

**IN TOWN COUNCIL
DEXTER, MAINE**

PROPOSED ORDINANCE

MARCH 14, 2023

THE TOWN OF DEXTER HEREBY ORDAINS A MORATORIUM ORDINANCE
REGARDING COMMERCIAL SOLAR ARRAYS

WHEREAS, the Maine Legislature enacted several laws intended to encourage development of renewable energy projects in the State of Maine;

WHEREAS, as a result of these laws, developers are proposing unprecedented numbers of commercial solar arrays throughout the State;

WHEREAS, the Code of the Town of Dexter, Maine (the "Town Code") does not include any regulations related to commercial solar arrays, and this use would likely fall under the category of "essential services," which receive no substantive review and are subject to few approval standards; and

WHEREAS, the unregulated location and operation of commercial solar arrays within the Town of Dexter raises legitimate and substantial concerns about environmental, health and safety impacts of such uses, as well as visual impacts and other considerations related to the appropriate siting of these arrays;

WHEREAS, the Town's current ordinances are insufficient to prevent serious public harm that could be caused by the unregulated development of commercial solar arrays;

WHEREAS, a moratorium is necessary to allow the Town to analyze and plan properly for increased development of commercial solar arrays; and

WHEREAS, the Council, Planning Board and Code Enforcement Officer shall study the current Town Code to determine appropriate amendments to address commercial solar arrays; and

WHEREAS, it is anticipated that such a study, review, and development of recommended Ordinance, changes will take at least one hundred and eighty (180) days from the date the Town enacts this Moratorium Ordinance;

NOW, THEREFORE, be it ordained by the Town Council of the Town of Dexter, that the following Moratorium Ordinance on Commercial Solar Arrays be, and hereby is, enacted and, in furtherance thereof, the Town Council does hereby declare a moratorium on the location, operation or licensing of commercial solar arrays within the Town.

For the purposes of this Moratorium, "commercial solar array" is defined as a solar energy collection structure of any size that primarily serves an offsite user such as the electric power grid.

This Moratorium Ordinance shall take effect once enacted by the Town Council, in accordance with the provisions of the Town Code, but shall be applicable as of _____ as expressly provided below. The moratorium shall remain in effect for one hundred and eighty (180) days from the effective of this Ordinance, unless extended, repealed, or modified by the Town Council, for the express purpose of drafting an amendment or amendments to the current Town Code to protect the public from health and safety risks including, but not limited to, compatibility of commercial solar arrays with existing and permitted uses in residential, commercial and industrial zoning districts.

BE IT FURTHER ORDAINED, that this Moratorium Ordinance shall apply to commercial solar arrays that are proposed to be located within the Town on or after the _____ applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Moratorium Ordinance, when enacted, shall govern any proposed commercial solar array for which an application for a building permit, Certificate of Occupancy, site plan or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board or other Town official or board prior to _____, the applicability date of this Moratorium Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall develop or operate a commercial solar array within the Town on or after the _____ applicability date of this Moratorium Ordinance without complying with whatever ordinance amendment or amendments the town meeting may enact as a result of this Moratorium Ordinance; and

BE IT FURTHER ORDAINED, that during the time this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Town shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit or any other type of land use approval or permit and/or any other permits or licenses related to a commercial solar array; and

BE IT FURTHER ORDAINED, that those provisions of the current Town Code that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that if commercial solar arrays are established in contravention of this Moratorium, each day of any continuing violation shall constitute a separate violation of this Moratorium Ordinance, and the Town shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations; and

BE IT FURTHER ORDAINED, that should any section or provision of this Moratorium Ordinance be declared by any court of competent jurisdiction to be invalid; such a declaration shall not invalidate any other section or provision.