

HIGH-IMPACT ELECTRIC TRANSMISSION LINE MORATORIUM
ORDINANCE
TOWN OF ALBION

SECTION ONE

Authority, Definition and Effective Date

- A. Authority. This Moratorium Ordinance is enacted pursuant to 30-A M.R.S.A. §3001, et seq., 30-A M.R.S.A. §4356 and Article VIII, Part Second, of the Maine Constitution.
- B. Definition. The definition of a High-Impact Electric Transmission Line is as stated in 35-A M.R.S.A. §3131, Section 4-A, as amended.
- C. Effective Date. This High-Impact Moratorium Ordinance shall take effect immediately, and notwithstanding the provisions of 1 M.R.S.A. §302, to the maximum extent permitted by law, apply to all proceedings, applications, and petitions not pending within the meaning of 1 M.R.S.A. §302 as of the date of adoption of this Ordinance.

SECTION TWO

Term

This Ordinance shall remain in effect for a period of 180 days from the date of its adoption and expire on the 180th day unless the select board votes, after notice and hearing, to extend the moratorium for additional 180-day periods.

SECTION THREE

Need and Purpose

The Town currently has no ordinance addressing the regulation of high-impact electric transmission lines. The purpose of this moratorium ordinance is to allow the Town a reasonable period of time to evaluate any concerns raised regarding the installation of a high-impact electric transmission line, and to develop necessary ordinances, or amendments to ordinances, to prevent serious harm. Serious harm includes, but is not limited to, visual impact, noise, environmental degradation and public health.

SECTION FOUR

Moratorium

During the term of this moratorium, no official, officer, board, body, agency, agent, or employee of the Town of Albion shall accept, process, or act upon any application for any approval, including, but not limited to, a building permit, certificate of occupancy, site plan review, conditional use, or any other approval related to the establishment or operation of a high-impact electric transmission line. No person shall test for the suitability or develop a high-impact electrical transmission line within the Town of Albion during the time this moratorium is in effect.

Thereafter, no person shall test for suitability, or develop a high-impact electrical transmission line within the Town of Albion without complying with applicable Town ordinances.

SECTION FIVE
Enforcement

For any violation of this ordinance, the select board is hereby authorized to institute all actions, either legal or equitable, deemed necessary or appropriate to enforce the provisions of this moratorium ordinance. Any violation of this moratorium ordinance is subject to an enforcement action under 30-A M.R.S.A. §4452. Each day of violation shall constitute a separate offense. All civil penalties shall inure to the benefit of the Town of Albion. Any violation of this moratorium ordinance constitutes a nuisance.

SECTION SIX
Severability

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