

BOARD OF APPEALS ORDINANCE

Section 1 Establishment

There is hereby established a board of appeals pursuant to 30-A M.R.S.A. §§ 2691 and 3001.

Section 2 Appointment

2.1. Members of the board of appeals shall be appointed by the municipal officers, who shall determine their compensation, and shall be sworn by the municipal clerk or other person authorized to administer oaths.

2.2. The board shall consist of five (5) regular members and up to two (2) alternate members.

2.3. Regular members shall serve three (3) year staggered terms, except that the initial appointments shall be one (1) member for one year, two (2) for two years, and two (2) for three years. Alternate board members shall be appointed for three year terms.

2.4. 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, or when a member ceases to be a legal resident of the municipality. The municipal officers may remove members of the board of appeals by majority vote, after providing notice and an opportunity for a hearing.

2.5. Neither a municipal officer nor his or her spouse may serve as a member or alternate member of the board of appeals.

Section 3 Organization, Rules, and Procedures

3.1. The board shall meet annually to elect a chairperson and a 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 reelection.

3.2. When a member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the chairperson, the chairperson shall designate an alternate member to sit in his or her place.

3.3. 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.

3.4. An alternate member may attend all meetings of the board. He/she may ask questions or offer comments. He/she may make and second motions and vote only when he or she has been designated by the chairperson to sit for a member.

3.5. The chairperson shall call a regular meeting when there is business to conduct. Special meetings can be called at 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.

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3.6. No meeting of the board shall be held without a quorum consisting of three (3) members or alternate members authorized to vote. No action shall be taken by the board without at least three (3) concurring votes on the issue before the board.

Section 4 Duties and Powers

4.1. The board of appeals may adopt bylaws governing board functions.

4.2. The board of appeals may adopt rules and procedures for transaction of business, and the secretary shall keep a record of its resolutions, transactions, correspondence, findings, and determinations.

4.3. The board of appeals shall file all bylaws, rules and procedures and subsequent revisions, and decisions with the municipal clerk.

4.4. 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.

4.5. The board of appeals may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose by the legislative body of the municipality.

Section 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.

Section 6 Establishment; Reestablishment

The board which has been acting as a board of appeals is hereby reestablished as the appeals board. 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 West Paris.