00 nor more than \$200.00 for each day such violation is permitted to exist after notification thereof. All fines collected hereunder shall inure to the Town."



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Town of Madawaska Sex Offender Ordinance

SEX OFFENDER ORDINANCE

Section 1. Authority:

This ordinance is enacted pursuant to Title 30-A M.R.S.A., Section 3001. This ordinance is intended to be coextensive with the maximum residency restrictions permitted by 30-A M.R.S.A. §3013(2).

Section 2. Purpose:

In acknowledgement that sex offenders who prey upon children are at a higher risk of re-offending, the Town of Madawaska has a compelling interest to protect the health, safety, and welfare of its children by restricting access to areas where concentrations of children exist.

Section 3. Definitions:

Sex Offender: A person convicted of a Class A, B, or C sex offense committed against a person or persons who had not attained 14 years of age at the time of the offense; this term is coextensive with 30-A M.R.S.A. §3013(2).

School: Any public or private elementary, middle, or secondary school as those terms are intended by 30-A M.R.S.A. §3013(2)(B).

~~**Municipal Restricted Property:** Any municipally-owned athletic field, park, playground, recreational facility or other municipally-owned property where children are the primary users.~~

~~**Family Child Care (formerly Home Day Care):** Any person who provides child care in that person's home on a regular basis, for consideration, for three (3) to twelve (12) children under thirteen (13) years of age who are not the children of the provider and have a certificate from the Department of Health and Human Services.~~

(Red portion needs to be repealed as these sections are not in conformance with Title 30-A M.R.S.A §3014 (2)(B)).

Radius: Distance shall be measured from the outer property lines.

Residence: The temporary or permanent occupation or use of a place, including but not limited to a domicile, for the purpose of living, residing, or dwelling.



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Sex Offender Ordinance — Page 2

Section 4. Restrictions:

A covered sex offender shall not establish or maintain a residence within a 750-foot radius of the property line of a school(.) ~~a municipal restricted property or a Family Child Care residence.~~

Section 5. Exceptions:

A covered sex offender maintaining a residence within a 750-foot radius of a school or a municipal restricted property is not in violation if the residence was established prior to the date of passage of this ordinance and the residence has been consistently maintained. A covered sex offender is not in violation of this ordinance if a school or a municipal restricted property is created or moved to within a 750-foot radius of an existing residence as long as the offender established a residence at this location prior to the date of creation or relocation of the school or municipal restricted property and the residence has been consistently maintained.

Section 6. Violation; Injunctive Relief and Penalties:

Any person who, after written notice from the Town about the requirements of this ordinance, is in violation of the provisions of this ordinance and shall be subject to an action brought by the Town in the District Court or Superior Court to enforce the requirements of this ordinance. The Town may seek injunctive relief to require compliance with the provisions of the ordinance. The Town may also seek a penalty in the minimum amount of \$500, which may be imposed on a daily basis for each day that a violation continues after notice from the Town. In the event that the Town is the prevailing party in an action under this ordinance, it shall be entitled to an award of its reasonable attorney's fees, expert witness fees, or any other associated costs.

Section 7. Severability:

In the event that any section or any portion of this ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be effected to affect the validity of any other section or portion of this ordinance. The provisions of this ordinance are hereby declared to be severable.

Section 8. Effective Date:

Notwithstanding any law to the contrary, this ordinance shall take effect as of November 13, 2014.

MUNICIPALITY OF Madawaska

MORATORIUM ORDINANCE REGARDING RETAIL RECREATIONAL MARIJUANA

WHEREAS, the legislative body of the Municipality of Madawaska(the "Municipality") makes the following findings:

- (1) The Marijuana Legalization Act (the "Act") was approved by Maine voters in November 2016 and has been codified in the Maine Revised Statutes in Title 7, chapter 417; and
- (2) The unregulated location and operation of "Retail Marijuana Establishments" and "Retail Marijuana Social Clubs," as defined in 7 M.R.S.A. chapter 417, as well as other types of retail recreational marijuana activity within the Municipality raises legitimate and substantial questions about the impact of such activity, establishments and social clubs on the Municipality, including questions as to compatibility with existing land uses and developments in the municipality; potential adverse health and safety effects on the community; the possibility of illicit sale and use of marijuana and marijuana products to and by minors; and the possibility of unlawful use of marijuana and marijuana products; and
- (3) As a result of the foregoing issues, retail recreational marijuana activity, and the location and operation of Retail Marijuana Establishments and Retail Marijuana Social Clubs within the Municipality, have potentially serious implications for the health, safety and welfare of the Municipality and its residents; and
- (4) The Municipality currently has no regulations governing retail recreational marijuana activities, Retail Marijuana Establishments and Retail Marijuana Social Clubs, and existing ordinances are insufficient to prevent serious public harm that could result from the unregulated development of Retail Marijuana Establishments and Retail Marijuana Social Clubs and from other types of retail recreational marijuana activity; and
- (5) An overburdening of public facilities and resources, including public safety resources, is a reasonably foreseeable result of Retail Marijuana Establishments and Retail Marijuana Social Clubs locating in the Municipality and/or other types of retail recreational marijuana activity in the Municipality; and
- (6) The state's regulatory structure is unknown at this time as the Maine Legislature and state agencies have not developed final legislation or regulations governing Retail Marijuana Establishments and Retail Marijuana Social Clubs, and legislation amending the Act is pending; and
- (7) In the judgment of the legislative body of the Municipality, the foregoing findings and conclusions constitute an emergency within the meaning of 30-A M.R.S.A. § 4356 requiring immediate legislative action.

NOW THEREFORE, pursuant to 30-A MRSA § 4356, be it ordained by the Municipality as follows:

Section 1. Moratorium. The Municipality does hereby declare a moratorium on all retail recreational marijuana activity, and the location, operation or licensing of any and all “Retail Marijuana Social Clubs” and “Retail Marijuana Establishments,” as defined in 7 M.R.S.A. chapter 417, including but not limited to, retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities within the municipality.

No person or organization shall engage in any retail recreational marijuana activity or develop or operate a Retail Marijuana Establishment or Retail Marijuana Social Club within the Municipality on or after the effective date of this Ordinance. 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, any other type of land use approval or permit and/or any other permits or licenses related to a Retail Marijuana Establishment, Retail Marijuana Social Club or retail recreational marijuana activities.

Section 2. Pending Proceedings. Notwithstanding 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance shall govern any proposed retail recreational marijuana activity and Retail Marijuana Establishments or Retail Marijuana Social Clubs for which an application for a building permit, certificate of occupancy, site plan or any other required approval has been submitted to the Municipality, whether or not a pending proceeding, prior to the enactment of this Ordinance.

Section 3. Medical Marijuana Act. This Ordinance will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S.A. §§ 2421 – 2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities associated with any of those classifications.

Section 4. Conflicts/Savings Clause. Any provisions of the Municipality’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.

Section 5. Violations. If any retail recreational marijuana activity is conducted, or Retail Marijuana Establishment or Retail Marijuana Social Club is 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 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 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 Municipality, whichever shall first occur.