

Dixmont Mining Moratorium

(Effective Dec. 14, 2022)

The TOWN OF DIXMONT (Maine) adopts a Moratorium Ordinance on Mining as follows:

For the purposes of this Moratorium, the term Mining shall include:

- a. excavation for gravel, sand, topsoil, borrow, clay, peat, silt, rock
- b. mineral extraction
- c. metal extraction

WHEREAS, the Town of Dixmont residents are concerned about Mining activities and development of Mining operation and activities within the town; and

WHEREAS, continued development of Mining activities could pose serious threats to the health, safety and welfare of the residents of Dixmont, including but not limited to:

- (i) Increased volume of large commercial vehicles on local roads with attendant concerns regarding pedestrian and vehicular safety, deterioration of road infrastructure and increased maintenance expenses;
- (ii) Impact of additional and/or expanded Mining activities in areas proximate to water bodies on water quality;
- (iii) Impact of additional and/or expanded Mining activities on air and soil quality as the result of particulate pollution and erosion;
- (iv) Noise pollution;
- (v) Loss of open space, timber resources, and wildlife habitat;
- (vi) Supporting the goals and policies of the Comprehensive Plan, including orderly development, efficient use of infrastructure, and protection of natural, scenic, and agricultural resources of the Town.

WHEREAS, the Town currently lacks uniform standards for mineral extraction activities sufficient to allow for mitigation of the threats to public health, safety and welfare identified above; and

WHEREAS, the Town will need at least 180 days to develop and implement the necessary ordinance to mitigate these threats; and

WHEREAS, in the judgment of the Town, these facts create an emergency within the meaning of Title 30-A M.R.S.A. §4356 (1)(B) requiring an immediate moratorium on any new or expanded Mining activities activities for the preservation of the public health, safety, and welfare;

NOW, THEREFORE, the Town of Dixmont hereby enacts a moratorium, effective immediately and applicable, to the maximum extent permitted by law and subject to the severability clause below, to all proceedings, applications, and petitions not pending (within the meaning of Title 1 M.R.S.A. §302) as of December 14, 2022 at 8:30 p.m., seeking permits for or approval of any new Mining activity or the expansion of any existing Mining activity. The moratorium established hereby shall continue for a period of 180 days from the date of enactment.

No Town official, agent or employee shall accept or approve any applications, plans, permits, licenses, and/or fees relating to any uses governed by this Moratorium Ordinance during the term of this Moratorium Ordinance or any extension hereof.

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.