

**TOWN OF FREEDOM, MAINE**  
**SOLAR FACILITIES MORATORIUM ORDINANCE**

DATE OF INTRODUCTION: OCTOBER 30, 2023.

The Town of Freedom, Maine hereby adopts a moratorium ordinance entitled "Solar Facilities Moratorium Ordinance" as follows:

**WHEREAS** areas of the Town of Freedom are imminently under threat of increased development pressure from Solar Facilities.

**WHEREAS** residents of the Town of Freedom have expressed concerns about proposals for such developments, including but not limited to the following concerns: quality of life, adjacent property values, health and safety concerns, decommissioning liabilities and costs, visual impacts, loss of farmland, height of ground mounted arrays, possible mandatory dual uses of land for pasture, effects on watershed due to loss of forested land, and impacts on wetlands and forested wetlands; impacts on watersheds, and erosion.

**WHEREAS** current development pressure was unanticipated and is not provided for in the Town's current Charter, ordinances or regulations.

**WHEREAS** the Town of Freedom needs at least 180 days to consider, develop, and implement necessary ordinances and regulations to protect the health, safety, and welfare of the residents of the Town of Freedom, and the impacts and consequences of Solar Facilities as referenced herein.

**WHEREAS**, in the judgment of the Town, the foregoing facts constitute an emergency and demonstrate that a moratorium on development of Solar Facilities is necessary pursuant to 30-A M.R.S. § 4356(1).

**NOW, THEREFORE**, the Town of Freedom hereby ordains that the following Moratorium Ordinance be enacted:

- I. **Authority:** This Moratorium Ordinance is enacted pursuant to 30-A M.R.S. § 4356 and The Town of Freedom's home rule authority pursuant to the Maine Constitution and 30-A M.R.S. § 3001.

II. **Definitions:** The following definition shall be used in the interpretation and construction of this Ordinance:

**A. A Solar Facility:** is defined as any Solar Facility, project, or installation including the associated solar arrays, solar related equipment, energy storage facilities and components for distribution or transmission of electricity, which is intended to and/or in fact does generate solar power and feeds said power into the electric grid supplying the local utility with power. This definition shall include, but is not limited to, all ground mounted Solar Facility projects, construction and installation.

Residential and commercial solar arrays intended and placed on the roof of any building in existence as of the Effective Date of this ordinance are excluded from this definition, provided that total annual production of electricity does not exceed 25,000 kWh.

III. **Purpose:** The purpose of this Moratorium Ordinance is to provide the Town of Freedom a reasonable time to evaluate the concerns raised in regard to any potential solar development and determine the adequacy of existing land use ordinances and regulations, and, if necessary, develop additional ordinances and regulations to provide adequate protection for the environment, property, health, welfare, and public safety.

IV. **Moratorium on Solar Facilities:** The Town of Freedom hereby declares and imposes a moratorium prohibiting the development, construction or use of any and all Solar Facilities within the Town of Freedom.

V. **Moratorium on Procession Applications:** No official, officer, board, or body of the Town of Freedom, including but not limited to the Code Enforcement Officer, the Planning Board, or the Municipal Officers, shall accept, process, review, deny, approve, authorize, or issue any applications, petitions, plans, permits, licenses, or requests for approval or authorization involving Solar Facilities development, construction, operation, or use located, in whole or in part, within the Town of Freedom.

VI. **Severability:** To the extent any provision of this Moratorium Ordinance is deemed invalid by a court of competent jurisdiction, the balance of the Moratorium Ordinance shall remain valid.

- VII. **Effective Date:** In view of the facts cited in the preamble, this Moratorium Ordinance shall take effect retroactively as of October 30, 2023, the date of introduction at a Public Meeting of Freedom Select Board, and shall expire on the 180<sup>th</sup> day thereafter, unless earlier extended, repealed, or modified by the Freedom Board of Selectmen, notwithstanding the provisions of 1 M.R.S. § 302.
- VIII. **Enforcement:** The Municipal Officers are hereby authorized to institute any and all actions, either legal or equitable, that they deem necessary or appropriate to enforce the provisions of this Moratorium Ordinance.
- IX. **Civil Penalties:** Any violation of this Moratorium Ordinance is subject to an enforcement action under 30-A M.R.S.A. § 4452. Any violation of this Moratorium Ordinance shall also constitute a public nuisance. Each day of violation shall constitute a separate offense, with a minimum penalty of \$ 100 per day, and a maximum penalty of \$ 2,500 per day, as each day shall constitute a separate violation. All civil penalties shall inure to the benefit of the Town of Freedom, and the Town shall be reimbursed all attorney fees, expert fees and costs for any injunctive or enforcement action taken by the Town.

