

Tower Moratorium Ordinance of the Town of Sedgwick

Regarding Telecommunications Towers and Antennas and Wind Turbines in Excess of Fifty Feet in Height

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

WHEREAS, areas of the Town of Sedgwick are suddenly under threat of increased development pressure from telecommunications towers and antennas and wind turbines in excess of 50 feet in height (hereinafter "Towers"); and

WHEREAS, this development pressure was unanticipated and has not been adequately provided for in the Town's current Ordinances; 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 high demand for sites for such Towers; and

WHEREAS, development of such Towers could pose serious threats to the public health, safety and welfare of the residents of Sedgwick 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, 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, 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 Tower Moratorium Ordinance as immediately necessary for the preservation of the public health, safety and welfare;

NOW, THEREFORE, the Town of Sedgwick 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 March 7, 2009, 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 September 7, 2009;

BE IT FURTHER ORDAINED, that the Planning Board, Board of Appeals, the C.E.O., all Town agencies and all Town employees shall neither accept nor approve applications, plans, permits, licenses, and/or fees for any construction or uses governed by this Tower Moratorium Ordinance for such Towers for said period of time;

BE IT FURTHER ORDAINED, that those provisions of the Town's Land Use Ordinances and regulations which are inconsistent or conflicting with the provisions of this Tower 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 Tower Moratorium Ordinance hereby ordained, but not otherwise;

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

EMERGENCY CLAUSE:

In view of the emergency cited in the preamble, this Tower 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 March 7, 2009, and shall stand repealed as of September 7, 2009.

Given under our hands at Sedgwick, Maine, on this 20th day of February, 2009.

/s/

Nelson Grindal

/s/

William Jagger

Thomas O'Connor

Attest: A true copy of an ordinance entitled "Tower Moratorium Ordinance of the Town of Sedgwick," as certified to me by the municipal officers of Sedgwick on the 20th day of February, 2009.

Signature _____

Town Clerk of Sedgwick