

**TOWN OF MACHIAS
WIND ENERGY FACILITY MORATORIUM ORDINANCE**

SECTION 1. Authority, Effective Date and Sunset Provision

A. Authority

1. This Ordinance is adopted and hereafter amended pursuant to and consistent with Article VIII-Part Second of the State of Maine Constitution and Title 30-A M.R.S.A. Section 4356.
2. This Ordinance shall be known as and may be cited as the “Wind Energy Facility Moratorium Ordinance, Machias, Maine.”

B. Effective Date

The effective date of this Ordinance shall be upon adoption by the legislative body.

C. Sunset Provision

This Ordinance shall automatically terminate 180 days from the date of its effective date adoption unless the Council vote, after notice and hearing, to extend the moratorium for additional 180 day periods.

SECTION 2. Purpose and necessity

A. Purpose

The purpose of this Ordinance is to protect the public health, safety, and welfare of the residents of Machias by fostering orderly wind energy facility development. During the term of the moratorium the Town of Machias will determine the most appropriate methods to regulate wind energy facilities and prepare appropriate municipal ordinances to achieve such.

B. Necessity

The Town of Machias currently has no Wind Energy Facility Ordinance. There is high interest in wind energy facility development in adjoining and nearby towns. The topography of Machias is believed to be conducive to wind energy facility development. Without legal regulations to address wind energy facility development there exists the potential for serious public harm if such are developed. Serious public harm includes but not limited to visual impact, noise, environmental degradation and health.

SECTION 3. Moratorium

After the effective date of this Ordinance no permits or licenses related to the development of wind energy facilities or activities shall be allowed, processed or issued.

SECTION 4. Appeals and Severability

A. Appeals

An aggrieved party may appeal the provision of this Ordinance to Superior Court under Rule 80-B of the Maine Rules of Civil Procedure.

B. Severability

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

SECTION 5. Definitions

Associated Facilities: Elements of a wind energy facility other than its generating facilities that are necessary to the proper operation and maintenance of the wind energy facility, including but not limited to buildings, access roads, generator lead lines and substations.

Generating Facilities: Wind turbines and electrical lines, not including generator lead lines that are immediately associated with wind turbines.

Wind Energy Facility: A facility with a generating capacity of greater than 100 kw that uses one or more wind turbines to convert wind energy to electrical energy. A wind energy facility includes associated facilities and generating facilities.

By Signing below the Select Board 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 March 26, 2025.

SELECT BOARD








