

# *Town of Rockport Zoning Board of Appeals Ordinance*



*A True Copy - Attested by:*

*Adopted June 12, 2001*

*Linda M Greenlaw*

*Amended June 11, 2002*

*Linda M. Greenlaw, Town Clerk*

*Amended June 11, 2006*

*Amended November 7, 2006*

*Amended June 14, 2022*

*Approved by the Voters June 14<sup>th</sup>, 2022*

## I. Establishment

Pursuant to Article VIII of the Maine Constitution and 30-A M.R.S.A. Sections 2691 and 3001, Town of Rockport hereby establishes a Zoning Board of Appeals.

## II. Appointment

- A. Rockport Zoning Board of Appeals members shall be appointed by the Select Board and sworn into office by the Town Clerk or other person authorized to administer oaths.
- B. The Zoning Board of Appeals shall consist of seven (7) regular members.
- C. The term of each member shall be three (3) years, except the initial appointments which shall be for the following terms: three board members for one year; two board members for two years and two board members for three years.
- D. The maximum length of continuous service on the Rockport Zoning Board of Appeals shall be nine (9) years.
- E. When there is a permanent vacancy on the Rockport Zoning Board of Appeals, the Select Board shall, within 60 days of a vacancy occurring, 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 ceases to be a legal resident of the Town of Rockport, or when a member fails, without good cause, to attend four (4) consecutive regular meetings, or at least 75% of all meetings during the preceding twelve month period. When a vacancy occurs, the Chairperson of the Zoning Board of Appeals shall immediately advise the Select Board in writing. The Select Board may remove members of the Zoning Board of Appeals, by unanimous vote, for cause, after due process including notice and hearing.
- F. A member of the Select Board or spouse of a member of the Select Board may not be a member of the Zoning Board of Appeals.

## III. Organization and Rules

- A. The Zoning Board of Appeals shall elect a Chairperson and Vice-Chairperson annually from among its members. Officers shall be elected at the first regularly scheduled meeting after July 1<sup>st</sup>.
- B. 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.
- C. The Chairperson shall call at least one (1) regular meeting of the Board each year and such other meetings as may be necessary to conduct the business of the Zoning Board of Appeals.
- D. No meeting of the Zoning Board of Appeals shall start without a quorum consisting of four members. The Board shall act by a majority vote of those members present and authorized to vote.
- E. The Zoning Board of Appeals shall adopt by-laws for the transaction of business and the Planning and Codes Office shall keep a record of its resolutions, correspondence, findings and determinations. All records are public and may be inspected at reasonable times.

#### IV. Power and Duties of the Rockport Zoning Board of Appeals

- A. The Zoning Board of Appeals shall perform such duties and exercise such powers as are provided by Rockport Ordinances and the laws of the State of Maine.
- B. The Zoning Board of Appeals Shall adopt by-laws governing board functions.

#### V. Repeal of Prior Zoning Board of Appeals Ordinance

Any Zoning Board of Appeals Ordinance creating an “old” Zoning Board of Appeals prior to the establishment of this Zoning Board of Appeals Ordinance is hereby repealed. It is the intent of this Ordinance to establish a “new” lawfully authorized Zoning Board of Appeals under the provisions of 30-A M.R.S.A. 3001