

**Adopted at STM on January 27, 2011**

**WIND POWER DEVELOPMENT MORATORIUM ORDINANCE**  
TOWN OF BROOKSVILLE

The TOWN OF BROOKSVILLE (Maine) adopts a Wind Power Development Moratorium Ordinance as follows:

FOR THE PURPOSES of this moratorium ordinance, "wind power development" means any wind energy facility consisting of one or more wind turbines, the primary purpose of which is to generate electricity, and includes substations, cable/wires and other structures accessory to such facility.

WHEREAS, areas of the Town of Brooksville could be under threat of development pressure from wind power developments; 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 may be subjected to this development pressure due to the amount of undeveloped land, the nonexistence of any regulations or restrictions on locations of wind power developments and the demand for such wind power developments; and

WHEREAS, development of such wind power developments could pose serious threats to the public health, safety and welfare of the residents of Brooksville through the over-development of parts of Town with such wind power developments without adequate provisions for issues of safety, land-use compatibility and visual access to view corridors; and

WHEREAS, the Town will need at least 180 days to develop and implement a Wind Turbine Ordinance, and the necessary amendments to land-use ordinances and regulations to accommodate these wind power 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 Wind Power Development Moratorium Ordinance as immediately necessary for the preservation of the public health, safety and welfare;

NOW, THEREFORE, the Town of Brooksville hereby ordains that a Wind Power Development Moratorium Ordinance 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 January 27, 2011, and on any new construction or use, requiring approval under the terms of the Town's land-use ordinances and regulations for such Town until the effective date of the necessary amendments to the land-use ordinances and regulations or until July 28, 2011;

BE IT FURTHER ORDAINED, that the Planning Board, Board of Appeals, Code Enforcement Officer, 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 Wind Power Development Moratorium Ordinance for such wind power developments 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 Wind Power Development 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 Wind Power Development Moratorium Ordinance hereby ordained, but not otherwise;

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

BE IT FURTHER ORDAINED, that a Brooksville Wind Power Development Ordinance will require a public hearing by the Planning Board and the Board of Selectmen, and must be voted upon at a Town Meeting or Special Town Meeting.

**EMERGENCY CLAUSE:**

In view of the emergency cited in the preamble, this Wind Power Development Moratorium Ordinance shall take effect immediately upon passage by the Town and 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 January 27, 2011, and shall stand repealed as of July 28, 2011.