

TOWN OF FORT FAIRFIELD

ORDINANCE 14-03

AN ORDINANCE PROVIDING FOR:

This Ordinance shall be known and may be cited as the "Wind Energy Facility Moratorium Ordinance, Fort Fairfield, Maine."

Section 1. Authority, Effective Date and Sunset Provision

A. Authority

This Ordinance is adopted and hereafter amended pursuant to and consistent with Article VIII, Part 2, Section 1 of the State of Maine Constitution, Title 30-A M.R.S.A. Section 3001 and Title 30-A M.R.S.A. Section 4356.

B. Effective Date

The effective date of this Ordinance shall be upon adoption by the legislative body.

C. Sunset Provision

This Ordinance shall automatically terminate 180 days from the date of its effective date of adoption.

Section 2. Purpose and Necessity

A. Purpose

The Purpose of this Ordinance is to protect the public health, safety and welfare of the residents of Fort Fairfield by fostering orderly wind energy facility development. During the term of the moratorium the Town of Fort Fairfield will determine the most appropriate methods to regulate commercial wind energy facilities and prepare and/or amend appropriate municipal ordinances to achieve such.

B. Necessity

While the Town of Fort Fairfield has an adopted zoning ordinance, it is unclear if wind energy facilities are a permitted use under the ordinance. In addition the ordinance does not contain sufficient standards to effectively provide municipal review and approval of wind energy facility development. There is high interest in wind energy facility development in Fort Fairfield, Maine. The topography of Fort Fairfield is believed to be conducive to wind energy facility development. Without local regulations to address wind energy facility development there exists the potential for serious public impacts if such facilities are developed. Serious public impacts may include but are not limited to safety problems, visual degradation, noise, environmental degradation, loss of property values, and health problems.

Section 3. Moratorium

That during the period of time this moratorium ordinance is in effect, no person shall erect, construct, or locate any Commercial Wind Energy Facility. In addition, during the time this ordinance is in effect, no officer, official, employee, office, board or agency of the Town of Fort Fairfield shall act upon any application for or issue any permit, permission or approval to erect or locate any Commercial Wind Energy Facility in the Town of Fort Fairfield.

Section 4. Severability

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

Section 5. Definitions

The term "Commercial Wind Energy Facility" shall include the following definitions:

Associated Facilities: Elements of a wind energy facility other than its generating facilities that are necessary to the proper operation and maintenance of the wind energy facility, including but not limited to buildings, access roads, generator lead lines and substations.

Generating Facilities: Wind turbines and electrical lines, not including generator lead lines,

that are immediately associated with wind turbines.

Meteorological Tower (MET Tower) means a Tower used for the measurement and collection of wind data that supports various types of equipment, including but not limited to anemometers, data recorders, and solar power panels. MET Towers may also include wildlife related equipment such as ANABAT detectors, bird diverts and wildlife entanglement protectors.

Commercial Wind Energy Facility: means a facility that uses one or more Wind Turbines to convert wind energy to electrical energy that would be subsequently be sold and or transmitted on the New England or New Brunswick power grid.

Section 6. Applicability

Notwithstanding the provisions of Title 1 MRSA Section 302, this Moratorium Ordinance shall apply to all pending proceedings, applications or petitions to erect, construct or locate a Commercial Wind Energy Facility as of the effective date of this ordinance and any applications filed thereafter for any new construction or use requiring approval under the terms of the Town's zoning and land use ordinances.

THE TOWN OF FORT FAIRFIELD HEREBY ORDERS: That during the period of time this moratorium ordinance is in effect, no person shall erect, construct, or locate any Commercial Wind Energy Facility. In addition, during the time this ordinance is in effect, no officer, official, employee, office, board or agency of the Town of Fort Fairfield shall act upon any application for or issue any permit, permission or approval to erect or locate any Commercial Wind Energy Facility in the Town of Fort Fairfield.

INTRODUCED: September 17, 2014 at a regular Council Meeting

INTRODUCED BY: John F. Herold

PUBLISHED NOTICE OF REQUIRED PUBLIC HEARING: Date September 24, 2014

ADOPTED: October 15, 2014 at a Regular Council Meeting

Dated: September 17, 2014 Municipal Officers of the Town of Fort Fairfield, Maine.

David H. McCrea
David H. McCrea, Chairman

Jason F. Barnes
Jason F. Barnes

Susan H. Levasseur
Susan H. Levasseur

Robert E. Kilcollins
Robert E. Kilcollins

John F. Herold
John F. Herold

ATTESTED: Rebecca J. Hersey
Rebecca J. Hersey, Town Council Secretary

FILED: Rebecca J. Hersey
Rebecca J. Hersey, Town Clerk

DATE: 10/15/14