

ARTICLE II.
ADMINISTRATION, ENFORCEMENT AND PENALTIES

SECTION 1. ADMINISTERING BODIES AND AGENTS

A. Code Enforcement Officer

1. Appointment. A Code Enforcement Officer (CEO) shall be appointed or reappointed annually by the Selectmen.

2. Power and Duties. The CEO, at direction of the Board of Selectmen, shall have the following powers and duties:

- a. Enforce the provisions of this Ordinance and any others which call for CEO action;
- b. Act upon building applications, refer permits requiring Site Plan Approval to the Planning Board, and refer requests for variances and administrative appeals to the Board of Appeals;
- c. Enter any property at reasonable hours, with the consent of the property owner, occupant or agent, to inspect the property or structure for compliance with pertinent laws or ordinances;
- d. Investigate complaints and reported violations;
- e. Make and keep written inspection reports and records of other activities;
- f. Collect application fees;
- g. Issue violation notices, after consulting with the Board of Selectmen;
- h. Participate in appeals procedures;
- i. Appear in court, when authorized by the Selectmen;
- j. Attend such meetings of the Board of Appeals and of the Planning Board, as necessary or desirable;
- k. Revoke any permits issued in error or which are based on erroneous information;
- L. Exercise any additional powers or duties authorized by the statutes

B. Planning Board

The Planning Board shall be responsible for reviewing and acting upon applications for Site Plan Review Approval.

C. Board of Appeals

A Board of Appeals shall be created in accordance with the provisions of Title 30-A, Section 2691. It shall conduct its affairs in accordance with State Law and pertinent ordinance provisions.

SECTION 2. PERMITS REQUIRED

After the effective date of this Ordinance, no person shall engage in, or expand, any building or land use activity, which requires a permit, without first obtaining a permit, or permit amendment, for such activity.

- A.** A building or use permit shall be obtained from the Code Enforcement Officer (CEO) for the uses so marked in Table 1 in Article V and before commencing the construction, alteration, location or replacement of any structure, use, or part thereof (including septic waste disposal system) or foundation.
- B.** A conditional use permit shall be obtained from the Planning Board after site plan review for the uses so marked in Table 1 in Article V.
- C.** A special exception permit shall be obtained from the Planning Board for the uses so marked in Table 1 of Article V.

SECTION 3. PERMIT APPLICATION

- A.** Every permit applicant shall submit, on a form provided by the Town to the appropriate official(s), a written application.
- B.** All applications shall be signed by the owners) or lessees) of the property, or other person with a letter of authorization from the owners) or lessee(s), and such signature shall certify that the information in the application is complete and correct.
- C.** All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
- D.** A septic permit or a completed application for a septic permit, including any site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed use or structure would require the installation of a subsurface sewage disposal system.
- E.** Decisions on any matter before the Planning Board shall require the vote of a majority of those member present and voting.

SECTION 4. PROCEDURE FOR ADMINISTERING PERMITS

- A.** Building or Use Permits

The CEO shall render a decision on a building or use permit within fourteen (14) days of receipt of a complete application.

B. Conditional Use and Special Exception Permits

Within forty-five (45) days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as appropriate:

1. shall notify the applicant in writing, either that the application is a complete application or,
2. if the application is incomplete, that specified additional material is needed to make the application complete.

Once a complete application has been received, the Planning Board shall approve or deny the application in writing, within forty-five (45) days. However, if the Planning Board has a waiting list of applications, such approval or denial shall occur within forty-five (45) days of the first available opening on the Planning Board's agenda or, within forty-five (45) days of the public hearing, if one is held.

Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance. Permits may be made subject to reasonable conditions to insure conformity with the purposes and provisions of this Ordinance, and the permittee shall comply with such conditions. If a permit is either denied or approved with conditions, the reasons shall be stated in writing.

No approval shall be granted for an application involving a structure, if the structure would be in an unapproved subdivision, or would violate any other local ordinance or regulation, or any State law for which the Town has responsibility.

The burden of proof that a proposed land use activity is in conformity with the purposes and provisions of this Ordinance lies with the applicant.

SECTION 5. APPLICATION FEES

Application fees must be paid to the Code Enforcement Officer or the Town Clerk upon submittal of application, in accordance with Appendix B of this Ordinance.

SECTION 6. EXPIRATION OF PERMIT

Following the issuance of a permit, if no substantial start is made in construction, or in use of the property for which such permit has been issued, within one year of the date of the permit, the permit shall lapse and become void. However, the permit may be renewed within six months of the date of expiration if no material change in the proposed use or requirements has occurred with no additional fee. Thereafter, any application shall be considered and handled as a new application.

SECTION 7. INSTALLATION OF PUBLIC UTILITY SERVICE

No public utility, water district, sanitary district or any other utility company may install, or connect services to, any new use or structure requiring a permit under this ordinance, unless written authorization attesting to the validity and currency of all permits required under this Ordinance has been issued by the appropriate Town official(s). Following installation of service, the company or district shall forward a copy of the written authorization to the Town officials) and indicate that installation has been completed.

SECTION 8. ENFORCEMENT

A. Enforcement Procedure

1. It shall be the duty of the CEO to enforce the provisions of this Ordinance. If the CEO finds that any provision is being violated, he or she shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. These orders may include discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices) shall be submitted to the Selectmen and be maintained as a permanent record.
2. The CEO shall conduct on-site inspections to insure compliance with all applicable laws and any conditions attached to permit approvals. The CEO shall also investigate all complaints of alleged violations of this Ordinance.
3. The CEO shall keep a complete record of all essential transactions of the office including: applications submitted, fees collected, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fines collected. In the case of violations in the Shoreland District, the CEO shall, on an annual basis, submit a summary of this record to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.

B. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Selectmen, upon notice from the CEO, are directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions and the imposition of fines, as may be appropriate or necessary to enforce the provisions of this Ordinance.

The Selectmen, or their authorized agent, may enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and imposing fines without Court action. Such agreements should not allow an illegal structure or use to continue, unless there is clear and convincing evidence that the illegality was a direct result of erroneous information or advice given by an authorized Town Official, and there is no evidence that the owner/violator acted in bad faith.

C. Fines

Any person including, but not limited to, a landowner, a landowner's agent or a contractor, who is responsible for a violation of this Ordinance is liable for the penalties in Title 30-A, MRSA, Section 4452.