

BUILDING NOTIFICATION ORDINANCE

August 11th, 2018

1. BUILDING NOTIFICATION PURPOSE:

- A. To assist Sumner resident's in conforming to Federal, State, County and Town laws, rules, regulations and restrictions relative to the construction, relocation, placement, expansion or alteration of any building.
- B. Provide notice to the Town's Tax Assessor of a potential change of a property's value toward ensuring property tax fairness across the Town.

2. AUTHORITY AND ADMINISTRATION:

- A. Authority:
 - 1. This Ordinance is adopted pursuant to Title 30, M.R.S.A., Section 1917 and Title 30, M.R.S.A, Section 2151.
 - 2. This Ordinance shall be known as the "Building Notification Ordinance for the Town of Sumner, Maine", adopted and effective by vote of the Town Meeting on September 13, 1988 and amended at the Town Meeting on August 11, 2018.
- B. Administration:

The Town Clerk or Secretary shall issue Building Notifications, and the Planning Board will administer this Ordinance.

3. BUILDING NOTIFICATION APPLICABILITY:

- A. Building Notification:
 - 1. Prior the construction, relocation, placement, expansion, alteration and/or renovation of any building, the owner or his agent shall submit a Building Notification to Sumner's Planning Board for review and approval.
 - 2. Exception: A Building Notification is not required for ordinary repairs and maintenance or when renovations Fair Market Value is \$3,000 or less, and an expansion of footprint is not involved.
 - 3. Shoreland Zoning Ordinance: If any of the proposed work is near a body of water the Town's Shoreland Zoning requirements must be met.
- B. Life of Permit:
 - 1. A Building Notification shall become void unless construction or foundation thereunder is commenced within 1 Year from the date of approval, unless such time is extended by the Planning Board.
- C. Notification Fees:
 - 1. Each Building Notification will be assessed a \$10.00, non-refundable fee.

4. AMENDMENTS TO ORDINANCE

A. This Ordinance may be amended by majority vote of the Legislative Body.

5. ENFORCEMENT

This Ordinance shall be enforced pursuant to Title 30, M.R.S.A., Section 4966 and all penalties and remedies contained within that statute, as amended, shall apply to any violation of this Ordinance.

A. Any violation of this Ordinance shall be deemed to be a nuisance.

B. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. A copy of such notices shall be maintained as a permanent record.

C. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. (It is not the desire of the Town to become embroiled in legal enforcement action. Every reasonable effort to settle misunderstandings will be made before seeking such action.)

6. CONFLICTING PROVISIONS

Whenever the regulations made under the authority hereof differ from those described by any Federal or State Statute, Ordinance, or other regulations, that provision which imposes the greater restriction or the higher standard shall govern.

7. VALIDITY

If any section, clause, provision, portion or phrase of this Ordinance shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of this Ordinance.

8. PENALTY FOR VIOLATION

Any person or persons, firm or corporation owning or having control of any building or premises in the Town of Sumner and not obtaining a Building Notification will be liable for all back taxes as assessed by the Town. All burden of proof as to the date of noncompliance rests with the violator. In addition, at the discretion of the Board of Selectmen, a fine of up to 10% of the assessed value of the new construction may be levied for each year of violation.