

**MORATORIUM
REGARDING THE DEVELOPMENT AND OPERATION
OF COMMERCIAL AQUACULTURE FACILITIES
WITHIN THE TOWN OF JONESPORT, WASHINGTON COUNTY, MAINE**

The TOWN OF JONESPORT, MAINE ("the Town") adopts a moratorium as follows:

WHEREAS, an aquaculture development has been proposed that would impact the land of and waters surrounding the Town of Jonesport; and

WHEREAS, such aquaculture development could become a common trend; and

WHEREAS, the proposed use of coastal land and waters may unreasonably interfere with traditional use of coastal waters for fisheries and recreation; and

WHEREAS, the Town presently does not have an ordinance addressing the development and operation of aquaculture facilities; and

WHEREAS, without appropriate regulation, such facilities and development could pose a threat to the quality of life and the health and safety of Town residents; and

WHEREAS, the Town needs time to gather information on the impact of aquaculture development on the environment and public health and welfare; and

WHEREAS, the Town needs time to review its existing ordinances to develop reasonable provisions addressing those impacts and governing aquaculture development; and

WHEREAS, amendments to the Land Use Ordinance, if they are deemed appropriate, require a public hearing and report by the Planning Board, and certification by the Select Board, and then must be presented for vote at a Town Meeting; and

WHEREAS, in the judgment of the Town, these facts create necessity within the meaning of 30-A M.R.S. § 4356 and require passage of a Moratorium Ordinance as necessary for the preservation of public health, safety, and welfare;

NOW, THEREFORE, the Town of Jonesport hereby ordains this Moratorium Regarding the Development and Operation of Commercial Aquaculture Facilities within the Town of Jonesport, Washington County, Maine be enacted:

I. Authority & Purpose: This Moratorium Ordinance is enacted pursuant to 30-A M.R.S. § 4356, the Town of Jonesport's home rule authority pursuant to the Maine Constitution and 30-A M.R.S. § 3001, and for the purposes identified above.

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

"Aquaculture Development" shall include any commercial facilities located on land or in, on, or under coastal waters, that involve or support commercial aquaculture.

III. Moratorium on Aquaculture Development: The Town hereby declares and imposes a moratorium prohibiting any Aquaculture Development within the boundaries of the Town of Jonesport. No person or organization shall engage in Aquaculture Development activity within the Town of Jonesport.

IV. Moratorium on Processing Applications: No officer, employee, official, board, or body of the Town of Jonesport, including without limitation the Town of Jonesport Planning Board, Board of Appeals, or Code Enforcement Officer, shall accept, issue, act upon or approve applications, plans, permits, licenses, building permits, certificates and/or fees for any projects, developments, construction or uses for or directly related to the development, construction, siting, or operation of an Aquaculture Development.

V. Severability: Any provisions of the Town's Land Use Ordinance and regulations which are inconsistent or conflicting with the provisions of this Moratorium Ordinance, including, without limitation, the requirements for special use permit review by the Planning Board, and appeals by the Board of Appeals, are hereby suspended in their effect to the extent that they are applicable for the duration of the Moratorium Ordinance hereby ordained, but not otherwise. 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.

VI. Effective Date & Term

A. This moratorium shall take effect immediately upon passage by the Town Meeting and extend for the shorter of the following periods: (a) 180 days from date of passage; or (b) immediately upon its repeal by a duly called Town Meeting.

B. This moratorium may be extended for successive 180 day periods by vote of the Select Board as permitted by 30-A M.R.S. § 4356, after notice and hearing, if the Select Board finds that the problem giving rise to the need for the moratorium still exists and that reasonable progress is being made to alleviate it. The moratorium may also be extended at any duly called Town Meeting within the moratorium period and at which an article adopting such an extension and the subsidiary findings required by law passes.

VII. 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. 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 constitutes a nuisance. Each day of violation shall constitute a separate offense. All civil penalties shall inure to the benefit of the Town of Jonesport.