

CHAPTER 38

CITY OF ELLSWORTH BOARD OF APPEALS

The City of Ellsworth hereby ordains that an ordinance entitled "Ellsworth Board of Appeals" be hereby adopted as follows:

I. ESTABLISHMENT. Pursuant to the provisions of Title 30, Section 2411, MRSA, as amended, there is hereby established a Board of Appeals for the City of Ellsworth.

II. ORGANIZATION. The Board shall consist of five (5) members and one associate, all of whom shall be residents of Ellsworth. The members and associate member of the Board shall be appointed by the City Council for terms of five (5) years. The five (5) year terms of the members shall be staggered such that the term of one member will expire each year. The term of the associate member shall be five (5) years. The associate member shall act in place of any member who may be unable to act due to conflict of interest or absence. The members of the Board shall annually elect one of their number, chairman to preside at all meetings of the Board and one of their number to serve as secretary.

In the event that vacancy shall occur with respect to said Board by non-acceptance of appointment, resignation, abandonment, death, disability, incompetency, forfeiture or failure to to qualify after written demand from the City Council, the City Council shall appoint a resident of Ellsworth to fill the unexpired term.

III. JURISDICTION. The Board shall have the power to hear and decide any appeal by any person, affected directly or indirectly, from any decision, order, rule or failure to act of any officer, board, agency or other body where such appeal is necessary, proper or required. The Board shall not assert jurisdiction over any matter unless the City of Ellsworth has by ordinance specified the precise subject matter that may be appealed to the Board and the official or officials whose action or nonaction may be appealed to the Board. The Board shall hear any appeal submitted to it in accordance with Title 28, Section 702, MRSA, as amended, and the "Special Amusement Permit Ordinance of the City of Ellsworth".

IV. APPLICABILITY OF LAW. Except to the extent that they are inconsistent with the provisions of this Ordinance, all the provisions of Title 30, Section 2411, MRSA, as amended, shall apply to and govern the organization, procedures and jurisdiction of the Board of Appeals.

V. EFFECTIVE DATE. This ordinance shall become effective on June 19, 1978.