

**WIND ENERGY FACILITY MORATORIUM ORDINANCE
PHILLIPS, MAINE**

Section 1. Authority, Effective Date and Sunset Provision

A. Authority

1. This Ordinance is adopted and hereafter amended pursuant to and consistent with Article VIII, Part 2, Section 1 of the State of Maine Constitution, Title 30-A M.R.S.A. Section 3001 and Title 30-A. M.R.S.A. Section 4356.
2. This Ordinance shall be known and may be cited as the "Wind Energy Facility Moratorium Ordinance, Phillips, Maine."

B. Effective Date

The effective date of this Ordinance shall be upon adoption by the legislative body.

C. Sunset Provision

This Ordinance shall automatically terminate 180 days from the date of its effective date of adoption.

Section 2. Purpose and Necessity

A. Purpose

The Purpose of this Ordinance is to protect the public health, safety and welfare of the residents of Phillips by fostering orderly wind energy facility development. During the term of the moratorium the Town of Phillips will determine the most appropriate methods to regulate all types of wind energy facilities and prepare and/or amend appropriate municipal ordinances to achieve such.

B. Necessity

While the Town of Phillips has an adopted zoning ordinance, it is unclear if wind energy facilities are a permitted use under the ordinance. In addition the ordinance does not contain sufficient standards to effectively provide municipal review and approval of wind energy facility development. There is high interest in wind energy facility development in western Maine. The topography of Phillips is believed to be conducive to wind energy facility development. Without local

regulations to address wind energy facility development there exists the potential for serious public impacts if such facilities are developed. Serious public impacts may include but are not limited to safety problems, visual degradation, noise, environmental degradation, loss of property values, and health problems.

Section 3. Moratorium

After the effective date of this Ordinance no testing, including the placement of a meteorological tower, for the suitability of sites for wind energy facilities, and/or no applications for the development of wind energy facilities shall be allowed and/or received for review.

Section 4. Appeals and Severability

A. Appeals

An aggrieved party may appeal the provisions of this Ordinance to Superior Court under Rule 80-B of the Maine Rules of Civil Procedure.

B. Severability

Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision.

Section 5. Definitions

Associated Facilities: Elements of a wind energy facility other than its generating facilities that are necessary to the proper operation and maintenance of the wind energy facility, including but not limited to buildings, access roads, generator lead lines and substations.

Generating Facilities: Wind turbines and electrical lines, not including generator lead lines, that are immediately associated with wind turbines.

Meteorological Tower (MET Tower) means a Tower used for the measurement and collection of wind data that supports various types of equipment, including but not limited to anemometers, data recorders, and solar power panels. MET Towers may also include wildlife related equipment such as ANABAT detectors, bird diverts and wildlife entanglement protectors.

Wind Energy Facility means a facility that uses one or more Wind Turbines to convert wind energy to electrical energy. A Wind Energy Facility includes Generating Facilities and Associated Facilities.

~~REDACTED~~

Enacted February 25, 2010