

GRAVEL EXTRACTION ORDINANCE OF THE TOWN OF SEBAGO

The Town of Sebago hereby ordains that an ordinance entitled Gravel Extraction Ordinance of the Town of Sebago be hereby adopted as follows.

ARTICLE I

Findings, Authority, Purposes, and Definitions

SECTION 101. FINDINGS

The Town finds that it currently has no law regulating the amount of earth, sand, minerals, rock or gravel (hereinafter "gravel") which may be quarried, mined, extracted or removed from the earth and that this unregulated extraction poses serious risk to the Town and its citizens including the potential for excessive noise from trucks and processing machinery, road damage from trucks removing gravel, additional traffic on local roads, possible ground water contamination from excessive extraction, and dust, odors and vibration from blasting and other on-site gravel processing and extraction that can unreasonably disturb abutters.

SECTION 102. AUTHORITY

This ordinance is enacted pursuant to the authority granted in Title 30-A Section 3001 of the Maine Revised Statutes and the home rule power confirmed by Article VIII, of the Maine Constitution, all for the protection of its Citizens.

SECTION 103. PURPOSE

The purpose of this Ordinance is to set an annual and reasonable limit on the amount of gravel that can be extracted in Town from any property and by any business or Citizen, to license such parties, and to allow reasonable inspection to assure limits are being met.

SECTION 104. DEFINITIONS

- a) Extraction. For the purposes of this Ordinance "extraction" shall mean: quarrying, mining, digging, drilling, blasting for, or removing by any other means, from or below the surface of the earth.
- b) Gravel. For purposes of this Ordinance the term "gravel" shall mean: rock, aggregate, minerals, sand, and soil, found in the earth.

ARTICLE II

Limitation on Extraction and Other Conditions

SECTION 201. Volume Limitation

No person or party may extract more than 15,000 (Fifteen Thousand) cubic yards of gravel in a year.

SECTION 202. Annual License

Every person or party who extracts gravel from any property in Town must secure, and keep in force and effect at all times, an annual license to extract gravel issued by the Town's Code Enforcement officer. The fee for this license shall be fixed by the Selectmen each year.

SECTION 203. Routine Inspection

All parties and license holders must allow for and permit reasonable and periodic inspection of the premises by the Town's Code Enforcement Officer.

ARTICLE III

Penalty, Separability and Effective Date

SECTION 301. PENALTY

The violation of this Ordinance shall be a civil offense, subject to a fine of \$2500.00 per yard of gravel extracted beyond the allowed limits set forth herein.

Any violation of this Ordinance or any provision thereof, shall be deemed a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.

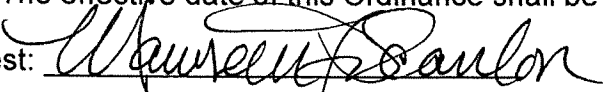
SECTION 302. SEPARABILITY

The invalidity of any provision of this Ordinance shall not invalidate any other part.

SECTION 303. EFFECTIVE DATE

The effective date of this Ordinance shall be January 25, 2022.

Attest:



Maureen F. Scanlon, Town Clerk