

ARTICLE 1. GENERAL

A. TITLE

This Ordinance shall be known and may be cited as the Land Use Ordinance of the Town of Richmond, Maine, and will be referred to herein as the "Ordinance."

B. PURPOSES

The purposes of this Ordinance are: to implement the Comprehensive Plan; to assure the comfort, convenience, safety, health and welfare of the inhabitants of Richmond; to conserve the Town's natural resources and protect the environment; to promote the development of an economically sound and stable community; to direct growth of the community to those areas most suitable for development and away from areas with significant natural resource, social or cultural constraints; to promote traffic safety; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to further the maintenance of safe and healthful conditions and the general welfare; prevent and control water pollution; protect spawning grounds, fish, aquatic life, bird and other wildlife habitat; control building sites, placement of structures and land uses, and conserve shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty.

C. BASIC REQUIREMENTS

In addition to the regulations set forth in this Ordinance, the use of land within the Town of Richmond may be subject to regulation by the State of Maine and Federal Government. The State has adopted regulations which regulate certain land uses and certain types of development activities. The responsibility for compliance with the applicable State requirements or obtaining the necessary State approvals or permits rests entirely with the property owner. Likewise, the responsibility for complying with any Federal requirements rests entirely with the property owner.

The following are the principal State laws, which may affect the use or development of property in Richmond:

1. Farmland Adjacency Act (7 M.R.S.A. § 51 et. seq.) -Limits the use of land near registered farmland.
2. Minimum Lot Size Law (12 M.R.S.A. §4807 et. seq.) - Establishes minimum lot sizes for residential and nonresidential uses for buildings utilizing subsurface waste disposal systems.
3. Regulation and Inspection of Plumbing (The State "Plumbing Code" 30-A M.R.S.A. 4201 et. seq. and all other applicable laws and regulations) - Regulates installation of internal plumbing and the installation of on-lot, subsurface sewage disposal systems.

4. Conversion of Seasonal Dwellings in Shoreland Areas (30-A M.R.S.A. § 4201 et seq.) - Requires a permit before a seasonal dwelling located in a shoreland area can be converted to year-round use.
5. Small Borrow Pits (30-A M.R.S.A. § 3105) - Establishes standards for gravel pits of less than 5 acres in area.
6. Natural Resources Protection Act (38 M.R.S.A. § 480-A et. seq.) – Requires State permits for alteration or construction in or near sand dunes, coastal wetlands, fragile mountain areas, freshwater wetlands, great ponds, rivers, streams or brooks and significant wildlife habitat.
7. Site Location of Development Act (38 M.R.S.A. § 481 et. seq.) – Establishes standards and requires State approval for large-scale development activities including borrow pits and mining activities.
8. Automobile Junkyards (30-A M.R.S.A. § 3751 et. seq.) – Requires local permits for the operation of auto graveyards and junkyards.
9. Access Management Law (23 M.R.S.A. § 704 et seq.) - requires state permit on any new entrance or significant change of use of and entrance on any state road or state aid road.
10. Shoreland Zoning Act (38 M.R.S.A. §435 et seq.) Requiring zoning within 250 feet of most water bodies and wetlands.
11. Subdivision Act (30-A M.R.S.A. §4401 et seq.) Requiring the municipal reviewing authority to review all requests for subdivision approval.

In addition, the Department of Environmental Protection or the U.S. Army Corps of Engineers administers a permit system for any project involving activities in federally defined wetlands.

D. ADMINISTRATION AND ENFORCEMENT

1. Enforcement

(A) Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance.

(B) Code Enforcement Officer

- (1) 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 or she 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 or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and 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.
- (C) Legal Actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby 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 this Ordinance in the name of the municipality. The municipal officers, 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. Such agreements 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 no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.
- (D) Fines. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

2. Permit Required

- a. **No building or other structure shall be erected, moved, placed, added to, or structurally altered in the Town of Richmond without a permit therefore, issued by the Code Enforcement Officer. No permit shall be issued except in conformity with the provisions of this Ordinance, except after written order from the Board of Appeals.**
- b. Expiration of Permit: **Following the issuance of a permit, if no substantial start is made in construction, or in use of the property for which such permit has been issued, within one year of the date of the permit, the permit shall lapse and become void. Thereafter, any application shall be considered and handled as a new application.**
- c. **Discontinuance of Use:** A use which is discontinued for a period of five years may not be resumed without an appropriate new permit from the appropriate permitting authority shown in Section 5.G.

E. VALIDITY AND SEVERABILITY

Should any provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other provision of this Ordinance.

F. CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not repeal, modify, or remove the necessity of compliance with, any other municipal regulation, ordinance, by-law, permit or provision of law. Where any ordinance imposes a greater restriction upon the use of land, buildings or structures, the more restrictive requirement shall apply.

G. REPEAL OF CURRENT ORDINANCES

This Ordinance supersedes and replaces the Comprehensive Land Use Ordinance of the Town of Richmond, Maine adopted on 20 June 1974, as subsequently amended.

H. AMENDMENTS

1. Initiation of amendment

An amendment to this Ordinance may be initiated by:

- a. The Planning Board provided a majority of the board has so voted;
- b. Request of the Municipal Officers to the Planning Board; or
- c. Written petition of a number of voters equal to at least 10 percent of the number of votes cast in the Municipality at the last gubernatorial election.

2. Adoption of amendment

An amendment to this Ordinance may be adopted by a majority vote of the voters voting at a town meeting or by a town referendum vote. Amendments involving shoreline areas are not valid unless approved by the Commissioner of the Department of Environmental Protection.

3. Public Hearing

The public shall be given an adequate opportunity to be heard in the preparation of any zoning ordinance amendments. The Planning Board shall hold a public hearing on all proposed amendments prior to the town meeting or town referendum vote.

Before amending an existing zoning ordinance or map the Planning Board must post and publish notice of the required public hearing in accordance with the following provisions.

- a. The notice must be posted in the municipal office at least 13 days before the public hearing.
- b. The notice must be published at least 2 times in a newspaper that complies with 1 M.R.S.A. § 601 and that has a general circulation in the municipality. The date of the first publication must be at least 12 days before the hearing and the date of the second publication must be at least 7 days before the hearing. That notice must be written in plain English, understandable by the average citizen.

4. Amendment Applicable to Geographically Specific Portion of Municipality

In addition to the hearing and notice requirements of section G.3 the following additional notice shall be required when an amendment to an existing zoning ordinance or map, within a geographically specific portion of the municipality, has the effect of either prohibiting all industrial, commercial or retail uses where any of these uses are permitted or permitting any industrial, commercial or retail uses where any of these uses are prohibited.

- a. The notice must contain a copy of a map indicating the portion of the municipality affected by the proposed amendment.
- b. For each parcel within the municipality that is in or abutting the portion of the municipality affected by the proposed amendment, the notice must be mailed by first class mail at least 13 days before the public hearing to the last known address of the person to whom property tax on each parcel is assessed. The municipal officers shall prepare and file with the municipal clerk a written certificate indicating those persons to whom the notice was mailed and at what addresses, when it was mailed, by whom it was mailed and from what location it was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate.

I. EFFECTIVE DATE:

The effective date of this ordinance is the date of its enactment November 9, 2005, and amended as recorded on Title Page.

(END OF ARTICLE I)