

TOWN OF GLENBURN, MAINE  
COMMERCIAL SOLAR FACILITIES MORATORIUM ORDINANCE  
(Emergency Ordinance Pursuant Town Charter, Sec. 3.11)

WHEREAS, the Maine Legislature enacted a net energy billing program for customers of investor-owned utilities, codified at 35-A M.R.S. § 3209-A and § 3209-B, which has incentivized customers to make financial investments in the construction of commercial distributed generation resources, including Commercial Solar Facilities, in order to receive, for electricity delivered to the electric grid from such facilities, a monetary credit to reduce the customer's utility bill; and

WHEREAS, as a result of the net energy billing legislation, developers have expressed interest in and aggressively pursued the development of Commercial Solar Facilities throughout the State of Maine, including in the Town; and

WHEREAS, the Glenburn Town Council finds that the siting, installation, and operation of Commercial Solar Facilities within the Town raises legitimate, substantial, and immediate concerns regarding the impact of such facilities on the Town, including the compatibility of such facilities with existing and permitted land uses in the Town; potential adverse environmental effects; and the lack of plans and other financial assurances that such facilities will be properly constructed and decommissioned; and

WHEREAS, the Glenburn Town Council finds that the development of Commercial Solar Facilities pursuant to the Town's existing ordinances would pose serious threats to the public health, safety, and welfare of the residents of Glenburn without adequate provisions for issues of safety and land use compatibility; and

WHEREAS, the Town requires time to evaluate the need for and to prepare reasonable ordinance provisions governing the siting, installation, operation, and decommissioning of Commercial Solar Facilities within the Town and to secure voter approval for such ordinance provisions; and

WHEREAS, the Glenburn Town Council finds that the foregoing facts create a necessity within the meaning of 30-A M.R.S. § 4356(1)(B) and an emergency within the meaning of Section 3.11 of the Charter for Town of Glenburn, Maine.

NOW, THEREFORE, the Town of Glenburn hereby ordains that the following ordinance be enacted:

1. **Authority.** This Ordinance is enacted pursuant to the authority vested in the Town of Glenburn pursuant to 30-A M.R.S. § 3001, 30-A M.R.S. § 4356, and the Charter for Town of Glenburn, Maine.
2. **Purpose.** The purpose of this Ordinance is to allow municipal officials a reasonable time to review the existing Glenburn Land Use Ordinance and to develop and adopt any necessary or appropriate amendments thereto, or to any Town ordinance, in order to

provide for the adequate regulation of Commercial Solar Facilities in the Town of Glenburn.

3. **Moratorium.** There shall be a moratorium on the issuance of any permits, licenses, or approvals for the placement, erection, or construction of any Commercial Solar facilities within the Town of Glenburn. During the period of time this Ordinance is in effect, or is applicable, no person or entity shall erect, construct or locate any Commercial Solar facility within the Town of Glenburn.
4. **Review by Officials.** During the period of time this Ordinance is in effect, or is applicable, no official or board of the Town of Glenburn, including but not limited to, all building and code officials, the Planning Board, and the Zoning Board of Appeals, shall receive, accept, act upon, approve or issue any permits, licenses, approvals, or variances for the placement, erection or construction of any Commercial Solar Facility within the Town of Glenburn.
5. **Applicability.** Notwithstanding anything to the contrary in 1 M.R.S. § 302, this Ordinance shall apply to all proceedings, applications, petitions and proposals that are pending or commenced on or after March 23, 2021.
6. **Duration.** This Ordinance shall continue in full force and effect until May 31st, 2021, unless extended, repealed, or modified by the Town pursuant applicable law.
7. **Conflicts; Savings Clause.** Any provisions of the Town's ordinances that are inconsistent with or conflict with the provisions of this Ordinance are hereby repealed to the extent applicable for the duration of this moratorium. If any section or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.
8. **Definitions.** For the purposes of this Ordinance, the term "Commercial Solar Facilities" shall mean any installation of solar panels, equipment and/or buildings or structures undertaken for commercial purposes with an intention of generating power from the sun and converting such power into electricity for resale to or by a third party (which does not include any individual or business that directs such produced energy back into the public grid solely to off-set their own energy consumption). Commercial Solar Facilities specifically do not include any solar panel collection system or array undertaken by individual landowners, householders, or farmers for their own personal use or of a business owned by them.

#### **EMERGENCY DECLARATION**

The Town declares the existence of an emergency because the Town's ordinances are insufficient to prevent serious public harm that could be caused by the siting, installation, or operation of Commercial Solar Facilities and because the Town needs time to review the potential adverse impacts that may be caused by Commercial Solar Facilities, and consider amendments to its ordinances to mitigate any such impacts on the Town and its residents and visitors. This

Emergency Ordinance shall stand repealed as of the 61<sup>st</sup> day following the date on which it was adopted pursuant to Section 3.11 of the Charter for Town of Glenburn, Maine.

Given under our hands this 1<sup>st</sup> day of April, 2021.

  
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Christopher Grotton

  
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Robert St. Louis

  
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John Caruso Jr.

  
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Adam Shaw Jr.

  
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Christopher Cookson

A Majority of the Council of the Town of Glenburn, Maine.

Attest: A true copy of an ordinance entitled, "Town of Glenburn, Maine, Commercial Solar Facilities Moratorium Ordinance," as certified to me by the municipal officers of the Town of Glenburn, Maine, on the 1 day of April, 2021.

  
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Town Clerk

Town of Glenburn, Maine