

An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells to Address Subdivision Defaults and Violations

NOTE: Proposed additions to existing Code sections are underlined.
Proposed deletions of existing Code sections are ~~crossed-out~~.
Other sections of the Ordinance are unchanged.

The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells to Address Subdivision Defaults and Violations” to read as follows:

Part 1: § 202-11, entitled “Inspections; violations and penalties” is hereby added as follows:

§ 202-11. Inspections; violations and penalties

B. Violations and enforcement.

(8) No Change, revision, addition or departure from an approved subdivision plan may occur unless and until an amendment has been approved by the Planning Board, except as otherwise provided in the Town Code.

Part 2: § 202-17, entitled “Defaults and Violations” is hereby added as follows:

§ 202-17. Defaults and Violations

A. When violations or defaults of any provision of this chapter or conditions established on an approved subdivision plan or Findings of Fact is found, the Planning Office shall send a written notice of the violation and order to correct to the lot owner, subdivider or other responsible party or parties and shall also notify the Code Enforcement Office and Planning Board of the violation. A fee determined in the Fee Schedule duly established by the Board of Selectmen may be assessed to the responsible party.

B. The responsible party shall have 14 calendar days to respond to the notice and pay the fee.

C. The violation notice may be appealed to the Planning Board within 30 days of the notice. The appeal shall be in writing and shall specifically enumerate the grounds of appeal. If the appeal is not submitted at least 10 days prior to a regularly scheduled meeting, then it shall be heard at the next regularly scheduled meeting thereafter. The Planning Board shall conduct a de novo review of the Planning Office’s determination that there has been a violation or default. Any appeal of the Planning Board’s decision under this section shall be to the York County Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure.

D. If the notice does not result in the correction of the violation or response, the Board of Selectmen may institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of civil penalties, that may be appropriate or necessary to enforce the provisions of this chapter in the name of the municipality. The Board of Selectmen, or its authorized agent, is authorized to enter into administrative consent orders to eliminate violations and to collect civil penalties without court action.

E. All violations of this Chapter shall be subject to the fines and remedies outlined in 30-A M.R.S. § 4452. Each day that a violation occurs shall constitute a separate offense, beginning the day following the date on which the written notification is provided pursuant to subsection A.

Part 3: Effective Date.

This Ordinance shall take effect upon adoption by the Town Meeting.

Given under our hands this ____ day of _____, 2024.

THE SELECT BOARD OF THE TOWN OF WELLS:

John MacLeod III

Scott DeFelice

Kathleen Chase

Timothy Roche

James N. Smith