

PLANNING BOARD ORDINANCE
TOWN OF OAKLAND

Section 1. Establishment

Pursuant to MRSA Const. Art. VIII-A and Title 30 – A, M.R.S.A., Section 4301 et seq. The Town of Oakland hereby establishes the Oakland Planning Board.

Section 2. Appointment

A. Board members shall be appointed by the Town Council and sworn in by the Municipal Clerk or other person authorized to administer oaths.

B. The Board shall consist of five (5) regular members and two (2) alternates members.

C. The Term of each shall be three (3) years, except the initial appointments, or in the case of appointment of the entire board, which shall be for 1, 2, and 3, years, respectively. The term of office of alternate members shall be three (3) years.

D. When there is a permanent vacancy, the municipal officers shall 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 voting resident of the town, or when a member misses four (4) consecutive meetings, or fails to attend at least 75% of the meetings during the preceding twelve (12) month period without reasonable cause. When a vacancy occurs, the Planning Board shall advise the Municipal Officers of such vacancy. In determining whether there is cause to remove a Board member, the Planning Board shall notify (in writing) the member in question and the Town Council. If the Town Council decides that removal may be appropriate, they shall conduct a hearing to determine whether there is just cause to remove a member. Upon finding just cause to remove a member, the Town Council may declare a vacancy by a majority vote and shall provide their written findings to the member and the Planning Board within seven days (7) of their decision.

E. A Municipal Officer or their immediate family may not serve as a member or alternate member of the Planning Board.

Section 3. Organization and Rules

A. The Planning Board shall elect a Chairperson and Vice Chairperson from its membership. The Chairperson and Vice Chairperson shall be from its regular members. A secretary may be from members of the Board or from outside of the Board. The terms of all offices shall be for one (1) year with eligibility for re-election.

B. When a member is unable to act because of conflict of interest, physical incapacity, lateness or absence, the Chairperson shall designate an alternate as a voting member for that relevant portion of the meeting.

C. An alternate member may attend all meetings of the Board and participate in its' proceedings, but may vote only when he has been designated by the Chairman to sit for a member.

D. 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.

E. No meeting of the Board shall be held without a quorum of three (3) members or alternate members authorized to vote. The Board shall take no action without at least three (3) concurring votes on the issue before the Board.

F. The Planning Board shall hold at least one regular meeting a month as established by vote of the Board's members. If the date should fall on a Holiday, the Board members may select a different date for that month.

Section 4. Duties and Powers

A. The Planning Board shall adopt bylaws governing the Board functions.

B. The Planning Board shall adopt Rules and Procedures for transaction of business and the Secretary and/or the Code Enforcement Officer shall keep a record of its resolutions, transactions, correspondence, findings, and determinations.

C. The Planning Board shall file all bylaws, Rules and Procedures and subsequent revisions with the Municipal Clerk. Copies shall be provided to the Municipal Officers for their information.

D. The Planning Board shall perform such duties and exercise such powers as are provided by Oakland Ordinances and the laws of the State of Maine.

E. The Planning Board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

Section 5. Savings Provision

The creation of this Planning Board shall not nullify or in any way affect, any actions taken by a prior Planning Board.

Section 6. Severability Clause

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. The effective date of this ordinance is March 12, 1986. Revision(s) to this Ordinance dated June 8, 1988 and June 27, 2007.

Section 7. 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 votes cast in the municipality in the last gubernatorial election.