

**Moratorium Ordinance
Regarding Commercial Wind Mill Towers**

The TOWN OF UNITY (Maine) adopts a Moratorium Ordinance as Follows:

WHEREAS, areas of the Town of Unity are suddenly under threat of increased development pressure from the construction of Commercial Wind Mill Towers (hereinafter "Towers"), defined as any tower over 35 feet in height constructed for the primary purpose of generating electrical power for sale offsite, but excluding any tower that is constructed for the primary purpose of providing electrical power to an onsite home or business and where sale of power offsite is incidental to that onsite use.

WHEREAS, this development pressure was unanticipated and has not been adequately provided for in the Town's current Land Use Ordinance; and

WHEREAS, there is as strong likelihood that areas in the Town with higher elevation will continue to be subjected to such development pressure due to the amount of such land, its relatively low price, the increasing demand for sites for such Towers, and the nonexistence of any regulations or restriction on location of such Towers; and

WHEREAS, continued development of such Towers pursuant to the current Land Use Ordinance could pose serious unknown threats to the public health, safety, and welfare of the residents of Unity through the over development of parts of Town with such Towers without adequate provisions for issues of safety, noise, lighting, land use compatibility as well as visual access to view corridors and visual impacts; and

WHEREAS, the Town will need at least 180 days to develop and implement the necessary amendments to zoning and land use ordinances and regulations to consider and accommodate these development pressures; and

WHEREAS, amendments to the Land Use Ordinance require a public hearing by the Planning Board and the Board of Selectmen, and then must be voted upon at a Town Meeting; 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 Unity hereby ordains that a moratorium is hereby imposed, 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 M.R.S.A. Sec. 302) as of June 24, 2010, and on any new construction or use, requiring approval under the terms of the Town's zoning and land use ordinances and regulations for such Town until the effective date of the necessary amendments to the zoning and land use ordinances and regulations or until December 22, 2010;

BE IT FURTHER ORDAINED, that the Planning Board, Board of Appeals, the Building Inspector/C.E.O., all Town agencies and all 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 Towers for said period of time; and

BE IT FURTHER ORDAINED, that those provisions of the Town's Land Use Ordinance and regulations which are inconsistent or conflicting with the provisions of this Moratorium Ordinance, including, without limitation, the requirements for site plan review, or special exception review by the Planning Board, or variance appeals by the Board of Appeals, are hereby suspended to the extent that they are applicable for the duration of the Moratorium Ordinance hereby ordained, but not otherwise;

BE IT FURTHER ORDAINED, that to the extent any provision of the Moratorium Ordinance is deemed invalid by a court of competent jurisdiction, the balance of the Moratorium Ordinance shall remain valid.

EMERGENCY CLAUSE:

In view of the emergency cited in the preamble, this Moratorium Ordinance shall take effect immediately upon passage by the Town, shall apply, to the maximum extent permitted by the law but subject to the severance clause above, to all proceedings, applications and petitions not pending as of June 24, 2010, and shall stand repealed as of December 22, 2010.