

STATE OF MAINE
TOWN OF CLIFTON
COUNTY OF PENOBSCOT
SPECIAL TOWN MEETING

To: Jan Logan, a citizen of the Town of Clifton, State of Maine and County of Penobscot.


Greetings:

In the name of the State of Maine you are hereby required to notify and warn the voters of the Town of Clifton qualified to vote on the Town affairs to assemble at the Holbrook Middle School, Town of Holden, County of Penobscot, and State of Maine on February 8, 2023 at 6:00 p.m., then and there to act on the following articles to wit:

ARTICLE #1 To choose a moderator to preside at said meeting.

ARTICLE #2 Shall an ordinance entitled "Commercial Solar Facilities Moratorium Ordinance" be enacted?

GIVEN UNDER OUR HANDS
AT CLIFTON, MAINE THIS January 27, 2023
Board of Selectmen
Town of Clifton



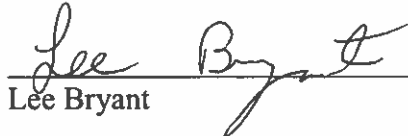
Geoff Johnson, Chair

Gary Ferrill



Gerald Folster

William Rand



Lee Bryant

True
Attested
Copy: *Middle MacFarlane*
1/31/23

TOWN OF CLIFTON, MAINE
COMMERCIAL SOLAR FACILITIES MORATORIUM ORDINANCE

The Town of Clifton hereby ordains a moratorium ordinance entitled the Commercial Solar Facilities Moratorium Ordinance (“Moratorium Ordinance”) as follows:

WHEREAS, the area of the Town of Clifton is suddenly faced with the prospect of increased development pressure from Commercial Solar Facilities;

WHEREAS, residents of the Town of Clifton have expressed concerns about the siting, installation, and operation of Commercial Solar Facilities, including concerns regarding the health and safety, environmental impacts, quality of life, adjacent property values, decommissioning costs, facility size, and visual impacts;

WHEREAS, without appropriate regulation, the development of Commercial Solar Facilities could pose a threat to the quality of life, adjacent property values, and the health and safety of the Town of Clifton’s residents;

WHEREAS, the Town of Clifton seeks to balance these risks with the benefits associated with clean energy projects like Commercial Solar Facilities through appropriate regulations;

WHEREAS, the Town of Clifton requires at least one hundred eighty (180) days to consider, develop, and implement necessary ordinances and regulations to protect the health, safety, and welfare of the residents of the Town of Clifton; and

WHEREAS, in the judgment of the Town of Clifton, the foregoing facts demonstrate that a moratorium on the development of Commercial Solar Facilities is necessary pursuant to 30-A M.R.S. § 4356(1).

NOW, THEREFORE, the Town of Clifton hereby ordains that the following Commercial Solar Facilities Moratorium Ordinance be enacted:

- I. **Authority**: This Commercial Solar Facilities Moratorium Ordinance is enacted pursuant to 30-A M.R.S. § 4356 and the Town of Clifton’s home rule authority pursuant to the Maine Constitution and 30-A M.R.S. § 3001.
- II. **Definitions**: The following definitions shall be used in the interpretation and construction of this Moratorium Ordinance:
 - a. **“Commercial Solar Facilities”** shall mean any installation of solar panels, equipment, and/or buildings or structures undertaken for commercial purposes with an intention of generating power from the sun and converting such power into electricity for resale to or by a third party (which does not include any individual or business that directs such produced energy back into the public grid to off-set their own energy consumption). A Commercial Solar Facility does not

include a Solar Energy Device, as that term is defined by Title 33, section 1421, subsection 5.

- III. **Purpose:** The purpose of this Moratorium Ordinance is to allow municipal officials reasonable time to evaluate the concerns raised in regards to anticipated or proposed Commercial Solar Facilities, to determine the adequacy of existing land use ordinances and regulations, and, if necessary, develop additional ordinances and regulations to provide adequate protection for the property, health, welfare, and safety of the Town of Clifton's residents.
- IV. **Moratorium on Commercial Solar Facilities:** The Town of Clifton hereby declares and imposes a moratorium, prohibiting the development of any and all Commercial Solar Facilities within the Town of Clifton. No person or organization shall develop or operate a Commercial Solar Facility within the Town of Clifton.
- V. **Moratorium on Processing Applications:** No official, officer, board, or body of the Town of Clifton, including but not limited to the Code Enforcement Officer, the Planning Board, or the Municipal Officers, shall accept, process, review, approve, authorize, or issue any applications, petitions, plans, permits, licenses, or requests for approval or authorization involving the development or siting of Commercial Solar Facilities to be developed, constructed, operated, used, or located, in whole or in part, within the Town of Clifton.
- VI. **Severability:** Any provisions of the Town of Clifton's existing ordinances that are inconsistent or conflicting with the provisions of this Moratorium Ordinance are hereby repealed to the extent applicable for the duration of this Moratorium Ordinance. If any section or provision of this Moratorium Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.
- VII. **Effective Date, Retroactivity & Term:**
- a. This Moratorium Ordinance shall take effect as of the date of passage and shall remain in effect for a period of one hundred eighty (180) days after said date unless extended, repealed, or modified by the Town of Clifton's Select Board, or until a new and revised set of regulations is adopted by the Town of Clifton, whichever shall first occur.
 - b. Upon its effective date, notwithstanding the provisions of 1 M.R.S. § 302, this Moratorium Ordinance shall be retroactive and applicable, to the maximum extent permitted by law and subject to the severability clause above, to all filed, pending, or future applications and petitions for Commercial Solar Facilities which have not received all necessary development permits or licenses from the Town of Clifton and all proposed Commercial Solar Facilities that were not fully operational and/or did not have all the required State permits as of 1-11-2023, 2023, the date the Moratorium Ordinance was first proposed to the Town of Clifton Select Board.

- c. Unless, after notice and hearing, the Town of Clifton Select Board votes to extend it, this Moratorium Ordinance shall remain in full force and effect for one hundred eighty (180) days after its enactment, or until a new and revised set of regulations is adopted by the Town of Clifton, whichever shall first occur.

VIII. Enforcement: The Municipal Officers are hereby authorized to institute any and all actions, either legal or equitable, that they deem necessary or appropriate to enforce the provisions of this Moratorium Ordinance.

IX. Civil Penalties: Any violation of this Moratorium Ordinance is subject to an enforcement action under 30-A M.R.S.A. § 4452. Any violation of this Moratorium Ordinance constitutes a nuisance. Each day of violation shall constitute a separate offense. All civil penalties shall inure to the benefit of the Town of Clifton.