

Town of Kingfield Moratorium Ordinance — Transient Overnight Recreational Developments

Legal Authority: 30-A M.R.S. 3001, 4356

The TOWN OF KINGFIELD, MAINE, through its legislative body, adopts the following Moratorium Ordinance:

WHEREAS, a development that fits into the category of Transient Overnight Recreational Development has been proposed, the location, scale, and scope of which exceeds the type of development previously seen in the Town; and

WHEREAS, the proposed Transient Overnight Recreational Development would require the use of the one-lane Ira Mountain Bridge adjacent to Route 27; and

WHEREAS, traffic studies conducted regarding the use of the Ira Mountain Bridge in 2021 and 2003 flagged significant safety risks associated with using this one-lane bridge; and

WHEREAS, Transient Overnight Recreational Developments have the potential to cause significant traffic and safety concerns to travelers in the Town, especially those using the Ira Mountain Bridge; and

WHEREAS, without appropriate regulation, such Transient Overnight Recreational Developments could pose a threat to the quality of life and health and safety of Town residents; and

WHEREAS, without appropriate regulation, such Transient Overnight Recreational Developments could cause a shortage or overburdening of public facilities such as water, roads, fire protection, and public safety; and

WHEREAS, the Town Comprehensive Plan, last adopted on March 3, 2007, is outdated and does not adequately address such Transient Overnight Recreational Developments; and

WHEREAS, the Town has very recently begun to survey Town residents regarding priorities, but such work has not culminated in an updated Comprehensive Plan or regulations; and

WHEREAS, the Town of Kingfield did not anticipate Transient Overnight Recreational Developments being proposed by institutions and thus has not adequately addressed such developments in its Table of Uses in the 2023 Town of Kingfield Zoning Ordinance; and

WHEREAS, the Town needs time to review its ordinances and develop provisions governing Transient Overnight Recreational Developments and facilities of this scale and type, including ones that use the Ira Mountain Bridge so as to address the concerns cited herein; and

WHEREAS, there is strong support for this Moratorium Ordinance; and

WHEREAS, the Town will need at least 180 days to develop and implement the necessary amendments to land use ordinances and regulations to accommodate these new development proposals; and

WHEREAS, one of the options available to the Town includes passage of an ordinance with retroactive effect, notwithstanding the provisions of 1 MR.S. §302, subject to the restrictions of 30-A M.R.S. § 3007(6), and

WHEREAS, amendments to the Zoning 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 30A M.R.S.A. §4356, and require passage of a Moratorium Ordinance as necessary for the preservation of public health, safety, and welfare; and

NOW, THEREFORE, the Town of Kingfield hereby ordains this Town of Kingfield Moratorium Ordinance - Transient Overnight Recreational Developments be enacted:

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

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

- A. "Transient Overnight Recreational Developments" shall mean a form of organized camping and recreation involving accommodation and facilities similar to, but distinct from, those associated with a campground.

III. Moratorium on Transient Overnight Recreational Developments: The Town hereby declares and imposes a moratorium prohibiting the development of any Transient Overnight Recreational Developments within the boundaries of the Town of Kingfield. No person or organization shall develop or operate a Transient Overnight Recreational Development within the Town of Kingfield.

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

V. Severability: Any provisions of the Town's Zoning 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 and Retroactivity:

- 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.A. §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.
- C. Upon its effective date, notwithstanding the provisions of 1 M.R.S.A. § 302, this Moratorium Ordinance shall be retroactive and applicable, to the maximum extent permitted by law and subject to the severability clause above, to all filed, pending, or future applications and petitions for Transient Overnight Recreational Developments including any which have not received all necessary final permits, licenses, certifications, approvals, and/or fees from the Town of Kingfield; and all proposed Transient Overnight Recreational Developments that was not fully operational and/or did not have all the required State permits; and, shall be applicable to any Town of Kingfield permit that has received its lawful final approval issued less than 45 days prior to the effective date of the Moratorium Ordinance, in accordance with 30-A M.R.S.A. §3007(6).

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 Kingfield.

VIII. Urgency Clause:

In view of the urgency cited herein, 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, permits, and petitions as set forth in clause VI C.

Wade Browne

Morgan Dunham

Christopher Rushton

Kimberly Jordan

Hunter Lander

Attest: A true copy of an ordinance entitled "Town of Kingfield Moratorium Ordinance —
Transient Overnight Recreational Developments, as certified to me by the municipal officers
of Kingfield, Maine on the _____ day of _____, 2026.

Shanda Hargreaves, Town Clerk
Kingfield, Maine