

# Town of Bridgton

## **UNIFORM FEE ORDINANCE AND RELATED AMENDMENTS TO OTHER ORDINANCES**



## **UNIFORM FEE ORDINANCE**

*The Town of Bridgton Uniform Fee Ordinance is proposed to be enacted, as set forth below:*

### **TOWN OF BRIDGTON UNIFORM FEE ORDINANCE**

#### **Section 1. Title, Authority**

This Ordinance is enacted pursuant to the Home Rule powers as provided in Article VIII, part second, section 1 of the Maine Constitution, 30-A M.R.S. § 3001, and all other applicable authority.

This Ordinance shall be known and cited as the "Uniform Fee Ordinance" of the Town of Bridgton, adopted and effective by vote of the Town Meeting.

#### **Section 2. Purpose**

The purpose of this Ordinance is to establish a reasonable and fair fees to recover costs associated with the Town of Bridgton's exercise of its police powers in processing, reviewing and administering applications, licenses, petitions, and permits, including but not limited to building permits, certificates of occupancy, shoreland zoning permit applications, site plan review permit applications, sign permit applications, permit renewals, permit amendments, appeals, and requests for reconsideration (hereinafter, "Applications").

#### **Section 3. Fee Schedule Established; Amendments; Applicability**

The Select Board shall establish a schedule of fees which bears a substantial relationship to the cost of processing, reviewing, and administering Applications (hereinafter, the "Fee Schedule"). The Fee Schedule may be amended from time to time by Order of the Select Board as the Select Board deems necessary, fair, and reasonable. For administrative ease, the Fee Schedule may also identify Town-imposed fees, costs, rents, assessments, fines, and penalties other than those associated with the processing, review, and administration of Applications (including but not limited to fees, costs, rents, fines, and penalties related to cemetery plots, assessing records, parking tickets, public drains, common sewers, photocopying and printing, recreational programming, facility rentals, and

statutorily mandated fees) to which this Ordinance shall not apply.

#### **Section 4. Special Fee**

- A. If the Select Board, Code Enforcement Officer, Planning Board, or Board of Appeals, as applicable, (hereafter, the "Reviewing Authority") determines that an Application, by virtue of its size, uniqueness, complexity, or other factors, is likely to require a disproportionate share of Town resources to process, review, or administer, the Reviewing Authority may designate the Application as a Special Application and may assess a Special Fee in addition to any applicable fees established by the Fee Schedule, ordinance, or law. The Reviewing Authority may designate an Application as a Special Application at any time during the processing of the Application. The designation by the Reviewing Authority of an Application as a Special Application is final.
- B. The Special Fee shall not exceed the actual costs associated with processing, reviewing, and administering the Special Application and any administrative appeal or reconsideration of the Special Application. The Special Fee may include, without limitation, the actual costs of Town personnel, administration, supplies, advertising, legal notices, mailings, postage, photocopies and other document reproductions, public hearings, specialized computer software, legal fees, in-house or third party professional reviews of the Special Application or the record related thereto, or other expert or consulting fees.
- C. The Reviewing Authority shall notify the applicant in writing of the Special Application designation and shall provide the applicant with an estimate of the Special Fee. The applicant shall pay to the Town the estimated Special Fee within 14 days of receipt of the notification; otherwise, the Special Application shall be returned as incomplete. If the estimated Special Fee is depleted prior to the completion of processing, reviewing, and administering the Special Application, the Reviewing Authority may provide the applicant with a revised estimate of the Special Fee from time to time, and the applicant shall pay to the Town the revised estimate, less any prior estimate already paid, within 14 days of receipt of the notification.

- D. The Town shall deposit the Special Fee into an escrow account and may draw on the account to pay for the actual costs associated with processing the Special Application.
- E. After the Reviewing Authority renders its final decision on the Special Application, the Town shall provide the applicant with an accounting of the actual costs of processing the Special Application, and shall return any unspent portion of the Special Fee to the applicant within 60 days.

**Section 5. Refunds; Waivers**

The Select Board, in its sole discretion, may refund, reduce, or waive any fee or Special Fee assessed under this Ordinance when the person requesting the refund, reduction, or waiver demonstrates to the satisfaction of the Select Board that an extreme hardship or injustice would result from payment of the fee.

**Section 6. Severability**

If any provision of this Ordinance is determined by a court of competent jurisdiction to be invalid or unenforceable, such determination shall not affect the validity of any other portion of the Ordinance.

Enacted: June 11, 2019

## BEAR RIVER AQUIFER PROTECTION ORDINANCE

*Sections 6, 7 and 10 of the Town of Bridgton Bear River Aquifer Protection Ordinance are amended by deleting the words shown below in strikethrough form and by adding the words shown in underline form:*

### Section 6 (Administration and Enforcement), Subsection A.6.b:

The Planning Board may require an applicant to submit a hydro geological study examining the potential impact of the proposed use on groundwater quality. The study must be prepared by a State Certified Geologist with proven experience in hydrogeology. The Board may hire an expert to review all information submitted by the applicant and may charge the applicant the cost of the consultant if the Board of Selectmen designates the application as a Special Application as provided in the Town of Bridgton Uniform Fee Ordinance.

### Section 7 (Submission Requirements), Subsection A:

Applications for permission to carry out any activity in Zone A or Zone B shall be accompanied by a fee ~~of \$25.00 as~~ provided in the Town of Bridgton Uniform Fee Ordinance and the following information.

### Section 10 (Appeals), Subsection A.2:

~~The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant.~~ All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.

## **BUILDING, RAZING AND PLUMBING PERMIT ORDINANCE**

*Articles 3 and 7 of the Town of Bridgton Building, Razing and Plumbing Permit Ordinance are amended by deleting the words shown below in strikethrough form and by adding the words shown in underline form:*

### Article 3 (Approval Required), Section 6:

All application~~(s)~~, including renewals, shall be accompanied by a fee as provided in the Town ~~Fee Schedule of Bridgton Uniform Fee Ordinance~~ which may be amended from time to time by the Board of Selectmen. ~~The initial building permit fee also covers a one-time building permit renewal.~~

### Article 7 (Appeal), Section 2:

~~The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.~~

## **DOG CONTROL ORDINANCE**

*Sections 3 and 9 of the Town of Bridgton Dog Control Ordinance are amended by deleting the words shown below in strikethrough form and by adding the words shown in underline form:*

### Section 3 (License Required):

All dogs kept, harbored or maintained by their respective owners in the Town of Bridgton shall be licensed and tagged in accordance with the appropriate laws of the State of Maine, M.R.S.A. 3921. All license applications to the Town shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.

## Section 9 (Impoundment Fees):

Owners may reclaim their dog by first licensing the dog, if applicable, according to ~~Town regulation~~Section 3, above, and by paying to the ~~Town~~ a fee ~~of thirty dollars (\$30)~~ for each offense as provided in the Town of Bridgton Uniform Fee Ordinance. The owner will also be responsible for any additional costs incurred by the Animal Shelter prior to reclamation. Fees must be paid and a receipt of same presented to the shelter prior to the release of dog. All fees ~~to shall~~ be deposited by the Town in the separate account as required by 7 M.R.S.A. 7, Section 3945.

## **FIRE PROTECTION ORDINANCE FOR SUBDIVISIONS ONLY**

*Article XIV of the Town of Bridgton Fire Protection Ordinance for Subdivisions Only is amended by deleting the words shown below in strikethrough form and by adding the words shown in underline form:*

### Article XIV (Appeals), Section 2:

~~The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.~~

## **FLOODPLAIN MANAGEMENT ORDINANCE**

*Articles IV and IX of the Town of Bridgton Floodplain Management Ordinance are amended by deleting the words shown below in strikethrough form and by adding the words shown in underline form:*

### Article IV (Application Fee and Expert's Fee):

All applications shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance. ~~A non-refundable application fee as may be set by the Board of Selectmen from time to time shall be paid to the Town Clerk~~

~~and a copy of a receipt for the same shall accompany the application.~~

~~An additional fee may be charged if the Code Enforcement Officer and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the Ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.~~

Article IX (Appeals and Variances), Section G, Subsection 2:

~~The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant. All appeals, including variance appeals, and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.~~

**ORDINANCE TO REGULATE AUTOMOBILE GRAVEYARDS, JUNKYARDS, AND AUTOMOBILE RECYCLING BUSINESSES**

*Section 12 of the Town of Bridgton Ordinance to Regulate Automobile Graveyards, Junkyard and Automobile Recycling Business is amended by deleting the words shown below in strikethrough form and by adding the words shown in underline form:*

Section 12 (Appeals), Subsection 12.2:

~~The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall~~



~~be returned to the appellant. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.~~

## **OUTDOOR FESTIVAL ORDINANCE**

*Section 1 of the Town of Bridgton Outdoor Festival Ordinance is amended by deleting the words shown below in strikethrough form and by adding the words shown in underline form:*

### **Section 1:**

No person shall exhibit, sponsor, hold, promote or operate any pageant, amusement show, theatrical performance, including a music festival or exhibition where an excess of 500 people are reasonably anticipated to attend and where a substantial portion of the entertainment will be out of doors without first procuring from the Municipal Officers a license therefore at least seven (7) days prior to the event and payment of ~~the sum of \$100.00 to the Town therefore~~ a fee as provided in the Town of Bridgton Uniform Fee Ordinance.

## **SEWAGE ORDINANCE**

*Sections 5 and 7 of the Town of Bridgton Sewage Ordinance are amended by deleting the words shown below in strikethrough form and by adding the words shown in underline form:*

### **Section 5 (Building Sewers and Connections), Subsection A.3:**

Permit Applications and Inspection Fees. The Board of Selectmen shall establish, alter from time to time and levy upon Persons applying for Public Sewer Connection Permit, permit application and inspection fees for both classes of Public Sewer Connection Permits in such amounts and with such reasonable classifications and differentiations as the Board of Selectmen deems adequate and reasonable. Public Sewer Connection Permit applications shall be accompanied by such fees as provided in the Town of Bridgton Uniform Fee Ordinance.

### **Section 7 (Board of Appeals), Subsection D.2:**

~~The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to~~

~~cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.~~

## **SHORELAND ZONING ORDINANCE**

*Section 16 of the Town of Bridgton Shoreland Zoning Ordinance is amended by deleting the words shown below in strikethrough form and by adding the words shown in underline form:*

### **Section 16, Subsection C.1 (Permit Application):**

Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14. All applications shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.

### **Section 16, Subsection H.3.a(2) (Appeals; Appeal Procedure):**

~~The fee established by the Board of Selectmen (see feeschedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.~~

## **SIGN ORDINANCE**

*Sections VII and IX of the Town of Bridgton Sign Ordinance are amended by deleting the words shown below in strikethrough form and by adding the words shown in underline form:*

### **Section VII (Approval Required), Subsection B:**

All applications shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance. ~~W~~However,

when the sign or signs are a part of a new business, service organization, subdivision or the like making application before the Planning Board pursuant to the Ordinances of the Town of Bridgton, application for signage will be considered a part of the total application and no separate sign application or fee shall be required, as long as all information required at the time of appearance before the Board is complete. The installation of said signs shall be accomplished as part of building or renovation required to establish the business, service agency or subdivision.

**Section IX (Waivers and Appeals), Subsection B.2:**

~~The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.~~

**SITE PLAN REVIEW ORDINANCE**

*Articles V, VI, VIII, IX, and XV of the Town of Bridgton Site Plan Review Ordinance are amended by deleting the words shown below in strikethrough form and by adding the words shown in underline form:*

**Article V (Site Plan of Development Application), Section 1, Subsection 5:**

All applications shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance ~~Fee Schedule and may be amended from time to time, and which is incorporated herein by reference.~~

**Article VI (Amendments to Previously Approved Site Plan of Development Applications), Section 3:**

~~The~~ All applications shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance ~~Fee Schedule and may be amended from time to time.~~

**Article VIII (Large Scale Water Extraction), Section 4, Subsection 3.c:**

~~. . . Related advertising fees will be deducted from the Escrow.~~

Article IX (Surface and Subsurface Mineral Extraction Applications), Section 2, Subsection 3:

~~. . . Related advertising fees will be deducted from the Escrow.~~

Article XV (Appeals), Section 2:

~~The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.~~

## **SPECIAL AMUSEMENT ORDINANCE**

*Article II of the Town of Bridgton Special Amusement Ordinance is amended by deleting the words shown below in strikethrough form and by adding the words shown in underline form:*

Article II (General), Section 201, Subsection 1:

Applications for all special amusement permits shall be made in writing to the Board of Selectmen and shall state the name of the applicant; his residence address; the name of the business to be conducted; his business address; the nature of his business, including a specific description of any entertainment to be offered; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances; and any additional information as may be needed by the Board of Selectmen in the issuing of the permit, including but not limited to a copy of the applicant's (current) liquor license. All applications

shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.

Article II (General), Section 201, Subsection 4:

~~The fee for the special amusement permit shall be established as part of the Town of Bridgton Fee Schedule as approved by the Board of Selectmen.~~

Article II (General), Section 205 (Permit and Appeal Procedures):

205.1 Any licensee requesting a special amusement permit from the Board of Selectmen shall be notified in writing of ~~their~~ the Board's decision no later than thirty (30) days from the date ~~his request~~ a complete application is ~~was~~ received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within ~~thirty~~ thirty (30) days after an application for a permit is denied.

205.2. Any person, firm or corporation aggrieved by a decision of the Board of Selectmen may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.

205.3. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.

205.4. Appeals from decisions of the Board of Selectmen made after conducting a public hearing shall be purely appellate. The Board of Selectmen shall transmit to the Board of Appeals the decision of the Board of Selectmen and all documents and other evidence comprising the record on which the Board of Selectmen's decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Board of Selectmen. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Board of Selectmen was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals

shall have authority to sustain or reverse a decision of the Board of Selectmen or to remand the matter to the Board of Selectmen for further proceedings.

205.5. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the Board of Selectmen. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the filing of the appeal shall constitute a denial of the appeal.

205.6. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

~~Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may appeal the decision to the Bridgton Board of Appeals within thirty (30) days of the denial, suspension, or revocation. The Board of Appeals may grant or reinstate the permit if it finds that:~~

~~A. The permitted activities would not constitute a detriment to the public health, safety or welfare, or violate the Town's Ordinances or regulations; or~~

~~B. The denial, revocations or suspension was arbitrary or capricious.~~

~~Appeals from decisions of the Board of Appeals shall be taken within thirty (30) days to the Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.~~

## **STREET NAMING, ADDRESSING AND DRIVEWAY/ENTRANCE OPENING ORDINANCE**

*Section 8 of the Town of Bridgton Street Naming, Addressing and Driveway/Entrance Opening Ordinance is amended by deleting the words shown below in strikethrough form and by adding the words shown in underline form:*

Section 8 (Fees):

~~All Driveway/Entrance Opening Permit applications shall be accompanied by an application fee and any fees for necessary street signs and driveway opening permits as provided in the Town of Bridgton Uniform Fee Ordinance are determined by the Town of Bridgton Fee Schedule. Said fee schedule is set by the Bridgton Board of Selectmen.~~

## **SUBDIVISION REGULATIONS**

*Articles V, VIII, and X of the Town of Bridgton Subdivision Regulations are amended by deleting the words shown below in strikethrough form and by adding the words shown in underline form:*

### Article V (Preliminary Plan), Section 1, Subsection 3:

The application shall be accompanied by a fee ~~according as provided in~~ the Town of Bridgton ~~fee schedule~~Uniform Fee Ordinance.

~~a. An escrow fee according to The Town of Bridgton Fee Schedule shall be deposited in an escrow account established by the Town, which monies may be used by the Town for related expenses or the Bridgton Planning Board to pay for professional reviews and advice related to the developer's application as it deems necessary. Those monies deposited by the developer and not spent by the Planning Board in the course of its review shall be returned within thirty (30) days after the Board renders its final decision on the application. (4/2014)~~

~~b. Additional amounts may be required as determined by the Board.~~

### Article V (Preliminary Plan), Section 8:

The Planning Board may hold a public hearing within 30 days of the determination of application completeness. The developer or authorized agent for the developer shall notify owners of all properties within five hundred (500) feet of the proposed development by certified mail return receipt requested no less than twelve (12) days prior to the hearing. The developer or authorized agent for the developer shall also notify the Bridgton Town Manager at Bridgton Town Office, Three Chase Street, Suite 1, Bridgton, Maine 04009 of the proposed application using

certified mail return receipt requested. The notification to the property owners and the Town Manager shall include the time, place and date of the hearing and a sketch of the proposed project. For the purpose of this section, the owners of property shall be considered to be the persons listed in the most recent version of the Town of Bridgton Assessing Office Property Owner Lists, applicant must reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended periodically. Copies of the letter, sketch and verification of the certified mailing from the USPS, or equivalent carrier, shall be made a part of the application. Notice shall be published in a newspaper of general circulation in the Town of Bridgton at least two times. ~~Related advertising fees will be deducted from the Escrow.~~ Failure to receive notice shall not invalidate the public hearing. The hearing may be continued from one meeting to a later meeting or meetings as the Board determines to be necessary. Although an application has been deemed complete by the Board, if the Board subsequently determines as a result of new information that further data is required, the Board may continue the hearing and require the developer to submit such further information as the Board deems necessary. (3/2011, 4/2014, 3/2015)

#### Article VIII (Performance Guarantees), Section 1.A:

~~The Planning Board may require the applicant or his/her authorized agent to deposit in escrow with the Town an amount of money to cover the costs for any professional review of the plan and documents which the Board may feel is reasonably necessary to protect the environmental quality or general welfare of the Town. The Board shall determine the amount required to be placed in escrow. This escrow payment shall be made before the Board engages any outside party to undertake review and make recommendations to the Board. Any part of this escrow payment in excess of the final costs for review shall be returned to the owner or his/her agent. Any such review shall be performed by a Professional Engineer registered in Maine, mutually acceptable to the applicant or his/her agent and the Planning Board. (4/2014)~~

#### Article X (Design Standards), Section 3:



~~1. All new developments shall comply with the Town of Bridgton Street Naming, and Addressing and Driveway/Entrance Opening Ordinance. (9/2003)~~

~~2. Fees for necessary street signs are determined in the Town of Bridgton Fee Schedule and will be deducted from any escrow monies. (9/2003)~~

Article XVI (Appeal), Section 1, Subsection 2:

~~The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.~~

**TOWER ORDINANCE**

*Sections IV, IX, and XI of the Town of Bridgton Tower Ordinance are amended by deleting the words shown below in strikethrough form and by adding the words shown in underline form:*

Section IV (Application Procedure), Subsection F:

All applications shall be accompanied by a fees as ~~set~~ by provided in the Town of Bridgton Uniform Fee Ordinance.

Section IX (Amendments to Previously Approved Telecommunication Facilities, Tower or Wind Energy System Applications Other Than General Routine Maintenance), Subsection 3:

The application shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee ~~Schedule and may be amended from time to time~~ Ordinance.

Section XI (Appeals), Subsection 2:

~~The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant. All appeals and requests for~~

reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.

## **WILLIS BROOK AQUIFER PROTECTION ORDINANCE**

*Sections 6, 7, and 10 of the Town of Bridgton Willis Brook Aquifer Ordinance are amended by deleting the words shown below in strikethrough form and by adding the words shown in underline form:*

### **Section 6 (Administration and Enforcement), Subsection F.2:**

The Planning Board may require an applicant to submit a hydrogeological study examining the potential impact of the proposed use on groundwater quality. The study must be prepared by a State Certified Geologist with proven experience in hydrogeology. The Board may hire an expert to review all information submitted by the applicant and may charge the applicant the cost of the consultant if the Board of Selectmen designates the application as a Special Application as provided in the Town of Bridgton Uniform Fee Ordinance.

### **Section 7 (Submission Requirements), Subsection A:**

Applications for permission to carry out any activity in Zone A or Zone B shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance and the following information.

### **Section 10 (Appeals), Subsection A.2:**

~~The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant.~~ All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.

## ORDINANCE TO ESTABLISH UNIFORM PROCEDURES FOR APPEALS

*The Town of Bridgton Ordinance to Establish Uniform Procedures for Appeals to the Bridgton Board of Appeals is amended by deleting the words shown below in strikethrough form and by adding the words shown in underline form:*

Section 1. Section 11 of the Town of Bridgton Site Plan Review Ordinance is repealed and the following is enacted in its place:

### Section 11. Appeals

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.
2. ~~The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.~~
3. Appeals from decisions of the CEO, and decisions of the Planning Board made without conducting a public hearing, shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO or Planning Board for further proceedings.

4. Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the Planning Board and all documents and other evidence comprising the record on which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.
5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.
6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO or to grant an appeal from a decision of the Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.
7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Section 2. Sections 16.G.3 and 16.G.4 of the Town of Bridgton Shoreland Zoning Ordinance are repealed and the following is enacted in their place:

#### Section 16.G.3. Appeals

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO"), Local Plumbing Inspector or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision by

filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.

2. ~~The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.~~
3. Appeals from decisions of the CEO, the Local Plumbing Inspector, and the Planning Board made without conducting a public hearing, shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO, Local Plumbing Inspector, or Planning Board for further proceedings.
4. Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the Planning Board and all documents and other evidence comprising the record on which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a

decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.

5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.
6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO or Local Plumbing Inspector, or to grant an appeal from a decision of the Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.
7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Section 3. Section 10.A of the Town of Bridgton Bear River Aquifer Protection Ordinance is repealed and the following is enacted in its place:

A. Administrative Appeals

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.
2. ~~The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.~~
3. Appeals from decisions of the CEO, and decisions of the Planning Board made without conducting a public hearing,

shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO or Planning Board for further proceedings.

4. Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the Planning Board and all documents and other evidence comprising the record on which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.
5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.
6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO or to grant an appeal from a decision of the Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.

7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Section 4. Section 10.A of the Town of Bridgton Willis Brook Aquifer Ordinance is repealed and the following is enacted in its place:

A. Administrative Appeals

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.
2. ~~The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.~~
3. Appeals from decisions of the CEO, and decisions of the Planning Board made without conducting a public hearing, shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO or Planning Board for further proceedings.



4. Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the Planning Board and all documents and other evidence comprising the record on which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.
5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.
6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO or to grant an appeal from a decision of the Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.
7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Section 5. Section 10.G of the Town of Bridgton Flood Plain Ordinance is repealed and the following is enacted in its place:

- G. Appeal Procedure for Administrative and Variance Appeals
  1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision, or request a variance, by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.

2. ~~The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.~~
3. Appeals from decisions of the CEO, and decisions of the Planning Board made without conducting a public hearing, and variance appeals shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit, approval, or variance. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO or Planning Board for further proceedings, or in the case of variances, to grant or deny the variance.
4. Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the Planning Board and all documents and other evidence comprising the record on which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a

decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.

5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.
6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO, to grant an appeal from a decision of the Planning Board, or to grant a variance. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.
7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Section 6. The last paragraph of Section 7.C and Section 7.D of the Town of Bridgton Sewage Ordinance are repealed and the following is enacted in their place:

D. Appeal Procedure

1. Any person, firm or corporation aggrieved by a decision of any agent or officer of the Town which arises from the provisions of this Ordinance may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.
2. ~~The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.~~
3. Appeals from decisions of any agent or officer of the Town made without conducting a public hearing shall be de novo.

The Superintendent shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the agent or officer of the Town for further proceedings.

4. Appeals from decisions of agents or officers of the Town made after conducting a public hearing shall be purely appellate. The Superintendent shall transmit to the Board of Appeals the decision of the agent or officer of the Town and all documents and other evidence comprising the record on which the decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision or to remand the matter to the agent or officer of the Town for further proceedings.
5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.
6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit or to grant an appeal from a decision of an agent or officer of the Town. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.

7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Section 7. Section X of the Town of Bridgton Telecommunications Towers, Antennas and Associated Facilities Ordinance is repealed and the following is enacted in its place:

Section X. Appeals

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.
2. ~~The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.~~
3. Appeals from decisions of the CEO shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO for further proceedings.
4. Appeals from decisions of the Planning Board shall be purely appellate. The CEO shall transmit to the Board of

Appeals the decision of the Planning Board and all documents and other evidence comprising the record on which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.

5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.
6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO or to grant an appeal from a decision of the Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.
7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Section 8. Section 1XB of the Town of Bridgton Sign Ordinance is repealed and the following is enacted in its place:

B. Appeals

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.

2. ~~The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.~~
3. Appeals from decisions of the CEO, and decisions of the Planning Board made without conducting a public hearing, shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO or Planning Board for further proceedings.
4. Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the Planning Board and all documents and other evidence comprising the record on which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.

5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.
6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO or to grant an appeal from a decision of the Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.
7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Section 9. Section 12 of the Town of Bridgton Amended Ordinance to Regulate Automobile Graveyards, Junkyard and Automobile Recycling Business is repealed and the following is enacted in its place:

#### Section 12. Appeals

1. Any person, firm or corporation aggrieved by a decision of the municipal officers may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.
2. ~~The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.~~
3. Appeals from decisions of the municipal officers shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the municipal officers and all documents and other evidence comprising the record on which the municipal officers' decision was based. The Board of Appeals shall conduct a public proceeding at which all



persons shall have the right to present legal argument concerning the decision of the municipal officers. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the municipal officers was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the municipal officers or to remand the matter to the municipal officers for further proceedings.

4. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.
5. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an appeal from a decision of the municipal officers. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.
6. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Section 10. Article 7 of the Town of Bridgton Building, Razing and Plumbing Permit Ordinance is repealed and the following is enacted in its place:

Article 7. Appeal

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.
2. ~~The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall~~

be returned to the appellant. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.

3. Appeals from decisions of the CEO shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO for further proceedings.
4. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.
5. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.
6. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Section 11. Article II, Section 205, of the Town of Bridgton Special Amusement Ordinance is repealed and the following is enacted in its place:

205.1 Any licensee requesting a special amusement permit from the Board of Selectmen shall be notified in writing of the Board's decision no later than thirty (30) days from the date a complete application is received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The

licensee may not reapply for a permit within thirty (30) days after an application for a permit is denied.

205.2. Any person, firm or corporation aggrieved by a decision of the Board of Selectmen may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.

205.3. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.

205.4. Appeals from decisions of the Board of Selectmen made after conducting a public hearing shall be purely appellate. The Board of Selectmen shall transmit to the Board of Appeals the decision of the Board of Selectmen and all documents and other evidence comprising the record on which the Board of Selectmen's decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Board of Selectmen. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Board of Selectmen was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Board of Selectmen or to remand the matter to the Board of Selectmen for further proceedings.

205.5. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the Board of Selectmen. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the filing of the appeal shall constitute a denial of the appeal.

205.6. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.