

## ORDINANCE ESTABLISHING BOARD OF APPEALS

WHEREAS, it is the desire of the Town of Glenburn to provide a high level of professionalism in handling appeals from various sources;

WHEREAS, there are currently in existence several distinct boards to hear appeals from varying sources;

WHEREAS, the work load of each board is very light, resulting in very little practice and experience in the appeal procedure;

WHEREAS, one single board could normally handle all appeals by meeting once a month; and

WHEREAS, such monthly meetings would provide sufficient practice and experience to keep that board in a constant state of familiarity with the appeal process;

NOW, THEREFORE, The Town of Glenburn hereby ordains that this ordinance entitled "Ordinance Establishing Board of Appeals" be enacted.

1. ESTABLISHMENT Pursuant to 30-A, M.R.S.A. § 2691, there is hereby created a Board of Appeals which shall be governed by said 30-A, M.R.S.A. § 2691. Upon the effective date of this ordinance the previously appointed Board of Appeals, Fair Hearing Authority, and Board of Assessment Review shall each terminate.
2. ORGANIZATION The Board shall consist of five regular members and one associate member who shall serve staggered three year terms, except that upon the initial appointments two regular members shall be appointed with terms to expire on June 30, 1988, two regular members shall be appointed with terms to expire on June 30, 1987, one regular member shall be appointed with term to expire on June 30, 1986, and the associate member shall be appointed with term to expire on June 30, 1988. The members shall be appointed by the Municipal Officers pursuant to Section 3.04 of the Glenburn Charter. When there is a permanent vacancy, the Municipal Officers shall within 60 days of its occurrence appoint a person to serve for the unexpired portion of the term. A vacancy shall occur upon the resignation or death of any member, or when a member ceases to be a voting resident of the Town, or when a member fails to attend three (3) consecutive regular meetings, or fails to attend at least 75% of all meetings during the preceding twelve (12) month period. When a vacancy occurs, the Chairperson of the board shall immediately so advise the Municipal Officers in writing. The Board may recommend to the Municipal Officers that the attendance provision be waived for cause in which case no vacancy will then exist until the Municipal Officers disapprove the recommendation. The associate member may attend all meetings of the Board and participate in its proceedings, but may vote only when designated by the Chairperson to sit for a member.
3. MEETING DATES The Board shall meet on the first Tuesday of each month at the Glenburn Municipal Building starting at 7:00 p.m. except that the Chairperson shall call special meetings at such times as the legislation governing the matter to be appealed requires a hearing before said regular meeting date. In the event that no appeals are scheduled for a regular meeting, the Chairperson may cancel that meeting.
4. SUBMISSION OF REQUEST FOR HEARING All requests for hearings before the Board shall be submitted to the Town Manager, on standard forms available from the Town

Office, no later than fourteen days prior to the next scheduled meeting of the Board except that requests for hearings regarding the Shoreland Zoning Ordinance shall be submitted no later than thirty days prior to the next scheduled meeting of the Board. This requirement shall be waived only for those matters which do not require publication.

5. PUBLICATION Except for appeals requiring consideration in executive session, such as matters emanating from the General Assistance program, the Chairperson shall have notice of all hearings to come before the Board published in one or more newspapers of general circulation in the Town at least seven days prior to the hearings and shall also post notice of such hearings at the posting places within the town at which town meeting and election notices are normally posted at least seven days prior to the hearings.
6. JURISDICTION The Board shall assert jurisdiction over any matter which is specifically delegated to it by the Charter of the Town of Glenburn; any ordinance properly adopted by a Glenburn Town Meeting; or any ordinance or set of rules and/or regulations properly adopted by the Glenburn Town Council; Such jurisdiction shall include but not be limited to the following:
  - A. The herein created Board of Appeals shall be designated as the Board of Assessment Review in accordance with 30-A, M.R.S.A. § 2526(6)(E) and Section 5.22 of the Charter of the Town of Glenburn.
  - B. The herein created Board of Appeals shall be designated as the Board of Appeals referenced in Section X(1) of the Zoning Ordinance of the Town of Glenburn, Maine.
  - C. The herein created Board of Appeals shall be designated as the Board of Appeals referenced in Section 16(A)(2) of the Shoreland Zoning Ordinance for the Town of Glenburn, Maine.
  - D. The herein created Board of Appeals shall be designated as the Board of Appeals referenced in the Building Code Ordinance of the Town of Glenburn, Maine.
  - E. The herein created Board of Appeals shall be designated as the Fair Hearing Authority required by the General Assistance Rules and Regulations of the Town of Glenburn.
  - F. The herein created Board of Appeals shall be designated as the body to hear appeals of decisions made by the Local Plumbing Inspector as referenced in § 2100.1 of the Maine Subsurface Waste Water Disposal Rules.

#### ORDINANCE HISTORY

ADOPTED: 11/21/85

AMENDED: 01/16/88

AMENDED: 10/19/89

AMENDED: 05/27/93

AMENDED: 07/18/96