

TOWN OF CHINA
REVISED
PLANNING BOARD ORDINANCE

Passed: 9/19/77
Revised: 3/1/85
Revised: 11/6/90
Revised: 11/7/2000
Revised: 4/26/2001
Revised: 06/10/2008

SECTION 1.0 INTRODUCTION

1.1 Authority

This Ordinance is adopted per Article VIII-A of the Constitution of the State of Maine (Municipal Home Rule).

1.2 Severability

If any section, clause, provision, or portion of this Ordinance is determined unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance is not affected thereby.

1.3 Repeal

All other ordinances or parts of ordinances of the Town of China inconsistent or conflicting with this Ordinance, to the extent of the inconsistency or conflict only, are hereby repealed.

SECTION 2.0 ELECTION OF THE PLANNING BOARD

2.1 General

A. Election to the Board is made by registered voters (hereinafter known as the legislative body) at the annual Town Meeting per M.R.S.A. Title 30-A, Section 2528 (nomination papers and printed secret ballot). The Board shall consist of 5 members, 1 from each of 4 areas designated on the Planning Board Election Map, and the 5th member to be a candidate-at-large. Created in November of 2000, an alternate-at-large member would be allowed to participate at planning board meetings but would be non-voting unless qualified to vote under the Planning Board Ordinance, Section 3.1 D. The Chairman will be elected by a majority vote of the Planning Board members at the first meeting following the election. The Chairman cannot be the alternate-at-large member.

- B. The Planning Board Election Map was signed by the Board of Selectmen attested to by the Town Clerk on September 19, 1977 and being the date of adoption.
- C. The term of office of each member is 2 years with representative from areas 1 and 3 and alternate-at-large elected on odd numbered years and representatives of areas 2 and 4 and at-large elected on even numbered years. The elected member from a given area or candidate-at-large shall be that candidate receiving the largest number of votes cast. Voters have the right to cast ballots for one candidate from each of the areas and for the candidate-at-large running on any given year.
- D. Compensation of each member shall be \$25.00 per meeting with a maximum of \$700.00 per year.
- E. When there is a permanent vacancy due to the resignation or a dismissal, the Board of Selectmen shall appoint a person to complete the unexpired term. Such selection shall be done within 45 days and the person shall be chosen from the same election area. If there are two or more qualified candidates, the Board of Selectmen may at their discretion hold a special election to fill the vacancy.
- F. Removal for the causes listed below may be initiated by the people in the form of a petition for a recall election to be held within 30 of submission to the Town Clerk. Such a petition must be signed by a number of voters equal to at least 10% of the number of votes cast in the Town at the last gubernatorial election, but in no case less than 10. Causes for removal are:
 - 1. Missing 3 consecutive regular monthly meetings.
 - 2. Conviction of a crime greater than a misdemeanor or infraction during the member's term of office.
 - 3. Conduct detrimental to the welfare of the people.
 - 4. Conduct involving conflict of interest.
- G. Planning Board members shall not hold any other elected or appointed municipal office. Spouses of any municipal officer are excluded from serving on the Planning Board.

SECTION 3.0 ORGANIZATION

3.1 General

- A. The Chairman shall be elected by a majority vote of the Planning Board members at the first meeting following the elections.
- B. The Town of China through the Board of Selectmen, shall provide a secretary for each regular meeting to take notes and other such as secretarial duties as needed. The Planning Board shall create such other offices as it may deem necessary to perform within the authority of this ordinance.
- C. Any question regarding whether or not a member shall be disqualified from voting on a particular matter because of a conflict of interest shall be decided by a majority vote of the members present except the member whose vote is in question.
- D. The voting quorum as used in this Ordinance shall be 3 of 5 members. The Board shall transact its business by parliamentary procedure in accordance with Roberts Rules of Order. A majority of those present shall be considered a voting majority. In the absence of one of the regular voting members, the alternate-at-large member shall be, for that meeting, appointed to voting capacity by the Chairman.
- E. At least 1 regular meeting of the Board shall be held each month and called for by the Chairman. All meetings shall be held in a public building and all records shall be maintained at the Town Office. Executive sessions shall be held in strict accordance with State Law.
- F. All records of its resolutions, transactions, correspondence, findings, determinations, consultations, conferences, and recordings shall be deemed public and may be inspected as provided for Title 1 Section 402 M.R.S.A.

SECTION 4.0 RESPONSIBILITIES

4.1 General

The Planning Board shall prepare ordinances and amendments thereto for submission to and adoption by the legislative body.

4.2 The Board shall submit an activity report for inclusion in the annual Town Report.

4.3 Appropriations

Goods and services may be obtained that are necessary to its function within the limit of appropriations made for this purpose.

- 4.4 Comprehensive Plan
The Board shall prepare the Comprehensive Plan for submission to and adoption by the legislative body.
- 4.5 Other Duties
The Board reviews and acts upon applications passed on to it by the Code Enforcement Officer, Board of Selectmen, or other such Town officials necessary to determine compliance with the Town of China Land Use, Subdivision, Streets and Ways, Mobile Homes and Mobile Home Parks, and Multi-Family Ordinances.
- 4.6 Solicitation of Information from Legislative Body
By way of public hearings the people are included in the formulation of new considerations prior to submission for adoption.

SECTION 5.0 CHANGES AND AMENDMENTS

Amendments initiate from the Planning Board, Board of Selectmen, or by the people in the form of a petition. Such a petition must be signed by a number of voters equal to at least 10% of the number of votes cast in the Town at the last gubernatorial election. Proposed amendments are included as articles in the warrant for a regular or special Town Meeting or referendum ballot and are voted upon by the people.

If passed, these amendments become a part of this ordinance. Amendments may be in the form of additions to, deletions from or changes in this Ordinance.