TOWN OF ROXBURY, MAINE
MORATORIUM ORDINANCE REGARDING
COMMERCIAL OR COMMUNITY
SOLAR ENERGY FACILITIES
AND
SMALL SCALE HOMEOWNER'S SOLAR PANEL INSTALLATION

WHEREAS, the Maine State Legislature found it is in the public interest to develop renewable energy sources and encourage solar energy related development pursuant to the Maine Solar Energy Act 35-A M.R.S. Ch.34-B; and

WHEREAS, developers have expressed interest in and have been increasingly developing Commercial or Community Solar Energy Facilities throughout the State of Maine and specifically in the Roxbury community; and

WHEREAS, no specific regulation governing Commercial or Community Solar Energy Facilities exists under the Town of Roxbury's ordinances; and

WHEREAS, the Town's existing ordinances do not provide an adequate mechanism to control Commercial or Community Solar Energy Facilities and are inadequate to prevent the potential for serious public harm from the siting, installation and operation of Commercial or Community Solar Energy Facilities in the Town; and

WHEREAS, the siting, installation and operation of Commercial or Community Solar Energy Facilities within the Town raise legitimate and substantial questions about the impact of such facilities on the Town, including but not limited to whether such facilities are compatible 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, maintained and decommissioned; and

WHEREAS, the current ordinances are in adequate to address serious threats which may be posed by uncontrolled Commercial and Community Solar Energy Facilities to the Town's scenic corridors, the Town's environmental well-being, land that is subject or prone to flooding, or historic or significant locations;

WHEREAS, serious issues have arisen with Small Scale Homeowner Solar Panel Installation in the Town related to low roof pitch and snow load and location;

WHEREAS, the Town needs a reasonable amount of time to study land use implications of Commercial or Community Solar Energy Facilities and develop

reasonable regulations governing their location and operation and develop regulations for Small Scale Homeowner Solar Panel Installation and to secure voter approval for such ordinance provisions; and

WHEREAS, during the period of this Moratorium, the Town will work on developing appropriate land use regulations concerning Commercial or Community Solar Energy Facilities and Small Scale Homeowner Solar Panel Installation; and

WHEREAS, the Town with the assistance from the Planning Board, Code Enforcement Officer and other departments, intends to study the Town's ordinances to determine the land use and other regulatory implications of the siting, installation, operation and decommissioning of Commercial or Community Solar Energy Facilities within the Town, and to consider what locations, approvals and performance standards, if any, might be appropriate for these facilities; and

WHEREAS, it is anticipated that such a study, review and development of a recommended ordinance will not take more than 180 days from the Date of Applicability of this Moratorium Ordinance; and

WHEREAS, the Roxbury Planning Board finds that the foregoing facts create an emergency and establishes that a moratorium on Commercial or Community Solar Energy Facilities is needed to 30-A M.R.S. § 4356 requiring immediate action.

NOW, THEREFORE, pursuant to 30-A M.R.S § 4356, be it ordained by the voters of the Town of Roxbury, Maine, as follows:

1) **MORATORIUM**. The Town does hereby declare a moratorium on the siting, installation, operation, permitting and approval of any Commercial or Community Solar Energy Facility and Small Scale Homeowner Solar Panel Installation within the Town. For the purposes of this Ordinance, Commercial or Community Solar Energy Facility is defined as a ground mounted, electric generating facility that uses photovoltaic (PV) technology with a nameplate capacity of 125 kilowatts (AC) or greater for commercial purposes with an intention of generating power from the sun and converting such powering electricity for resale to or by a third party. No person or organization shall locate or operate a Commercial or Community Solar Energy Facility and no further Small Scale Homeowner Solar Panel Installation within the Town on or after the effective date of this Ordinance. During the time this Ordinance is in effect no officer, official, employee, office, administrative board or agency of the town shall accept, process, approve, deny or in any other way act upon any

application or request for any type of license, permit or approval related to a Commercial or Community Solar Energy Facility and Small Scale Homeowner Solar Panel Installation.

2) **DATE OF APPLICABILITY.** Notwithstanding 1 M.R.S § 302 or any other law to the contrary and regardless of the effective date, this Ordinance shall govern and apply to all proceedings and applications for a Commercial or Community Solar Energy Facility whose application has not been deemed complete by the Planning Board or Small Scale Homeowner Solar Panel Installation by the Code Enforcement Officer, before July 28th, 2026. To the extent allowed by 30-A M.R.S § 3007(6), this ordinance shall nullify the issuance of any final approval of the Planning Board on or at any time after July 28th, 2026 that authorizes the operation of a Commercial or Community Solar Energy Facility whose application was not deemed complete by the Planning Board or Small Scale Homeowner Solar Panel Installation by the Code Enforcement Officer before July 28th, 2026. For the avoidance of doubt, this Ordinance shall not govern or apply to any proceedings or applications for a Commercial or Community Solar Energy Facility whose applications have been deemed complete by the Planning Board or Small Scale Homeowner Solar Panel Installation by the Code Enforcement Officer before July 28th. 2026.

3) **EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its adoption by town voters and shall remain in full force and effect for a period of up to but no more than 180 days from the Date of Applicability, unless extended, repealed or modified by the Town pursuant to applicable law or until a new Ordinance regulating Commercial or Community Solar Energy Facilities and Small Scale Homeowner Solar Panel Installation by the Code Enforcement Officer or revisions to existing Town ordinances addressing such facilities is adopted by the Town, whichever shall occur first.

4) **CONFLICTING OR INCONSISTENT PROVISIONS.** Any provisions of the Town's current ordinances and regulations which are inconsistent or conflicting with the provisions of this Moratorium Ordinance are hereby suspended, to the extent that they are applicable, for the duration of the Moratorium Ordinance hereby ordained, but not otherwise.