

# **TOWN of SUMNER PLANNING BOARD ORDINANCE**

## **1. ESTABLISHMENT:**

1. Pursuant to Article VIII, Pt. 2, Sec. 1 of the Maine State Constitution, and 30-A M.R.S.A., Section 3001, the Town of Sumner hereby establishes a Planning Board. The Board which has been acting as a Planning Board for the Town of Sumner is hereby reestablished as the legal Planning Board for the purposes of this Ordinance. The actions which the Board took prior to the adoption of this Ordinance are hereby declared to be the acts of the legally constituted Planning Board of the Town of Sumner.

## **2. PURPOSE:**

1. The purpose of the Planning Board of Sumner is to assure an orderly growth of the Town without limiting the rights of individual property owners, using the guidelines from the Comprehensive Plan.

## **3. COMPOSITION/TERMS OF OFFICE:**

1. The Board shall consist of five regular members and two associate members.
2. Any year-round legal resident of the Town of Sumner, who is registered to vote in said Town, shall be eligible for appointment to the Board, except as specifically enumerated elsewhere in this ordinance.
3. No Selectperson, Municipal Officer, or salaried employee of the Town of Sumner shall be eligible for appointment as either a regular or associate member of the Board.
4. No spouse, domestic partner, or legal dependant of the Selectpersons or of members of the Board of Appeals shall be eligible for appointment to the Board.
5. Terms of Office for each regular member of the Board shall be three years, "with eligibility for re-appointment. Terms of Office for each associate member of the Board shall be one year, with eligibility for reappointment.
6. Terms of Office shall begin and end with the last day of August.

## **4. APPOINTMENTS:**

1. Board members shall be appointed by the Selectpersons and sworn by the Town Clerk or other person authorized to administer oaths.
2. The Selectpersons shall make regularly scheduled appointments to the Board at their regular meeting scheduled most immediately prior to the last day of August.
3. Any person interested in being considered for regularly scheduled appointment to the Board, including incumbent, must make his/her interest known to the Selectpersons in writing at least 30 days, and no more that 60 days, prior to the time of appointment.
4. When there is a permanent vacancy on the Board, the Selectpersons shall, within 30 days of notification by the Board Chair of this occurrence, appoint a person to serve for the unexpired term.

5. The Selectpersons may, by unanimous vote, remove any member from the Board, for cause, after public notice and hearing.

**5. VACANCIES:**

1. A vacancy shall occur upon the death, resignation, or removal, of any member, or whenever a member ceases to be a legal voting resident of the Town of **Sumner**.
2. Whenever a vacancy occurs, the Board Chair shall immediately advise the Selectpersons in writing.
3. A vacancy shall also occur whenever a regular member is absent from three consecutive regularly scheduled meetings of the Board, unless the Board shall have been given due and just notice for the absence. If the Board has chosen to accept the cause of absence, the Chair shall advise both the absent member and the Selectpersons, in writing, of a probationary period of two regularly scheduled meetings at which to make an appearance.
4. A vacancy shall be declared, regardless of cause, whenever a regular member is absent from five consecutive regularly scheduled meetings.

**6. ORGANIZATION/ RULES:**

1. The Board shall elect a Chair and Vice Chair from among its members. The Board may either elect a Secretary from among its members or hire a non-board member to serve as secretary. The term of all offices shall be one (1) year with eligibility for re-election.
2. Whenever a regular member is unable to act due to interest, physical incapacity, absence, or any other reason satisfactory to the Board Chair, the Chair shall designate an associate member to sit in his/her place.
3. Associate Members may attend all meetings of the Board, and participate in its proceedings, but may vote only when designated by the Chair to sit for a member.
4. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the regular members present and voting, excepting the member who is being challenged. An associate member may not sit for a regular member until after the vote on interest has been taken. A motion suggesting a question of interest may be introduced by any regular or associate member. A question of interest shall not require a second in order to be debated.
5. The Chair shall call at least one meeting of the Board per month.
6. No meeting of the Board shall be held without a quorum consisting of three members authorized to vote.
7. The Board shall adopt 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.

**7. DUTIES/POWERS:**

1. The Board shall perform such duties and exercise such powers as are provided by **Sumner** ordinances and the laws of the State of Maine.
2. The Board shall prepare a Comprehensive Plan as designated by **30-A MRSA**, Sections 4301 and 4326. The Comprehensive Plan shall be revised and updated at no less than five year intervals, except as required by State law,
3. The Board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.
4. The Board shall meet formally with the Selectpersons at least four times each calendar year to review activities and projects.

**8. REPEAL OF CONFLICTING ORDINANCES:**

1. All provisions of prior ordinances of the Town of Sumner that are inconsistent with this ordinance are hereby repealed.

**9. VALIDITY:**

1. It is the intention of the Town of Sumner that each separate section of this ordinance shall be deemed independent of all other sections herein, and it is further the intention of the Town of Sumner that if any provision of this ordinance be declared invalid, all of the remaining sections thereof shall remain valid and effective.

**10. EFFECTIVE DATE:**

1. This ordinance shall become effective immediately upon being so enacted by the legislative body of the Town of Sumner at Town Meeting.

**11. AMENDMENT PROCESS:**

1. A majority vote of those present and voting at any town meeting shall be sufficient to amend this Ordinance.
2. The Town Clerk of the Town of Sumner is hereby authorized to renumber the sections of this Ordinance consecutively to properly incorporate the amended language.

Adopted by Town Meeting vote on August 12,2002

**ATTESTATION OF TOWN OF SUMNER PLANNING BOARD ORDINANCE**

Attest: A true copy of an ordinance entitled "Town of Sumner Planning Board Ordinance" as certified to me by the municipal officers of Sumner on the 3<sup>rd</sup> day of August, 2002.

Susan C. Runes, Clerk      Date

**CERTIFICATION OF TOWN OF SUMNER PLANNING BOARD ORDINANCE**

We, the Selectpersons of the Town of Sumner, do hereby certify that the attached ordinance "Town of Sumner Planning Board Ordinance" is a true copy of the proposed ordinance to be posted with the Annual Town Meeting Warrant and submitted to the voters of the Town of Sumner for their approval.

This proposed ordinance was submitted by the Sumner Planning Board after a public hearing on July 30, 2002, 7:00 PM, at the Sumner Town Office.