

TOWN OF NEWCASTLE
WARRANT FOR SPECIAL TOWN MEETING
Monday, May 13, 2024

To R. Benjamin Frey, a resident for the Town of Newcastle, in the County of Lincoln, State of Maine,

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Newcastle in said County and State, qualified by law to vote in town affairs, to meet at the Lincoln Academy Gymnasium at 81 Academy Hill on Monday, the 13th day of May, A.D. 2024 at 7pm, then and there to act upon Article 1 by written ballot and Article 2 to be voted on in an open Town Meeting.

ARTICLE 1: To elect a moderator by written ballot to preside at said meeting.

ARTICLE 2: Shall the Town enact a moratorium ordinance prohibiting the review, consideration, or issuance of any permits or approvals for any applicant seeking to have a use or business that buys, sells, or trades in firearms while the Town considers municipal zoning and land use regulations regulating the location of such uses?

Given under our hands at Newcastle, Maine of this 24th day of April 2024.

Karen Paz



Joel Lind



Thomas Kostenbader



Tor Glendinning



Rufus Percy

A true and attested copy by:



Michelle Cameron, Interim Town Clerk

The TOWN OF NEWCASTLE (Maine) adopts a Moratorium Ordinance as follows:

WHEREAS, the Town of NEWCASTLE may receive an application or applications for new retail firearms establishments; and

WHEREAS, this use was unanticipated and has not been adequately provided for in the Town's current Ordinances; and

WHEREAS, continued development of such facilities without proper planning for services and utilities could pose a serious overburdening to public health, safety and welfare of the residents of NEWCASTLE without adequate provisions for issues of safety, and land use compatibility; and

WHEREAS, the Town of NEWCASTLE has no police force and no formal capital improvement expansion plan for such needs; and

WHEREAS, the Town of NEWCASTLE currently has no existing plans, ordinances or regulations to regulate such uses and those existing ordinances are inadequate to prevent serious public harm; and

WHEREAS, the Town will need at least 180 days to develop and implement the necessary amendments to zoning and land use ordinances and regulations to accommodate these uses without public harm; and

WHEREAS, amendments to the Land Use Ordinance require a public hearing by the Planning Board and the Board of Selectmen, and then must be voted upon at a Town Meeting; and

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

NOW, THEREFORE, the Town of NEWCASTLE hereby ordains that a moratorium is hereby imposed, effective immediately and applicable retroactively to April 22, 2024, to the maximum extent permitted by law and subject to the severability clause below, to all proceedings, applications and petitions not pending (within the meaning of 1 M.R.S §302) as of April 22, 2024, and on any requests or applications for permits or approvals for any business seeking to buy, sell, or trade in firearms while the Town considers municipal zoning and land use regulations regulating the location of such uses until the effective date of the necessary amendments to the zoning and land use ordinances and regulations or until October 19, 2024;

BE IT FURTHER ORDAINED, that the Planning Board, Board of Appeals, the Code Enforcement Officer, all Townofficials and agencies and all Town employees shall neither accept nor approve applications, plans, permits, licenses, and/or fees for any new construction or uses governed by this Moratorium Ordinance for said period of time; and

BE IT FURTHER ORDAINED, that those provisions of the Town's ordinances and regulations which are inconsistent or conflicting with the provisions of this Moratorium Ordinance, without limitation, are hereby repealed to the extent that they are applicable for the duration of the Moratorium Ordinance hereby ordained, but not otherwise;

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 to the earliest date allowed by a court up to October 19, 2024 or as extended pursuant to the Emergency Clause.

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 retroactively, to the maximum extent permitted by the law but subject to the severance clause above, to all proceedings, applications and petitions not complete and pending as of April 22, 2024, and shall stand repealed as of October 19, 2024 except that if the Board of Selectmen find that it is necessary to continue the moratorium they may do so for an additional 180 days by a majority vote within thirty days of the end of the moratorium. If this vote is made, the moratorium shall continue until April 17, 2025.