

**PETITION TO PLACE A WARRANT ARTICLE BEFORE THE VOTERS OF THE TOWN OF PEMBROKE  
FOR THEIR CONSIDERATION AT THE NEXT OPEN TOWN MEETING  
TO ENACT AN ORDINANCE ENTITLED  
“TOWN OF PEMBROKE METALLIC MINERAL MINING ORDINANCE”**

**SUMMARY OF THE PROPOSED METALLIC MINERAL MINING ORDINANCE**

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If adopted by the voters of the Town of Pembroke:

1. **The proposed Metallic Mineral Mining Ordinance will prohibit industrial-scale metallic mineral mining operations.** Industrial-scale metallic mineral mining is defined as any operation that (a) extracts 10,000 or more tons of mine waste per calendar year, (b) has a mining area of three acres or more, or (c) extracts 10,000 or more tons of bulk sampling material during exploration.
2. **The proposed Metallic Mineral Mining Ordinance will set new standards for community-scale metallic mineral mining operations.** Community-scale metallic mineral mining is any operation that is not industrial-scale. The Ordinance requires community-scale mining operators to secure a Planning Board permit to ensure that water quality is protected and that the operation does not become a nuisance to neighbors.
3. **The proposed Metallic Mineral Mining Ordinance will require written notice for exploration activities.** The Ordinance requires operators to give written notice to the Town and to abutting landowners before initiating any metallic mineral mining exploration activities. The notice must identify the locations of any drill hole, test pit, mud pit, trench, or other site to be used for excavations or bulk sampling.
4. **The proposed Metallic Mineral Mining Ordinance will not regulate gravel pits or other non-metallic mineral extraction.** The Ordinance does not regulate any other types of excavation or mining operations, such as excavations of sand, fill, gravel, clay, topsoil, peat, silt, or rock—these activities are expressly exempt from all Ordinance requirements.

**THE FULL TEXT OF THE PROPOSED METALLIC MINERAL MINING ORDINANCE IS ATTACHED TO THIS PETITION.**

**THIS ORDINANCE IS ATTACHED TO THE VOTER PETITION REQUESTING THAT THE MUNICIPAL OFFICERS OF THE TOWN OF PEMBROKE PLACE THE FOLLOWING ARTICLE BEFORE THE VOTERS FOR THEIR CONSIDERATION AT AN OPEN TOWN MEETING**

**Article: Shall an ordinance entitled, "Town of Pembroke Metallic Mineral Mining Ordinance," be enacted?**

**Town of Pembroke  
METALLIC MINERAL MINING ORDINANCE**

**ARTICLE I. GENERAL PROVISIONS**

**Section 1. Authority**

This Ordinance is adopted and enacted pursuant to the Maine Constitution, Article VIII, Part Second, 30-A M.R.S.A. § 2101 *et seq.* (municipal home rule), 30-A M.R.S.A. §§ 3001-3006 (ordinance power), and 38 M.R.S.A. § 490-NN(3) (regulation of metallic mineral mining by local units of government). This Ordinance shall be known as the "Town of Pembroke Metallic Mineral Mining Ordinance" and is referred to herein as "this Ordinance." The Town of Pembroke is referred to herein as "the Town."

**Section 2. Purposes**

The purposes of this Ordinance are:

- A. To protect the quality and quantity of the Town's groundwater, spring water, water in aquifers and their recharge areas, and surface waters including lakes, ponds, wetlands, rivers, and streams;
- B. To prohibit industrial-scale metallic mineral mining operations and establish an orderly review process for community-scale metallic mineral mining operations in order to ensure the sustainability and quality of groundwater, spring water, and surface waters; prevent the despoliation of drinking water; protect private and public properties from environmental pollution, noise impacts, and traffic impacts; protect public roads from degradation; ensure the continuing stability and health of topsoil, and preserve the rural character of the Town; and
- C. To protect the health, safety, and welfare of the residents of and visitors to the Town.

**Section 3. Applicability**

- A. Exempt Activities. The following activities are exempt from the requirements of this Ordinance: Excavation of sand, fill, gravel, clay, topsoil, peat, silt, or rock that is not associated with metallic mineral mining operations.
- B. Prohibited Activities. The following activities are prohibited by this Ordinance: (1) Industrial-scale metallic mineral mining operations and (2) any exploration or mining activities that do not comply with the requirements of this Ordinance.
- C. Permit Required. The following activities are subject to the requirements of this Ordinance: Community-scale metallic mineral mining operations.
- D. Effective Date. The effective date of this Ordinance is the date that the voters of the Town adopt this Ordinance at any regular or special Town Meeting.
- E. Date of Applicability. Notwithstanding 1 M.R.S.A. § 302 or any other law to the contrary, and regardless of the effective date of this Ordinance, this Ordinance shall govern and apply to all mining activities occurring within the Town and any proceedings and applications that were or are pending on or any time after December 20, 2021.

## ARTICLE II. DEFINITIONS

It is the legislative intent of the voters of the Town, in adopting this Ordinance, that all provisions of this Ordinance be liberally construed to protect the health, safety, and welfare of the inhabitants of the Town. In the construction of this Ordinance, the word “including” means “including, but not limited to” and references to Maine statutes and Maine state department or agency rules include any amendments and successor provisions. In addition, the following definitions apply:

Applicant: A person with sufficient right, title, or interest to submit an application for a permit pursuant to this Ordinance, and includes any duly authorized designee or agent of the applicant.

Beneficiation: The treatment of ore to liberate or concentrate its valuable constituents, including crushing, grinding, washing, dissolution, crystallization, filtration, sorting, sizing, drying, sintering, pelletizing, briquetting, calcining, and roasting in preparation for leaching to produce a final or intermediate product that does not undergo further processing.

Bulk Sampling: The removal of samples for the purpose of testing to determine the feasibility, method, or manner of extraction or processing of metallic minerals. “Bulk sampling” includes drilling and boring, digging of shafts and tunnels, and digging of pits and trenches.

Exploration or Exploration Activity: Any bulk sampling or exploratory activity associated with a metallic mineral mining operation.

Maine Metallic Mineral Mining Rules: Title 38, Sections 490-LL *et seq.* of the Maine Revised Statutes Annotated, and the MDEP rules promulgated thereunder, including 96 C.M.R. Ch. 200.

MDEP: The Maine Department of Environmental Protection and any successor agency.

Metallic Mineral: Any ore or material to be excavated from the natural deposits on or in the earth for its metallic mineral content to be used for commercial or industrial purposes. “Metallic mineral” does not include ores of thorium or uranium.

Metallic Mineral Mining Operation: The extraction of metallic mineral for commercial sale, by any person or persons acting in concert, and any associated exploration activities. A metallic mineral mining operation is classified as “community-scale” or “industrial-scale” as follows:

- A. Community-Scale Metallic Mineral Mining Operation: Any metallic mineral mining operation which (i) extracts less than 10,000 tons of mine waste per calendar year, regardless of the number of extraction sources, sites, or facilities used; and (ii) has a mining area of less than three acres; and (iii) extracts less than an aggregate of 10,000 tons of bulk sampling material within a 10-year period as part of any exploration activity. A community-scale metallic mineral mining operation is allowed with a permit, subject to the requirements of this Ordinance.
- B. Industrial-scale Metallic Mineral Mining Operation: Any metallic mineral mining operation which (i) extracts 10,000 or more tons of mine waste per calendar year, regardless of the number of extraction sources, sites, or facilities used; or (ii) has a mining area of three acres or greater; or (iii) extracts an aggregate of 10,000 or more tons of bulk sampling material within a 10-year period as part of any exploration activity. Industrial-scale metallic mineral mining operations are prohibited.

Mine Waste: All material, including overburden, rock, ore, tailings, and other mining-related materials, that has been exposed or removed from the earth during exploration or mining activities.

Mining, Mining Operation, or Mining Activity: Any activities, facilities, or processes necessary for the extraction or removal of metallic minerals or overburden or for the preparation, washing, cleaning or

other treatment of metallic minerals. "Mining" includes the bulk sampling, exploration, extraction, or beneficiation of metallic minerals, as well as waste storage and other stockpiles and reclamation activities.

Mining Area: The aggregate land area devoted to mining and exploration activities, including: (i) land from which earth material is removed in connection with mining and exploration activities, (ii) land on which material from mining is stored or deposited, (iii) land on which beneficiating or treatment facilities (including groundwater and surface water management treatment systems) are located, and (iv) land on which water reservoirs used in a mining operation are located.

Ore: Rock containing sufficient metallic mineralization to process using technologies that exist at the mining operation.

Overburden: Soil, rock, or other materials which lie above or between the natural mineral deposits to be mined.

Person: An individual, firm, partnership, association, company, limited liability company, corporation, joint venture, municipality, governmental entity, or other legal entity.

Tailings: The product resulting from the milling and mineral concentration process remaining after extraction of minerals by physical or chemical means.

### **ARTICLE III. REVIEW PROCEDURES AND CRITERIA FOR COMMUNITY-SCALE METALLIC MINERAL MINING OPERATIONS**

#### **Section 1. Review Procedures**

Before commencing a community-scale metallic mineral mining operation, a permit must be obtained from the Town's Planning Board in accordance with the following procedures. Any exploration activities associated with a community-scale metallic mineral mining operation which remove less than 10,000 tons of bulk waste are exempt from the requirements of Article III of this Ordinance (please refer to Article IV).

- A. MDEP Approval. Before submitting an application for a community-scale metallic mining operation, the applicant must obtain an advanced exploration permit and, if applicable, a mining permit from the MDEP in accordance with the Maine Metallic Mineral Mining Rules.
- B. Application; Notice. At least 30 days before the Planning Board meeting on which the applicant appears on the agenda, the applicant must submit to the Town six copies of an application prepared by a Maine-licensed qualified professional. Before filing the application to the Planning Board, the applicant must notify, by certified USPS first class mail, return receipt requested, all owners of property located within 1,000 feet of any property line of the proposed operation. The notice must contain a brief description of the operation and a map identifying the location of the proposed operation. The applicant must submit copies of such notices as part of the application.
- C. Submission Requirements. An application for a community-scale metallic mineral mining operation permit must contain the following materials, at minimum:
  1. Application and Escrow Fees.
    - a. A nonrefundable application fee of \$500, payable by check to the Town.
    - b. An escrow fee of \$1,500, which must be deposited by the Town in an escrow account designated for the application and used by the Town to pay for all expenses reasonably related to (i) the Planning Board's review of the application, including publishing notices of public hearings and hiring independent consulting and legal services to review hydrogeologic or engineering reports and other technical and legal submissions associated with the application and to ensure compliance with this Ordinance, and (ii) if

the application is approved, the inspection of the operation, review of records, and other administrative requirements. Whenever the balance in the escrow account is drawn down by 75%, the Town shall notify the applicant and require that the balance be brought back up to the original deposit amount. Any balance remaining after a decision on the application by the Planning Board must be returned to the applicant, except for an amount reasonably calculated by the Code Enforcement Officer as necessary to cover the costs of the inspection, administrative review, and other requirements set forth in this Ordinance if the application is approved.

2. Applicant Information. (i) The name, mailing address, phone number, and email address of the applicant, its principal representative, and all consultants and agents involved in preparing the application; and (ii) the general organizational structure of the applicant and any parent companies, owners, principal stockholders, partners, and joint ventures.
3. Right, Title or Interest. Evidence of the applicant's right, title, or interest in the properties associated with the proposed community-scale metallic mineral mining operation, by deed, lease, purchase and sale agreement, option to purchase, or some other legal proof of interest.
4. Technical Capacity. Evidence of the applicant's ability to undertake the proposed operation in compliance with applicable laws, rules, and ordinances, including: (i) a statement of the applicant's prior experience in exploration and mining activities; (ii) the names and qualifications of all key personnel involved with site preparation, extraction, beneficiation, reclamation, closure and post-closure activities; and (iii) a list of all mines controlled or operated, in whole or in part, by the applicant (including its parent companies, subsidiaries, predecessors, or related persons) in the U.S. and abroad.
5. Financial Capacity. Evidence of sufficient financial capacity to undertake the proposed operation (including site preparation, extraction, beneficiation, reclamation, closure and post-closure activities) in compliance with applicable laws, rules and ordinances.
6. Existing Conditions Site Plan. A site plan showing existing conditions of the mining area (including property boundaries and abutting landowner information; existing public and private roads, easements and rights of way; existing structures; impervious areas; topography; water bodies and streams; areas of steep slopes; vegetated areas; areas of vegetation clearing; and wetlands and other sensitive environmental features).
7. Detailed Project Description. A written project narrative, with detailed information to describe the existing conditions of the site and a full description of the proposed operation (including site preparation, extraction, beneficiation, reclamation, closure and post-closure activities). The narrative must include detailed information of how the operation will be managed so as to address each of the review criteria in Section 2.
8. State and Federal Permit Applications and Permits. Copies of applications submitted by the applicant to secure all required state and federal approvals.
9. Traffic Impact Study. A study prepared by a Maine licensed engineer with experience in conducting traffic impact analyses, which identifies the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, proposed improvements to maintain the desired level of service on the affected streets, and the anticipated road degradation effects and road maintenance improvement costs attributable to vehicular traffic generated by the operation (including, specifically, the off-site transport of mineral waste). The traffic impact study must

separately identify the impacts of exploration activities, mining operations, and closure/post-closure activities.

10. Additional Information. Any additional information requested by the Planning Board at any time if the Planning Board concludes that such additional information is necessary to determine whether the proposal complies with the requirements of this Ordinance.
- D. Completeness Review. Within 30 days of the receipt of the application, the Planning Board must vote to determine whether the application is complete. An application is complete upon submission of the required fees and all information required by this Ordinance. If the application is not complete, the Planning Board must notify the applicant of the information necessary to deem the application complete and must set a date by which the additional materials must be submitted. If the information is not submitted by that date, the application must be returned to the applicant.
- E. Establishment of File. Upon determining that an application is complete, the Planning Board must establish a file for the project review. All correspondence and submissions regarding the proposed operation must be maintained in the file and must be made available for review by the public.
- F. Technical and Professional Reviews. The Planning Board may retain a technical and legal evaluation of any proposed community-scale metallic mineral mining operation conducted by one or more qualified, independent firms or consultants, which the Planning Board deems is reasonably necessary to assist in its review of the proposal. Reviews may include: a hydrogeologic analysis, an environmental impact analysis, a technical analysis of the effects of exploration and mining activities on drinking water and/or on other users or properties, a traffic impact analysis, a road degradation assessment, a noise impact analysis, an analysis of applicable federal and state requirements, legal review, or an analysis of any issues relevant to the review criteria in Section 2. Any costs incurred by the Town related to such technical and professional services must be borne by the applicant out of the escrow fee.
- G. Public Hearing. The Planning Board must hold a public hearing on any community-scale metallic mineral mining operation application. Notice of the hearing must be provided as follows:
  1. By the Applicant: In writing, at least 14 days prior to the hearing, to all owners of property that directly abut or are located within 1,000 feet of any property line of the proposed operation. Notice to the owners must be by certified mail, return receipt requested. Notice must also be given by certified mail to any neighboring municipalities or tribal governments if any portion of the proposed operation or any portion of any aquifer or recharge area that may be impacted by the proposed operation abuts or crosses a Town boundary. The notice must include the name of the applicant, a brief description of the proposal, and a map identifying the proposed location of the operation and the site layout in relation to nearby roads and properties. The applicant must present a copy of the notice and proof of notification to the Town.
  2. By the Town: By publishing a notice of the date, time, and place of the public hearing in a newspaper of general circulation within the Town, and in a conspicuous public place at least 14 days prior to the hearing. All costs incurred by the Town in providing this notice must be borne by the applicant out of the escrow fee.
- H. Decision. After a public hearing, the Planning Board must deliberate and issue written findings of fact and conclusions of law that set forth the reasons it approves, approves with conditions, or denies the application based on the review criteria in Section 2. Any approval must specify that the permit (1) expires in two years from the date of issuance and must be renewed in accordance with the requirements of this Ordinance; (2) authorizes the extraction of an annual aggregate quantity

of mine waste that does not exceed 10,000 tons; and (3) authorizes a mining area that does not exceed three acres.

I. Permit Renewal. A permit issued under this Ordinance may be renewed for a two-year period by the Planning Board if, after notice, completeness review, and hearing pursuant to subsections B, D, and H, above, the Planning Board finds the following:

1. There is no proposed increase in the permit holder's exploration or mining activities;
2. There is no change in the location or configuration of the community-scale metallic mineral mining operation;
3. There has been no material failure by the permit holder to comply with any conditions of the permit;
4. There has been no material failure by the permit holder to meet the review criteria in Section 2; and
5. There is credible evidence that the permit holder's continuing operation would continue meet the review criteria in Section 2 and permit conditions during the renewal period.

The application for a permit renewal must be filed with the Planning Board at least 60 days prior to the expiration of the permit and must include evidence supporting the criteria set forth in subparagraphs 1-5, above, along with a renewal application fee of \$500.

For purposes of assisting the Planning Board in making findings regarding the criteria set forth in subparagraphs 1-5, the Code Enforcement Officer must inspect or arrange for an independent firm or consultant to inspect the operation and all records related thereto on an annual basis and prepare a report to be delivered to the Planning Board setting forth all material facts related to its review.

The Code Enforcement Officer and the Planning Board may retain technical and professional services to assist in the renewal application review and inspections, which costs shall be borne by the applicant. The Code Enforcement Officer or the Planning Board may require the applicant to submit and may utilize an escrow fee as provided in subsection C.1, above, to pay for any expenses reasonably related to the renewal application review and inspections and reporting requirements.

## **Section 2. Review Criteria**

Before issuing a permit authorizing a community-scale metallic mineral mining operation, the Planning Board must affirmatively find that the operation complies with each of the following review criteria. The burden of proof rests solely with the applicant.

A. Technical and Financial Capacity; Performance Guarantee.

1. The applicant must demonstrate that it possesses the necessary technical expertise and financial capacity to design, develop, and operate the mine (including technical expertise and financial capacity to conduct site preparations, exploration activities, mining activities, extraction, beneficiation, reclamation, closure and post-closure activities) in compliance with all state and federal permits and the review criteria in this Section 2.
2. The applicant must furnish a cash account, surety bond or certificate of deposit, made payable to the Town and in form that cannot be cancelled, withdrawn, revoked, or otherwise reduced without the written consent of the Planning Board, to secure the applicant's obligations under this Ordinance. The amount of the performance guarantee shall be established by the Planning Board based on a detailed cost estimate and cost rationale for each category of the

mine plan as is required to be submitted by the applicant to the MDEP pursuant to the Maine Metallic Mineral Mining Rules.

B. Water Quality. In making findings under this subsection B, the Planning Board must consider both the direct effects of the proposed operation and its effects in combination with existing and reasonably anticipated mining operations and water extraction operations from any water sources that may be affected by the proposed operation.

1. The operation must not adversely affect existing and reasonably anticipated uses and users of groundwater resources or surface water resources.
2. The operation must not adversely affect the quantity or quality of existing and reasonably anticipated drinking water supplies within and proximate to the Town. To establish a water quality baseline, the applicant must provide water quality test results from all streams located within 1,000 feet of the mining area and at least 50% of residential wells utilizing any groundwater source within three miles of the mining area.
3. The operation must not adversely affect the water quality of any surface waters, aquifers or their recharge areas, or other groundwater sources. A finding by the Planning Board that the operation poses a risk of groundwater contamination—either during active operations or post-closure as a result of acid generation, metal leaching, acid rock drainage or due to other activities within the mining area—is sufficient for the Planning Board to deny the application.
4. The operation must not substantially lower the groundwater table or change groundwater flow patterns.
5. The operation must not result in a substantial risk of the need for treatment following closure.
6. The operation must not create a health risk to humans or animals, wild or domestic.

C. Community Impacts.

1. No part of the operation shall be located within one mile of any existing residential dwelling, commercial retail establishment, significant sand and gravel aquifer, public water supply, or public property (including parks, public lands, preserves, refuges, conserved lands, municipal buildings and schools).
2. The operation must not cause any ground subsidence at or beyond the boundary lines of any property associated with the operation.
3. The operation must not result in unreasonable stormwater runoff, erosion, or sedimentation.
4. Adequate provision must be made for safe and convenient pedestrian and vehicular access to the operation and for traffic circulation, loading, and unloading upon the mining area so as to safeguard against hazards to motorized and pedestrian traffic, traffic congestion, and all other safety risks.
5. Any driveways or access roads serving the operation must be designed to satisfy all applicable Maine Department of Transportation driveway and entrance rules, as well as all applicable local road and driveway standards and state laws.
6. Any vehicular demand on existing Town roads, public rights-of-way, or public easements occasioned by the operation and associated transport of mine waste must not exceed the capacity of those roadways or cause the premature failure, aging, or diminished utility of those roadways. In making findings concerning this criterion, the Planning Board may impose conditions on the operation, including conditions on the routes, hours, maximum weight

limits of trucks, and maximum number of truck trips used to transport mining waste on public roadways.

7. The operation must not cause any undue adverse impact on adjacent properties, the holders of surface rights, public roadways, nearby communities, or the Town as a whole. In making findings concerning this criterion, the Planning Board must evaluate any increased traffic volume, frequency, and type on public roads attributable to operation of the mine (including site preparations, exploration activities, mining activities, extraction, beneficiation, reclamation, closure and post-closure activities); visual impacts of the operation on scenic resources; noise and vibrations emitted by the operation; air pollution; use of pollutants; glare from lights; or other nuisance conditions arising from the operation.
8. The transport of mine waste must not pose a threat to public health, safety, or welfare.
9. The operation must not materially increase noise levels at the property lines of the operation. The following activities are exempt from this noise requirement: noises of safety signals, warning devices, and emergency pressure relief valves and other emergency activities.
10. Hours of operation may not be before 7:00 AM or after 6:00 PM; however, the Planning Board may impose additional restrictions on hours of operation, including on weekend hour and holiday hours and vehicular traffic on public roadways. "Hours of operation" refers to hours when exploration or mining activities are occurring at the facility and hours when vehicular traffic associated with the operation is allowed on public roads within the Town.
11. The applicant must submit all monitoring results to the Planning Board on the same timeframe as such results are provided to the MDEP pursuant to the Maine Metallic Mineral Mining Rules.

#### **ARTICLE IV. EXPLORATION ACTIVITIES**

At least seven days before commencing any exploration activities, the applicant must notify, by certified USPS first class mail, return receipt requested, the Code Enforcement Officer and all owners of property located within 1,000 feet of any property line of the exploration activities. The notice must contain a description of the planned exploration activities, including estimated quantities and dates of material that will be removed to obtain samples; a map identifying the exact location (latitude and longitude) of each drill hole, test pit, mud pit, trench, or other site to be used for excavations or bulk sampling; and a statement signed by a Maine licensed qualified professional certifying that exploration activities shall be conducted in accordance with the requirements of this Ordinance and the Maine Metallic Mineral Mining Rules.

Any exploration activities that are occurring in lawful operation within the Town as of the date of applicability of this Ordinance may continue but the operator must give the notices required by this Article IV within 30 days of the effective date of this Ordinance. Said notices must identify all existing and any new drill holes, test pits, mud pits, trenches, or other sites that, as of the date of applicability, are or will be used for exploration activities or bulk sampling, and the actual and estimated quantities of material that has been or will be removed to obtain samples along with the actual and estimated dates of removal.

#### **ARTICLE V. ENFORCEMENT; INSPECTIONS APPEALS; SEVERABILITY; AMENDMENT**

##### **Section 1. Enforcement**

The following acts or omissions constitute a violation of this Ordinance: (A) conducting an industrial-scale metallic mineral mining operation; (B) conducting a community-scale metallic mineral mining operation without a permit as required by this Ordinance; (C) conducting a community-scale metallic mineral mining operations not in compliance any permit conditions; (D) conducting exploration activities not in

compliance with the notice requirements of this Ordinance; (E) any material misstatement of fact in any notice, application, or supporting documentation filed with the Town; (F) failure to comply with the review criteria in this Ordinance, including exceeding maximum extracted mine waste or bulk sampling thresholds, exceeding maximum mining areas, or operating outside of approved hours of operation; or (G) failure to comply with any provision of this Ordinance. This Ordinance shall be enforced by the municipal officers of the Town or their duly authorized designees, and shall be enforceable by and under, and subject to all the terms, fines, and penalties of 30-A M.R.S.A. § 4452.

## **Section 2. Inspections**

The Code Enforcement Officer may, at any time, enter any exploration or mining site, take samples, and conduct tests in order to determine compliance with any provision of this Ordinance.

## **Section 3. Appeals**

Any person or entity aggrieved by a decision, action, or failure or refusal to take action of the Code Enforcement Officer or the Planning Board may appeal to the Maine Superior Court in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

## **Section 4. Severability**

If any section, part of a section, or any provision this Ordinance is declared by a court of competent jurisdiction to be unconstitutional, invalid, or unenforceable, such declaration shall not affect the validity or enforceability of the Ordinance as a whole, or any part of provision other than that specifically declared to be unconstitutional, invalid, or unenforceable.

## **Section 5. Relation to Other Rules and Laws**

This Ordinance does not relieve a person of the obligation to comply with all other applicable state, federal, or local laws, rules, and ordinances, including the Maine Metallic Mineral Mining Rules.

## **Section 6. Conflicts**

Whenever a provision of this Ordinance conflicts with or is inconsistent with another ordinance, regulation, or rule administered by the Town, the more restrictive provision controls.

## **Section 7. Amendment**

This Ordinance may be amended by a vote of a Town Meeting, upon a Town Meeting warrant article submitted by the Selectmen.