

Draft: 9/16/23 – NOTE: This is a draft based on Whitefield’s ordinance. Those issues in green type are those the board has discussed. Topics highlighted in yellow and comments are reminders that more work is needed. The issues in black type have not yet been discussed. The board is likely to continue discussion of the draft ordinance, beginning with submission requirements in Section 5 (E) at the Sept. 19 workshop although other issues may be discussed. The board welcomes written comments at any time. Once the board has developed an entire draft, there will be opportunities for public oral comment. Before any adoption of an ordinance, there will be a public hearing. Once a final draft is created, the ordinance will be presented to the voters at either a town meeting or in a referendum vote.

ALNA MINING ORDINANCE
Effective March __, 2024

SECTION 1: Purpose

The purpose of this ordinance is to put into law removal and reclamation standards and municipal procedures for regulating mining activities and operations in the Town of Alna in order to protect public health, safety and general welfare, to limit the size of mining operations and the volume of material removed, and to minimize the adverse impact of extraction to the town, abutting property owners, citizens of the town, and wildlife and natural resources.

This Ordinance is declared a necessary public purpose:

1. To preserve public health, safety, convenience and general welfare, and to prevent public nuisances;
2. To protect property values and ensure a fiscal base for public services;
3. To ensure efficient public services;
4. To prevent and control environmental pollution;
5. To protect historic resources;
6. To protect plant and animal species and wildlife habitat;
7. To protect the quantity and quality of the Town’s groundwater and the waters in the Sheepscot River and its tributaries; and
8. To preserve the natural beauty of the Town of Alna.

SECTION 2: Authority and Administration

A. Authority: This Ordinance is adopted pursuant to and consistent with Title 30-A M.R.S., Section 3001 et seq., and may be known and cited as the "Alna Mining Ordinance."

B. Planning Board Authority: The Planning Board of the Town of Alna (hereafter the Board) is vested with the authority to review and approve, conditionally approve, or deny any application for any mining operation or mining activities or expansion of any existing operation or activities.

C. Administration: The Board shall administer this Ordinance. The provisions of the Ordinance shall apply to all of the land area of all mining operations located in the Town of Alna. The Board shall review and act upon all applications to mine in Alna.

D. Expert consultants: In the event that the Board requires expert opinions, advice or testimony during the course of reviewing the application, or evaluating the adequacy of the reclamation plan and financial assurance, it will use due diligence to obtain and utilize free services from governmental or non-profit sources. Should the Board be unable to obtain and utilize such services, or determine that different or supplemental services are required, it may require the applicant to pay for such services. The Town shall advise the applicant of the name of the expert, the area of qualification of the expert, the purpose for which the expert is required, and the approximate cost of the expert.

SECTION 3: Applicability

This Ordinance shall apply to all mining activities as defined in Article 16 (M). No mining activities requiring a permit can occur until a development application under this Ordinance has been submitted to, and reviewed and approved by the Board.¹

Commented [Cj1]: and operations?

Commented [Cj2]: and operations?

SECTION 4: Project Classes

As a part of its initial review, the Board shall classify each project into one of three classifications: Minimal Impact Development, Minor Development, and Major Development.

A. Minimal Impact Development: Includes mining activities of surface materials such as topsoil and clay, and mining activities in a borrow pit smaller than one half acre where not more than 300 cubic yards are removed for the exclusive, non-commercial use of the property owner on the property.

B. Minor Development: Includes mining activities in a borrow pit less than five acres not covered by section 1.

C. Major Development: Includes mining activities in borrow pits 5 acres or greater.

SECTION 5: Submission requirements

¹ The project may also need permits pursuant to Alna’s Subdivision and Site Review Ordinance, Shoreland Zoning Ordinance, Flood Plain Ordinance, and/or Road Ordinance.

The application shall contain the following information, where applicable, [See Table 1](#) and any other information that may be required by this Ordinance:

A. Name, address, email address, and telephone number of the applicant, and the name, address and telephone number of the owner of the property, if different from the applicant. (Classes A, B, and C)

B. Verification of the right, title or interest the applicant has in the property, including a copy of the deed(s) of the property together with copies of all covenants, deed restrictions, easements, rights of way, or other encumbrances, including but not limited to liens and mortgages currently affecting the property. (Classes A, B, C)

C. A Site Plan including the following:

1. The date the plan was prepared with the name, address, email address, and telephone number of the person or company that prepared it. (Classes A, B, C)
2. A scale of no more than 100 feet or less than 40 feet per inch. All dimensions to be marked in feet or decimals of a foot, north arrow shown, and paper size 8 ½" by 11."
3. Contour lines showing elevations in relation to [mean sea level](#) at appropriate intervals to show the effect on the land of existing and proposed grades for areas proposed to be excavated or filled. Contour intervals shall be a maximum of 5 feet. (Classes B, C)
4. A boundary survey of the property by a licensed surveyor showing lot lines of abutting lots within 1,000 feet as illustrated on the Town of Alna Tax Assessor's Maps and total acreage of the property, and the Town of Alna's Tax Assessor's map and lot number(s) and names of all property owners within 1,000 feet of any line of the property, as determined by the Alna Tax Records. (Classes B, C)
5. Location of existing and proposed mining activities and operations on the property. (Classes A, B, C)
6. Approximate location of residences on properties within 1,000 feet of the property lines. (Classes A, B, C)
7. Location and identification of existing public and private roads and rights-of-way on or abutting the property and designation of any roads or rights-of-way which may be for seasonal use only. (Classes A, B, C)
8. Location of proposed access road to the mining operation from public roadways. (Classes A, B, C)
9. Location of all setbacks, buffers, and conservation areas, and protected natural resources. (Classes A, B, C)
10. Location and arrangement of proposed parking, loading, driving, and maneuvering areas. (Classes A, B, C)
11. Location of existing and proposed utilities and easements, such as sanitary sewage, water supply, and electricity on the property. (Classes B, C)

Commented [Cj3]: National Geochronological Data Base?

- 12. Location, intensity, type, size and direction of all outdoor lighting. (Classes B, C)
- 13. Location, type and size of signs and all permanent outdoor fixtures such as fences, gates, utility poles or solar panels, and existing and proposed berms, fences, hedges, and tree lines. (Classes B, C)
- 14. Location of existing natural drainage ways and proposed storm drainage facilities, including dimensions of culverts, pipes, etc. If any portion of the mining operation is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan. (Classes A, B, C)
- 16. Location of existing wells:
 - a. within 1,000 feet of the property line, if mining activity is 5 acres or more; or
 - b. within 500 feet of the property line if mining activity is less than 5 acres; and
 - c. all wells on the parcel itself. (Classes A, B, C)
- 17. Location of proposed hazardous material storage areas including but not limited to fuel storage and handling, and wash down areas. (Classes A, B, C)

D. Name, address, email address, and telephone number of the proposed manager of operations. (Classes B, C)

E. An estimate of the average daily traffic during periods of operation projected to be generated by the activity to show that the minimum standards in Article 6 will be met and a traffic impact narrative, if required, as stated in Article 6 of this ordinance. (Classes B, C)

F. A narrative description of the surface and ground water impacts, including protection plans and the identification of any significant mapped aquifers. (Classes B, C)

G. Information and a map showing Soils Conditions on the site of the proposed mineral extraction activity. For subsurface sewage disposal proposed, the information shall include evidence of soil suitability according to the standards established in Article 6 of this Ordinance. The Site Plan shall show the location of soil test areas.

H. A soil erosion and sedimentation control plan, prepared in accordance with the standards contained in the latest revision Best Management Practices (BMP's) as established by the State.

I. A "Preservation of Natural and Historic Features" map if required by Article 6 of this Ordinance.

J. A reclamation plan showing the final grades and re-vegetation plan, and any phasing of the plan. (Class B, C)

K. A narrative description of the impact on wildlife and habitats habitat, and the identification of any federally or state listed rare or endangered forms of animal or plant life, deer yards or other significant wildlife habitat designated by the Maine Department of Inland Fisheries and Wildlife, or identified by the Maine Natural Areas Program or an on-site wildlife and habitat survey, including any proposed mitigation.

L. A narrative description of the present use of the parcel and property within 500 feet of the

Commented [Cj4]: The applicant must also provide an estimate of the average and peak number of vehicle trips/day over the course of one year.

Commented [Cj5]: Appleton Article V(2)(E)(2)

Commented [Cj6]: Not needed?

Commented [Cj7]: Add this to the site map? Have this be a narrative description of historic features?

activity.

M. Estimated longevity of the operation, including phasing. (Classes A, B, C)

N. Proposed hours and days of operation. (Classes B, C)

O. Types and amounts of equipment to be used in the operation. (Classes B, C)

P. Proof of financial capacity, and/or capacity to obtain a Performance Guarantee as specified in Article 11, payable to the Town of Alna, in an amount determined by the Planning Board as sufficient to cover the cost of any proposed reclamation, erosion control or other activities required by the Planning Board. (Classes B, C)

Q. A Spill Prevention, Control & Containment (SPCC) Plan. (See Section 7(J)). (Class B, C)

R. Plan for screening the excavation activity from abutters and any public roads.

S. All submissions made to any federal or state agency concerning the property.

T. Pertinent information the Planning Board may require to meet standards in Section 7.

SECTION 6: Application process

Commented [Cj8]: Section not complete.

- A. The size, scale, number of hard copies, format of digital copy, and other administrative details, are to be as specified by the Planning Board.
- B. All abutters within 1000 feet shall be notified that an application has been submitted and how to obtain a copy.
- C. The application will not be considered complete and ready for consideration by the board until all required submissions are received.
- D. The Board may require the submission of a hydrogeologic study to determine the effects of the proposed activity on groundwater movement and quality within the general area.
- E. A public hearing shall be held for all Class C operations.

SECTION 7: Standards

Mining activities and operations must comply with the following standards (See Table 2): [Insert table showing which standards apply to which class of project: A, B, or C]

A. Property lines: No part of any mining operations shall be permitted within 100 feet of any property line without written agreement from the adjacent property owner or public road except drainage ways to reduce run-off into or from the extraction area. Natural vegetation shall be left and maintained on the undisturbed land. (Class A, B, C)

Commented [Cj9]: Setback from center line of public road rather than edge?

B. Slopes: No slopes steeper than three (3) feet horizontal to one (1) foot vertical shall be permitted during any mining operations unless a fence at least five (5) feet high is erected to limit access to such locations. All final grades shall be at a slope no greater than three (3) feet horizontal to one (1) foot vertical. Quarry faces must be treated in such a manner as to leave

them in a condition that minimizes the possibility of rock falls, slope failures and collapse. (Class A, B, C)]

C. Liability insurance: Before commencing removal of any earth materials, the owner or operator of the mining operation shall provide a Certificate of Insurance for at least \$1,000,000 payable to the Town of Alna against liability arising from the proposed extraction operation, and such insurance shall be maintained throughout the period of operation. (Class B, C)

D. Hours of operation: The hours of operation for any and all activities shall not be earlier than 8:00 AM and not later than 5:00 PM Monday through Saturday. Depending upon the location of the site, the hours of operation may be revised by the Board. (Class B, C)

Commented [Cj10]: Mon – Fri only for B and C? Exclude federal holidays?

E. Noise: The applicant shall demonstrate that noise from the operation does not exceed 75 dB at the property line between the hours of 8:00 AM and 5:00 PM Monday through Saturday and 50 dB at the property line at all other times, except for emergency or safety equipment such as back- up beepers. (Class A, B, C)

Sound levels shall be measured at least four feet above ground at the property boundary of the source. Measurements of sound pressure level limits are to be made using the sound equivalent level of one minute (leq) (measured in dBA scale). (Class B, C)

Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4) “American Standard Specification for General Purpose Sound Level Meters,” and shall have been calibrated at a recognized laboratory within the past year. (Class B, C)

F. Dust: Dust generated by activities at the excavation site, including dust associated with traffic to and from the excavation site, must be controlled by sweeping, paving, watering or other best management practices for control of fugitive emissions. Dust control methods may include the application of calcium chloride, providing the manufacturer's labeling guidelines are followed. The Town of Alna shall not grant a variance from the provisions of this subsection. Visible emissions from a fugitive emission source may not exceed an opacity of 20% for more than 5 minutes in any one-hour period. (Class A, B, C)

G. Air Quality: A mining operation shall not produce emissions of dust, dirt, fly ash, fumes, vapors or gases that could damage human health, animals, vegetation or property, or that could soil or stain persons or property at any point beyond the operation's lot line. Mining operations shall not produce offensive or harmful odors perceptible beyond their lot lines either at either ground level or at a habitable elevation. (Class A, B, C)

H. Secured vehicles: Loaded vehicles, other than individually owned pickup trucks, exiting the property shall be suitably secured to prevent dust and contents from spilling or blowing from the load, and all trucking routes and methods shall be subject to approval by the Road Commissioner. No mud, soil, sand, rocks or other materials shall be allowed to accumulate on a public road from loading or hauling vehicles. (Class B, C)

I. Roads: All access/egress roads between the mining activities site and public ways shall be treated with suitable materials to reduce dust and mud for a distance of at least 300 feet from such public ways. All roads must comply with the standards in the Alna Road Ordinance. The average and peak number of vehicle trips/day must not result in safety hazards or an unreasonable adverse impact on the character of the town. (Class B, C)

Commented [Cj11]: Should we set a vehicle limit (30 trips/day?; 15 round trips?)

J. Debris, shelters: No equipment debris, junk, or other material not needed for mining activity shall be permitted at the mining activities site. Any temporary shelters or buildings erected for such operations and equipment used in connection therewith shall be removed following completion of mining activities. (Class A, B, C)

K. Spill containment plan:

1. A spill prevention, control, and countermeasures plan shall be required for all size projects and must be complied with. The plan shall be submitted to the Board for approval prior to the movement of any mechanized equipment to the site. (Class A, B, C) (Sections 2 – 6 below apply only to Class B and C)
2. Petroleum Products Storage
 - a. If any petroleum products or other materials with potential to contaminate groundwater are to be stored on the site, a Spill Prevention Control, and Countermeasures (SPCC) Plan shall be submitted. A SPCC Plan shall be developed in accordance with DEP regulations, Section 5A of Chapter 378 Performance Standards for the Storage of Petroleum Products (CMR 378) and shall be submitted with the application and kept with the permit in the Town’s records.
 - b. Any petroleum products, highly flammable or explosive liquids, solids or gasses to be stored on site, shall be located in bulk, above ground, anchored tanks or containers, having a roofed, secondary containment system, adequate to contain 110% of the full contents of such container, for control of spills and leaks, and must be located at least 100 feet from any lot line, or town road and at least 75 feet from any interior road.
 - c. The use of underground tanks is strictly prohibited.
3. Machinery Maintenance

a. Crankcase oil, hydraulic fluids, and similar products shall not be changed, stored or disposed of within the excavation area, unless specifically covered in the SPCC Plan.

b. Routine maintenance operations, such as refueling or oil changes, may be allowed for fixed equipment such as screeners, crushers and wash facilities provided that a secondary containment system in accordance with the SPCC Plan, adequate to contain 110% of the full contents of said equipment, is installed.

4. Any discharge or leak of petroleum product over a gallon shall be immediately reported to the Code Enforcement Officer and a report kept with the permit in the Town's records. All discharges or leaks of any size shall be cleaned up promptly according to the spill containment and cleanup provisions of CMR 378, Section 5H.

5. A copy of the Spill Prevention Control and Countermeasures Plan shall be kept available on site at all times.

6. The applicant shall demonstrate to the Board's satisfaction the applicant's ability to implement the SPCC plan.

L. Removal or burial of debris: All organic debris, brush, stumps, boulders, and similar materials shall be removed or disposed of in a location delineated on the site plan. The grinding of stumps and brush for use as erosion control material is appropriate, provided it is stored in a designated area delineated on the site plan until used. (Class A, B, C)

M. Storm drainage: All mining activities shall be internally drained, and the extraction footprint shall be operated in such a manner as to safely hold a volume of precipitation equal to that which may be expected from a 25-year, 24-hour storm event for the region based upon the USDA Natural Resources Conservation Service. (Class B, C)

N. Water courses: Mining activities shall not impede or accelerate water flows into or out of existing natural water courses. All water from existing water courses shall leave the site at the original natural drainage points. Class B, C)

O. Reclamation: A reclamation plan is required for all Class B and C projects and must be complied with. The operation shall be phased so that the total non-vegetated extraction area does not exceed three (3) acres for a Class B operation and five (5) acres for a Class C at any given time. The total mining operation including stockpiles, structures and access roads shall not exceed five (5) acres for a Class B and ten (10) acres for a Class C at any given time. Topsoil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with a variety of vegetation native to the area. Additional topsoil or loam shall be

Commented [Cj12]: Need to set standards for the plan.

obtained from off-site sources if necessary to complete the reclamation. The plan shall include dates by which the various temporary and permanent conservation practices will be initiated, and must be reviewed and evaluated by the Knox/Lincoln County Soil and Water Conservation District and the Alna Planning Board before it will be considered acceptable. (Class B, C)

Commented [Cj13]: Need to check with KLCS&W Conservation District to confirm their willingness.

P. Disturbed areas: All disturbed areas shall be reseeded and restored to a stable condition adequate to meet the provisions of the Maine Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers (2016) and the Maine Erosion and Sediment Control Field Guide for Contractors (2014) as amended or revised, published by the Maine Department of Environmental Protection. (Class A, B, C)

Q. Groundwater Protection: The proposed extraction must not adversely impact either the quality or quantity of groundwater for either drinking water or groundwater flowing into the Sheepscot River or any of its tributaries. Unless previously permitted to excavate to within 2 feet of the seasonal high water table, no excavation or extraction shall occur within 5 feet of the seasonal high groundwater table. The applicant shall provide documentation of the seasonal high groundwater table in their application to enable review and monitoring of this provision. Class A, B, C)

R. Wildlife and Plant Habitat: Mining Activities shall not impair, disturb, or displace any federally or state listed rare or endangered form of animal or plant life; nor shall they destroy or impair any wildlife habitat that could be avoided by modification of the proposed operation. (Class A, B, C)

S. Discharges: No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that may run off, seep, percolate, or wash into surface or groundwater so as to contaminate, pollute, or harm such waters or cause nuisances, such as oil or scum, color, odor, taste, or unsightliness or that may be harmful to human, animal, plant, or aquatic life. (Class A, B, C)

T. Exterior Lighting: All exterior lighting shall be designed to minimize adverse impacts on neighboring properties and dark skies. (Class A, B, C)

Commented [Cj14]: Use language from Edgcomb solar ordinance? 11.11 If lighting is provided at site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.

U. Emergency Vehicle Access: Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings, structures, and associated facilities at all times. (Class A, B, C)

V. Visual Screening: Exposed storage areas, soil, gravel or rock extraction areas, exposed machinery, service areas, truck loading areas, pipelines or electrical transmission lines, utility buildings and other structures shall incorporate setbacks, screen plantings using a diversity of

native plants or other screening methods to prevent them from detracting from surrounding properties. Utility buildings and all other structures shall have siding that is residential in appearance including clapboard siding in wood, metal or vinyl, shingles or shakes, board and batten and other sidings commonly found on site-built housing.

W. Utilities: The development shall not impose a burden upon public utilities that could be avoided by modification in the development.

X. Impact on places listed on the National Register of Historic Places: The number and/or weight of vehicles passing through or by places listed on the National Register of Historic Places must not cause unreasonable adverse impacts on the historic places.

SECTION 8: Imposition of conditions

In granting approval for a mining operation, the Board may impose reasonable conditions to safeguard the neighborhood and the municipality. Such conditions may include but shall not be limited to:

- A. Routes: Routes of transporting materials.
- B. Roads: Cleaning, repair and resurfacing of roads used in removal activity which have been adversely affected by such activity.

SECTION 9: Rock Crushing, Asphalt Batch Plants, Quarrying, and Mineral Mining

Rock crushing, asphalt batch plants, quarrying including the use of explosives and mechanical means, and mineral mining are prohibited, except as allowed below.

Limited blasting on a specific site for the purpose of constructing a structure is permitted.

SECTION 10: Annual Reports and Inspections

The applicant must file a report annually including the cubic yards of material removed from the site, the total non-vegetated extraction area, the total mining operation area as described in section 7 (N), activities related to any permit conditions, and a description of reclamation activities.

All mining operations shall be inspected as follows:

- A. The Code Enforcement Officer (CEO) or other person designated by the Board shall review all documentation and required reports, and conduct onsite inspections of the operations to ensure compliance with all applicable laws, ordinances and conditions attached to permit approvals.

Commented [Cj15]: Is it better to require on-site constructed buildings and structures that are consistent with permanent, rural structures and can be converted to other uses or to require temporary buildings and structures that must be removed when the mining activities cease? Perhaps it depends on the proposed life of the project (e.g. multi-year or less than 2 years?)

Commented [Cj16]: Leave this in to avoid, for example, a stranded power pole as occurred in Whitefield.

Commented [Cj17]: Suggested language: facilitating a permitted use unrelated to mining activities including constructing a structure or road is permitted.

B. The frequency of inspections shall be at the discretion of the CEO or other inspector designated by the Board but shall, at a minimum, occur every year until the entire site is reclaimed. The CEO shall report to the Board annually on these inspections.

C. There shall be an annual inspection fee assessed against all mining operations that are actively on-going within the town. The fee shall be set by the Select Board. (Class A, B, C)

Commented [Cj18]: The Selectboard will need to set the fee.

SECTION 11: Transferability of Permit

Within thirty (30) days of the date of the transfer, by sale or otherwise, of land upon which a mining operation is permitted, the new owner(s) shall apply to the Board for an amendment to the permit, which application shall provide proof of change in title and ownership, proof of liability insurance required under Section 7(C), and proof of financial assurance required under Section 12.

SECTION 12: General Provisions

A. Financial assurance. The person identified in the reclamation plan as responsible for reclamation must demonstrate financial assurance, in the form of a performance bond, surety bond, irrevocable letter of credit or other form of financial assurance acceptable to the Board, for the total cost of reclamation of the site. The financial assurance funds may be used for any activities related to interim or final reclamation and for any damage to municipal infrastructure caused by the project. The financial assurance must be updated 1) every 5 years after approval of the plan, or 2) within six months of expenditure of any funds and every five years thereafter. Updates to financial assurance required under this subsection must be submitted to the Board on or before December 31st of the year in which such updates are required.

B. Changes in plan: All projects must be constructed as described in the Permit approved by the Board. Persons proposing to make any changes must contact the Code Enforcement Officer (CEO) and the Board and file an application for permit amendment. The project must be substantially completed within two years of approval by the Town. If the work is not substantially completed within two years a new permit amendment is required.

Commented [Cj19]: Add: The CEO may approve the change unless either the CEO or the Board determine that the requested change requires review by the Board.

Commented [Cj20]: How does this apply to an ongoing mining operation? Delete this sentence?

SECTION 13: Validity

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

SECTION 14: Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation, or statute, the more restrictive provision shall control.

The definitions of mining activities and mining operations in this ordinance supersede the definition of mining in Alna's Subdivision and Site Plan Review Ordinance.

SECTION 15: Appeal

If the Board shall disapprove an application or grant approval with conditions that are objectionable to any person, affected directly or indirectly, or when it is claimed that the provisions of this Ordinance do not apply, or that the true intent and meaning of this Ordinance have been misconstrued or wrongfully interpreted, any person, affected directly or indirectly, may appeal in writing from the decision of the Board to the Alna Board of Appeals established in accordance with Title 30-A M.R.S. Section 2691, as adopted by the Town of Alna.

SECTION 16: Amendments

This Ordinance may be amended by a majority vote in a special or regular Town Meeting of Alna.

SECTION 17: Enforcement

The Code Enforcement Officer shall investigate all complaints of alleged violations of this Ordinance. Findings of that investigation shall be presented to the Planning Board and the Selectboard, in writing, and shall detail the nature of the initial complaint, all activities conducted to ascertain the validity of the complaint and findings of that investigation. The Selectboard is charged with the prosecution for all violations of the provisions of this Ordinance.

SECTION 18: Definitions

Unless specifically defined below, words and phrases used in this ordinance shall have the same meaning as they have at common law and give this ordinance its most reasonable application. Words in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive; "shall" or "must" are mandatory and not discretionary.

When a particular publication or standard is referenced, it shall include any revised or replacement publication or standard. When a particular agency or organization is referenced, it shall include any successor agency or organization responsible for the same matters.

Commented [Cj21]: SZO and BCO both say "Appeals of this ordinance shall be governed by the Town of Alna Board of Appeals Ordinance."

Commented [Cj22]: The Board of Appeals ordinance requires a written appeal but their authority is limited to specific ordinances and would need to be amended to allow appeals from this ordinance.

Commented [Cj23]: Use the same language in the BCO and SZO? :This Ordinance can only be amended by a majority vote of the Town Meeting. Amendments may be initiated by a majority vote of the Planning Board, the Selectboard , or on petition of 10% of the number of registered voters of the Town who voted in the last gubernatorial election. The Planning Board shall conduct a public hearing on any proposed amendment.

As used in this Ordinance, unless the context otherwise indicates, the following words shall have the following meaning:

A. **AQUIFER:** A geologic deposit that yields useful quantities of groundwater to wells and springs as mapped by the Maine Geological Survey with a sustained yield of over 10 gallons per minute.

B. **BLASTING:** The use of explosives to break up or otherwise aid in the extraction of rock or other consolidated natural formations.

C. **BORROW PIT:** A place where sand, fill or gravel is excavated.

D. **CODE ENFORCEMENT OFFICER (CEO):** The person appointed by the Select Board to oversee that all ordinances enacted by the Town are properly followed.

[E. **COMMERCIAL DEVELOPMENT:** Shall refer to all buildings, or parts thereof, parking lots or any other exterior facilities utilized for, or related to, the buying and/or selling of goods and services.]

Commented [Cj24]: Delete – not used in Ordinance

E. **DEVELOPMENT:** A change in land use involving alteration of the land, water, or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

F. **DISTURBED AREA:** All land areas that are stripped, graded, grubbed, filled, bulldozed or excavated at any time during the site preparation or removal of vegetation for, or construction of, a mining operation.

G. **GROUNDWATER:** All of the water found beneath the surface of the ground present in aquifers and recharge areas.

[H. **INDUSTRIAL DEVELOPMENT:** Shall refer to buildings, or parts thereof, parking lots, storage areas, gravel or borrow pits, quarries, mines, roads, pipe lines, electrical transmission lines, and any other exterior facilities or equipment, whether mobile or stationary, involved in the manufacture of a product, in the extraction or processing of any materials utilized in the manufacture or construction of a product, or in the transportation or transmission of any such materials or products.]

Commented [Cj25]: Delete – not used in ordinance.

H. **MINING ACTIVITIES:** Any extraction, excavation, removal, handling, processing or storage of on-site extracted sand, gravel, borrow, rock, clay, or topsoil.

I. **MINING OPERATIONS:** Facilities, structures, roads, and areas where mining and associated activities take place including but not limited to sand or gravel pits, clay pits, borrow pits, and topsoil removal sites.

M. MINING ACTIVITIES/MINING OPERATION: Any mineral extraction facilities and operations, including the excavation, removal, handling, or storage of on-site extracted sand, gravel, borrow, rock, clay, minerals or topsoil including, but not limited to, sand or gravel pits, clay pits, borrow pits, rock quarries, mineral mines, rock crushing, asphalt batch plants, quarrying, and topsoil removal.

Commented [Cj26]: Replace this definition with the two definitions above?

J. MINERAL MINE: A place where ore or metallic minerals are excavated.

K. QUARRY: A place where rock is excavated.

L. RECLAMATION: The restoration to conditions similar to what existed prior to the mining operation. This may include, but is not limited to, grading and shaping of the land, the planting of trees, the seeding of grass, legumes or crops for harvest, or the enhancement of wildlife and aquatic resources.

M. RECLAMATION PLAN: A written document that described how the project area will be restored or altered for the productive use of the land after excavation is complete. Such a plan shall include final grading and re-vegetation plans for all reclamation plan phases.

N. SEASONAL HIGH GROUNDWATER TABLE: This is the upper elevation at which the groundwater table normally is located during the season of the year when such levels are at their highest. It generally occurs in the spring and fall but could occur at other times.

O. SETBACKS: The minimum horizontal distance from a property line or the center line of a road to the nearest part of the mining operation.

Approved at Town Meeting _____ (Date)

Attested a True Copy, _____, Town Clerk Date: _____