

Mercer Moratorium Ordinance Regarding Commercial Solar Facilities

Town of Mercer (Maine) adopts a Moratorium Ordinance as follows:

WHEREAS, numerous commercial solar facilities have recently been constructed in neighboring communities; and

WHEREAS, the Town of Mercer has an abundance of available land with minimal regulatory oversight for commercial solar facilities, the Town of Mercer Planning Board reasonably anticipates applications for commercial solar facilities to be submitted; and

WHEREAS, the Planning Board deems the Towns current ordinances to be inadequate in addressing issues relevant to commercial solar facilities which could pose serious threats to public health, safety and welfare of the residents of Mercer, including, but not limited to, extensive environmental impact, creating over-development of land, negatively impacting public view corridors, lacking decommissioning plans, and financial assurances that sites will be adequately competed and/or restored once they outlive their commercial usefulness; and

WHEREAS, the Town may need 180 days, or more, to develop, to earn voter approval, and to implement a Commercial Solar Facilities Ordinance to accommodate these potential development pressures; and

WHEREAS, in the judgment of the Town, these facts create an emergency within the meaning of 30-A M.R.S.A. § 4356(1)(B) and require the following Moratorium Ordinance as immediately necessary for the preservation of the public health, safety and welfare;

NOW, THEREFORE, The Town of Mercer hereby ordains that a moratorium is hereby enacted:

I. **AUTHORITY**

This Moratorium Ordinance is enacted pursuant to 30-A § MSRA 4356, Article VIII, Part Second of the Constitution of the State of Maine, and 30-A § MRSA 3001

II. **PURPOSE**

The purpose of this Moratorium ordinance is to allow municipal office the appropriate time to evaluate and address concerns as they pertain to the adequacy of the Towns existing land use ordinances and regulations to provide protection to the public health, safety, and welfare of the Town of Mercer.

MERCER MORATORIUM ORDINANCE REGARDING COMMERCIAL SOLAR FACILITIES

III. MORATORIUM

The Town of Mercer hereby declares and imposes a moratorium effective immediately and applicable, to the maximum extent permitted by law and subject to the severability clause below, to all proceedings, applications and petitions not pending (within the meaning of 1 M.R.S.A. Sec 302) as of July 21, 2022, and on any new construction or use, requiring approval under the terms of the Town's ordinances and regulations for such until 180 days from effective date. The Planning Board, Board of Appeals, Code Enforcement Officer, and all other Town agencies and Town employees shall neither accept nor approve applications, plans, permits, licenses, and/or fees for any new construction or uses governed by this Moratorium Ordinance for such commercial solar facilities for said period of time.

IV. SEVERABILITY

To the extent any provision of this Moratorium Ordinance is deemed invalid by a court of competent jurisdiction, the balance of the Moratorium Ordinance shall remain valid.

V. INCONSISTANCY

To the extent any provision of the Town's existing Ordinances and regulations are inconsistent or conflicting with the provisions of this Moratorium Ordinance, they are hereby repealed to the extent that they are applicable for the duration of the Moratorium Ordinance hereby ordained, but not otherwise.

VI. EMERGENCY

In view of the conditions cited in the preamble, this Moratorium Ordinance shall take effect immediately upon passage by the Town, shall apply, to the maximum extent permitted by law but subject to the severance clause above, to all proceedings, applications and petitions not pending as of July 21, 2022, and shall stand repealed 180 days from effective date.

VII. DEFINITIONS

COMMERCIAL SOLAR FACILITY: Any ground-mounted solar energy system, and its associated facilities, that generate a nameplate capacity of 20kw or more.

ADOPTED: July 21, 2022

EFFECTIVE: July 21, 2022