

**Town of Whitefield  
Notice to Build Ordinance  
Adopted March 17, 2012**

I. Purpose. This Ordinance establishes procedures to ensure all structures are in compliance with relevant land use requirements enforced by the Town of Whitefield. It also is to ensure that all new or expanded structures are properly identified and assessed in a timely and equitable manner.

II. Applicability. This Ordinance applies to the construction, substantial modification or additions to structures in the Town of Whitefield.

This Ordinance does not apply to repairs, renovations or maintenance of existing structures, provided such work is not a substantial modification or does not increase the footprint or usable area of the structure. It also does not include temporary or mobile items, landscaping, subsurface wastewater disposal (septic) systems, and residential public utility services.

III. Authority. This Ordinance is adopted according to the provisions of Title 30-A, sections 3001 et. Seq. of Maine law.

IV. Definitions. For the purposes of this Ordinance, the following terms shall have the indicated meanings.

1. Addition. A modification to an existing structure that increases the footprint or usable area of that structure, including but not limited to porches, decks, garages, additional or expanded stories, attached sheds, and entryways.

2. Structure. Anything having a footprint of 50 square feet or more built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. This includes the placement of a pre-manufactured, mobile or modular or similar buildings on a parcel of land.

3. Substantial modification. Any repair, reconstruction, replacement or improvement of an existing structure where the value of which exceeds 50% of the assessed value of the structure before the modification is started.

4. Town. The Town of Whitefield, Maine.

V. Notice Required. No person shall construct, substantially modify or create an addition to a structure without first having received from the Town approval of a Notice to Build for such activity. **All work must be done in accordance with an approved Notice to Build and in compliance with applicable laws and ordinances.**

VI. Notices to Build.

1. Notices to Build must be submitted using forms approved by the Select Board in consultation with the Planning Board. For projects involving specific ordinances over which it has jurisdiction, the Planning Board may require additional forms or materials to ensure compliance with those ordinances. Forms should be fully completed and if a particular item does not apply for a specific project, "N/A" should be indicated on the form.
2. Notices to Build must be signed by the owner of the land or by another person having a written letter of authorization signed by the landowner. The notices must certify that the information that they contain is accurate and complete.

VII. Decisions on Notices to Build.

1. The Planning Board shall review and act upon Notices to Build for projects over which it has jurisdiction pursuant to specific ordinances. All other Notices to Build will be reviewed and acted upon by the Town's Code Enforcement Officer.
2. Incomplete or unclear Notices to Build shall be returned for additional information or clarification. The Code Enforcement Officer shall act upon complete Notices to Build within 14 days of a complete notice being filed with the Town. The Planning Board shall review Notices to Build at its next regularly scheduled meeting and will act upon them in accordance with the requirements of the ordinance(s) involved. An applicant may agree to extension of these processing times.
3. The Code Enforcement Officer or the Planning Board shall approve Notices to Build only when they conclude the proposed project will comply with applicable laws and ordinances administered by the Town.
4. The person having filed a Notice to Build will be notified in writing as soon as a decision has been made. In the event a notice is denied, the reason(s) necessitating the denial will be provided.

VIII. Standard Conditions. The following standard conditions apply to all Notices to Build approved by the Town.

1. The project must be constructed as described in the Notice to Build as approved by the Town. Persons proposing to make any changes must contact the Code Enforcement Officer and receive written concurrence or, if he or she determines, file an amended Notice to Build.
2. The project must be at least 15% complete within one year of the Notice to Build having been approved. If the work does not reach such a point within this time a new Notice to Build must be filed with the Town.

3. Approval of a Notice to Build does not replace or supersede any State law or rule or any Town ordinance and persons must complete their projects in compliance with those requirements.
- IX. Compliance. The Code Enforcement Officer shall investigate alleged violations of this Ordinance and provide his or her findings to the Select Board. When a violation is found, the Code Enforcement Officer shall send a Notice of Violation to the landowner and any other parties determined to have contributed to the violation. If the Notice of Violation does not result in timely and satisfactory compliance, the Select Board may institute appropriate legal actions or may enter into settlements to resolve the violation. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who is responsible for a violation of this Ordinance shall be subject to fines and liable for court costs and reasonable attorney fees incurred by the Town, as provided by 30-A MRSA, Section 4452.
  - X. Appeals. Any person aggrieved by a decision of the Code Enforcement Officer or the Planning Board with regard to a Notice to Build may, within 30 days of the written decision, file a written appeal with the Board of Appeals. The appeal shall include a concise statement of the relief requested and why it should be granted. The Appeals Board shall, on an appellate basis, within 35 days hold a hearing to determine if an error was made in a decision or determination or by inaction. Any action to enforce this ordinance cannot be appealed and no waivers or variances may be considered. Upon finding an action by the Planning Board or Code Enforcement Officer was clearly contrary to this Ordinance, the Appeals Board may order to grant or modify a Notice to Build accordingly. The Appeals Board shall render a decision within 35 days of its hearing. Persons aggrieved by a decision of the Appeals Board may, within 45 days of the date of the decision, appeal to the Superior Court.
  - XI. Severability. If any part of this Ordinance is found to be invalid by the Courts, such decision does not invalidate any other part of this Ordinance.
  - XII. Supersession. This Ordinance repeals and replaces warrant article number 27, adopted at the March 17, 1984 regular Town Meeting.
  - XIII. Effective Date. This Ordinance was enacted by the voters of Whitefield on March 17, 2012.