Town of China
High-Impact Electric Transmission Line Moratorium Ordinance

Section 1. Authority, Effective Date and Sunset Provision

A. Authority

1. This Ordinance is adopted and hereafter amended pursuant to and consistent with 30-A M.R.S. Section 4356, 30-A M.R.S. Section 3001, and Article VIII, Part Second of the Maine Constitution.

2. This Ordinance shall be known and may be cited as the "High-Impact Electric Transmission Line Ordinance, China, Maine."

B. Effective Date

The effective date of this Ordinance shall be upon adoption by the legislative body. Notwithstanding the provisions of Title 1 M.R.S. Section 302, to the maximum extent permitted by law, this Ordinance shall apply to all proceedings and applications not pending within the meaning of said statute as of the date of adoption of this Ordinance.

C. Sunset Provision

This Ordinance shall automatically terminate 180 days from the date of its adoption unless the Select Board votes, after notice and hearing, to extend the moratorium for additional 180-day periods.

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 China by fostering orderly High-Impact Electric Transmission Line ("HIETL") development. During the term of the moratorium, the Town of China will determine the most appropriate methods to regulate HIETL development and prepare or update appropriate municipal ordinances and procedures to achieve such.

B. Necessity

The Town of China currently has insufficient performance standards in its local land use regulatory ordinances to provide adequate municipal review and approval processes for HIETL development. There is high interest in HIETL development in the community and nearby areas but without adequate local ordinances and procedures to properly evaluate and act on applications for an HIETL, there exists

the potential for serious public harm including, but not limited to, visual impact, noise, environmental impact degradation and public health.

Section 3. Moratorium

After the effective date of this Ordinance, no development of an HIETL shall be allowed and/or applications submitted for review. After the effective date of this Ordinance, neither the Planning Board nor Code Enforcement Officer shall accept, review, or approve applications, plans, permits, licenses, and/or fees for any new or proposed HIETL.

Section 4. 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. Definition

Consistent with the state definition in 35-A M.R.S. Section 3131(4-A), a **High-impact electric transmission line** shall be defined as follows:

A transmission line greater than 50 miles in length that is:

A. Constructed to transmit direct current electricity; or

B. Capable of operating at 345 kilovolts or more and:

(1) Is not a generator interconnection transmission facility as defined in 35-A §3132(1-B), and
(2) Is not constructed primarily to provide electric reliability, as determined by the Public Utilities Commission.