

Article 11: Administration, Enforcement, & Penalties

A) Administering Agencies

1) Code Enforcement Officer

Unless otherwise provided in this Ordinance, the Code Enforcement Officer (CEO) shall administer and enforce this Ordinance. No permit application shall be approved by the Code Enforcement Officer except in compliance with the provisions of this Ordinance. The Code Enforcement Officer shall have the following duties:

- a) Applications and fees. Review and act upon applications as set forth in this Ordinance. Collect any fees due. Refer/process all applications as required.
- b) CEO Permit approvals. Act upon permit applications that are under the jurisdiction of the CEO as set forth in this Ordinance.
- c) Board of Appeals applications. Refer requests for variances and administrative appeals to the Board of Appeals.
- d) Inspections. Inspect sites where permit applications have been approved to ensure compliance with local ordinances.
- e) Complaints and violations. Investigate complaints and reported violations.
- f) Reports and records. Keep written inspection reports and thorough records.
- g) Appeals. Participate in appeals procedures.
- h) Violation notices. Issue violation notices.
- i) Enforcement. Carry out enforcement procedures as outlined in Section C below and as required by State Statute and State Rules.
- j) Consent agreements. Process or act on consent agreements involving violations of this Ordinance.
- k) Court. Appear and represent the Town in court when necessary.
- l) Permit revocations. Revoke any permit after notice if it was issued in error or if it was based on erroneous information.
- m) Interpretation. Refer matters to the Board of Appeals when there is a question concerning the interpretation of this Ordinance.

2) Local Plumbing Inspector

The Local Plumbing Inspector shall have the following duties:

- a) Applications and fees. Act upon all Subsurface Wastewater Disposal System Applications and Plumbing Applications. Collect any fees due.
- b) Inspections. Inspect sites where permit applications have been approved to ensure compliance with State Rules and Codes.
- c) Violation notices. Issue violation notices.

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then allow the members of the Board to ask questions of the applicant and for the applicant to answer those questions. Following Board questions, the Chair shall open the public hearing to the public for statements, information submissions, or questions about the project. At the close of the public comment period, the Chair shall afford the applicant an opportunity to answer any questions raised by the public, rebut any statements or information submitted, and cross-examine anyone offering testimony on the application. The Chair may allow the applicant this opportunity after each member of the public testifies if that is deemed to be desirable. At the conclusion of the applicant's response, the hearing shall be closed.

- k) Submission Requirements
 - (i) Burden of proof. The applicant shall have the burden of proving that the proposed project, development or land use activity is in conformity with the purposes and provisions of this Ordinance and any applicable State laws and rules.
 - l) The applicant shall submit nine (9) copies of the application and all supporting documentation.

- 5) Board of Appeals. The procedure for administering a permit shall be as specified in Article 12 of this Ordinance.

- 6) Select Board. The procedure for administering a license shall be as follows:
 - a) Submission of Permit Application
 - (i) Determination of complete application. Within 30 days of the date of receiving a written application the Select Board or their designee shall review the application for completeness. If the application is incomplete the Select Board or his/her designee shall notify the applicant in writing and specify the additional material that is needed to make the application complete. Failure to submit the additional information within six months shall be deemed an abandonment of the application.
 - (ii) After the Select Board has determined that a complete application has been filed, it shall begin its substantive review of the application.
 - (iii) The Select Board may hold an on-site inspection of the site in their review of the application. The Board may decide not to hold an on-site inspection when the site is covered in snow.
 - (A) If a review is pending during a period when there is more than one foot of snow cover, the deadline by which the Select Board shall take final action may be extended. This extension shall not exceed thirty (30) days after the site is clear of snow and Board is able to conduct an on-site inspection.
 - (iv) Once the application is found complete, the CEO shall conduct a site inspection to verify the applicant is compliant with their site plan review permit, if applicable.
 - (v) The Select Board shall hold a public hearing within 30 days of the filing of the completed application. The Board shall give written notice of the date, time, and place of the public hearing at which the application will be considered, to the

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applicant, and all abutting property owners by first-class mail. The determination of the names and owners shall be based upon the records of the local Assessor's Office. For renewal applications the Select Board shall have the option of waving a public hearing.

(vi) Action on complete application. Within forty-five (45) working days of the date of receipt of a complete application the Select Board or their designee shall act to deny, to approve, or to approve the application with conditions as are deemed advisable to assure compliance with the Ordinance. The reasons as well as conditions shall be stated in writing.

(vii) All time limits provided for in this section may be extended by mutual agreement of the applicant and Select Board.

b) License Application Requirements

(i) Site Plan Review Permit from the Planning Board, if applicable, exception being if the applicant is a renewal application then submission of a site plan is not required. If the applicant does not have a Site Plan Review Permit from the Planning Board, then all information detailed in Article 11, D) Permit Application Submission Requirements is required.

(ii) Required application and licensing fees.

(iii) All applicable State licenses/registrations and permits.

(A) If State licenses/registrations and/or permits have been filed but not yet granted, then the applicant must provide a copy of said application(s).

(B) If the applicant's application is approved by the Select Board, their approval will be contingent upon their State approvals, a copy of which must be given to the Town Clerk before business can commence.

(iv) No license/permit may be issued until the Bowdoinham Fire Chief indicates that the property and structures are in compliance with applicable sections of the governing edition of the NFPA 101 Life Safety Code.

(v) Burden of proof. The applicant shall have the burden of proving that the proposed project, development or land use activity is in conformity with the purposes and provisions of this Ordinance and any applicable State laws and rules.

(vi) The applicant shall submit seven (7) copies of the application and all supporting documentation.

c) License Approval, Revocation or Suspension

(i) An applicant's license application shall be approved if the applicant meets all the performance standards set forth in the Land Use Ordinance and/or the conditions of approval set forth in their Site Plan permit.

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- (ii) The Select Board has the right to deny a license renewal if any of the performance standards set forth in the Land Use Ordinance and/or the conditions of approval set forth in their Site Plan permit are not being met, or if the business has a history of noncompliance with said standards and/or conditions.
- (iii) The Select Board has the right to revoke or suspend a license if a business fails to remedy a violation within 30 days of said violation notice.
- (iv) The Select Board has the right to revoke or suspend a license without warning if the business is found to be acting in an unsafe or illegal manner

D) Permit Application Submission Requirements

Submission requirements may be waived if that information is not required to determine compliance with applicable standards. In all instances, the burden of proof shall be upon the applicant to present adequate information to indicate the statutory criteria for approval and performance standards have been or will be met.

- 1) Written application. Every applicant for a permit shall submit a written application on a form provided by the municipality. The following items, when appropriate, shall be included with the application.
 - a) A scaled site plan showing
 - (i) The shape, size and location of the lot to be built upon and structure(s) to be erected, altered or removed.
 - (ii) Any structure(s) already on the lot.
 - (iii) Setbacks of structure(s) from all lot lines.
 - b) Statement of intended use.
 - c) Statement of how use meets performance standards.
 - d) Documentation that the applicant has right, title or interest in the property.
 - e) Any other information needed by the Code Enforcement Officer, Road Commissioner, Planning Board, or the Board of Appeals to determine compliance with the provisions of this Ordinance and/or any other information required by this Ordinance.
 - f) Signature. All applications shall be signed by the owner of the property or the owner's legal agent, certifying that the information on it is complete and accurate. If the person signing the application is not the owner or lessee of the property, then that person shall submit a letter of authorization from the owner or lessee.
 - g) Application to be dated. All applications shall be dated, and the date and time of its receipt shall be noted upon each application.
- 2) Fees.
 - a) No permit shall be issued until the application fee(s) are paid. Application fees shall not be nonrefundable, unless noted elsewhere in this Ordinance. Checks are to be made payable to the Town of Bowdoinham.

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b) Code Enforcement Officer. Application fees for a permit from the Code Enforcement Officer shall be as follows:

(i) The fee for a building permit shall be as follows:

Additions to single family dwellings and structures accessory thereto	\$0.05/sq ft*
1 or 2 family dwellings (not including basement) under 2000 sq. ft	\$0.15/sq ft*
1 or 2 family dwellings (not including basement) 2000 sq. ft and greater	\$0.20 /sq ft*
Residential Garages, Barns, storage sheds	\$0.05/sq ft*
Commercial structures, multiple family dwellings, and additions to these structures	\$0.20 /sq ft*
Demolition Only	\$20.00
Interior work	\$20.00
Any work not fitting into the above categories	\$20.00
Minimum Permit Fee	\$20.00
* New Buildings and additions are measured on the exterior.	

(ii) Other permits from the Code Enforcement Officer shall be twenty-five (25) dollars.

c) Local Plumbing Inspector. Application fees for a permit from the Local Plumbing Inspector shall be as required by the State of Maine.

d) Road Commissioner. The application fee for a permit from the Road Commissioner shall be fifty (50) dollars.

e) Planning Board. Application fees for a permit from the Planning Board shall be as specified in the Ordinance. The application fee for a Setback Determination shall be twenty-five (\$25) dollars, plus any and all advertising costs.

f) Board of Appeals. Application fees for a permit from the Board of Appeals shall be fifty (\$50) dollars, plus any and all advertising costs.

g) Select Board. License fees shall be as follows, plus any and all advertising costs:

(i) Graveyard or Junkyard License – fifty (\$50) dollars for each license.

(ii) Automobile Recycling Business – two-hundred fifty (\$250) dollars for a five-year license.

(iii) Liquor License & Application Fees

(A) Initial Application fee of five hundred dollars (\$500)

(B) Renewal application fee of two hundred and fifty dollars (\$250)

(C) Annual Liquor License – the license fee shall be as follows:

(1) Restaurant with on-premises liquor sales fee two hundred dollars (\$200)

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- (2) Catering establishment fee two hundred dollars (\$200)
- (D) One-time catering liquor license fee fifty dollars (\$50)
- (iv) Cannabis License & Application Fees –
 - (A) Initial Application fee of five hundred dollars (\$500)
 - (B) Renewal application fee one hundred and fifty dollars (\$150)
 - (C) Annual Cannabis License – The license fee shall be as follows:
 - (1) Cannabis Store \$2,000
 - (2) Cannabis Manufacturing Facility \$2,000
 - (3) Cannabis Testing Facility \$2,000
 - (4) Cannabis Cultivation Facility:
 - a. Cultivation Size: up to 500 SF of mature plant canopy \$500
 - b. Cultivation Size: 501-2000 SF of mature plant canopy \$2,000
 - c. Cultivation Size: 2001-7000 SF of mature plant canopy \$5,000
 - d. Cultivation Size: greater than 7,000 SF of mature plant canopy \$10,000

E) Enforcement

- 1) Civil Violations. Any violation of this Ordinance shall be deemed to be a civil violation.
- 2) Violations. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, structures, or work being done, removal of illegal buildings or structures, or abatement of nuisance conditions, and penalty. A copy of such notices shall be maintained as a permanent record.
- 3) Consent agreements. When the action does not result in the correction or abatement of the violation or nuisance condition, the Code Enforcement Officer, Board of Selectmen, or its authorized agent, may enter into a consent agreement to eliminate violations and to collect civil penalties. Only the Board of Selectmen may enter into a consent agreement that would allow an illegal structure or use to continue. However, within shoreland areas, such consent agreement shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that: the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is not evidence that the