

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, and or metallic mining, 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 and or metallic mining.

Section 2. Statement of Necessity

The Town of Union has received a Petition for consideration of Ordinance amendments to the Land Use Ordinance and the Metallic Mining Ordinance dealing with essentially a new land use described as an “industrial metallic mineral mining use.” Ordinance changes propose a change in definitions and a prohibition of such use in any of the land use districts within the Town including the shoreland zone. It appears that these proposed amendments by eliminating the current “mining or mining activity” definition in Article XI of the Land Use Code, would have the effect of eliminating any mining in the Town whatsoever. This would also appear to be in conflict with the Town’s Comprehensive Plan under the Land Use Table provision on Page 172. 30-A M.R.S. Section 4356(1) indicates that, where existing comprehensive plans, ordinances, or regulations, are inadequate to deal with a particular use or are in conflict, a moratorium is appropriate to allow the Town to develop appropriate regulations and locations where the use may be developed with appropriate standards to restrict the development and to protect the Town’s resources, environment, and population, and to prevent any serious harm that might result from the mis location or exploration for and/or the mining of industrial metallic minerals, and or metallic mining. Based on these circumstances, the Town makes a finding that the level of necessity required to support a moratorium ordinance under the provisions of 30-A M.R.S. Section 4356(1)(B) exist and is necessary to protect the general health, welfare, and safety, of the inhabits of the Town of Union and to protect the Town’s natural resources.

Section 3. Moratorium

The exploration for and/or extraction of industrial metallic minerals, and or metallic mining 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 mining, and or metallic mining..

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.