

**ORDINANCE, Temporary Moratorium on Data Centers
in the Town of Sabattus, Maine.**

WHEREAS, the Town of Sabattus, Maine has a responsibility to protect the public health, safety, and general welfare of its residents; and

WHEREAS, the Town regulates land use and development to ensure that infrastructure systems, including water supply and wastewater treatment, are adequate to support existing and future uses, and that potential pollution is mitigated; and

WHEREAS, there has been a recent increase in the development of large-scale data centers within the State of Maine; and

WHEREAS, data centers are a rapidly growing and evolving land use that typically require substantial electricity and water usage for operation and cooling, may generate air, water, and/or noise pollution, may create heat islands, and may have significant other environmental impacts, and may use a very large amount of land; and

WHEREAS, because this development pressure was not anticipated, existing ordinances and development standards do not adequately address the unique infrastructure demands, operational characteristics of data centers, environmental impacts, and impacts to neighboring property owners; and

WHEREAS, the potential cumulative impacts of data centers on Sabattus's municipal water supply, groundwater resources, wastewater infrastructure, electrical grid, and air and water quality are not yet fully understood; and

WHEREAS, the Town finds that allowing the establishment or expansion of data centers without the presence of use-specific regulations may overburden Town resources and facilities and could pose risks to water availability, wastewater system performance, electrical grid resilience, environmental quality, quality of life, and the long-term interests of the community; and

WHEREAS, a temporary moratorium will provide the Town with necessary time, evaluate infrastructure capacity, consider appropriate regulations, and develop standards to mitigate potential adverse impacts; and

WHEREAS, the Town finds that a moratorium of 180 days is necessary to study these issues, consult with experts, and gather information regarding the potential effect of data centers on the local water and wastewater infrastructure, the energy grid, and the environment, and to potentially develop and implement ordinances and regulations necessary to address these development pressures, mitigate negative impacts from

this development pressure, and protect the public health and safety and welfare of the Town's residents; and

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 Temporary Moratorium as immediately necessary for the preservation of the public health, safety, and welfare;

NOW THEREFORE, the people of the Town of Sabattus, pursuant to 30-A M.R.S. § 3001 and 30-A M.R.S. § 4356 and, in furtherance thereof, hereby ordain that the following Temporary Moratorium Ordinance be, and is, enacted:

1) **Moratorium Imposed.**

- a. No official, officer, board or agency of the Town may accept, process, approve, deny, or in any other way act upon an application or request for a license, a permit, a variance, or other approval for the siting, permitting, development, construction or operation of a new, enlarged or expanded data center;
- b. No person may apply for a license, a permit, a variance, or other approval for the siting, permitting, development, construction or operation of a new, enlarged or expanded data center; and
- c. No person may develop, construct, or operate a new, enlarged or expanded data center.

2) **Purpose.** The purpose of this Temporary Moratorium is to allow the Town sufficient time i) to study the causes and impacts of the construction of data centers in small towns in Maine and across the country; ii) to consider possible effects on the wastewater, water, and electrical infrastructure in the Town, and environmental impacts; and iii) to consider and potentially adopt appropriate amendments to the Town's ordinances to establish appropriate standards for the siting, permitting, construction and operation of data centers within the Town.

3) **Definition of Data Center.** For the purposes of this Temporary Moratorium, the term "data center" shall mean any building, structure, or facility, portion thereof, or group thereof, on a single parcel or contiguous parcels that i) primarily contains electronic equipment, such as servers, data storage devices and networking equipment, used to process, store or transmit digital information for one or more entities or users, and ii) that has a gross floor area

of 10,000 square feet or more or an electrical demand capacity of 20 megawatts or greater.

- 4) **Duration.** This Temporary Moratorium shall become effective immediately upon its final passage by the Town (“Effective Date”) and shall remain in effect for a period of 180 days from its Effective Date, unless extended, modified, or repealed by the Town Selectboard.
- 5) **Applicability.** Notwithstanding 1 M.R.S. § 302, or any law to the contrary, and regardless of the date of its enactment, this moratorium shall apply retroactively to any and all proceedings or applications filed on or after **July 28, 2026**.
- 6) **Enforcement and Penalties.**
 - a. This Temporary Moratorium shall be enforced by the Town Manager, the Town Manager’s designee, or Code Enforcement Officer.
 - b. The Town Selectboard is hereby authorized to institute one or more legal proceedings, including pursuant to 30-A M.R.S. § 4452, to enforce this Temporary Moratorium including by seeking fines and penalties, injunctive relief, and/or its reasonable attorneys’ fees and costs in prosecuting any such violation; and
 - c. Violation of any provision of this ordinance shall be punished by a civil penalty of \$5,000 per offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In the event that the Town shall prevail in any action to enforce this section, the Town shall recover its costs of suit, including reasonable attorneys’ fees.
- 7) **Consistency.** Any of the Town’s ordinances that are inconsistent or in conflict with the provisions of this Temporary Moratorium, including, without limitation, the requirements for site plan review, subdivision or Site Plan review by the Code Enforcement Officer or the Planning Board, and an application for a variance to the Board of Appeals, are hereby repealed to the extent applicable for the duration of the moratorium imposed by this Temporary Moratorium.
- 8) **Severability.** If any section, subsection, paragraph, sentence, clause, phrase, or provision of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any other remaining portion of the ordinance.

PROPOSAL