

Town of Machias
Moratorium Ordinance
Regarding Radio/TV/Telephone Towers and Antennas
in Excess of Thirty-Five Feet in Height

The TOWN OF MACHIAS (Maine) adopts a Moratorium Ordinance as follows:

WHEREAS, areas of the Town of Machias are suddenly under threat of increased development pressure from radio/TV/telephone towers and antennas in excess of 35 feet in height (hereinafter "Towers"); and

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 a strong likelihood that all areas of the Town will continue to be subjected to this development pressure due to the amount of undeveloped land, the nonexistence of any regulations or restriction on location of towers, and the relatively low land prices of some of the land at issue, the existing towers and the high demand for sites for such Towers; and

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

WHEREAS, after public hearing, there is strong support for this Moratorium Ordinance; 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 accommodate these development pressures; and

WHEREAS, amendments to the Land Use Ordinance require a public hearing by the Planning Board 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 Machias 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, permits, and petitions not approved (within the meaning of M.R.S.A. Sec. 302 and in accordance with a Section 106 review as applicable) before April 1, 2018, and on any new construction or use of a tower until the effective date of the necessary amendments to the zoning and land use ordinances and regulations or until September 27, 2018 whichever shall sooner occur;

A "Tower" shall be defined as any structure, whether enclosed or non-enclosed, whether freestanding or attached to another structure or structures, used for the transmission or receipt of electronic data, extending more than 35 vertical feet above ground level directly below the highest point of said structure used or intended for such purpose."

BE IT FURTHER ORDAINED, that the Planner, 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 by the Planning Board, subdivision and/or special exception review by the Planning Board, and height variance appeals by the Board of Appeals, are hereby repealed to the extent that they are applicable for the duration of the Moratorium Ordinance hereby ordained, but not otherwise;

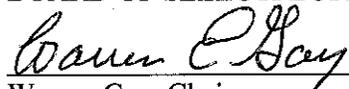
BE IT FURTHER ORDAINED, that to the extent any provision of this Moratorium Ordinance is deemed invalid by a court of competent jurisdiction, the balance of the Moratorium Ordinance shall remain is valid.

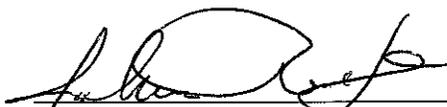
EMERGENCY CLAUSE:

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, permits, and petitions not approved before April 1, 2018.

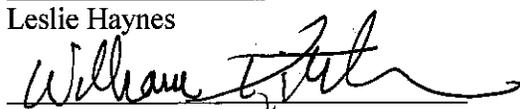
By signing below the Board of Selectpeople for the Town of Machias certify this is a true copy of the approved moratorium ordinance to be considered by the Inhabitants of Machias at a Special Town Meeting to be held on April 30, 2018.

BOARD OF SELECTPEOPLE


Warren Gay, Chairman

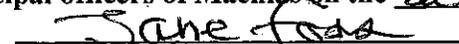

Joshua Rolfe-Vice Chairman

Leslie Haynes


William Kitchen


Paula Johnson Rolfe

ATTEST: A true copy of an ordinance entitled "Town of Machias Moratorium Ordinance," as certified to me by the municipal officers of Machias on the 20 day of April, 2018.


Signature Clerk or Deputy Clerk