

Board of Appeals Ordinance

Town of Hartland

1. Establishment

The Town of Hartland hereby establishes a Board of Appeals pursuant to 30-A M.R.S.A. §2691 and 30-A M.R.S.A. §3001. The board which has been acting as a Board of Appeals is hereby re-established as the Board of Appeals. The members currently serving may continue to do so until the end of the term for which they were appointed without the need to be reappointed or take a new oath of office. The actions which it has taken prior to the adoption of this ordinance are hereby declared to be the acts of the legally constituted Board of Appeals of the Town of Hartland.

2. Appointment

A. Board members shall be appointed by the municipal officers and sworn by the municipal clerk or other person authorized to administer oaths.

B. The board shall consist of five (5) regular members.

C. Regular members shall serve five (5) year staggered terms, except the initial appointments shall be one member for three (3) years, two members for four (4) years, and two members for five (5) years.

D. When there is a permanent vacancy, the municipal officers shall appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member or when a member fails to attend four (4) consecutive regular meetings without a reasonable excuse. When a vacancy occurs, the chairperson of the board shall immediately so advise the municipal officers in writing. The municipal officers may remove members of the board by majority vote, after providing notice and an opportunity for a hearing.

E. Neither a municipal officer nor his/her spouse may serve as a member of the Board of Appeals.

F. No person shall serve as a member of the Board of Appeals and the Planning Board at the same time.

G. Local residency is not required to serve on the Board of Appeals.

3. Organization, Rules and Procedures

A. The board shall elect a chairperson, vice chairperson and secretary from among its full voting members and create and fill such other offices as it may determine. The term of all offices shall be one (1) year with eligibility for re-election.

B. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

C. No meeting of the board shall be held without a quorum consisting of three (3) members authorized to vote. The board shall act by majority vote of the members present and voting.

D. The chairperson shall call one regular meeting each month, provided there is business to conduct. Special meetings can be called any time by the chairperson or by a majority of the members. Notice of regular, special and emergency meetings shall be given in accordance with the Maine Freedom of Access Act.

4. Duties and Powers.

A. The Board of Appeals may adopt bylaws governing board functions.

B. The Board of Appeals may adopt rules and procedures for transaction of business and the secretary shall record the meeting minutes keeping a record of its resolutions, transactions, correspondence, findings and determinations. The minutes are turned into the municipal clerk for proper filing.

C. The Board of Appeals shall file all bylaws, rules and procedures and subsequent revisions with the municipal clerk. Copies shall be provided to the municipal officers for their information.

D. The Board of Appeals shall perform such duties and exercise such powers as are provided by ordinance and the laws of the State of Maine.

E. Appeals authorized by ordinance.

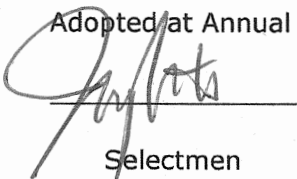
The board shall also have the power to hear and decide, using an appellate review standard when the Planning Board is involved and a de novo review standard when the code enforcement officer is involved, all appeals by any person aggrieved where it is alleged that there is an error in any order, requirement, decision or determination made by or failure to act by the code enforcement officer or Planning Board pursuant to any ordinance that expressly authorizes an appeal to the board.

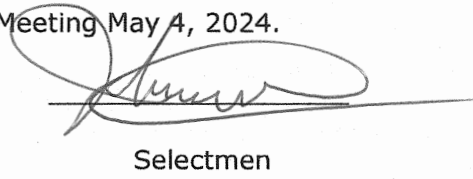
5. Severability Clause

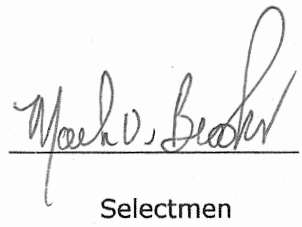
Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.


Ordinance History:

Adopted at Annual Town Meeting May 4, 2024.


Selectmen


Selectmen


Selectmen

Attested: 
Holly Bubar, Town Clerk