

Ann D. Chadwick

TOWN OF PITTSTON MORATORIUM ORDINANCE

The TOWN OF PITTSTON adopts a Moratorium Ordinance as follows:

WHEREAS, the Town's Septage Ordinance dated October 19, 2000 regulated septage and prohibited commercial spreading, storage or dumping of septage and applied retroactive to June 23, 1999, the date the Town received a petition to enact a moratorium on spreading, storage or dumping of septage.

WHEREAS, the Septage Ordinance dated October 19, 2000 was declared invalid by the Kennebec County Superior Court on February 5, 2002. This judicial ruling has left the Town without a means of adequately regulating the spreading, storage and dumping of septage within its borders.

WHEREAS, commercial spreading, storage or dumping of septage poses serious threats to the public health, safety and welfare of the residents of Pittston as a result of the risk of groundwater and surface water pollution, the risk of pollution to other resources and the risk of human and animal exposure to bacteria, pathogens, contaminants and other substances contained in septage, among other risks.

WHEREAS, the Town will need at least 180 days to develop and implement an ordinance which appropriately and adequately regulates septage in order to minimize or eliminate the public health, safety and welfare risks posed by septage.

WHEREAS, in the judgment of the Town, these facts create an emergency within the meaning of 30-A M.R.S.A. § 4356(1)(B) and require the following Moratorium Ordinance as immediately necessary for the preservation of the public health, safety and welfare.

NOW, THEREFORE, the Town of Pittston hereby ordains that a moratorium on any new construction or use that involves the commercial spreading, storage or dumping of septage, is hereby imposed, effective immediately and applicable, to the maximum extent permitted by law and subject to the severability clause below, to all proceedings, applications and petitions before the Town on or after June 23, 1999, irrespective of 1 M.R.S.A. § 302. This moratorium shall remain in effect until the effective date of a new septage ordinance or until 180 days from the effective date of this Ordinance, whichever occurs first.

BE IT FURTHER ORDAINED, that the Municipal Officers, the Planning Board, Board of Appeals, the Building Inspector/C.E.O., all Town agencies and all Town employees shall neither accept nor approve applications, plans, permits, licenses and/or fees for any uses subject to this Moratorium Ordinance for said period of time; and

BE IT FURTHER ORDAINED, that 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.

EMERGENCY CLAUSE:

In view of the emergency cited in the *preamble*, this *Moratorium Ordinance* shall take effect immediately upon passage by the Town, shall apply, to the maximum extent permitted by the law but subject to the severance clause above, to all proceedings, applications and petitions before the Town as of June 23, 1999.

The effective period for this Moratorium Ordinance may be amended or extended by the Board of Selectmen after notice and hearing and consistent with 30-A M.R.S.A. § 4356(3).