

Town Of Andover
Land Use Ordinance

Article I. Purpose

The purpose of this Ordinance is to promote safety, health, and public welfare through establishing, minimum standards of the construction, relocation, placement, replacement, and demolition of structures.

Article II. Authority

The Code Enforcement Officer (CEO), as conditioned in Article VI of this Ordinance, shall enforce this Ordinance. State law allows towns to have home rule authority as per Article VI and of the Maine Constitution and Home Rule Statute, Title 30-A M.R.S.A, Section 3001.

Article III. Administration

- (a) Application for Permits: The application for a building or demolition permit shall be in writing and shall be submitted to the Planning Board on forms provided by the Town of Andover and shall contain a description of the proposed new dwelling, structure, or other construction, or the relocation, replacement, placement, conversion, or demolition of existing dwellings, and structures. The owner or owners authorized agent shall obtain from the Town of Andover an application for a Building Permit covering such proposed work. Demolition permits are only required if a dwelling or structure is to be removed from taxation.
- (b) Term of the Permit: Work approved by permit is to commence within 1- year from the date the permit is issued and where work is under 10% complete or has not commenced prior to the expiration of the 1- year period a new permit must be obtained. Demolitions must be completed within a six-month period from date of issue and include the removal of all debris. Any material or debris from a dwelling, building, or structure to be demolished will not be disposed of at the Andover Transfer Station. Property owner or owners authorized agent shall bear the cost and be responsible for lawful disposal of any material and debris.

Article IV. Applicability

The provisions of this Ordinance shall apply to new construction, additions, replacement, placement, conversions and demolition of dwellings or structures.

Article V. Permit Requirements

- (a) Any person, firm, corporation, or other entity, before erecting, placing or demolition of a dwelling, structure or other construction shall obtain a Building Permit from the Code Enforcement Officer (CEO) or Planning Board.
- (b) Any request shall include the following:
1. An accurate measurement of the lot
 2. All required plumbing permits and subsurface wastewater permits shall be provided with the Building Permit Application.

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3. Documentation of any requirements of the Shoreland Zoning Ordinance for the Town of Andover shall be provided with the Building Permit Application
4. Any dwelling or structure that is used for human habitation shall require a waste disposal plan approved by the Towns Licensed Plumbing Inspector (LPI). The waste disposal plan shall state how the disposal of human excreta, and greywater is to be removed or disposed of in a legal and sanitary manner.
5. A plan or sketch showing Tax Map and Lot number, dimensions showing lot boundaries, all existing and proposed entrances from abutting roads, all existing and proposed buildings, the location of all existing and proposed wells, and septic systems on lot and abutting lots, and setback requirements from roads and abutting lots.
6. Location of any rivers, streams, brooks and wetlands with distance measurements from new proposed construction.
7. All required permits from the Road Commissioner or Département of Transportation.

Article VI. Enforcement

If the CEO finds a violation of this ordinance, they shall notify the person responsible for such violation, as well as the owner of the lot where the violations are occurring by certified mail, or by other practical means. The notice shall indicate the nature of the violation; order the responsible party and/or owner to take the appropriate action to correct it, including discontinuing the illegal use of land and structures or any work being done, and removing any illegal structures; and shall notify the parties of their appellate rights. A copy of such notice shall be maintained as permanent record. If position of the CEO is vacant for any reason the Select Board shall act in lieu of the CEO

- (a) Penalties: Violations of this Ordinance are subject to a minimum penalty of \$100 and a maximum penalty of \$2,500, and each day that the violation continues may be considered as a separate violation. The Select Board may seek to enjoin anyone from making use of or occupying any dwelling or other structure constructed contrary to this Ordinance.

The Select Board is authorized to institute actions, either legal or equitable, including seeking injunctions of violations and the imposition of fines, to enforce this Ordinance. The Select Board, or their authorized agent, are authorized to enter into administrative consent agreements for the purpose of eliminating violations of the Ordinance and recovering fines without court action.

Article VII. Appeals and Variances

Any aggrieved person or party may appeal any permit decision or enforcement action made under this Ordinance to the Board of Appeals. An appeal must be filed within 30 days after the decision by Planning Board or CEO, setting forth specifically the grounds for the appeal.

The Board of Appeals shall also have the power to grant variances from the requirements of this ordinances operating under Maine state Statute, Title 30-A Section 2691.

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Following the filing of an appeal, the Board of Appeals shall hold a hearing within 60 days, unless the parties agree in writing to a different time-frame. The Board shall notify the CEO, the Select Board, and the Planning Board, at least 20 days in advance, of the time and place of the hearing and shall publish public notice of the hearing at least 10 days in advance. The Board of Appeals shall decide within 60 days after the hearing and notify the appellant(s) in writing. Board of Appeal decisions are final other than a Superior Court ruling.

Article VIII. Definitions

- (a) **Dwelling:** is defined as a structure, all or part of which is designed or used for human habitation and has sanitary facilities in compliance with the Maine Uniform Plumbing Code and Wastewater Disposal Rules. Dwellings may include, but are not limited to, conventional 'stickbuilt' homes, modular homes, manufactured homes, log homes, berm homes, travel trailers and membrane homes (i.e., yurts, tents, or teepees).
- (b) **Aggrieved Party:** is defined as an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted.
- (c) **Other Construction:** includes any expansion of a Dwelling that creates habitable surface area, or construction or expansion of any other structure (such as but not limited to barns, storage sheds, garages, decks) not attached to an existing Dwelling.
- (d) **Structure:** anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind.
- (e) **River, Stream, or Brook:** "River, stream or brook" means a channel between defined banks. A channel is created by the action of surface water and has 2 or more of the following characteristics.
 - 1. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map or, if that is not available, a 15-minute series topographic map.
 - 2. It contains or is known to contain flowing water continuously for a period of at least 6 months of the year in most years.
 - 3. The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
 - 4. The channel contains aquatic animals such as fish, aquatic insects, or mollusks in the water or, if no surface water is present, within the stream bed.

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5. The channel contains aquatic vegetation and is essentially devoid of upland vegetation. "River, stream or brook" does not mean a ditch or other drainage way constructed, or construed and maintained, solely for the purpose of draining storm water.

(g) **Wetland:** Is defined as swamps, marshes, bogs, or similar areas that have soils that are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances, do support, a prevalence of plants that grow in or on water.

Article IX. Validity and Severability

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

Land Use Ordinance
Original adoption- June 15th, 2024

An ordinance titled - Land Use Ordinance for the Town of Andover, Maine.

Brian Mills Justin D. Walker
Selectboard Signatures

Date: 7-9-24

Accepted at the Annual Town Meeting on June 15th, 2024

An attested copy:

Melinda Averill Melinda Averill, Clerk