

## ARTICLE I - TOWN OFFICIALS

### 1. GENERAL GOVERNMENT

- 1.1 The provisions of 30-A MRSA Section 2528, as heretofore accepted by the Town, shall govern the election of Town officers, and the following officers shall be elected by secret ballot: five people to be Select people, Assessors and Overseers of the Poor, who shall serve terms of two years, with two Selectpersons to be elected in odd years and three in even years; a member of the Superintending School Committee who shall serve for three years, ~~and the members of the Budget Committee who shall be elected for three years.~~ [3-46, 3-48, 1-52, 2-53, 3-76, 3-81, 11-02, 06-04, 01-05, 6-05, 6-11 11-24]
- 1.2 In accordance with MRSA 30-A section 2631 et seq. the Selectboard shall hire a Town Manager to conduct the Town's business. [11-02]
- 1.3 Effective as of the 2003 Annual Town Meeting until the Town votes otherwise, the Town Manager shall annually appoint the following: Town Clerk, Town Treasurer, Tax Collector, Road Commissioner, Fire Chief, and Excise Tax Collector. [11-02, 06-04, 01-05, 6-05, 6-11]
- 1.4 Robert's Rules of Order shall govern all meetings except when in conflict with these Ordinances or unless alternative procedures have been established. [3-97]
- 1.5 The Town may disburse money only on the authority of a warrant drawn for the purpose and which has been (1) affirmatively voted and signed by a majority of the Selectboard at a duly called public meeting, (2) seen and signed by a majority of Selectboard acting individually and separately, or (3) signed as otherwise provided by law for the disbursement of employees' wages and benefits and/or payment of municipal education costs. [3-04]

### 2. BUDGET COMMITTEE

The Town shall have a Budget Committee. Its By-laws are as follows: [3-46, 3-65]

- 2.1 The Wiscasset Budget Committee (hereinafter "the Committee") shall be appointed by the Selectboard and consist of 9 members, serving staggered terms of three years, ~~all of whom shall be legal residents of Wiscasset.~~ In the event of a vacancy in the membership or if any member of the Committee during his or her term of office shall die, become incapacitated, resign, ~~cease to be a resident of Wiscasset,~~ or fail to serve, such failure to be determined by decision of the Selectboard upon report of 4 members of the Committee, the Selectboard shall promptly appoint a person to serve until the expiration of that person's term. [3-77, 6-24, 11-24]

- 2.2 The Committee shall convene at a convenient and public place within one week following the Annual Town Meeting to elect its Chairperson and Clerk. The Committee shall hold public meetings from time to time to conduct business. [3-77, 6-80, 3-98]
- 2.3 The Chairperson shall preside at all meetings of the Committee when s/he is in attendance, and s/he shall convene the Committee by notice through the Clerk to all members as to the time and place of meeting. A special meeting of the Committee shall convene upon request of any 4 members of the Committee or by the Selectboard in case of an emergency provided that 3 days notice is given to all other members as to the time and place of such special meeting. The Chairperson shall appoint such subcommittees and sub-committee chairmen as the Committee may, from time to time, approve.. The Chairperson shall be entitled to vote as any other member of the Committee. [3-77, 6-80, 6-24]
- 2.4 The Clerk shall record the actions taken by the Committee at each meeting and shall duly notify each member as to the time and place of each meeting convened by the Chairperson. In the absence of the Chairperson at any meeting, the Clerk shall either serve as the Chairperson or shall appoint a Chairperson *pro tem* from members in attendance. [3-77]
- 2.5 In the event of a vacancy in the office of Chairperson or Clerk, the Committee shall elect a successor from among its members for the remainder of the term of the office vacated. In the absence of both the Chairperson and the Clerk, the members attending any meeting shall elect a Chairperson and a Clerk, *pro tem*, from the members in attendance. [3-77]
- 2.6 Five members in attendance shall constitute a quorum at any meeting of the Committee, and no official action can be taken without a quorum being then present. In the event of one or more vacancies in the Committee membership, 4 members shall constitute a quorum. Proxies for attendance or voting shall not be accepted. In the event of a tie vote, the motion voted upon shall be deemed not to have passed. [3-77]
- 2.7 The Committee shall meet with the Selectboard at least once in every year between Annual Town Meeting and December 15, in order to determine the adequacy of appropriated funds and other revenues for current year departmental operations. [3-77]
- 2.8 The Committee shall inquire into and consider any article to be considered before any annual or special Town meeting which provides for the borrowing, raising, transferring, and/or appropriation of any sum of money and shall make its recommendation to the Town in regard thereto or shall report specific reasons for making an opposed recommendation. Tie votes shall be deemed an opposed recommendation. The Selectboard shall provide to the Chairperson or Clerk of the

Committee a copy of any article dealing with borrowing, raising, transferring and/or appropriation of any sum of money at least a week prior to the Selectboard taking a final vote to place said article on any warrant. Pursuant to 30-A MRSA § 2528 the Committee's recommendation shall appear on any written ballot. [3-77, 3-78, 6-80, 3-98, 6-24]

2.9 These by-laws may be amended by the Town at any Annual Town Meeting. [3-77, 3-78, 6-80]

### 3. CODE ENFORCEMENT OFFICER

3.1 The Town shall have a Code Enforcement Officer who shall be appointed by the Selectboard. [3-86, 3-02]

3.2 The Code Enforcement Officer shall file a copy of Building Permits issued with the Planning Board and the Clerk's office within seven working days of granting the permit, and shall retain a copy of the permit for his or her own records. [3-86, 3-02]

3.3 The Code Enforcement Officer shall examine all buildings in the course of erection or alteration or repair as required by and for the purposes set forth in 30-A MRSA Sections 4101 - 4104 and any other applicable statute and shall make a record of all violations of the law and of any of the provisions of these ordinances with the street and location where such violations are found with the name of the owner, and/or builder and architect and all other matters relating thereto and shall make immediate report to the Town Manager. [3-46, 3-02]

### 4. PLANNING BOARD

4.1 Pursuant to 30-A MRSA Sec. 3001, the Town of Wiscasset, Maine, hereby establishes the Wiscasset Planning Board (hereinafter, "the Board"). [3-75]

#### 4.2 APPOINTMENT AND DISMISSAL

4.2.1 Appointments to the Board shall be made by the Selectboard.

4.2.2 The Board shall consist of nine (9) members. [3-99, 3-01]

4.2.3 The term of each member shall be three (3) years. [3-99]

4.2.4 When there is a vacancy, the Selectboard shall within 30 days of its occurrence appoint a person to serve for the unexpired term.

4.2.5 Neither a Municipal Officer nor his or her spouse may serve as a member.

~~4.2.6 Not more than one (1) non-resident of the Town of Wiscasset may serve as a member.~~

~~4.2.7~~ 6 A member of the Planning Board may be dismissed for cause by the Selectboard after notice and a hearing. Seven days advance notice of said hearing shall be given to the person who is the subject of the dismissal [11-24]

#### 4.3 OFFICERS AND TERMS OF OFFICE

4.3.1 The Board shall elect a Chairperson and a Secretary from among its members and create and fill such other offices as it may determine. The term of all offices shall be one (1) year, or until a successor is elected, with eligibility for re-election. [3-99]

4.3.2 Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.

4.3.3 The Chairperson will call at least one regular meeting of the Board each month, unless there is no business requiring Planning Board attention. Special meetings may be called with 3 days notice to members.

4.3.4 No action of the Board shall be taken without a quorum consisting of five (5) members.

4.3.5 The Board shall adopt all internal rules for transaction of business, and the Secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public, and may be inspected at reasonable times.

#### 4.4 DUTIES AND POWERS [3-99]

4.4.1 The Board shall perform such duties and exercise such powers as provided by Wiscasset ordinance and the laws of the State of Maine.

4.4.2 The Board may obtain goods and services necessary to its proper function within the limits of appropriations made for this purpose.

4.4.3 The Board shall have power to establish by rules and regulations procedural requirements related to duties imposed upon it by Wiscasset's ordinances or by statute except where specific procedural requirements are set out in Wiscasset's ordinances or by the applicable statute. The public shall be given an opportunity to review such rules and regulations at a

public hearing held with seven (7) days notice prior to the establishment of such rules and regulations.

- 4.4.4 In the absence of the Chairperson, an Acting Chairperson will be elected by a majority vote of the members of the Board in attendance. The Acting Chairperson will preside over business of the Board with the full authority of the Chairperson. [3-81]

Chairperson or Acting Chairperson will appoint a member of the Board, in attendance, to act as Acting Secretary. [3-81]

- 4.4.6 The Secretary or Acting Secretary shall cause the minutes of all business coming before the Board to be recorded and shall distribute the minutes to: the Board members, the Selectboard, the Code Enforcement Officer, the Water Department, the Town Planner, the Board's file, , , and persons requesting copies of the minutes. [3-81]

- 4.4.7 Applications for Board action shall be on such form(s) or in such form as required by the Board or applicable ordinance.  
[3-81, 3-01]

- 4.5 An appeal may be taken within 30 days after a decision is rendered to the Board of Appeals from any order, relief, or denial issued by the Board.

- 4.6 The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision hereof.

## 5. BOARD OF APPEALS [3-99]

### 5.1 ESTABLISHMENT

Pursuant to 30-A MRSA Sections 3001 and 2691 the Town of Wiscasset, Maine, hereby establishes the Wiscasset Board of Appeals (hereinafter, "the Board"). [3-75,3-99]

### 5.2 APPOINTMENT AND COMPOSITION

- 5.2.1 The Board shall be appointed by the Selectboard and shall consist of five (5) members and two (2) alternate members, ~~all of whom shall be legal residents of Wiscasset~~ serving staggered terms of three (3) years. Alternate members shall attend all meetings. The Board shall elect annually a Chairperson and Secretary from its membership. The Secretary shall keep the minutes of the proceedings of the Board which shall show the vote of each member upon each question. All minutes of the Board

shall be public records. A quorum shall consist of four (4) members. [3-75, 3-86, 3-99, 11-24]

5.2.2 Neither a Municipal Officer nor his or her spouse may serve as a member or alternate member.

5.2.3 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.

5.2.4 A member of the Board may be dismissed for cause by the Selectmen.

### 5.3 POWERS AND DUTIES

#### 5.3.1 APPEALS

The Board shall have the power to hear any appeal by any person with legal standing from any decision, order, regulation or failure to act by the Planning Board, the Sign Control Officer, the Building Inspector, the Plumbing Inspector, the Electrical Inspector, the Harbor Master, the Health Officer and the Code Enforcement Officer but only to the extent that s/he serves in one of these capacities. However, the Board of Appeals shall not have authority to hear an appeal pertaining to enforcement or non-enforcement of a law or ordinance; any such appeal shall instead be directly to Superior Court. The Board of Appeals shall also hear any appeal where a Statute so directs. Any action or failure to act of any of the above may be modified or reversed by the Board of Appeals by concurring vote of at least four (4) members of the Board.

#### 5.3.2 VARIANCE REQUESTS

- a. The Board may grant a variance only when strict application of Wiscasset ordinances would cause undue hardship. A financial hardship shall not constitute grounds for granting a variance.
- b. Undue Hardship as used herein shall mean:
  - That the land in question cannot yield a reasonable return unless a variance is granted; and,
  - That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and

- That the granting of a variance will not alter the essential character of the locality; and
  - That the hardship is not the result of action taken by the applicant or a prior owner. [3-81]
- c. When considering a request for a variance from any zoning ordinance, a variance is authorized only for height, area, and size of structure or size of yards or open places. Establishment or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the Zoning District or uses in adjoining Zoning Districts. The Board shall grant a variance only by concurring vote of at least four (4) members and, in so doing, may prescribe conditions and safeguards as are appropriate to minimize the variance granted.

5.3.3 **DISABILITY VARIANCE** [3-97] The Board may grant a variance to an owner of a dwelling for the purpose of making that property accessible to a person with a disability who resides in or regularly uses the dwelling. Such variance shall be limited to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability.

The following conditions shall be met:

- the access structure is necessary to create an accessible route; and
- the access structure cannot be reasonably created without infringing on the standards otherwise established in these ordinances; and
- the design of the access structure conforms to the ADA Accessibility Guidelines; and
- the design of the access structure minimizes encroachment on or other variation to the standards otherwise established in these ordinances.

For purposes of this subsection, a disability has the same meaning as a physical or mental handicap under 5 MRSA Section 4553-A as it may be amended, and the term ‘structures necessary for access to or egress from the dwelling’ is defined to include railing, wall, or roof systems necessary for the safety or effectiveness of the structure.

5.3.4 Variances may be issued by a community for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or a state inventory of historic places, without regard to the procedures set forth in Section 5.3.2. [3-01]

## 5.4 APPEAL PROCEDURE

- 5.4.1 In all cases, an aggrieved person shall commence his or her appeal within 30 days after proper notice of a decision. The appeal shall be filed with the Board on forms approved by the Board, and the aggrieved person shall specifically set forth on the form the grounds for the appeal.
- 5.4.2 Following the filing of an appeal, and before taking action on any appeal, the Board shall hold a public hearing on the appeal within 30 days. The Board shall notify the appellant and the board or person whose action or non-action is being appealed at least 10 days in advance of the time and place of the hearing, and shall publish notice of the hearing at least 10 days in advance in a newspaper of general circulation in the area. [3-97, 3-99]
- 5.4.3 The Board may provide, by regulation, which shall be recorded by the Secretary, for any matter relating to the conduct of any hearing, providing that the chair may waive any regulation upon good cause shown.
- 5.4.4 The Board may receive any oral or documentary evidence but shall provide as a matter of policy for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. Every party has the right to present the party's case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct any cross-examination through the chair that is required for a full and true disclosure of the facts.
- 5.4.5 The Board may reconsider any decision reached under this section within 45 days of its prior decision. A request to the Board to reconsider a decision must be filed within 10 days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 45 days of the vote on the original decision. The Board may conduct additional hearings and receive additional evidence and testimony. Notwithstanding subsection 5.4.6, appeal of a reconsidered decision must be made within 15 days after the decision on reconsideration.
- 5.4.6 Any party may take an appeal, within 45 days of the date of the vote on the original decision, to Superior Court from any order, relief or denial in accordance with the Maine Rules of Civil Procedure Rule 80-B.

## 5.5 VARIANCE PROCEDURE



- 5.5.1. In requests for variances, the Board of Appeals shall notify by first class mail the appellant and owners of all property within 500 feet of the property involved at least 10 days in advance of the hearing, of the nature of the request and of the time and place of the public hearing. For the purpose of this section, abutting properties shall include properties directly across a street or water body from the property for which the appeal is made. [3-97, 3-99]
- 5.5.2 The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board.
- 5.5.3 At any hearing, a party may be represented by an agent or attorney. Hearings shall not be continued to other times except for good cause. A letter authorizing an agent or attorney to speak or act for the party must be submitted prior to the hearing. [3-99]
- 5.5.4 Within 20 days of the public hearing, the Board shall reach a decision on a request for a variance and shall inform, in writing, the appellant, and the appropriate Officer, Agency, Board or other body of the municipality of its decision and its reasons therefore.
- 5.5.5 A variance granted under the provision of this Ordinance by vote of the Board of Appeals shall expire if the work or change involved is not commenced within one year of the date on which the appeal is granted, and if the work or change is not substantially completed within two years.

## 5.6 SEVERABILITY

The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision hereof.

## 6. FIRE DEPARTMENT

- 6.1 The Town shall maintain a Fire Department in Wiscasset, consisting of a Chief, a First Assistant Chief, a Second Assistant Chief, and as many members as these officers deem necessary. These officers shall have general control of the firehouse. [3-46]
- 6.2 The Selectboard shall determine the salary of the Chief, the First Assistant Chief and the Second Assistant Chief, and the compensation of the members of the department shall be fixed in the Annual Town Meeting, unless the voters otherwise direct. [3-46]

- 6.3 The Town Manager, following the Annual Town Meeting, shall appoint a Chief who shall hold office during the Town Manager's pleasure, not exceeding one year, from July 1st following the date of appointment. [3-46, 6-10]
- 6.4 The Chief of the Fire Department shall have full and complete charge of the personnel and equipment of the department; the Chief shall further have all the authority of Fire Wards and Fire Inspectors under 25 MRSA Sections 2391-2395. The Chief shall appoint both the First Assistant Chief and the Second Assistant Chief who shall serve during the Chief's pleasure. If the Office of Chief shall become vacant for any cause, the First Assistant Chief shall become acting chief until the Town Manager appoints a new Chief. The Chief shall give the Town Manager each year a report of the work of the Department with a complete inventory of the equipment together with his or her recommendations. [3-46]
- 6.5 The Chief shall examine or cause to be examined all buildings reported dangerous or damaged by fire or accident and make or cause to be made a record of such examinations stating the nature and amount of such damage, the name of the street and the number or location of the building, with the names of the owner and occupant, and the purpose for which it is occupied, and in case of fire, the - probable cause thereof, shall examine or cause to be examined all buildings for which applications have been made for permits to raise, enlarge, alter, build upon or tear down and make or cause to be made a record of such examinations and report to the Town Manager. The records required by this section shall always be open to the Town Manager, the Selectboard, the officers of the Fire Department or any officer of the town, and to any other parties, the value of whose property may be affected by the matters to which such records relate. [3-46, 3-02]
- 6.6 It shall be the duty of the Chief to examine or cause to be examined premises where fire is at any time used and where danger is apprehended therefrom, and all places where ashes may be collected or deposited, and to direct in an order served upon the owner and the occupant that the premises be vacated, or that such alterations, repairs or removal be made, in such cases as may be required if in the Chief's opinion he or she considers it dangerous to the security of the village, to other property, or to the public, from fire. And in case of the neglect or refusal of the owner or occupant of such premises to vacate the premises, or to make or commence to make such alterations, repairs or removals within the time set forth in the order, the Chief may institute a court action for appropriate relief pursuant to 25 MRSA 2393. [3-46, 3-02]

7. AIRPORT COMMITTEE [3-98]

7.1 MEMBERSHIP

7.1.1 The Wiscasset Airport Committee (hereafter referred to as the Committee) shall consist of five members. ~~with not more than one (1) non-resident member. Non-resident members shall not have voting privileges.~~ [6-16, 11-24]

7.1.2 Appointments to the Committee shall be made by the Selectboard.

7.1.3 The term of each member shall be three years, except the initial appointments, which shall be two for one year, two for two years and one for three years.

7.1.4 Members shall serve at the pleasure of the Selectboard.

7.2 ORGANIZATION

7.2.1 The Committee shall annually elect a Chairperson and a Secretary from its membership.

7.2.2 The Chairperson shall moderate the meetings and shall represent the membership as necessary unless another representative has been designated.

7.2.3 The Secretary shall keep the minutes, prepare correspondence as necessary, and maintain the Committee records in such place in the Town Office as the Selectboard or its staff shall designate.

7.2.4 A quorum shall consist of three members.

7.3 DUTIES

7.3.1 The Committee shall meet at least once a month to review general operations and conditions at the airport.

7.3.2 The Committee shall annually present a recommended operational budget for the airport to the Selectboard, the Town Manager and the Budget Committee.

7.3.3 The Committee shall from time to time make recommendations to the Selectboard regarding airport operations and conditions.

7.3.4 The Committee shall assume any other duties as directed by the Selectboard.

## 8. ORDINANCE REVIEW COMMITTEE (6-2005)

### 8.1 PURPOSE

The Ordinance Review Committee (hereinafter referred to as the Committee) shall, at the request of the Selectboard, provide the Selectboard, Town Manager, Planning Board and Town Planner with advice and recommendations on existing ordinance revisions, ordinance amendments, ordinance adoptions, and rezoning applications. Issues that may be considered include land use, community planning, growth-related matters, general ordinance development, and other issues which may ultimately affect the quality of life for present and future residents of the area.

The objectives of the Committee are: 1) to provide an opportunity for public involvement in the community planning process, 2) to create an open process whereby the public is encouraged to participate, and 3) to provide peer review on general ordinance alterations and proposed land use change-related matters.

### 8.2 MEMBERSHIP

8.2.1 The Committee shall be comprised of six members ~~who shall be Wiscasset residents.~~ The Committee shall be composed of 3 Planning Board Members, 2 at-large members, and 1 Comprehensive Plan Committee member or 1 additional at-large member. [11-24]

8.2.2 Appointments to the Committee shall be made by the Selectboard. Membership shall be three-year staggered terms.

### 8.3 DUTIES & OPERATIONS

8.3.1 Meetings of the Committee shall be held as needed to address issues that arise or as referred by the Selectboard, Town Manager, Planning Board or Town Planner. An annual meeting shall be held in September of each year. All requests for proposed ordinance amendments, ordinance adoptions and rezoning applications shall be submitted to the Town Manager who shall present the request to the Town Planner & Selectboard.

8.3.2 The Committee shall elect a Chairperson from its membership at its annual meeting in September.

8.3.3 The Chairperson shall preside, when present, at any Committee meeting and generally shall fulfill all of the duties usually performed by the Chairperson. In the absence of the Chairperson another member may be designated.

8.3.4 A quorum shall consist of four members