

**SPECIAL TOWN MEETING  
TOWN OF BROWNFIELD  
NOVEMBER 14, 2017**

To: Wanda Bartlett, a citizen of the Town of Brownfield, County of Oxford, State of Maine

Greetings: In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Brownfield, in said County, qualified by law to vote in Town affairs, to meet at the Brownfield Community center in said Town on Tuesday the 14<sup>th</sup> day of November 2017 A.D. at 7:00 P.M. to act upon the following articles.

**ARTICLE 01** To elect a Moderator to preside at said meeting who will follow the Rules of Procedure from the Maine Moderators Manual.

**ARTICLE 02** (By Petition) Shall an ordinance entitled: "Town of Brownfield Moratorium Ordinance on Large – Scale Water Extraction Activity" As submitted to the Municipal Officers by citizen petition, be Enacted?

The text of the proposed "Town of Brownfield Moratorium Ordinance on Large – Scale Water Extraction Activity" is as follows:

**SPECIAL TOWN MEETING  
TOWN OF BROWNFIELD  
NOVEMBER 14, 2017**

**TOWN OF BROWNFIELD  
MORATORIUM ORDINANCE ON LARGE – SCALE  
WATER EXTRACTION ACTIVITY**

WHEREAS, the Town's current ordinances do not include adequate regulations related to Large – Scale Water Extraction Activity; and

WHEREAS, the location and operation of foreseeable or anticipated Large – Scale Water Extraction Activity within the Town of Brownfield has the potential to harm the aquifers, ground and surface waters of the Town, to adversely affect the health, safety, and welfare of the Town and its residents; and to overburden the Town's roads, bridges and other infrastructure due to the additional heavy vehicle traffic; and

WHEREAS, the Town's current ordinances are insufficient to prevent public harm that could be caused by the development of additional Large – Scale Water Extraction Activity; and

WHEREAS, the Town needs time to review its existing ordinances to determine the implications of foreseeable or anticipated Large – Scale Water Extraction Activity and to develop reasonable ordinances governing the location, design and operation of such Large – Scale Water Extraction Activity; and

**SPECIAL TOWN MEETING  
TOWN OF BROWNFIELD  
NOVEMBER 14, 2017**

WHEREAS, the Board of Selectmen and the Planning Board, with the advice and assistance of the Town staff, shall study the Town's current ordinances to determine the land use and other implications for the Town of foreseeable or anticipated Large – Scale Water Extraction Activity and consider what local licensing requirements and conditions of approval might be appropriate for such activities; and

WHEREAS, it is anticipated that such a study, review and development of recommended ordinance changes will take at least one hundred and eighty (180) days from the date of applicability of this Moratorium Ordinance;

BE IT ORDAINED by the voters of the Town of Brownfield that this Moratorium Ordinance on Large – Scale Water Extraction Activity be, and hereby is, enacted

**SECTION 1. AUTHORITY**

This Moratorium Ordinance is enacted pursuant to 30-A M.R.S. §3001 et seq., Article VIII, Part Second of the Maine Constitution, 30-A M.R.S. §4356 and all other applicable authority.



**SPECIAL TOWN MEETING  
TOWN OF BROWNFIELD  
NOVEMBER 14, 2017**

**SECTION 2. PURPOSE**

This Moratorium Ordinance is adopted for the purpose of providing the Town of Brownfield with sufficient time to review its existing ordinances, to determine the implications of foreseeable or anticipated Large – Scale Water Extraction Activity, and to develop and implement adequate ordinance amendments to govern the safe location, design and operation of Large – Scale Water Extraction Activity in the Town, to protect the Town’s natural resources, to protect the safety and welfare of residents of the Town, and to prevent the over-burdening of Town roads, bridges and other Town infrastructure.

**SECTION 3. DEFINITION – LARGE-SCALE WATER EXTRACTION ACTIVITY**

Large – Scale Water Extraction Activity means site preparation, construction, installation or development of structures, equipment or other facilities designed, intended or operated for extraction of more than 1,000 gallons of ground water or spring water per day at any site located in the Town of Brownfield for commercial sale or use.

**SPECIAL TOWN MEETING  
TOWN OF BROWNFIELD  
NOVEMBER 14, 2017**

**SECTION 4. MORATORIUM IMPOSED**

A moratorium is hereby enacted on the location, site preparation, construction, installation, development, operation, licensing and permitting of any Large – Scale Water Extraction Activity within the Town of Brownfield, Maine. During the period of this moratorium, no person shall submit an application for permit, site plan or other municipal permit or approval, or construct, develop, install or operate a Large – Scale Water Extraction Activity within the Town; and 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 for a license, permit, or any other type of land use approval or permit or any other permits or licenses related to a Large – Scale Water Extraction Activity.

**SECTION 5. DATE OF APPLICABILITY**

This Moratorium Ordinance shall take effect immediately upon its approval by the voters of the Town, but notwithstanding the provisions of 1 M.R.S. §302 or any other law to the contrary, this Moratorium Ordinance, enacted, shall be applicable to any Large – Scale Water Extraction Activity that is proposed to be located or located in the Town on or after September 15, 2017 or for which an application for a license, permit, site plan, or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board or other Town Official or board prior to September 15, 2017.



**SPECIAL TOWN MEETING  
TOWN OF BROWNFIELD  
NOVEMBER 14, 2017**

**SECTION 6. DURATION**

The moratorium enacted by this Ordinance shall remain in effect for one hundred eighty (180) days from September 15, 2017, provided that it may be extended by the Town of Brownfield Board of Selectmen for additional 180 day periods in accordance with 30-A M.R.S. §4356(3).

**SECTION 7. RELATION TO OTHER TOWN ORDINANCES**

Any provisions of other Town ordinances that are inconsistent or conflicting with the provisions of this Moratorium Ordinance are hereby suspended to the extent they are applicable for the duration of moratorium established by this Ordinance, as it may be extended by the Board of Selectmen.

**SECTION 8. VIOLATIONS AND ENFORCEMENT**

If any Large – Scale Water Extraction Activity is undertaken, established or adopted in the Town in violation of this Moratorium Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the Town shall be entitled to all rights available to it in law and equity including, but not limited to, fines and penalties, injunctive relief, and reasonable attorney's fees and costs in prosecuting any such violations.

SPECIAL TOWN MEETING  
TOWN OF BROWNFIELD  
NOVEMBER 14, 2017

SECTION 9. EXEMPTION

This Moratorium Ordinance shall not apply to the extraction of more than 1,000 gallons per day of ground water or spring water solely for agricultural use or for non-commercial use which occurs entirely within the Town of Brownfield.


SECTION 10. SEVERABILITY

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

STATE OF MAINE  
TOWN OF BROWNFIELD  
NOVEMBER 14, 2017  
SPECIAL TOWN MEETING

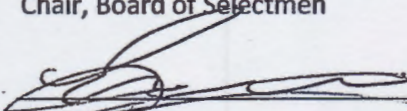
Town of Brownfield, Maine:

Signed by:

  
\_\_\_\_\_

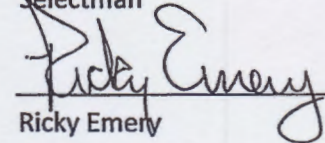
William J Flynn  
Chair, Board of Selectmen

Signed by:

  
\_\_\_\_\_

Erik T Walker  
Selectman

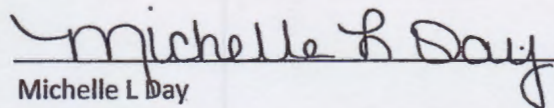
Signed by:

  
\_\_\_\_\_

Ricky Emery  
Selectman

A true copy, Attest:

Signed by:

  
\_\_\_\_\_

Michelle L Day  
Town Clerk

