

**ADMINISTRATIVE ORDINANCE  
of the  
TOWN of SIDNEY, MAINE**

**I. Applicability**

- A. The provisions of this Ordinance shall govern administrative procedures under the following land use ordinances and regulations:
1. Zoning Ordinance of the Town of Sidney, Maine
  2. Multi-Family Dwelling Unit Subdivision Ordinance of the Town of Sidney, Maine
  3. Mobile Home Park Ordinance of the Town of Sidney, Maine
  4. Subdivision Regulations of the Town of Sidney, Maine
  5. Shoreland Zoning Ordinance of the Town of Sidney, Maine
  6. Ordinance to Regulate Automobile Graveyards and Junkyards of the Town of Sidney, Maine
  7. Ordinance Governing the Board of Appeals of the Town of Sidney, Maine

**II. Creation of Administrative Bodies and Agents**

A. Code Enforcement Officer.

1. As authorized by Title 30-A M.R.S.A Section 2601-A, Municipal Officers will appoint or reappoint a Code Enforcement Officer (CEO) annually on 1 July. The CEO must be trained and certified in accordance with Title 30-A M.R.S.A. Section 4451. The CEO will also serve as plumbing inspector (Title 30-A M.R.S.A. Section 4221), shoreland zoning officer (Title 38 M.R.S.A. Section 441), and building inspector Title 25 M.R.S.A. Section 2351).

B. Planning Board

1. A Planning Board for the Town of Sidney was created by the town's governing body on March 18, 1968 pursuant to provisions of the State constitution and statutes. Member on this board are appointed by the Selectmen and function under the Ordinance Governing the Planning Board, Town of Sidney.

C. Board of Appeals

1. A Board of appeals of the Town of Sidney has been created pursuant to the provisions of the Ordinance governing the Board of Appeals, Town of Sidney, Title 30-A Section 2691.

D. Fire Inspector

1. Pursuant to Title 25 M.R.S.A. Sec. 2391, the town's fire chief will serve as Fire Inspector. The fire chief may designate another person to serve as Fire Inspector.

E. Local Health Inspector

1. As required by Title 22 M.R.S.A. Sec. 451 Municipal Officers will appoint or reappoint a Local Health Inspector to serve for a term of three years. Within 10 days of this appointment, the municipal officers shall notify the Department of Health and Human Services in writing stating the Local Health Officer's name, age, address and beginning date of the three year term.

F. Animal Control Officer

1. As required by Title 7 M.R.S.A. Sec. 3947, Municipal Officers will appoint one or more Animal Control Officers (ACOs) to enforce provisions of the Animal Welfare Action and other State laws. An individual cannot be appointed as an ACO if that person has been convicted of a Class A or B felony or a criminal violation under Title 17 M.R.S.A. Sec. 1011-1046 ("Cruelty to Animals") or has been adjudicated liable for a civil violation for cruelty to animals under Title 7 M.R.S.A. Sec. 4011-4017. State law requires an ACO to complete training and be certified by the Commissioner of Agriculture, Food and Rural Resources within six months of appointment, by following the procedure outlined in Title 7 M.R.S.A. Sec. 3906-B(4). ACOs must attend advanced training courses in order to maintain certification. Upon appointment of an ACO, the municipal clerk will notify the Commissioner of the name, address, and telephone number of the ACO.

**III. Permits**

A. Permits Required

1. After the effective date of this Ordinance, no person shall engage in the erection of permanent structures, reconstruction (other than routine maintenance and repairs, roofing exterior and interior painting, wall paper and new counter tops), remodeling or enlarging existing structures, or expand an existing non-conforming use, or renew a discontinued non-conforming use without first obtaining a permit.
2. A permit is not required for the pre-placement of an existing road culvert as long as the replacement culvert is:
  - a. Not more than one standard culvert size wider in diameter than the culvert being replaced.
  - b. Not more than 25% longer than the culvert being replaced.
  - c. Not longer than 75 feet and: Provided that adequate erosion control measures are taken to prevent sedimentation of water, and that the crossing does not block fish passage in a watercourse.

B. Permit Application

1. Applications for permits shall be submitted in writing and shall include a scale plan. The Code Enforcement Officer or Planning Board may require the submission of whatever information is necessary to determine conformance with the provisions of the Ordinances and other applicable regulations.
2. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. 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.
3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
4. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.
5. Before issuing a permit the Code Enforcement Officer shall be furnished with a floor plan for all new homes and major repairs, and a good sketch for garages, decks, porches or out buildings that will clearly show all dimensions.

6. Calculation of fees shall be based on the following:

a. New Residential Construction	.10X_____sq. ft.
Renovation	.07X_____sq. ft.
Accessory Structures	.05X_____sq. ft.
New Commercial Construction	.15X_____sq. ft.
Renovation	.12X_____sq. ft.
Plumbing	\$6.00 per fixture
Drive/Entrance	\$50.00
(Not applicable to State Aid or private roads)	

Construction shall not begin until the driveway/entrance has been approved by the Town of Sidney Road Foreman.

7. Permit Application - Commercial Use

- a. No person or organization shall engage in a commercial activity or home occupation prior to Planning Board review of the endeavor. Permit for a commercial activity shall be \$25.00.

- b. Should the ownership of a commercial activity change, the new owner shall obtain a permit as in paragraph 7.a. However, no fee shall be required unless the provisions of paragraph 7.c. are applicable.
  - c. Before a holder of a commercial permit may engage in an activity beyond the scope of the original permit, a new permit shall be obtained as in paragraph 7.a.
8. In the case of all applications for commercial use, home occupations and mobile home parks, the Planning Board shall give written notice of intent, through the mail to abutting landowners at the applicant's expense. (Note: Notice to abutting landowners of subdivision and multi-family dwelling is required under subdivision regulations).
- C. Permits Issued by Code Enforcement Officer
- 1. The Code Enforcement Officer shall approve or deny those applications on which he is empowered to act as shown in the Ordinances of the Town of Sidney.
  - 2. Approval shall be granted only if the proposed use is in conformance with the provisions of the Ordinance.
- D. Decisions Rendered by Planning Board
- 1. The Planning Board shall approve or deny those applications on which it is empowered to act as stated in the Zoning Ordinance of the Town of Sidney.
  - 2. The Planning Board shall, after the submission of a completed application including all information requested, grant a approval if it makes a positive finding, based on the information presented to it that, except as specifically exempted in the Ordinance, the proposed use:
    - a. Will not result in unsafe or unhealthy conditions;
    - b. Will not result in erosion or sedimentation;
    - c. Will not result in water pollution;
    - d. Will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitant;
    - e. Will conserve Shoreland vegetation;
    - f. Will conserve visual points of access to waters as viewed from public facilities
    - g. Will avoid problems associated with flood plain development and use;

- h. Is in conformance with the applicable provisions of Article V Performance Standards of the Zoning Ordinance of the Town of Sidney and Section 19 of the Shoreland Ordinance of the Town of Sidney;
- i. Will not interfere with the flow of traffic or endanger public safety;
- j. Will not interfere with or damage existing topographic and drainage features or create excessive erosion, and;
- k. Will not negatively impact local water supplies and sewage disposal facilities;
- l. Will protect archeological and historic resources.

E. Hearings & Administration of Applications

- 1. If the Planning Board decides that a public hearing on an application should be held, it shall hold the hearing within 60 days of receipt of a completed application. The Board shall cause notice of the date, time, and place of the hearing to be given to applicant and published in newspapers of general circulation in the area at least 7 days prior to the hearing. Cost of publication, with minimum of \$50 paid in advance, to be borne as follows:
  - a. If the Planning Board decides, on its own initiative, that a public hearing shall be held, the cost of publication of the notice shall be borne by the person or entity applying for project approval.
  - b. If a public hearing is held at the request of an abutter of the project under review, or any other member of the public, the cost of the publication of the notice shall be borne by the person(s) requesting the hearing.
  - c. If a public hearing is held at the request of the applicant of the project under review, that applicant shall bear the cost of publication of the notice.
- 2. The Planning Board shall, within 60 days of a public hearing, or within 90 days of receiving a completed application, if no hearing is held, or within such other time limit as may be mutually agreed upon, issue an order denying or granting approval of the application, or granting approval upon such terms and conditions it may deem advisable to satisfy the criteria listed in the Ordinance.
- 3. In all instances the burden of proof shall be upon the person or persons proposing the application. In issuing its decision, the Planning Board shall make findings of fact establishing that the proposed development does or does not meet the criteria set forth in the Ordinance.

F. Conditions

1. Permits and/or approvals granted under this Section may be made subject to reasonable conditions directly supported by the standards of review in the Ordinances governing the proposed use. Conditions stated on the permit shall be accompanied by the pertinent Ordinance(s).
2. A violation of these conditions shall be a violation of the Ordinance.

**IV. Appeals and Variances**

- A. See Ordinance Governing the Board of Appeals, Town of Sidney, Maine.

**V. Enforcement**

A. Nuisances

1. Any violation of an Ordinance or condition of a permit or approval issued hereunder shall constitute a civil violation and shall also be deemed a nuisance.

B. Code Enforcement Officer

1. It shall be the duty of the Code Enforcement Officer to enforce the provisions of the Ordinances. If the Code enforcement Officer shall find that any provision of an 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, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.
2. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
3. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record as it pertains to Shoreland Zoning shall be submitted to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.

C. Legal Actions

1. The Municipal Officers are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines that may be appropriate or necessary to enforce the provisions of the ordinance in the name of the municipality. The Municipal Officer, or

their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this ordinance and recovering fines without Court action, Excluding those involving matters of property setback requirements, And lot dimensional requirements.

**VI. Fines**

- A. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452.

**VII. Changes and Amendments in Ordinances**

- A. Ordinances of the Town of Sidney may be amended by a majority vote of the governing body. Proposed amendments shall be included as articles in the warrant for a regular or special town meeting or referendum ballot.
- B. Amendments may be initiated by the Planning Board, the Board of Selectmen or by petition directed to the Planning Board signed by a number of voters not less than 10% of the votes cast in the last gubernatorial election, but in no case less than 10 voters.
- C. The Planning Board shall hold a public hearing on the proposed amendment at least 30 days prior to the meeting of the governing body, and notice of the hearing shall be posted at least 10 days in advance in a newspaper of general circulation in the area.
- D. The Planning Board shall notify the appropriate state agency of any amendments to an Ordinance within 60 days after the Ordinance becomes effective.
- E. Amendments to Shoreland Zoning Ordinance-In addition to A, B, C, and D above, copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner of the Dept. of Environmental Protection. If the Commissioner of the Dept. of Environmental Protection fails to act on any amendment within 45 days of receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the 45 day period shall be governed by the terms of the amendment if such amendments approved by the Commissioner. If amendments effecting Shoreland zoning are made in the district boundaries or other matter portrayed on the Zoning Map, such changes shall be made on the Zoning Map within 30 days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

**VIII. Availability**

- A. A certified copy of all Ordinances shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of an Ordinance shall be posted.

**IX. Severability**

- A. Should any section or provision of an Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

**X. Conflicts with Other Ordinances**

- A. Whenever a provision of an Ordinance conflicts with or is inconsistent with another provision of an Ordinance or of any other ordinance, regulations or statute administered by the municipality, the more restrictive provision shall control.

**XI. Effective Date**

- A. The effective date of this Ordinance is March 18, 1994; amended March 20, 2010, March 19, 2011.