

LETTER OF INTENT ORDINANCE
TOWN OF OAKLAND

Section 1. Purpose

The purpose of this ordinance is to ensure compliance with set back, plumbing, health and other ordinances, regulations and State Law to protect the public health, safety and general welfare. This Ordinance is in conformity with M.R.S.A Title 30, Section 1917.

Section 2. Letter of Intent

A Letter of Intent will be required to be filed, on forms provided, with the Code Enforcement Officer, for the construction, erection, improvement, additions to, demolition of, or moving of a building or structure at least seven (7) days prior to initiation of the work. This section refers to all structures, additions, and improvements of a minimum cost, including labor (whether hired or own supplied), or \$1,500.00, to be expended in a twelve (12) month period. It is intended that costs less than \$1,500.00 which are undertaken in a twelve (12) month period shall not require filing; however, when one or more projects of a cost exceeding \$1,500.00 are undertaken in a twelve (12) month period, the filing of a Letter of Intent is required. Filing is not required for work that is considered normal maintenance, i.e., painting, reshingling roof, replacement of floor covering with similar materials, or other items of repair which do not significantly alter the character or expand or rearrange the existing perimeter or living space of a structure. A Letter of Intent filing fee shall not be required for identical work for which a Land Use Permit or, a non commercial/industrial Shoreland Zoning Permit has been obtained.

In filing the Letter of Intent the individual or corporation is certifying compliance with all relevant Municipal, State, and Federal Ordinances and/or Regulations. In addition, the following conditions will be adhered to by the individual or corporation:

- A. All structures designed for human occupancy or use and/or the principal structure of the property (excluding accessory structures) shall be required to have running water and adequate sewer facilities.
 - 1. The principal structure is the structure in which the primary use of the lot is conducted. In the case or two (2) or more principal structures/primary uses, the strict interpretation of the ordinance shall apply.
 - 2. An accessory structure is a structure of a nature customarily incidental or subordinate to that of the principal structure or the primary use to which the premises are devoted.
- B. All proposed multiple dwellings of three (3) or more units will require prior approval of the Planning Board, and must comply as if the dwellings were located in a subdivision.

C. All applications for Installation of Electric Service or Entrance/Installation of Services of other Public Utilities, (Central Maine Power Company for #1190, subsequent revisions thereof, or other utility service application form) shall be accompanied by a valid plumbing permit (and other permits as required, e.g. Letter of Intent, Land Use Permit, Planning Board Permit, etc.) Or statement certifying that the structure for which the application is made does not require plumbing under the Letter of Intent Ordinance of the Town of Oakland, Section 2.A., et seq., or other State Law, Rules and Regulations.

D. All buildings, accessory structures or additions shall be located at least fifteen (15) feet from property lines and Public Rights of Way. Existing buildings and structures which do not conform to the fifteen (15) foot set back as of the effective date of this ordinance are non conforming, and may be maintained and improved, but may not be expanded without first obtaining an approval from the Board of Appeals.

Structures may be located closer than 15 feet to the property line if a deeded easement is obtained from the abutting landowner. It should be noted that the landowner granting the easement may not locate a structure within 15 feet of the granted easement line. (As amended 07/08/92)

E. Vacant, undersized lots existing as of the effective date of this ordinance, which will not allow construction of a building to meet the set back requirements, shall be required to obtain an approval from the Board of Appeals prior to construction.

F. In reviewing an application to expand a non conforming building, or an application for an existing, vacant undersized lot, under Section 2.D. & E., the Board of Appeals shall consider the following:

1. the proposed work will not encroach on neighboring properties; and,

2. the proposed work will not cause a hazard to the public health, safety and general welfare; and,

3. the proposed work will not adversely affect, and will not alter the essential character of the neighborhood; and,

4. the need for the proposed work to be located closer that fifteen (15) feet to the property line or public right of way, has not been created by the applicant or a former owner, after the enactment of the ordinance; and,

5. conditions to preserve the public health, safety and general welfare may be attached to an approval.

G. The Board of Appeals shall also be empowered to hear variance requests of the

fifteen (15) foot set back requirement.

- H. In determining the applicability of the Letter of Intent Ordinance, the decision of the Code Enforcement Officer shall be binding.

Section 3. Fees (As amended 03/26/02)

Fees to be based upon Schedule of Permit fees as adopted by the Town Council.

Section 4. Fines

Any person violating this Ordinance shall have committed civil violation subject to a fine of not less than \$100.00 and not to exceed \$2,500.00 and other penalties provided pursuant to 30 MRSA, Section 4966.

Section 5. Appeals

- A. An appeal of a decision of the Board of Appeals shall be taken to Superior Court within 30 days of the decision.
- B. An appeal of the decision of the Code Enforcement Officer shall be taken to the Board of Appeals within 30 days of the date of decision. An appeal shall be limited to issues of ordinance interpretation.

Section 6. Time Limit (As Amended 08/21/91)

- A. A Letter of Intent is transferable and shall remain in effect for a period of one (1) year from the date of filing.
- B. An approval rendered by the Board of Appeals shall remain in effect for a period of one (1) year from the date of decision.

In all cases, when a Letter of Intent or Board of Appeals decision has expired, a new Letter of Intent and/or application, shall be filed. No fee for refileing shall be required.

Section 7. Validity, Severability, Conflict or Ordinances, and Effective Date

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, and to this end, the provisions of this Ordinance are hereby declared to be severable.

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulations, bylaw, permit, or provision of law. Where this Ordinance imposes a higher standard for the promotion and protection of health and safety, the provisions of this Ordinance shall prevail.

The effective date of this Ordinance shall be March 12, 1986.

Section 8. Amendments

This Ordinance may be amended by a majority vote of the Town Council. Amendments may be initiated by the Town Council, a majority vote of the Planning Board, or written petition by a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election.