

**An Ordinance to Establish
The Southwest Harbor Planning Board**

**May 8, 1990
Revised: January 2, 2003**

AN ORDINANCE TO ESTABLISH THE SOUTHWEST HARBOR PLANNING BOARD

1. Establishment:

Pursuant to Maine Constitution Article VIII – A, Part 2., Section 1 and Title 30-A, MRSA para. 3001, the Town of Southwest Harbor hereby establishes the Southwest Harbor Planning Board.

2. Appointment

- a. Board members shall be appointed by the Board of Selectmen and sworn by the Town Clerk.
- b. The Board shall consist of 7 members
- c. The members shall be residents of the Town of Southwest Harbor
- d. The terms of members shall be for five (5) years; the initial appointments shall be such that the terms of office of no more than two (2) members shall expire in any single year.
- e. When there is a permanent vacancy, the Board of Selectmen shall within sixty (60) days of its occurrence 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 resident of the Town, or when a member fails to attend four (4) regular meetings without prior notification, or fails to attend at least 75% of all meetings during the preceding twelve (12) month period. When a vacancy occurs, the Chairman of the Board shall immediately so advise the Board of Selectmen in writing. The Board may recommend to the Board of Selectmen that the attendance provision be waived for cause, in which case no vacancy will then exist until the Board of Selectmen disapprove the recommendation. The Board of Selectmen may remove members of the Planning Board by unanimous vote, for cause, after notice and hearing.
- f. A Town Officer may not be a member.
- g. The Board of Selectmen shall provide a recording secretary to record the minutes at all public hearings. The recording secretary shall not be a member of the Board.

3. Organization and Rules

- a. The Board shall elect a Chairman, a Vice-Chairman, and a Secretary from among its members and create and fill such other offices as it may determine. The term of all officers shall be one (1) year with eligibility for re-election.
- 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 Chairman shall call at least one regular meeting of the Board each month.
- d. No meeting of the Board shall be held without a quorum consisting of four (4) members.

- e. The concurring votes of at least four (4) members shall be necessary to constitute a valid action of the Board.
- f. The Board shall adopt rules for transaction of business and the Secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.

4. Duties; Powers

- a. The Board, or a part thereof, may be designated by the Board of Selectmen as part of the local planning committee whose general responsibility is for the development and maintenance of a Comprehensive Plan (as defined by Title 30, para 4960 – C0 and for the initial revision to the existing zoning ordinance to reflect the Plan. The Board shall thereafter periodically review and make recommendations to the Board of Selectmen for revisions to the Comprehensive Plan.
- b. The Board shall prepare and update its own By-laws.
- c. The Board shall review all requests for subdivision approval.
- d. The Board shall review all requests for Site Plan Review.
- e. The Board shall review and act upon all requests covered by Shoreland Zoning.
- f. The Board shall administer and enforce the Floodplain Management Ordinance, and shall review the maps to determine their accuracy.
- g. The Board shall perform such duties and exercise such powers as are provided by Southwest Harbor Ordinances and the Laws of the State of Maine.
- h. The Board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

5. Amendments to this Ordinance

- a. This Ordinance may be amended by a majority vote of the voters present at town meeting.
- b. Proposed amendments may be submitted to the Board of Selectmen by the Planning Board or by legal petition.
- c. At least thirty (30) days before town meeting the Planning Board shall hold a public hearing on the proposed change. At least seven (7) days notice in a newspaper with local circulation must be given before the public hearing.
- d. The Planning Board shall report in writing to the Board of Selectmen its opinion on the desirability of the proposed change, which opinion shall represent the vote of not less than four (4) members of the Board.