

Town of Edgecomb Board of Appeals Ordinance
Adopted May 16, 1992, amended May 20, 2005 and May 17, 2008

Section 1. Authority; establishment Pursuant to 30 M.R.S.A., Sections 2691 and 3001, a Board of Appeals, hereinafter referred to as “the Board,” is hereby established for the Town of Edgecomb, Maine. *[amended May 17, 2008]*

Section 2. *Composition; appointment; qualifications; terms; removal; vacancies* The Board shall consist of five (5) regular and two (2) alternate members who shall be appointed by the municipal officers and who shall be registered voters of the Town. Neither a municipal officer nor the spouse of a municipal officer may be a member. Members shall serve for terms of three (3) years and shall continue in office until their successors are appointed, except that initial appointments shall be staggered so that as nearly an equal number of terms shall expire annually. The municipal officers may remove a member for cause, after notice and hearing. Vacancies shall be filled within sixty (60) days by appointment of the municipal officers for the unexpired term.

Section 3. *Officers; meetings; quorum; procedure* The Board shall annually elect a Chairman from among its members. The Board may either elect a secretary from among its members or hire a non-board member to serve as secretary. The Chairman shall call meetings as necessary or when so requested by a majority of members or the municipal officers. A quorum necessary to conduct business shall consist of at least a majority of members. A member who abstains from voting, is recused, or otherwise disqualified shall not be counted in determining whether a quorum exists. The Chairman shall designate an alternate member to serve in the place of a regular member who is absent or disqualified. When the Chairman so designates an alternate, that alternate shall count towards making up a quorum and shall have the same right to vote on a matter as a regular member. The Chairman shall preside at all meetings [and] shall maintain a permanent record of all proceedings and all correspondence of the Board which shall be a public record and shall be filed with the Town Clerk and may be inspected at reasonable times. The Board may adopt written rules of procedure governing the conduct of any hearing or proceeding, provided that they are not inconsistent with any statute or this or any ordinance, and provided further that the Chairman may waive any rule for good cause shown. *[amended May 17, 2008]*

Section 4. *Jurisdiction*—The Board shall have jurisdiction to hear and decide the following matters:

- a) appeals from any decision, action or failure to act by the Code Enforcement Officer in the administration of the Edgecomb Land Use Ordinance except for enforcement matters; and
- b) variances from the strict application of the Edgecomb Land Use Ordinance by the Code Enforcement Officer and the Planning Board, as provided in the Edgecomb Land Use Ordinance.

The Board may exercise jurisdiction only upon receipt of a written appeal from a person aggrieved, or upon receipt of a written application for variance, together with a non-refundable fee (see Fee Schedule in Land Use Ordinance) and stating the relief sought and the grounds therefor, and, in the case of an administrative appeal, shall be filed within forty-five (45) days after the action complained of. *[amended May 17, 2008]*

Section 5. Notice No appeal may be decided by the Board without first providing an opportunity for hearing. Notice of any hearing shall be given to the public by posting in two (2) public places within the Town of Edgecomb, by publication in a newspaper of general circulation at least seven (7) days before the hearing, to the appellant and abutting property owners by certified mail return receipt at least fourteen (14) days before the hearing and to the Planning Board and Code Enforcement Officer by mail or hand delivery at least fourteen (14) days before the hearing. *[amended May 17, 2008]*

Section 6. Procedure and Notice of Decisions The Board shall follow the procedure set out in Article VI of the Edgecomb Land Use Ordinance. *[amended May 17, 2008]*

Section 7. Reconsideration The Board may reconsider any decision within forty-five (45) days after its prior decision as set out in Article VI of the Edgecomb Land Use Ordinance. *[amended May 17, 2008]*

Section 8. Appeals to Superior Court Any person aggrieved by a decision of the Board may appeal to Superior Court in accordance with Rule 80B, Maine Rules of Civil Procedure, within forty-five (45) days after the decision is rendered, except as otherwise provided by statute. *[amended May 17, 2008]*

Section 9. Repeal of prior ordinances; ratification of prior board actions Any ordinance enacted or legislative act prior hereto and establishing or purporting to establish a board of appeals by that or another name, or governing or purporting to govern its membership, authority or procedure, is hereby repealed, it being the intent of the ordinance to abolish and replace any such board with a board of appeals lawfully established and authorized, among other things, to hear zoning appeals pursuant to 30-A M.R.S.A. 4353. Any act prior hereto of that board commonly known as the board of appeals and abolished hereby is hereby ratified and confirmed. *[renumbered May 17, 2008]*

Section 10. Severability The invalidity of any section or provision of this ordinance shall not be held to invalidate any other section or provision, which shall remain in full force and effect. *[renumbered May 17, 2008]*

Section 11. Effective dates This ordinance shall take effect as of the date of the 1992 annual town meeting. Amendments shall take effect on their date of adoption. *[amended May 17, 2008]*