

## **MORATORIUM ORDINANCE**

### **Section 1. Authority and Purpose**

This Ordinance is enacted pursuant to the provisions of 30-A M.R.S Section 301 (Home Rule), 30-A M.R.S Section 3001 (Ordinance Power), and 30-A M.R.S Section 4356 (Moratoria). The purpose of the Ordinance is to prohibit the exploration for and/or extraction of industrial metallic minerals, by a person, persons, or entity. It includes any structures, facilities, or processes associated with the exploration for and/or extraction of industrial metallic minerals, including but not limited to: bulk sampling; preparation, washing, cleaning, processing, beneficiation, or other treatment of industrial metallic minerals; as well as the storage or stockpiling of bulk sampling materials or mine waste; and reclamation activities. This Moratorium will not apply to the excavation, processing, or quarrying of sand, fill, gravel, clay, topsoil, peat, silt, or rock not associated with industrial metallic mineral mining.

### **Section 2. Statement of Necessity**

The exploration for and/or mining of industrial metallic minerals and location of such facilities is not specifically regulated by any Town Ordinances. The process of exploration and extraction of such minerals has the potential to be environmentally damaging to the Town's water supply, groundwater, soil, and the general environment of the Town. There are also certain areas of the Town where this type of activity, if allowed at all, should not be allowed. The Town's Comprehensive Plan has very general statements regarding mining but nothing that regulates this type of mining. There is no regulatory mechanism within the Town of Union which would prevent serious harm resulting from the mislocation or exploration for and/or the mining of industrial metallic minerals. The potential for contaminating property and environmental damage exists with regard to these activities and needs to be properly located and regulated. Based on these circumstances, the Town makes a finding that the level of necessity required to support a Moratorium Ordinance due to the lack of appropriate regulation does, in fact, exist and that a Moratorium is in the best interest of the general health, welfare and safety of the inhabitants of the Town of Union.

### **Section 3. Moratorium**

The exploration for and/or extraction of industrial metallic minerals, whether permanent or temporary, and any activity associated with the exploration and/or mining, within the Town of Union, is hereby prohibited and the Town shall issue no license, permit, or approval relative to the exploration for or mining of industrial metallic miners.

### **Section 4. Effective Date and Duration**

This Moratorium Ordinance shall be effective when enacted by the voters of the Town of Union and shall remain in effect for a period of one hundred and eighty (180) days, and shall be retroactive back to March 21, 2023. It shall remain in effect for a period of one hundred and eighty (180) days thereafter, unless sooner terminated by said voters. Under circumstances where the lack of regulation and definition as to location has not been determined, and where the Town has

made reasonable progress to address and alleviate the problem, then the Moratorium may be extended by the Select Board for additional one hundred and eighty (180) day periods, after notice and hearing, pursuant to 30-A M.R.S. Section 4356(3).

#### **Section 5. Notification**

Upon adoption of this Ordinance by the voters of the Town of Union, the Select Board shall notify the State of Maine and its various agencies, of the existence of the Moratorium and request that the prohibited activities not be approved, and that any State determination on these activities be deferred, during the period of the Moratorium or extension thereof.

#### **Section 6. Violations**

Any person, firm or corporation which violates any provision of this Ordinance, shall be subject to a fine of up to one hundred dollars (\$100.00) for each violation, with each day of violation considered to be a separate offense.